

Chapter 144: Fireworks

[HISTORY: Adopted by the Town Council of the Town of Standish 5-14-2013 by Order No. 10-13. Amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention — See Ch. [142](#).

Peace and good order — See Ch. [205](#).

Noise — See Ch. [206](#).

§ 144-1 Purpose.

This chapter regulates the use of consumer fireworks to ensure the safety and the peace and quiet of the residents and property owners of the Town of Standish and of the general public.

§ 144-2 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

CONSUMER FIREWORKS

Has the same meaning as in 27 CFR 555.11 or subsequent provision, but includes only products that are tested and certified by a third-party testing laboratory as conforming with United States Consumer Product Safety Commission standards, in accordance with 15 United States Code, Chapter 47. "Consumer fireworks" does not include the following products which are illegal to sell in Maine:

A.

Missile-type rockets, as defined by the State Fire Marshal by rule;

B.

Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and

C.

Sky rockets and bottle rockets. For purposes of this definition, "sky rockets and bottle rockets" means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Marshal by rule, with a wooden stick attached for guidance and stability that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight.

DISPLAY

Shall have the same meaning as that term is defined under state law, 8 M.R.S.A. § 221-A(3), as may be amended from time to time.

FIREWORKS

Shall have the same meaning as that term is defined under state law, 8 M.R.S.A. § 221-A(4), as may be amended from time to time.

PERSON

Any individual, partnership, limited liability company, corporation, governmental entity, association, or public or private organization of any character.

TOWN

The Town of Standish.

§ 144-3 Limitation on use of consumer fireworks.

A.

A person shall not use, display, fire or cause to be exploded consumer fireworks within the Town (including the waters of the Town) except on the following days and during the following times:

(1)

July 4, beginning at 9:00 a.m. and ending at 12:30 a.m. the following day when July 4 falls on a Friday or Saturday and ending at 10:00 p.m. when July 4 falls on other days.

(2)

July 3 and July 5, beginning at 9:00 a.m. and ending at 12:30 a.m. the following day when July 3 and July 5 fall on a Friday or Saturday and ending at 10:00 p.m. on other days.

(3)

December 31, beginning at 9:00 a.m. and ending at 12:30 a.m. the following day;

(4)

January 1, beginning at 9:00 a.m. and ending at 10:00 p.m.

(5)

When a professional New England sports team wins a national championship, the use of fireworks will be allowed on that day and ending at 12:30 a.m. the following day, also beginning at 9:00 a.m. and ending at 10:00 p.m. of the following day.

(6)

On Friday and Saturday nights from July 1 through Labor Day, beginning at 8:00 p.m. and ending at 10:00 p.m.

B.

Notwithstanding Subsection A above, a person shall not use, display, fire or cause to be exploded consumer fireworks within the Town on days that burn permits are not issued due to dry conditions.

C.

A person may use consumer fireworks only on that person's property or on the property of a person who has consented to the use of consumer fireworks on that property.

D.

Nothing in this chapter shall be construed to apply to a person issued a fireworks display permit by the State of Maine pursuant to 8 M.R.S.A, § 227-A, as may be amended from time to time.

E.

Nothing in this chapter shall be construed to allow the use of any fireworks or consumer fireworks that are prohibited by state law.

§ 144-4 Violations and penalties.

Any person who uses consumer fireworks in violation of § 144-3 above in the Town shall be punished by a fine of not less than \$200, plus court costs. For second and subsequent offenses, a fine of not less than \$400 per violation, plus court costs, shall be imposed.

§ 144-5 Seizure and disposal.

The Town may seize consumer fireworks that the Town has probable cause to believe are used, possessed or sold in violation of this chapter or in violation of state law and shall forfeit the seized consume fireworks to the State of Maine for disposal.

§ 144-6 Enforcement.

This chapter shall be enforced by the Town's duly authorized law enforcement provider or any other duly authorized agent of the Town approved by the Town Council to enforce this chapter.

§ 144-7 Severability.

Should any section or provision of this chapter be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this chapter.