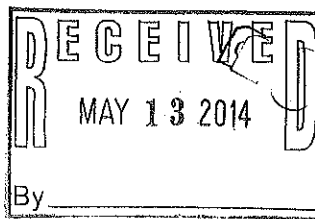


**TOWN OF SURRY**  
**CONSUMER FIREWORKS ORDINANCE**



(Governing directive – Maine Revised Statute Title 8, chapter 9-A, Sections 221-237)

**Section I. Purpose.**

This ordinance governs the use of consumer fireworks to ensure the safety of the residents and property owners of the Town of Surry Maine and the general public.

**Section II. Title and authority.**

This ordinance shall be known as the “Town of Surry Consumer Fireworks Ordinance.” It is adopted pursuant to the enabling provisions of the Maine Constitution, the provisions of 31-A M.R.S.A. § 3001, and the provisions of P.L. 2011, ch. 416 § 5 (effective Jan. 1, 2012), *codified at* 8 M.R.S.A. § 223-A

**Section III. Definitions.**

As used in this ordinance, unless the context otherwise indicates, the following terms have the following meanings:

**Consumer fireworks.** “Consumer fireworks” has the same meaning as in 27 Code of Federal Regulations Section 555.11 or subsequent provision, but includes only products that are tested and certified by a 3<sup>rd</sup> party testing laboratory as conforming with United States Consumer Product Safety Commission standards, in accordance with 15 United States Code, Chapter 47.

Consumer fireworks **excludes:**

1. Missile-type rockets, as defined by the State Fire Marshal by rule;
2. Helicopters and aerial spinners,, as defined by the State Fire Marshal by rule; and
3. Sky rockets and bottle rockets. For purposes of this paragraph, “sky rockets and bottle rockets” means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire 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.

**Section IV. Use of Consumer Fireworks.**

No person shall use, display, fire or cause to be exploded consumer fireworks within the Town of Surry on any day that is Class III to Class V National Fire Danger Rating System Days, as designated by the Maine Forest Service.

No person shall use, display, fire or cause to be exploded consumer fireworks on any day on public property without a permit from the Town of Surry.

No person shall use, display, fire or cause to be exploded consumer fireworks **except** on the following dates and times:

1. July 4<sup>th</sup> from 9:00am to July 5<sup>th</sup> at 12:30am
2. December 31<sup>st</sup> 9:00am to January 1<sup>st</sup> 12:30am
3. January 1<sup>st</sup> 9:00am to 5:00pm

**Section V. Seizure, Forfeiture and Disposal of Consumer Fireworks.**

The Town of Surry may seize consumer fireworks that the Town of Surry has probable cause to believe are used in violation of this Ordinance and shall forfeit sized consumer fireworks to the State for disposal. Fireworks may not be disposed of at the Blue Hill/Surry Transfer Station.

**Section VI. Conflicts with other Rules, Regulations or Laws.**

Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawfully adopted Federal, State, or Local law, rule or ordinance, the requirements of the most restrictive or higher standard shall govern, unless, the provisions of the local ordinance are preempted by Federal or State laws or regulations.

**Section VII. Severability.**

In the event that any section, subsection, or any provision of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, sub-section, or other portion of this ordinance. To that end, the provisions of this ordinance are hereby declared severable.

**Section VIII. Penalties.**

Any person who violates any provision of this ordinance commits a civil violation for which a fine of not less than two hundred dollars (\$200) and not more than five hundred dollars (\$500) may be imposed for each day such offence continues. The Board of Selectmen shall decide the amount of the fine, and the Town of Surry's reasonable fees and expenses, including attorney's fees. Each day such violation occurs or continues to occur shall constitute a separate violation.

**Section IX. Effective Date.**

This ordinance shall become effective on the date of adoption by the Town of Surry.

*Adopted April 28, 2014*

*a true copy attest: Angela Smith, clerk  
Town of Surry*

