

TOWN OF VINALHAVEN CONSUMER FIREWORKS ORDINANCE

SECTION 1: Purpose

1.1 This Ordinance regulates the use of consumer fireworks to ensure the safety of the residents and property owners of the Town of Vinalhaven and of the general public.

SECTION 2: Title and Authority

2.1 This Ordinance shall be known as the "Town of Vinalhaven Consumer Fireworks Ordinance." It is adopted pursuant to the enabling provisions of the Maine Constitution, the provisions of 30-A M.R.S.A. § 3001, and the provisions 8 M.R.S.A. § 223-A.

SECTION 3: 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:

3.1 "Consumer Fireworks" has the same meaning as in 8 M.R.S.A. § 221-A(1-A) and does not include the following products which are illegal to sell, use, or possess in Vinalhaven and in the State of 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 as defined by 8 M.R.S.A. 221-A(1-A)(C).

SECTION 4: Permit Required

4.1 No person shall use, display, fire, or otherwise cause to be exploded, consumer fireworks within the Town of Vinalhaven without a permit.

4.2 An applicant must obtain a permit at the Town Office during regular office hours. Permits are available only for special, non-recurring one-day events, and are limited to a 4 hour block of time.

4.3 Applicants must pay the permit fee established by the Board of Selectmen of the Town of Vinalhaven.

4.4 Applicants who do not own the property on which they intend to use Consumer Fireworks must provide written, signed permission from the property owner at the time of application.

4.5 No permit shall be issued:

- A. To any persons under the age of 21.
- B. For any day when fire danger conditions, as determined by the Maine Forest Service, are class 3, 4, or 5.

C. For Mondays, Tuesdays or Wednesdays.

D. For times before 12:00 p.m.

4.6 Permits requested for Saturdays or Sundays must be requested no later than the prior Friday. Permits requested for State or Federal Holidays must be requested no later than the business day immediately prior to that holiday.

4.7 The Town Office shall notify the Fire Chief and the Sheriff of all permits issued.

SECTION 5: Exceptions

5.1 No permit will be required on the following dates and during the following times:

A. July 3rd and July 5th beginning at 9:00am and ending at 10:00pm

B. July 4th beginning at 9:00am and ending at 12:30am the following day

C. December 31st beginning at 9:00am and ending at 12:30am the following day

5.2 This Ordinance does not apply to the display of fireworks conducted pursuant to a fireworks display permit issued by the State of Maine in accordance with 8 M.R.S.A §§ 227-A -237.

5.3 The Town of Vinalhaven is exempt from the provisions of this Ordinance.

Section 6: Use of Consumer Fireworks Restricted

6.1 Consumer Fireworks shall not be used or ignited under any conditions, if the fire danger conditions, as determined by the Maine Forest Service, are Class 3, 4, or 5.

6.2 A person may use Consumer Fireworks only on that person's property or on the property of a person who has consented, in writing, to the use of Consumer Fireworks on their property and must contain the debris from those fireworks to said property.

6.3 Means to extinguish spot fires resulting from the use of Consumer Fireworks must be available (such as a fire extinguisher or garden hose). Users of Consumer Fireworks must be able to access 911 by telephone.

6.4 No person shall use, display, fire, or cause to be exploded, consumer fireworks within 50 feet of any buildings or structures.

6.5 A person may not use, display, fire, or cause to be exploded consumer fireworks while intoxicated or impaired due to use of alcohol or drugs.

SECTION 7: Violation and Enforcement

7.1 ENFORCEMENT: This Ordinance may be enforced by the Knox County Sherriff or the Town of Vinalhaven acting through its Town Manager.

7.2 PENALTY FOR VIOLATION: In addition to the applicable penalties provided by 8 M.R.S.A. § 223-A, any person who violates the provisions of this ordinance shall be punished by a fine of not more than the following amounts for each violation plus costs and attorney's fees, which shall be recovered upon complaint to the use of the Town:

A. 1st Offense: \$100

B. 2nd Offense: \$300

C. 3rd Offense: \$500

7.4 INJUNCTION: In addition to any other remedies available at law or equity, the Town of Vinalhaven, acting through its Town Manager, may apply to any court of competent jurisdiction to enjoin any planned, anticipated or threatened violation of this Ordinance.

7.5 SEIZURE & DISPOSAL OF CONSUMER FIREWORKS: The Town may seize consumer fireworks that the Town has probable cause to believe are used or sold in violation of this Ordinance and shall forfeit seized consumer fireworks to the State for disposal.

SECTION 8: Severability

8.1 In the event that any section, subsection, or portion 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, subsection or portion of this Ordinance.