Town of Dover-Foxcroft

Fireworks Ordinance

Adopted: November 4, 2014 Special Town Meeting Referendum

Section 1 – Definitions

The following definitions shall apply in this section:

1.1 "Consumer fireworks" shall have the same meaning as in 27 C.F.R. § 555.11 or subsequent provisions, but includes only products that are tested and certified by a third party testing laboratory as conforming with United States Consumer Product Safety standards in accordance with 15 United States Code, Chapter 47. "Consumer fireworks" does not include the following products.

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

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

1.1.3 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.

1.2 "Commercial fireworks" shall have the same meaning as "Display Fireworks" in 27 C.F.R. § 555.11 or subsequent provisions.

1.3 "Display" shall mean an entertainment feature where a person or persons, whether a public or private group, is admitted or permitted to view the discharge of consumer or commercial fireworks or intent to discharge consumer or commercial fireworks.

1.4 "Person" shall mean any individual, corporation, company, association, firm, partnership, society, or joint stock company.

Section 2 – Prohibition

2.1 No person shall use, display, possess with intent to use or display, sell, possess with the intent to sell, or offer for sale consumer or commercial fireworks in the Town of Dover-Foxcroft. This prohibition shall not apply to the shipping or transport of consumer or commercial fireworks to other parts of the state, country, or world.

Section 3 – Exception

3.1 This section does not apply to a person issued a fireworks display permit by the Town of Dover-Foxcroft and/or the State of Maine pursuant to 8 M.R.S. §227-A.

Section 4 – Administrative and Enforcement

4.1 The Dover-Foxcroft Police Department shall administer and enforce this Ordinance.

Section 5 – Violations

5.1 Any person who violates this Ordinance shall receive a citation.

5.2 The following civil penalties shall be imposed for violations of this Ordinance. The Board of Selectmen is authorized and may, from time to time, amend these civil penalties upon a duly adopted resolution.

<u>Use, Display, Possession, or Intent to Use, Display, or Possess Consumer or Commercial Fireworks</u>

First Citation	Not less than $100 nor more than $250, plus attorney's fees and costs
Subsequent Citations	Not less than $250 nor more than $750, plus attorney's fees and costs for each subsequent citation within a two-year period

<u>Intent to Sell, Offer for Sale, and Sale of Consumer or Commercial Fireworks</u>

First Citation	Not less than $500 nor more than $1,000, plus attorney's fees and costs
Subsequent Citations	Not less than $1,000 nor more than $2,500, plus attorney's fees and costs for each subsequent citation within a two-year period

Section 6 – Seizure and Disposal of Fireworks

6.1 The Town may seize consumer or commercial fireworks that the Town has probable cause to believe are used, possessed, sold or otherwise in violation of this Ordinance, and shall forfeit seized consumer fireworks to the Dover-Foxcroft Police Department The Dover-Foxcroft Police Department will arrange for the disposal of confiscated fireworks according to applicable laws and regulations.

Section 7 – Severability Clause

7.1 If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of the Ordinance.

Section 8 – Amendments

8.1 This Ordinance may be amended by a majority vote of any Town Meeting, (annual or special) when such amendment is published in the warrant calling for such meeting.

Section 9 – Effective Date

9.1 This Ordinance shall be in full force and effect upon passage.