

**TOWN OF SKOWHEGAN**  
**CONSUMER FIREWORKS ORDINANCE**

Proposed for approval – Town Meeting August 29, 2020

**SECTION I: Purpose**

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

**SECTION II: Title and Authority**

This Ordinance shall be known as the "Town of Skowhegan 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 III: 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 Code of Federal Regulations, Section 555.11 or subsequent provision, but includes only products that are tested and certified by a 3rd-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:

- 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 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.
- D. Sparklers that do not contain magnesium chlorates or perchlorates.

**"Building"** means any residential, commercial, retail, educational, religious or farm structure that is designed to be occupied by people or domesticated animals or is being used to shelter machines or harvested crops.

#### **SECTION IV: Use of Consumer Fireworks**

The use of Consumer Fireworks shall follow the laws of the State of Maine: 8 M.R.S.A. § 223-A. Section 8:

A. Consumer fireworks may be used between the hours of 9:00 a.m. and 10:00 p.m., except that on the following dates they may be used between the hours of 9:00 a.m. and 12:30 a.m. the following day:

- (1) July 4th;
- (2) December 31st; and
- (3) The weekends immediately before and after July 4th and December 31st.

B. 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.

Except that:

A. The use, discharge or ignition of fireworks will be prohibited within 100 yards of a building or residential dwelling without the permission of the owner or, in the owner's absence, of an adult occupant of that building or dwelling authorized to act on behalf of the owner.

B. The use, discharge or ignition of fireworks is prohibited on all public property, including public parks and public rights of way, unless authorized by the Board of Selectmen.

C. The use, discharge or ignition of fireworks is prohibited on any day specified by the Fire Chief as presenting a high fire danger as identified by posting such designation on the Town's website;

D. Clean up of debris left from the use, discharge or ignition of fireworks shall be the responsibility of the person(s) who used, discharged or ignited said fireworks;

#### **SECTION V: Violation and Enforcement**

A. PENALTY FOR VIOLATION: Any person who violates the provisions of this Ordinance shall commit a civil violation punishable by a penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) plus attorney's fees and costs to be recovered by the Town of Skowhegan for its use. Each day such violation occurs or continues to occur shall constitute a separate violation.

B. ENFORCEMENT: This Ordinance shall be enforced by the Town of Skowhegan Police Department or the Skowhegan Fire Chief or his designee.

#### **SECTION VI:**

Severability 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.