FIREWORKS ORDINANCE

SECTION 1 – PURPOSE

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

SECTION 2 – TITLE & AUTHORITY

This Ordinance shall be known as the “Town of Harrison 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 of 8 M.R.S.A. §223-A.

SECTION 3 - DEFINITIONS

The following definitions shall apply in this section:

3.1 Consumer fireworks shall have the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provisions, but includes only products that are tested and certified by a 3rd part 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.

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

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

and

3.1.3 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 and/or sound at or near the height of flight. However, these products are prohibited for use in the State of Maine by the State Fire Marshal’s Office by rule. See Maine Public Law Chapter 416.
3.2 Display - means an entertainment feature where the public or private group is admitted or permitted to view the display or discharge of fireworks or special effects.

3.3 Person – Any individual, partnership, limited liability company, corporation, government entity, association, or public or private organization of any character.

SECTION 4 - PROHIBITION

4.1 No person shall use, possess with intent to use, sell, possess with the intent to sell or offer for sale consumer fireworks in the Town of Harrison.

SECTION 5 — EXCEPTION

5.1 This section does not apply to a person issued a firework’s display permit by the Town of Harrison and/or the State of Maine pursuant to 8 M.R.S.A. §227-A.

SECTION 6 – ADMINISTRATION & ENFORCEMENT

6.1 The Town Clerk within 30 days of adoption or amendment will file a copy of this Ordinance with the State Fire Marshall’s Office, Inland Fisheries & Wildlife, State Police and the Cumberland County Sheriff’s Department.

6.2 Any State or County Law Enforcement official may enforce the provisions of this Ordinance specifically including duly-authorized representatives from Cumberland County Sheriff, Maine State Police, Maine Inland Fish & Wildlife, and Maine Department of Public Safety (Fire Marshall’s Office).

SECTION 7 — VIOLATIONS & PENALTIES

7.1 Use of consumer fireworks is in violation of this Ordinance and shall be subject to a fine of not less than $250 plus attorney costs for the first offense, or a fine not less than $500 plus attorney costs for any subsequent offenses.

7.2 In addition to any State penalties for the unlicensed sale of fireworks and/or consumer fireworks, any person who offers for sale fireworks or consumer fireworks shall be subject to a fine of not less than $500 plus attorney costs for the first offense, or a fine not less than $1000 plus attorney costs for any subsequent offenses.

SECTION 8 – APPEALS

Appeals with respect to this Ordinance including fines shall be taken to the Harrison Board of Selectmen, whose decision shall be final and binding.
SECTION 9 — SEIZURE & DISPOSAL OF FIREWORKS

Any person authorized to enforce this Ordinance (Section 6.2) may seize consumer fireworks who has probable cause to believe are used, possessed or sold in violation of this Ordinance and shall forfeit seized consumer fireworks for disposal.

SECTION 10 — SEVERABILITY CLAUSE

In the event that any provision of this Ordinance is found by a court of competent jurisdiction to be invalid, this finding shall not affect the remainder of this Ordinance.

SECTION 11 — EFFECTIVE DATE

This Ordinance shall be in full force and effect upon passage by a majority vote of the Legislative Body.