

SANDY RIVER PLANTATION CONSUMER FIREWORKS ORDINANCE

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Article 2.1 Authority

This Ordinance is enacted 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.

Article 2.2 Purpose

This Ordinance regulates the use of consumer fireworks to ensure the safety of the residents and property owners of Sandy River Plantation and of the general public.

Article 2.3 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:

Section 2.3.1 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 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 which are illegal to sell, use, or possess in Sandy River Plantation or 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. 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. Sky lanterns (also known as floating or Chinese lanterns) are illegal to use, buy, sell or possess in Maine.

Section 2.3.2 Display or Commercial Grade Fireworks

Fireworks that only trained and licensed pyro-technicians may handle and are regulated by the State of Maine and Federal Law.

Article 2.4 Permitting

Section 2.4.1 Required

No person shall use, display, fire, or cause to be exploded, consumer fireworks within Sandy River Plantation without a permit. This Section shall not apply to a person in possession of a fireworks display permit by the State of Maine pursuant to Title 8, MRSA Section 227-A.

Section 2.4.2 Fire Danger

No permit shall be issued on any day with a Fire Danger Class of 3, 4, or 5.

Section 2.4.3 Permissible Site

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 that property.

Article 2.5 Use of Consumer Fireworks

Section 2.5.1 Restrictions

No person shall use, display, fire, or cause to be exploded, consumer fireworks within 100 feet of any buildings or structures.

A person shall not use, display, fire, or cause to be exploded consumer fireworks within Sandy River Plantation or in or from any watercraft within waters of the Plantation except on the following days and during the following times:

- A) July 3rd, beginning at 9:00 a.m. and ending at 12:30 a.m.;
- B) July 4th, beginning at 9:00 a.m. and ending at 12:30 a.m.;
- C) December 31st, beginning at 9:00 a.m. and ending at 12:30 a.m.;
- D) January 1st, beginning at 9:00 a.m. and ending at 12:30 a.m.;

and

E) With a valid permit for all other dates/times during a calendar year beginning at 9:00 a.m. and ending at 10:00 p.m.

Article 2.6 Violation & Enforcement

Section 2.6.1 Penalty

Any person who violates the provisions of this Ordinance shall commit a civil violation punishable by a penalty of not less than two hundred dollars (\$200.00) and not more than five hundred dollars (\$500.00) plus attorney's fees and costs to be recovered by Sandy River Plantation for its use. Each incident shall constitute a separate violation.

Section 2.6.2 Enforcement

This Ordinance shall be enforced by Franklin County Sheriff's Office or the Maine State Police and any other authorized responding law enforcement officer.

Section 2.6.3

Injunction In addition to any other remedies available at law or equity, Sandy River Plantation, acting through its Board of Assessors, may apply to any court of competent jurisdiction to enjoin any planned, anticipated or threatened violation of this Ordinance.

Section 2.6.4 Seizure & Disposal of Consumer Fireworks

The Plantation may seize consumer fireworks that the Plantation 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.

Article 2.7 Exceptions

Section 2.7.1 Valid Permit

This Ordinance does not apply to a person or group of persons issued a fireworks permit by Sandy River Plantation pursuant to the State of Maine in accordance with 8 M.R.S.A. §§ 227-A to 237.

Section 2.7.2 Municipality

Sandy River Plantation is exempt from the provisions of this Ordinance.

Article 2.8 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 Ordinance.

Article 2.9 Effective Date

This ordinance shall take effect immediately upon enactment by the municipal legislative body