

Ordinance Number Assigned: **2014-900** (Prior Ordinance # 15-220)

CONSUMER FIREWORKS ORDINANCE

SECTION I: Purpose

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

SECTION II: Title and Authority

This Ordinance shall be known as the "City of Calais 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 – "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.

Livestock – "Livestock" shall mean any domesticated farm animal, including poultry.

Livestock Zone – "Livestock Zone" shall mean any area within 1500 feet of a facility where livestock is being raised or boarded

Urban Area- The Urban Area of the City of Calais shall be defined as the area from Magurrewock to the Golf Course and including an area extending from 200 feet off of Main, Franklin, Palmer, Manning, Cemetery, South, School, Fowler, Boardman, and Baring Streets to the St. Croix River.

SECTION IV: Use of Consumer Fireworks Restricted in Urban Area

The use of Consumer Fireworks outside of the Urban Area shall follow the laws of the State of Maine, except that the use of consumer fireworks in any livestock zone shall be prohibited.

A. The City of Calais shall permit the use of consumer fireworks in the Urban Area with the following conditions:

1. A person shall not use, display, fire, or cause to be exploded consumer fireworks within the Urban Area of the City of Calais or in or from any watercraft within waters of the City except on the following days and during the following times:

a) Friday and Saturday nights beginning at sunset and ending at 10 p.m.

b) July 4th, beginning at 9:00 a.m. and ending at 12:30 a.m. the following day;

c) July 3rd and July 5th, beginning at 9:00 a.m. and ending at 12:30 a.m. the following day when July 3rd or July 5th fall on a weekend;

d) December 31st, beginning at 9:00 a.m. and ending at 12:30 a.m. the following day;

e) January 1st, beginning at 9:00 a.m. and ending at 9:00 pm;

2. The use, discharge or ignition of fireworks is prohibited on all public property, including public parks, public rights of way, and school department property;

3. 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 City's website;

4. The use, discharge or ignition of fireworks shall not be permitted in close proximity to any buildings by maintaining a minimum distance of 50 feet from any combustible structure;

5. The use of fireworks must be approved by the owner of the property where they are to be used;

6. 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;

7. The use of fireworks will be permitted only when burn permits are being issued by the Fire Department; and

8. The use of consumer fireworks in any livestock zone shall be prohibited.

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

City of Calais 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 City of Calais Police Department or the Calais Fire Chief or his designee.

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

D. SEIZURE & DISPOSAL OF CONSUMER FIREWORKS: The City may seize consumer fireworks that the City 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 VI: Exceptions

This Ordinance does not apply to a person or group of persons issued a fireworks display permit by the City of Calais pursuant to the State of Maine Law in accordance with 8 M.R.S.A. §§ 227-A to 237 or federal law or regulation.

SECTION VII: 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.

Note- Respecting your neighbors and showing courtesy to others should be considered before using fireworks. Sometimes the lack of consideration of a few causes the creation of regulation that unnecessarily impacts all.

ADOPTED: 09/25/14

AMENDED: 07/31/15

REPEALED: