


Kimberly Sparks, Town Clerk

**TOWN OF GREENWOOD
CONSUMER FIREWORKS ORDINANCE**

Section 1. Purpose

The purpose of this Ordinance is to restrict the use and prohibit the sale of consumer fireworks to ensure the safety of the residents and property owners of the Town of Greenwood and of the general public.

Section 2. Authority

This Ordinance is adopted pursuant to and consistent with the Municipal Home Rule Powers as provided for in Article VIII, Part 2, Section 1 of the Constitution of the State of Maine and 30-A M.R.S. § 3001, and the provisions of 8 M.R.S. § 223-A.

Section 3. Definitions

The following words, terms and phrases, when used in this Ordinance, shall have the same meanings ascribed to them as in 8 M.R.S. § 221-A, as may be amended from time to time, 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.

[Editor's note: The products listed above in subsections A, B, and C are illegal to sell, use or possess in Maine except by State licensed pyrotechnicians as part of a permitted fireworks display.]

4. Fireworks. "Fireworks" means any:

- A. Combustible or explosive composition or substance;
- B. Combination of explosive compositions or substances;
- C. Other article that was prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, including blank cartridges or toy cannons in which explosives are used, the type of balloon that requires fire underneath to propel it, firecrackers, torpedoes, skyrockets, roman candles, bombs, rockets, wheels, colored fires, fountains, mines, serpents and other fireworks of like construction;
- D. Fireworks containing any explosive or flammable compound;
or
- E. Tablets or other device containing any explosive substance or flammable compound.

The term "fireworks" does not include consumer fireworks or toy pistols, toy canes, toy guns or other devices in which paper caps or plastic caps containing 25/100 grains or less of explosive compound are used if they are constructed so that the hand cannot come in contact with the cap when in place for the explosion, toy pistol paper caps or plastic caps that contain less than 20/100 grains of explosive mixture, sparklers that do not contain magnesium chlorates or perchlorates or signal, antique or replica cannons if no projectile is fired.

Section 4. Use of Consumer Fireworks Restricted

No person shall use, display, fire, or cause to be exploded consumer fireworks within the Town of Greenwood except on the following days and during the following times:

- a) July 3rd, beginning at 10:00 a.m. and ending at 10:00 p.m.;
- b) July 4th, beginning at 10:00 a.m. and ending at 12:30 a.m. the following day;
- c) July 5th, beginning at 10:00 a.m. and ending at 10:00 p.m.;
- d) The Saturday and Sunday immediately before Labor Day Monday, but not Labor Day Monday itself, beginning at 10:00 a.m. and ending at 10:00 p.m.;

- e) December 31st, beginning at 10:00 a.m. and ending at 12:30 a.m. the following day; and
- f) January 1st, beginning at 10:00 a.m. and ending at 10:00 p.m.

A person may only use consumer fireworks within the Town of Greenwood on reported Class 1 or Class 2 days, as determined by the State Forestry Fire Class Day Report prepared by the Maine Forest Service.

[Editor's note: Class 1 and Class 2 days are considered low fire danger days. The Class Day Report can be viewed online at <http://www.maine.gov/doc/mfs/firedanger/fire.shtml> (last visited August 16, 2012).]

Section 5. Sale of Consumer Fireworks Prohibited

No person shall sell or offer for sale consumer fireworks within the Town of Greenwood.

Section 6. Violation and Enforcement

- (a) **Penalty for use violation.** Any person who uses consumer fireworks in violation of the provisions of this Ordinance shall commit a civil violation punishable by a penalty of two hundred dollars (\$200.00) plus attorney's fees and costs, to be recovered by the Town of Greenwood for its use. Each day such violation occurs or continues to occur shall constitute a separate violation.
- (b) **Penalty for sale violation.** Any person who sells consumer fireworks in violation of the provisions of this Ordinance shall commit a civil violation punishable by a penalty of one thousand dollars (\$1,000.00) plus attorney's fees and costs, to be recovered by the Town of Greenwood for its use. Each day such violation occurs or continues to occur shall constitute a separate violation.
- (c) **Injunction.** In addition to any other remedies available at law or equity, the Town of Greenwood, acting through its Town 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 Town may seize consumer fireworks that the Town has probable cause to believe are used in violation of this Ordinance and shall forfeit seized consumer fireworks to the State for disposal.

Section 7. Exception

This Ordinance does not apply to a person issued a fireworks display permit by the Town of Greenwood and/or the State of Maine pursuant to 8 M.R.S. § 227-A. Display has the same meaning as in 8 M.R.S. § 221-A(3).

Section 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.

Section 9. Effective Date

This Ordinance shall become immediately effective upon approval at Town Meeting.

DATE ADOPTED: *October 30, 2012 - Special Town Meeting*

[Editor's note: State law prohibits the sale and possession of all fireworks, with the exception of consumer fireworks, which are small fireworks as defined under state law. See 8 M.R.S. §§ 221-A, 223. By prohibiting the sale and restricting the use of consumer fireworks, the Town is effectively regulating the sale and use of all fireworks in the Town of Greenwood.]