

ORDINANCE RESTRICTING THE USE AND SALE OF CONSUMER FIREWORKS

A person may not use, sell or offer for sale, or possess with the intent to sell consumer fireworks, as defined in 8 M.R.S.A. §221-A, in the Town of North Berwick except in compliance with this ordinance.

- (1) **Use.** Consumer fireworks may only be used:
 - (a) By a person 21 years of age or older who has obtained a permit from the fire chief or his designee that specifies the day(s) and location of the proposed use;
 - (b) Between 9:00 a.m. and 10:00 p.m. except on July 4 and December 31 when they may be used between 9:00 a.m. and 12:30 a.m. the following day;
 - (c) On the property of the person using the fireworks or on the property of a person who has consented to the use of consumer fireworks on that property. If the user is a tenant then permission of the landlord is required;
 - (d) At least fifty (50) feet from combustible material; and
 - (e) When fire danger conditions, as determined by the Maine Forest Service, are Class 1, 2 or 3.

- (2) **Sale.** Consumer fireworks may only be sold, offered for sale, or possessed with the intent to sell by a person who:
 - (a) Holds a federal permit to sell fireworks under 18 United States Code § 843; and
 - (b) Holds a State license for sale of consumer fireworks;The sale or storage or both of consumer fireworks must be at a location that complies with the North Berwick Zoning Ordinance.

- (3) **Penalty.** In addition to applicable penalties provided by 8 M.R.S.A. § 223-A, violation of the provisions of this ordinance is a civil violation for which a fine schedule of 1st offense \$50.00, 2nd offense \$100.00, 3rd offense \$250.00 and 4th offense \$500.00 may be imposed. The Police Department may seize consumer fireworks that are in violation of this ordinance subject to such limitations of 8 M.R.S.A. § 223-A(9) as may apply.

- (4) **Fireworks displays.** Pursuant to 8 M.R.S.A. § 227-B, nothing in this ordinance shall be construed to limit or regulate fireworks displays, as defined in 8 M.R.S.A. § 221-A, or the issuance of permits for fireworks displays by the Maine Commissioner of Public Safety or designee.

The Town Clerk is ordered to provide to the Office of the State Fire Marshall a copy of this ordinance within sixty (60) days of adoption. This ordinance shall be effective upon adoption by the Town Meeting except that section (2) shall be effective sixty (60) days after notification of the State Fire Marshall.