



## CITY OF BANGOR

**(TITLE.)** Ordinance, Amending Chapter 113 of the Code of the City of Bangor, Firearms and Fireworks

WHEREAS, the Maine legislature approved legislation to make the sale and possession of consumer fireworks legal; and

WHEREAS, the law takes effect on January 1, 2012; and

WHEREAS, the law includes a provision that allows municipalities to adopt an ordinance to prohibit or restrict the sale of consumer fireworks within the municipality; and

WHEREAS, it is in the best interest of the City of Bangor to prohibit the sale of fireworks within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BANGOR THAT,

Chapter 113 of the Code of the City of Bangor be amended as follows:

### §113-5 Fireworks

A. Definitions. The following definitions shall apply in this section:

CONSUMER FIREWORKS--Consumer fireworks shall have the same meaning as in Title 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:

- (1) Missile-type rockets, as defined by the State Fire Marshal by rule;
- (2) Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and
- (3) Sky rockets and bottle rockets. For purposes of this paragraph, "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.

DISPLAY--Display means an entertainment feature where the public or a private group is admitted or permitted to view the display or discharge of fireworks or special effects.

B. Prohibition. No person shall use, possess with the intent to use in the City of Bangor, sell,

possess with the intent to sell in the City of Bangor, or offer for sale consumer fireworks.

- C. Exception. This section does not apply to a person issued a fireworks display permit by the City of Bangor and/or the State of Maine pursuant to 8 M.R.S.A. §227-A.
- D. Seizure and disposal of fireworks. The City may seize consumer fireworks that the City has probable cause to believe are used, possessed or sold in violation of this section and shall forfeit seized consumer fireworks to the State for disposal.

§113-56 Violations and penalties.

Whoever violates any of the foregoing sections of this chapter shall be punished by a fine of not less than \$100 nor more than \$1,000 for each offense.

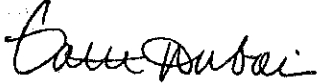
Additions are underlined, deletions ~~struck through~~.

IN CITY COUNCIL

October 24, 2011

Passed

A True Copy, Attest:



CITY CLERK