

ARTICLE XIII FIREWORKS

SECTION 13-100 PURPOSE

The purpose of this ordinance is to regulate the use, sale, and storage of fireworks in the Town of Fairfield, and to prevent damage or injury caused by the use of fireworks. Possession, Use, Sale and Storage of Fireworks in the Town of Fairfield shall follow MRSA Title 8 ch. 9-A and this ordinance.

SECTION 13-101 DEFINITIONS

As used in this ordinance the following items shall follow and have the same meaning as found in MRSA Title 8 ch. 9-A Sec 221-A

Display
Fireworks
Fireworks Technician
Permit
Person
Possession
Sale or Sell
Special Effects Display
Value

SECTION 13-102 USE RESTRICTED

The use of fireworks of any type is restricted from all public property, including:

- (A) Public Lands adjacent to Municipal or School Buildings and Facilities
- (B) Parking Lots, Streets, and Public Ways
- (C) Parks, Playgrounds, Athletic Fields, and Public Boat Landings
- (D) Exception: Special Effects and/or Fireworks Displays for a public event may be authorized upon approval of the Chiefs of the Fire and Police Departments, and also by the State of Maine Fire Marshal's Office

The use of fireworks within the Town of Fairfield shall conform to state laws that regulate the discharge of firearms, with the following exceptions:

- (A) Fireworks shall be legal to use only on the following days:
 - a. A total of five days per year during the week of Independence Day, comprising the two days preceding and the two days following July 4th, including the holiday.
- (B) Fireworks may only be used on days that are Fire Class 1 or 2.
- (C) Use of fireworks within the urban compact shall be limited to ground displays. Aerial fireworks that are propelled by mortar or rocket are not permitted within the urban compact except that during Town-sanctioned public events a licensed professional may receive permission from the Town to conduct an aerial display.
- (D) Aerial displays shall not be ignited within 100 feet of any neighboring structure not owned by the user, and Ground displays shall not be ignited within 25 feet of any neighboring structure, unless the user has gained permission from the property owner(s). Furthermore, the use of fireworks shall not cause debris or ashes to be deposited on any neighboring land or buildings without permission from the property owner(s). A "structure" is defined as anything built for the support, shelter or enclosure of persons, animals, or property.
- (E) The time of day fireworks may be used shall conform to MRSA Title 8 ch. 9-A.

SECTION 13-103 PENALTIES

Those persons found to be in violation of this ordinance shall first receive a written warning. A second violation may warrant a fine of \$150. A third violation may warrant a fine of \$300. Any subsequent violation may warrant a fine of \$600.

SECTION 13-104 SALES AND STORAGE

As authorized under MRSA Title 8 ch. 9-A Sec. 223-A (2), a conditional use permit shall be required for a commercial enterprise to sell and/or store consumer fireworks. Applications for permits must meet:

- (A) The requirements of MRSA Title 8 ch. 9-A Sec. 223-A, Sale of Consumer Fireworks
- (B) Approval of the Town of Fairfield Planning Board
 - 1. Commercial enterprises seeking to sell and/or store consumer fireworks shall NOT be permitted to operate in any Village or Residential Zone as defined by the Town of Fairfield Land use Ordinance
- (C) Approval of the Chiefs of the Police and Fire Departments

SECTION 13-105 EMERGENCY SERVICES RESPONSE

If the use of consumer fireworks requires the response of emergency services for injury, fire, or damage to property, the owner of the property from which the fireworks were ignited shall be liable for full reimbursement cost of such a response. This shall apply even if the injured person(s) or property owner is the responsible party. Billing may include any cost incurred by neighboring municipalities' departments responding through mutual aid.

SECTION 13-106 ENFORCEMENT

- A. Any State or Local Fire Safety Official or Law Enforcement Officer may enforce State Law and this Ordinance
- B. See also: Town of Fairfield Ordinance # PD95-01 Prosecution of Town Ordinances

Article XIII was adopted by the Town Council on the 14th day of December, 2011.

The effective date of this Ordinance is the 20th day of August, 1996.

Amended October 12, 2005.

Amended October 26, 2005.

Amended December 14, 2011.

Amended October 10, 2012.

A True Copy, ATTEST:

A handwritten signature in cursive script, appearing to read "Christine Keller", with a long horizontal flourish extending to the right.

Christine Keller, Town Clerk