

**TOWN OF SABATTUS  
FIREWORKS ORDINANCE  
REGULATING USE OF FIREWORKS ON CLASS 4 AND 5 FIRE DANGER  
DAYS**

**Section 1 Purpose**

1. The purpose of this Ordinance is to control the use of consumer fireworks on class 4 and 5 fire danger days in order to prevent the catching or spreading of fire and to protect the safety of residents and property owners of the Town of Sabattus.

**Section 2 Authority, Administration, and Effective Date**

**A. Authority:**

1. This ordinance is enacted pursuant to and consistent with Article VIII-A of the state of Maine Constitution and Title 30-A, M.R.S.A. § 3001, and 8 M.R.S.A. § 223-A

**B. Effective Date:**

1. The effective date of this Ordinance is affective at adoption of this ordinance at Town Meeting.

**Section 3 Definitions**

In this ordinance, the following terms have the following meanings. Terms not defined will have their customary dictionary meaning.

**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 3<sup>rd</sup>-party testing laboratory as conforming with the 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 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.

Use – The lighting or other setting off of consumer fireworks.

#### **Section 4 Use of Consumer Fireworks Restrictions**

##### **A. Prohibited:**

1. The use of consumer fireworks is prohibited on any day with a Fire Danger Class of 4 or 5 as determined by the Department of Conservation, Maine Forest Service.
2. A person shall use consumer fireworks on that person's property or on the property of a person who has consented to the use of consumer fireworks on that property. The use of consumer fireworks, on public property is prohibited.
3. The Town of Sabattus assumes no liability for injuries that result from the use of consumer fireworks.

#### **Section 5 Violation and Enforcement**

##### **A. Penalty for Use Violation**

1. Any person who violates the provisions of this Ordinance shall commit a civil violation punishable by a penalty of not less than \$250 and not more than \$500 and the Town's reasonable fees and expenses, including attorney's fees and court costs. Any violation of this Ordinance may be deemed a nuisance.
2. 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.

##### **B. Enforcement**

1. This Ordinance shall be enforced by the Town of Sabattus Police Department or Fire Chief or his Officers.

## Section 6 Amendments, Validity and Severability

### A. Amendments:

- 1) An amendment to this Ordinance may be initiated by:
  - a) The Planning Board provided a majority of the Board has so voted;
  - b) The Board of Selectmen provided a majority of the Board has so voted; or
  - c) A written petition of a number of voters equal to at least 10% of the number of votes cast in the municipality in the last gubernatorial election.
- 2) The Town shall hold a public hearing on the proposed amendment. Notification of the hearing shall be posted in the Town office at least thirteen (13) days before the hearing and published in a newspaper of general circulation in the municipality at least two times with the date of the first publication at least twelve (12) days before the hearing and the date of the second publication at least seven (7) days before the hearing.

### B. Adoption:

- 1) An amendment to this Ordinance may be adopted by the majority vote of a regular or special town meeting.

### C. Validity and Severability:

- 1) Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision.

### D. Copy Provided to the State Fire Marshal.

- 1) Per Title 8 M.R.S.A § 223-A (2), the Town Clerk shall file a copy of this Ordinance, and any amendment thereto, with the State Fire Marshal within 60 days of the relevant public vote.

TRUE COPY

Attest:   
Suzanne Adams  
Sabattus Town Clerk

Adopted on June 1, 2013