

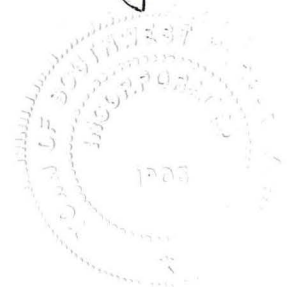
**TOWN OF SOUTHWEST HARBOR**

**CONSUMER FIREWORKS ORDINANCE  
TO PROHIBIT THE SALE AND USE OF CONSUMER FIREWORKS**

**Approved 05/03/2016**

**Attest a true copy**

*Marilyn J. Lowell*  
Marilyn J. Lowell, Town Clerk



# **Consumer Fireworks Ordinance to Prohibit the Sale and Use of Consumer Fireworks**

## **SECTION I. Purpose**

This Ordinance governs and prohibits the sale and use of "consumer fireworks" to ensure the safety of the residents and property owners of the Town of Southwest Harbor and of the general public.

## **SECTION II. Title and Authority**

This Ordinance shall be known as the "Town of Southwest Harbor consumer fireworks Ordinance." 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 Title 30-A M.R.S. § 3001, and the provisions of 8 M.R.S. § 223-A (Sale of Consumer Fireworks).

## **SECTION III. Definitions**

The following words, terms and phrases, when used in this Ordinance shall have the meanings ascribed to them in the section, except where the context clearly indicates a different meaning:

- A. Consumer fireworks. "Consumer fireworks" has the same meaning as in 8 M.R.S. § 221-A(1-A), as amended.
- B. Person. "Person" means any individual, combination of individuals, association, municipality, amusement park or other legal or commercial entity.
- C. Sale and Sell. "Sale" or "sell" means any transfer or delivery of consumer fireworks to a person for consideration.
- D. Town. "Town" means the Town of Southwest Harbor.

## **SECTION IV. Sale of Consumer Fireworks Prohibited**

No person or group of persons shall sell or offer for sale consumer fireworks within the Town of Southwest Harbor.

## **SECTION V. Use of Consumer Firework Prohibited**

No person or group of persons shall use, display, fire or cause to be exploded consumer fireworks within the Town of Southwest Harbor.

## **SECTION VI. Penalties and Enforcement**

- A. Penalty for Violation: Any person who violates the provisions of this Ordinance shall commit a civil violation punishable by a penalty of One Hundred Dollars (\$100.00). Each day such violation occurs or continues to occur shall constitute a separate violation.
- B. Enforcement: This Ordinance shall be enforced by the Town of Southwest Harbor Police Department, or by any other duly appointed agents of the Town.
- C. Injunction: In addition to any other remedies available at law or equity, the commission of acts prohibited by this Ordinance shall constitute a nuisance and the Town of Southwest Harbor, acting through its Town Manager, may apply to any court of competent jurisdiction to enjoin any planned, anticipated or threatened violation of this Ordinance and to prohibit further and continued violation thereof.
- D. Seizure & Disposal of Consumer Fireworks: The Town may seize consumer fireworks that the Town has probable cause to believe are used or sold in violation of this Ordinance and shall forfeit the seized consumer fireworks to the State for disposal.

## **SECTION VII. Exceptions**

This Ordinance does not apply to a person issued a fireworks display permit by the Town of Southwest Harbor and/or by the State of Maine pursuant to 8 M.R.S. § 227-A as may be amended from time to time.

## **SECTION VIII. Severability**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

## **SECTION IX. Effective Date**

The effective date of this Ordinance is: June 1, 2016.