



TOWN OF WINSLOW, MAINE

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114 Benton Avenue
Winslow, ME 04901

TOWN COUNCIL

ORDINANCE NO. 2-2012

AN ORDINANCE

Providing for: An Amendment to Chapter 5 (Businesses) of the Winslow Ordinances, by adding **Article 7: Permit Required for Sale of Consumer Fireworks.**

BE IT ORDAINED by the Town Council of the Town of Winslow as follows:

WHEREAS, the 125th Maine State Legislature has enacted Public Law 2011, Chapter 416, LD 83, "An Act to Legalize the Sale, Possession and Use of Fireworks; and

WHEREAS, that Act authorizes a municipality to adopt an ordinance to restrict the sale of consumer fireworks within the municipality; and

WHEREAS, the Town Council wishes to impose some additional restrictions beyond the Act; now, therefore

BE IT ORDAINED by the Town Council of the Town of Winslow, Maine, that Chapter 5 (Businesses) of the Winslow Ordinances be amended to include the attached **Article 7: Permit Required for Sale of Consumer Fireworks.**

SPONSORED BY: Catherine M. Nadeau

IN THE TOWN COUNCIL

February 13, 2012

First Reading, 6-1
accepted

rejected

March 12, 2012

Second Reading, 5-1
adopted

rejected

RECEIVED
APR 25 2012
W/COMMISSION

Pamela Smiley
Town Clerk

APPROVED: March 12, 2012

CHAIRMAN: Derek Saw Amal

[Signature]
[Signature]
[Signature]

Catherine M Nadeau
Kenneth Fletcher

Attest. A true copy of original.

Pamela Smiley 4-23-12

Article 7

Permit Required for Sale of Consumer Fireworks.

Sec. 5-34. Permit Required.

A Municipal Permit is required for the sale of Consumer Fireworks. The Code Enforcement Officer is authorized to issue a permit if the following conditions are met:

1. The applicant is 21 years or older and applies on a state approved form.
2. The applicant possesses the necessary State and Federal Permits.
3. Storage and Sale
 - a. Consumer Fireworks may be stored and sold only in a permanent, fixed, stand-alone building dedicated solely to the storage and sale of Consumer Fireworks.
 - b. The building may not be less than 60' from another permanent building and may not be less than 300' from a structure in which gasoline, propane or other flammable material is sold or dispensed.
 - c. Cigarettes, tobacco products or lighters or other flame producing devices may not be permitted in the building.
 - d. A person under 21 years of age may not be admitted into the building unless accompanied by a parent or guardian.
 - e. Notwithstanding subsection d above, a person of at least 18 years of age may handle and sell Consumer Fireworks if the person is under the direct supervision of a person 21 years of age or older.
 - f. The building shall be equipped throughout with an automatic fire suppression system in accordance with NFPA 13-D.
 - g. The building must comply with the IBC Building Codes as amended.
 - h. No outside storage will be allowed
4. The location is permitted under the Winslow Zoning Ordinance.

Sec. 5-35. Permit Fees; Inspections.

1. There will be a fee of \$250.00 dollars for the initial one year permit and \$200.00 dollars for annual renewal permits.
2. The Fire Department and Code Enforcement Officer will perform annual inspections to ensure compliance.

Sec. 5-36. Violations.

In addition to the enforcement provisions of 8 M.R.S.A. Section 223-A(9), a fine of \$500.00 for an initial violation, and \$1,000.00 for subsequent violations of this Ordinance will be imposed, none of which may be suspended. The town will also be awarded its reasonable attorney fees for prosecution of any violation.