

TOWN OF ALNA CONSUMER FIREWORKS ORDINANCE - Adopted 3/18/17

1. PURPOSE

The purpose of this Ordinance is to restrict and manage the use of fireworks in Alna in order to protect the health, safety and welfare of the residents of the Town of Alna. **The issues of fire safety and respectful consideration of neighbors are at the center of the purpose.**

2. TITLE & AUTHORITY

This ordinance shall be known as the "Town of Alna Consumer Fireworks Ordinance." It is adopted pursuant to the enabling provisions of the Maine Constitution, the provisions of 30-A M.R.S.A. § 3001, and the provisions of 8 M.R.S.A. § 223-A.

3. SCOPE

This Ordinance shall apply to the use of Consumer Fireworks, as defined below, within the limits of Alna, Maine

4. DEFINITIONS

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 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, which are illegal to sell, use or possess in Maine:**

- 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.

Fireworks means any:

- A. Combustible or explosive composition or substance;
- B. Combination of explosive compositions or substances;
- C. Other article that was prepared for the purpose of producing a visible or audible

effect by combustion, explosion, deflagration or detonation, including blank cartridges or toy cannons in which explosives are used, the type of balloon that requires fire underneath to propel it, firecrackers, torpedoes, skyrocket, roman candles, bomb, rockets, wheels, colored fires, fountains, mines, serpents and other fireworks of like construction;

D. Fireworks containing any explosive or flammable compound; or

E. Tablets or other device containing any explosive substance or flammable compounds.

The term "Fireworks" **does not include** consumer fireworks or toy pistols, toy canes, toy guns or other devices in which paper caps or plastic caps containing 25/100 grains or less of explosive compound are used if they are constructed so that the hand cannot come in contact with the cap when in place for the explosion, toy pistol paper caps or plastic caps that contain less than 20/100 grains of explosive mixture, sparklers that do not contain magnesium chlorates or perchlorates or signal, antique or replica cannons if no projectile is fired.

Public Land means land owned or leased by the Town of Alna, State of Maine, or another governmental or quasi-governmental agency or entity. "Public Land" expressly includes, without limitation, all Town and State streets, roads, highways and parks.

5. SEVERABILITY

Should any section or provision of the Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

6. PERMITS

Anyone planning to use consumer fireworks in Alna must obtain a permit for the use of said fireworks **with the following exceptions. No permits are required for consumer fireworks: July 4, December 31, the weekends immediately before and after July 4 and December 31. *All other requirements of this ordinance remain in effect.*** Permits are available from the Town Clerk at the Town Office during normal business hours and must be on file prior to the use of any consumer fireworks. If it is deemed necessary by the Selectmen, permits may also become available from other Town Officials.

7. HOURS

Consumer fireworks may be used between the hours of 9:00 am and 10:00 pm, except that on the following dates they may be used from 9:00 am and 12:30 am the following day: July 4, December 31, the weekends immediately before and after July 4 and December 31.

8. FIRE CONDITIONS

The use of consumer fireworks is only permitted on days rated as Class 1 or 2 for Fire Danger as determined by the Maine Forest Service in their Wildfire Danger Report published at: http://maine.gov/dacf/mfs/wildfire_danger_report/index.html OR Google "Maine Forest Service Wildfire Danger."

9. PROPERTY

A person may use consumer fireworks only on that person's property or on the property of a person who has given written consent for the use of consumer fireworks on that property.

10. AGE

Consumer fireworks shall not be purchased, used or possessed by any person under the age of 21.

11. IMPAIRMENT

A person may not use, display, fire or cause to be exploded consumer fireworks while intoxicated or impaired due to use of alcohol or drugs.

12. PROXIMITY

Consumer fireworks shall not be used within 50 feet of any combustible structure, overhead power lines or public right of way.

Consumer fireworks shall not be used within 300 feet of a licensed daycare, school, church, or a pasture with livestock present **without specific written permission from the owner of the licensed daycare, school, church, or pastured livestock.**

13. TOWN PROPERTY

The use of consumer fireworks on Town owned property, including roadways, public parks, and public rights of way, is prohibited.

14. LIABILITY

The Town assumes no liability for injuries or destruction of property that result from the use of consumer fireworks.

15. FIRES

Means to extinguish any spot fires resulting from the use of consumer fireworks must be available including, but not limited to, fire extinguishers and garden hoses. Access to 911 by landline or mobile telephone must also be available during the use of consumer fireworks should an emergency arise.

16. BOATS

Consumer fireworks may not be used on, in or from any watercraft located within the waters of the Town.

17. COMPLAINTS

Complaints should be made to the Lincoln County Sheriff's Office by dialing 911, 882-7332 or any other number designated by the Sheriff's Office as appropriate for this type of complaint. Any written complaints should be directed to the Selectmen of the Town of Alna.

18. VIOLATIONS

If a fire starts from actions in violation of this ordinance, the property owner is financially responsible for extinguishing said fire. If the damage is to another person's property, the holder of this permit may also be responsible for those damages.

In addition to the financial responsibility for extinguishing a fire caused by the use of consumer fireworks, fines will be imposed for any breach of the above limitations on the use of consumer fireworks.

19. FINES

First Offense: \$100

Second Offense: \$250

Third Offense: \$500

Subsequent Offenses: Selectmen's discretion

Failure to pay fines will result in the denial of future permits for the use of consumer fireworks.

20. ENFORCEMENT

The Town of Alna Consumer Fireworks Ordinance will be enforced by the Lincoln County Sheriff's Department by special agreement between the LCSO and the Town's Selectmen.

21. MISCELLANEOUS

Nothing in this Ordinance shall be construed to apply to a person issued a fireworks display permit by the State of Maine pursuant to 8 M.R.S.A. § 227-A, as may be amended from time to time.

Nothing in this Ordinance shall be construed to allow the use of any fireworks or consumer fireworks that are prohibited by State law.

22. Notification recommendations that are practices of good neighbors

Neighbors within 200 feet of the originating location of the consumer fireworks display should be notified in advance of the date and time of the planned event. As a courtesy, people with young children or pets, shift workers, those adverse to loud noises such as former or current military members with PTSD, and anyone else suspected to be sensitive to the use of fireworks, should be advised of any fireworks plans so they have the opportunity to adequately prepare.

Town of Alna Consumer Fireworks Permit

Name: _____

Mailing Address: _____

Physical Address: _____

Phone Number: _____ E-mail: _____

Date of consumer fireworks event: _____ Time: _____
(Permit is only valid for this date and time. Changes in plans require a new permit.)

Location: _____

1. If this is not your property, do you have written consent from the owner? Y N NA
2. Do you have written permission from the owners of any licensed daycare business, schools, churches, or pastured livestock within 300 feet of the originating point of your consumer fireworks display? Y N NA
3. Have you made a reasonable attempt to notify your neighbors of your plans? Y N
4. If you have not already notified neighbors, do you plan to notify them? Y N NA
5. Do you know how to check with the Maine Forest Service for Fire Danger? Y N

I have read the Town of Alna Consumer Fireworks Ordinance and agree to adhere to the restrictions therein.

Applicant's Signature

Date

Permit approval is contingent on fire weather conditions on the day of the event as determined by the Maine Forest Service. Use of consumer fireworks is only permitted on Class 1 and 2 days.

Permit approved

Permit denied

Reason for denial:

Town Official's Signature

Date