

Town of Waldoboro



Consumer Firework Ordinance

Section 1 Purpose and Authority

- A. Purpose: This Ordinance governs the use of Consumer Fireworks to ensure the safety of the residents and property owners of the Town of Waldoboro and of the general public.
- B. Title and Authority: This Ordinance shall be known as the "Town of Waldoboro Consumer Fireworks Ordinance" and will be referred to herein as 'this Ordinance. This Ordinance is adopted pursuant to the enabling provisions of Maine Constitution, the provisions of 30-M.R.S. ss 3001, the provisions of P.L. 2011, Ch. 416, ss 5 (effective January 1, 2012), codified at 8 M.R.S. ss 223-A.

Section 2 Definitions

Consumer Fireworks has the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provisions, 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.

Section 3 USE AND SALE OF CONSUMER FIREWORKS.

- A. This Ordinance does not allow the purchase, sale, or use of Consumer Fireworks within the Town of Waldoboro.
- B. Aerial fireworks displays for public viewing, set off by non-profit organizations, may only be allowed between 8:30 PM and 10:00 PM on Memorial Day, Independence Day, New Year's Eve, or special events approved by the Select Board (for example, Firemen's Anniversary Celebration).

Section 4 EXCEPTIONS.

- A. This Ordinance does not apply to a person issued a firework's display permit by the State of Maine pursuant to 8 M.R.S. ss227-A.
- B. This Ordinance does not apply to a person utilizing pyrotechnic devices in pest dispersal operations in the agricultural production of blueberries.

Section 5 VIOLATION PENALTIES AND ENFORCEMENT.

- A. Penalty for Violation: For each violation of a provision of this Ordinance or other failure to comply with any of its requirements violators shall be subject to a fine of not less than \$100 and not more than \$2,500, plus attorney's fees and costs.
- B. Enforcement. This ordinance shall be enforced by the Town of Waldoboro Police Department.

- C. Injunction. In addition to any other remedies available at law or equity, the Town of Waldoboro, acting through its Select Board, may apply to any court of competent jurisdiction to enjoin any planned, anticipated or threatened violation of this Ordinance.
- D. Seizure & Control. 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 of disposal.

Section 6 EFFECTIVE DATE.

This Ordinance takes effect immediately upon adoption.

Section 7 SEVERABILITY.

Should any section, subsection or portion of this Ordinance be declared by any court of competent jurisdiction to be invalid for any reason, such a decision shall not be deemed to invalidate any other section, subsection or portion of this Ordinance.

ADOPTED AT TOWN MEETING JULY 14, 2020

Julie L. Keizer, Town Clerk