

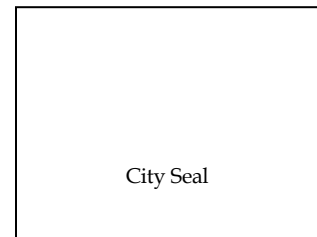
CHAPTER 62
CITY OF PRESQUE ISLE

Consumer Fireworks Ordinance



Adopted: June 7, 2017
Repassed: January 6, 2021

Attest: _____
Thomas C. King, City Clerk



CHAPTER 62

Consumer Fireworks Ordinance

SECTION I: Purpose

This Ordinance regulates the use of consumer fireworks to ensure the safety of the residents and property owners of the City of Presque Isle and of the general public.

SECTION II: Title and Authority

This Ordinance shall be known as the "City of Presque Isle 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 8 M.R.S.A. § 223-A.

SECTION III: Definitions

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

Urban Compact Zone- a zone defined in M.R.S.A. § 754

Consumer Fireworks – "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:

1. Missile-type rockets, as defined by the State Fire Marshal by rule;
2. Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and
3. Sky rockets and bottle rockets. For purposes of this definition, "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.
4. 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.

SECTION IV: Use of Consumer Fireworks

The City shall permit the use of consumer fireworks only as follows:

1. No Consumer Fireworks in the Urban Compact Zone may be used without first obtaining a permit from the Presque Isle Fire Department for a fee to be set by the City Council. Individuals are encouraged to notify abutters prior to using fireworks. The Presque Isle Fire Department or Presque Isle Police Department or designee may restrict the use of consumer fireworks throughout all of the City due to location and or fire hazards at the discretion of the Presque Isle Fire Chief or designee. The Presque Isle Fire Department shall provide notification of all fireworks use permits to the Presque Isle Police Department.
2. The use of consumer fireworks is prohibited during a Class 4 and 5 Fire Danger according to the National Fire Danger Rating System.

SECTION V: Violation 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 not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) plus attorney's fees and costs to be recovered by the City for its use. Each day such violation occurs or continues to occur shall constitute a separate violation.

B. ENFORCEMENT: This Ordinance shall be enforced by the City Police Department or designee.

C. INJUNCTION: In addition to any other remedies available at law or equity, the City, acting through its City Manager or designee, may apply to any court of competent jurisdiction to enjoin any planned, anticipated or threatened violation of this Ordinance.

D. SEIZURE & DISPOSAL OF CONSUMER FIREWORKS: The City may seize consumer fireworks that the City has probable cause to believe are used or sold in violation of this Ordinance and shall forfeit seized consumer fireworks to the State for disposal.

SECTION VI: Exceptions

This Ordinance does not apply to a person or group of persons issued a fireworks display permit pursuant to the State of Maine Law in accordance with 8 M.R.S.A. §§ 227-A to 237 or federal law or regulation.

SECTION VII: Severability

In the event that any section, subsection or portion of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance.

SECTION VII: Sunset Provision

This Ordinance shall be in force for the term of four (4) years from its effective date. This Ordinance shall become null and void upon the expiration of four (4) years from the said effective date; unless recommended and required by the City Council to remain effective, prior to such expiration date.