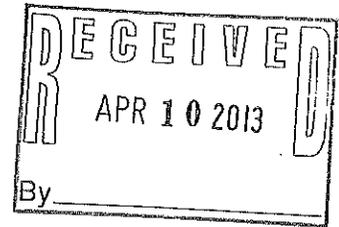


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FIREWORKS ORDINANCE

Town of Randolph, Maine



This Ordinance governs the Discharge and Possession of Consumer Fireworks in the Town of Randolph, Maine. The Sale of Fireworks in the Town of Randolph shall be governed by current Maine law (Title 8 M.R.S.A Section 223-A and as amended.)

Any property owner seeking to discharge consumer fireworks as defined and permitted under Title 8 M.R.S.A. Section 223-A, within the Town of Randolph, shall follow the rules prescribed in this ordinance.

Requirements:

Consumer Fireworks shall not be ignited by any person under the age of 21.

Consumer Fireworks shall not be ignited within 50 feet of any structure, overhead utilities, or woodlands. This part of the ordinance does not apply if a State licensed commercial fireworks contractor is discharging commercial fireworks.

Consumer Fireworks shall not be ignited by any person under the influence of alcohol or drugs. Any consumer fireworks user found to be impaired by the consumption of alcohol and/or use of drugs shall be in violation of this ordinance.

All consumer fireworks users are required to have a means of fire extinguishment readily accessible including, but not limited to, a garden hose or a fire extinguisher.

Consumer Fireworks shall only be discharged between the hours of 5:00 p.m. and 10:00 p.m., except on the following dates they may be used between the hours of 5:00 p.m. and 12:30 a.m. the following day:

- (1) July 4th
- (2) December 31st; and
- (3) The weekends immediately before and after July 4th and December 31.

The use of consumer fireworks is only permissible on days when the fire danger day is Class 1, Class 2, or Class 3.

The use of consumer fireworks is strictly prohibited on Class 4 and Class 5 fire danger days or at times when a red flag fire warning has been issued by the State of Maine Forest Service. (Telephone: 1-800-750-9777 – website: www.maine.gov/doc/mfs/firedanger/fire.shtml)

Violations and Enforcement:

Failure to comply with any provision of this ordinance shall result in:

- a) First offense: written warning for a period of twenty-four hours.
- b) Second offense: \$300.00 fine and a prohibition on consumer fireworks user for a period of 7 calendar days
- c) Third offense: \$600.00 fine and prohibition on the consumer fireworks user for a period of three hundred sixty-five calendar days.

All fines shall be paid to the Town of Randolph and deposited into the general fund account.

Any complaint received by the Town of Randolph regarding a consumer fireworks display shall be investigated by the Randolph Constable or other duly authorized law enforcement officers. If the consumer fireworks use is found to be in violation of state law or local ordinance or deemed to be unsafe to the public by the enforcement authorities, the consumer fireworks user shall cease and desist or be subject to the fines listed above.

Any three complaints on different days from neighbors will result in a total ban being placed on the consumer fireworks user and the land owner and no consumer fireworks shall be set off by the violator or on the land of the property owner.

All consumer fireworks users shall be financially responsible for any and all expenses incurred by the Town of Randolph and all mutual aid response towns for costs associated with the mitigation of any fire or other emergency resulting from the misuse of consumer fireworks within the Town of Randolph.

The Randolph Fire Chief, his authorized designee(s), or any duly authorized constable or police officer of the Town of Randolph or other duly authorized law enforcement officers shall have the authority to issue citations for violations of this ordinance.

Persons found in possession of or discharging consumer fireworks in violation of Maine Law shall be subject to the penalties outlined in Maine Law in addition to the penalties set forth in this ordinance. Nothing in this ordinance shall preclude any law enforcement officer from enforcing any section of Maine Law.

APPROVED AT ANNUAL TOWN MEETING July 25, 2012

Attested to: Lynn R. Mealey
Town Clerk