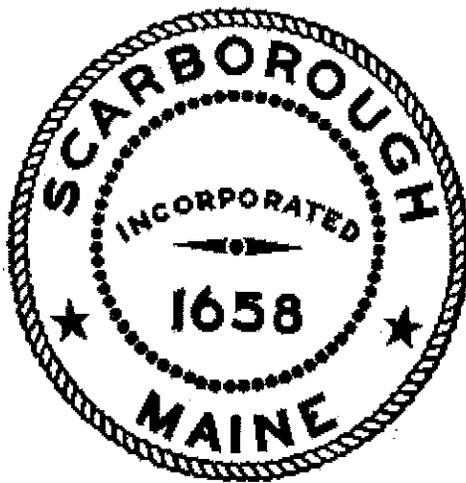


CHAPTER 608A

TOWN OF SCARBOROUGH

CONSUMER FIREWORKS ORDINANCE



ADOPTED MARCH 7, 2012

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CHAPTER 608a
TOWN OF SCARBOROUGH
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SECTION I: Purpose

This Ordinance regulates the use of consumer fireworks to ensure the safety of the residents and property owners of the Town of Scarborough and of the general public.

SECTION II: Title and Authority

This Ordinance shall be known as the "Town of Scarborough 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:

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:

- 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 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.

SECTION IV: Use of Consumer Fireworks Restricted

A person shall not use, display, fire, or cause to be exploded consumer fireworks within the Town of Scarborough or in or from any watercraft within waters of the Town except on the following days and during the following times:

- a) July 4th, beginning at 9:00 a.m. and ending at 12:30 a.m. the following day;
- b) July 3rd and July 5th, beginning at 9:00 a.m. and ending at 12:30 a.m. the following day when July 3rd and July 5th fall on a weekend, and beginning at 9:00 a.m. and ending at 10:00 p.m. when July 3rd and July 5th fall on a weekday;
- c) December 31st, beginning at 9:00 a.m. and ending at 12:30 a.m. the following day;
and

- d) January 1st, beginning at 9:00 a.m. and ending at 10:00 p.m.

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 Town of Scarborough 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 Town of Scarborough Police Department.
- c) **INJUNCTION:** In addition to any other remedies available at law or equity, the Town of Scarborough, acting through its Town Manager, 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 Town may seize consumer fireworks that the Town 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 by the Town of Scarborough pursuant to the Town of Scarborough Fireworks Display Ordinance, Chapter 608, and/or the State of Maine in accordance with 8 M.R.S.A. §§ 227-A to 237.

The regulation of the display of fireworks shall otherwise be as provided for in the Town of Scarborough Fireworks Display Ordinance, Chapter 608, and any other applicable state 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.