

**TEXT OF ADOPTED AMENDMENTS  
CITY CODE OF ORDINANCES  
(Adopted by Belfast City Council, December 20, 2011)**

**CHAPTER 14, BUSINESSES**

**ARTICLE VII. SALE OF FIREWORKS**

The sale of consumer fireworks shall be prohibited in the City of Belfast. Reference Chapter 34, Miscellaneous Offenses for the specific ordinance provisions that govern this prohibition.

**CHAPTER 34, MISCELLANEOUS OFFENSES**

**ARTICLE III, SALE AND USE OF CONSUMER FIREWORKS**

**Sec. 34-100 Findings; purpose of article**

- (a) The City of Belfast finds that the Maine state legislature approved legislation to make the sale and/or use of consumer fireworks legally permissible, and that said amendments to M.R.S.A., Title 8, Amusements and Sports, Chapter 9-A, Fireworks, take effect on January 1, 2012. Said legislation allows a municipality to adopt an ordinance to prohibit or restrict the sale and/or use of consumer fireworks.
- (b) The City of Belfast finds that the sale and use of the consumer fireworks identified in the State law could pose a threat to the public health, safety and/or welfare. The City of Belfast further finds that it is in the best interests of the City and public to prohibit the sale and use of consumer fireworks in the City by adopting local ordinance provisions, as is allowed by the relevant State law.

**Sec. 34-101 Definitions.**

The following definitions shall apply in this section:

- (a) *Consumer fireworks* shall have the same meaning as set forth in Title 27 Code of Federal Regulations, Section 555.11 or subsequent provision. Consumer fireworks shall include only those products that have been tested and certified by a third-party testing laboratory as conforming with United States Consumer Product Safety Commission standards, established pursuant to Title 15 United States Code, Chapter 47. "Consumer fireworks" shall 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 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.

(b) *Display* means an entertainment feature where the public or a private group is admitted or permitted to view the display or discharge of fireworks or special effects.

**Sec 34.102 Prohibition.** No person or legal entity shall use or sell consumer fireworks in the City of Belfast. This section, however, does not apply to a person or legal entity issued a fireworks display permit by the City and/or the State of Maine pursuant to 8 M.R.S.A. §227-A, as amended.

### **Section 34.103 Penalties, Prosecution and Legal Fees.**

Any prosecution under this Ordinance shall be initiated and conducted by the City of Belfast Police Department.

(a) Any person who uses consumer fireworks within the City of Belfast shall be punished by a fine of not less than two hundred dollars (\$200.00) and not more than four hundred dollars (\$400.00) plus court costs. For second and subsequent offenses, a fine of not less than three hundred dollars (\$300.00) and not more than six hundred dollars (\$600.00) per violation plus court costs shall be imposed.

(b) Any person who sells consumer fireworks within the City of Belfast shall be punished by a fine of not less than five hundred dollars (\$500.00) plus court costs. For second and subsequent offenses, a fine of not less than one thousand dollars (\$1,000.00) per violation plus court costs shall be imposed.

(c) The City of Belfast may seek equitable and injunctive relief, including but not limited to Temporary or Permanent Injunctive orders, so as enforce the provisions of this Ordinance.

(d) Any person or legal entity found in violation of this Ordinance by a court of competent jurisdiction shall pay the City of Belfast's legal fees incurred in any prosecution under this ordinance.

### **Section 34.104 Seizure and disposal of fireworks.**

The City of Belfast may seize consumer fireworks that the City has probable cause to believe are sold or used in violation of this section and shall forfeit seized consumer fireworks to the State Fire Marshall's office, or such other authorized State Department for disposal.