

# **ORDINANCE PROHIBITING THE SALE OR USE OF CONSUMER FIREWORKS**

1. No person shall use, possess with the intent to use, sell, possess with the intent to sell, or offer for sale consumer fireworks within the Town of Kennebunkport or from any watercraft within the waters of the Town of Kennebunkport except as hereinafter provided.

Definition: For the purposes of this ordinance, "consumer fireworks" shall have the same meaning as provided in Title 8 M.R.S.A., Section 221-A, except that the term consumer fireworks does not include 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 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.

## **2. Exceptions**

This section shall not apply to a person issued a fireworks display permit issued by the State of Maine pursuant to Title 8 M.R.S.A., Section 227-A, or by the town of Kennebunkport.

## **3. Seizure and Disposal of Fireworks**

The Town may seize consumer fireworks that the Town has probable cause to believe are used, possessed or sold in violation of this Ordinance and shall forfeit seized consumer fireworks to the State of Maine for disposal.

## **4. Penalties**

A. Any person who uses, or possesses with the intent to use, consumer fireworks in violation of this Ordinance 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 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 costs shall be imposed.

B. Any person who sells, or possesses with the intent to sell, consumer fireworks in violation of this ordinance shall be punished by a fine of not less than five hundred dollars (\$500.00) plus costs. For second and subsequent offenses, a fine of not less than one thousand dollars (\$1000.00) per violation plus costs shall be imposed.