

**AN ORDINANCE PERTAINING TO CONSUMER FIREWORKS**

**THE CITY OF LEWISTON HEREBY ORDAINS:**

Chapter 50 of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

**OFFENSES AND MISCELLANEOUS PROVISIONS**

**ARTICLE VIII. SALE AND USE OF CONSUMER FIREWORKS**

**Sec. 50-220. Definitions.**

The following definitions shall apply in this section:

- (1) Consumer fireworks shall have 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 3<sup>rd</sup>-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 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.
- (2) 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. 50-221. Fireworks Restricted Use.**

The use, discharge or ignition of fireworks within the City of Lewiston’s restricted fire arms zone, Zone 2 as defined in Chapter 50, Section 107 of this Code, is prohibited.

The use, discharge or ignition of fireworks within the City of Lewiston’s restricted fire arms zone, Zone 1 as defined in Chapter 50, Section 107 of this Code, is permitted on and only on the dates of December 31, January 1, and July 4 provided, however, that:

- (1) The use, discharge, or ignition of fireworks is prohibited on all public property, including all public parks, public rights of way, and School Department property;
- (2) The use, discharge, or ignition of fireworks is prohibited on any day specified by the Fire Chief as presenting a high fire danger as identified by posting such designation on the City website;
- (3) The use, discharge, or ignition of fireworks shall not be permitted in close proximity to any building in the City of Lewiston by maintaining a distance of no less than 75' from said building;
- (4) No fireworks will be permitted before 10 a.m. and after 10 p.m. on July 4<sup>th</sup>;
- (5) No fireworks will be permitted before 10 a.m. on December 31<sup>st</sup>; and
- (6) No fireworks will be permitted between the hours of 1 a.m. and 10 a.m. or after 10 p.m. on January 1<sup>st</sup>.
- (7) The use of fireworks must be approved by the owner of the property where they are to be used.

**Sec. 50-222. Exception.**

This section does not apply to a person issued a fireworks display permit by the City of Lewiston and/or the State of Maine pursuant to 8 M.R.S.A. §227-A.

**Sec. 50-223. Violations.**

- (1) Any person who uses consumer fireworks or possesses consumer fireworks with the intent to use in the City of Lewiston in violation of this ordinance shall receive a citation.
- (2) The civil penalty set in accordance with the city's policy manual as approved by the city council shall be imposed for the issuance of citations. The Civil penalties imposed are cumulative.

**Sec. 50-224. Sale of Fireworks.**

The sale of fireworks in the City of Lewiston shall be prohibited within the City of Lewiston.

**Sec. 50-225. Seizure and disposal of fireworks.**

The City may seize consumer fireworks that the City has probable cause to believe are used, possessed, or sold in violation of this section. Seized consumer fireworks shall be forwarded to the State for disposal.

Note: Additions are underlined; deletions are ~~struck out~~.