



CITY OF SOUTH PORTLAND

ROSEMARIE DE ANGELIS  
Mayor

JAMES H. GAILEY  
City Manager

SUSAN M. MOONEY  
City Clerk

SALLY J. DAGGETT  
Jensen Baird Gardner & Henry

October 18, 2011

District One  
THOMAS S. COWARD

District Two  
PATRICIA A. SMITH

District Three  
ROSEMARIE DE ANGELIS

District Four  
MAXINE BEECHER

District Five  
JAMES HUGHES

At Large  
ALAN R. LIVINGSTON

At Large  
THOMAS E. BLAKE

Office of the State Fire Marshal  
52 State House Station  
Augusta, Maine 04333-0052

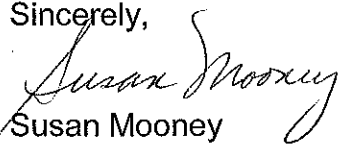
Re: ORDINANCE #5-11/12 – Amending Chapter 8, “Fire Protection and Prevention,” and Chapter 14, “Licenses, Permits and Business Regulations Generally,” regarding fireworks.

Good Morning,

I have enclosed a copy of the City of South Portland ordinance amendment regarding fireworks. The Ordinance passed roll call vote by a vote of 6-0 (Mayor De Angelis out of room) at the October 17, 2011 Council Meeting. It will go into effect on November 6, 2011, 20 days after passage.

Please feel free to follow up with this office should you have any questions.

Sincerely,

  
Susan Mooney  
City Clerk  
City of South Portland

Cc: Fire Chief Kevin Guimond, South Portland



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IN CITY COUNCIL

District One  
THOMAS S. COWARD

ORDINANCE #5-11/12

District Two  
PATRICIA A. SMITH

**THE COUNCIL** of the City of South Portland hereby ordains that Chapter 8, "Fire Protection and Prevention," and Chapter 14, "Licenses, Permits and Business Regulations Generally" of the "Code of Ordinances of the City of South Portland, Maine" be and hereby are amended as follows:

District Three  
ROSEMARIE DE ANGELIS

**CHAPTER 8**

**FIRE PROTECTION AND PREVENTION**

District Four  
MAXINE BEECHER

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**ARTICLE III. FIRE PREVENTION**

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District Five  
JAMES HUGHES

**Sec. 8-47. Bond and responsibility for fireworks display required.**

At Large  
ALAN R. LIVINGSTON

(a) The City Council shall require a bond from the licensee in a sum not less than one thousand dollars (\$1,000.00) conditioned on compliance with the provisions of this law and the regulations of the state fire marshal adopted hereunder, provided no municipality shall be required to file such bond.

At Large  
THOMAS E. BLAKE

(b) Before any permit for a pyrotechnic display shall be issued, the person, firm or corporation making application therefor shall furnish proof of financial responsibility to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of such person, firm or corporation or any agent or employee thereof, in such amount, character and form as the state fire marshal determines to be necessary for the protection of the public.

(c) The term "fireworks" as used in this section shall be as defined under State law, 8 M.R.S.A. § 221-A(4), as may be amended from time to time.

*Passed 10/17/11  
6-0 (DeAngelis  
out of Room)*

A TRUE COPY  
ATTEST: *Susan Mooney*  
CITY CLERK  
CITY OF SOUTH PORTLAND, MAINE

DATED 10/18 20 11

(d) The term "display" as used in this section shall be as defined under State law, 8 M.R.S.A. § 221-A(3), as may be amended from time to time.

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## **ARTICLE VIII. CONSUMER FIREWORKS**

### **Sec. 8-115. Definitions.**

As used in this Article, the following term shall have the meaning ascribed to it in this section:

Consumer Fireworks has the same meaning as the term set forth in 27 Code of Federal Regulations, Section 555.11, as may be amended from time to time, but includes only products that are tested and certified by a third 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.

### **Sec. 8-116. Prohibition.**

No person shall use, possess with the intent to use, sell, possess with the intent to sell or offer for sale consumer fireworks in the City; provided, however, that this Article does not apply to a person issued a fireworks display permit by the City and/or State of Maine pursuant to 8 M.R.S.A. § 227-A, as may be amended from time to time.

### **Sec. 8-117. Penalties.**

(a) Any person who uses consumer fireworks or possesses consumer fireworks with the intent to use them in the City 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 consumer fireworks or possesses consumer fireworks with the intent to sell them in the City 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 (\$1,000.00) per violation plus costs shall be imposed.

**Sec. 8-118. Seizure and Disposal.**

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

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**CHAPTER 14**  
**LICENSES, PERMITS AND BUSINESS REGULATIONS GENERALLY**

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**Sec. 14-2. Definitions.**

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*Fireworks* shall be as defined under State law, 8 M.R.S.A. § 221-A(4), as may be amended from time to time.

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Fiscal Note: Less than \$1,000

Dated: October 3, 2011