

FIRE ORDINANCE (Yarmouth Town Code Chapter 303)

ARTICLE I

A. TITLE

This ordinance shall be known and may be cited at the "FIRE ORDINANCE of the Town of Yarmouth, Maine."

B. PROHIBITION OF FIRES

1. It shall be unlawful for any person or persons to burn, kindle, ignite or set fire to any material on his/her own land or elsewhere, without first obtaining a permit from the Fire Chief.
2. It shall be unlawful for any person or persons to burn, kindle, set fire to or ignite any combustible material of any sort within the limits or any public way, within the Town of Yarmouth without written permission of the Fire Chief.
3. The Fire Chief shall, by publication in a newspaper or other publication having general circulation within the Town, prohibit or ban all outdoor burning of trash, leaves, grass, tree limbs, brush or other combustible materials for such a period of time as he/she deems necessary, when in his/her opinion a condition of serious fire hazard exists due to drought or other reasons. During the period of such prohibition or ban it shall be unlawful for any person or persons to set fire to, burn, kindle or ignite tree limbs, brush, lumber, leaves, straw, grass or other combustible materials anywhere out-of-doors, except that during such period of prohibition or ban the Chief may grant specific written permission for burning at such time and in such manner as he/she deems necessary to assure safe control of fire.
4. Pursuant to Chapter 306, Article III(3) of the Yarmouth Town Code, except for waste facilities licensed by the Maine Department of Environmental Protection, it shall be unlawful for any person to start, kindle, fuel, cause or allow the open burning or incineration of any solid waste within the Town other than trees, tree limbs, leaves and other wood waste. No solid waste shall be burned or incinerated within the Town without appropriate Town permits.

C. PROHIBITION OF SALE OR USE OF CONSUMER FIREWORKS

1. No person shall use, sell, possess with the intent to sell or offer for sale consumer fireworks within the Town of Yarmouth or from any watercraft within the waters of the Town of Yarmouth except as hereinafter provided.
 - i. Definition: For the purposes of this ordinance, "consumer

fireworks” shall have the same meaning as provided in Title 8 MRSA Section 221-A. 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 paper 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:

- i. This section shall not apply to a person issued a fireworks display permit issued by the State of Maine pursuant to Title 8 MRSA Section 227-A.

ARTICLE II

A. EQUIPMENT (omitted for presentation of draft only....this section regulates the use of Fire Department vehicles and equipment.)

ARTICLE III

A. GENERAL (omitted for presentation of draft only...this section deals with interfering with fire operations at a scene)

B. PENALTIES

Any person or persons found guilty of a violation of this Ordinance under ARTICLES I, II, or III shall be punished by a fine of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200) for each such violation to be recovered by complaint to the use of the inhabitants of the Town of Yarmouth.