

CONSUMER FIREWORKS

Chapter 96

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96-1 Definitions

As used in this Chapter, the following terms shall have the meanings:

- A. *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.
- öConsumer fireworksö does 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, ösky rockets and bottle rocketsö mean 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.
 - a. Fireworks shall be as defined under Maine State law, 8 MRSA §221(a)(4) as may be amended from time to time.
- 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.

96-2 Permit Required

- A. No person shall use, display, discharge, fire, or cause to be exploded, consumer fireworks within the Town of Windham without a permit, except that this ordinance shall not apply to a person issued a fireworks display permit by the

Town and/or State of Maine pursuant to 8 M.R.S.A. 227-A, as may be amended from time to time. The Town of Windham shall be exempt from the provisions of this ordinance.

- B. Permits shall be issued by the Windham Fire-Rescue Department in the same manner as burning permits pursuant to Chapter 95, the Windham Fire Prevention and Life Safety Code.
- C. No permit shall be issued on any day with a Fire Danger Class of 3, 4, or 5.
- D. A person may use consumer fireworks only on that person's property or on the property of a person who has consented, in writing, to the use of consumer fireworks on that property.

96-3 Use Restricted

- A. No person shall use, display, discharge, fire, or cause to be exploded, consumer fireworks within the Town of Windham, or in or from any watercraft within the waters of the Town except on the following days and during the following times:
 - 1. July 3rd, from 12:00 p.m. (noon) to 10:00 p.m.;
 - 2. July 4th, from 12:00 p.m. (noon) to 11:00 p.m.;
 - 3. December 31st, from 12:00 p.m. (noon) to 12:30 a.m. the following day;
 - 4. January 1st, from 12:00 p.m. (noon) to 10:00 p.m.; and
- B. No person shall use, display, discharge, fire, or cause to be exploded, consumer fireworks within one hundred fifty (150) feet of any buildings or structures.

96-4 Enforcement and Penalties

- A. Any person who uses consumer fireworks in the Town of Windham 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. Each incident shall constitute a separate violation.
- B. This ordinance shall be enforced by the Windham Police Department.
- C. In addition to any other remedies available at law or equity the Town of Windham, acting through its Town Manager, may apply to any court of competent jurisdiction to enjoin any planned, anticipated, or threatened violation of this ordinance.

96-5 Seizure and Disposal

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

Enacted by Order 16-168 on October 25, 2016

Effective November 26, 2016