

# Consumer Fireworks Ordinance

## Town of Dedham, Maine

### **Section 1 Purpose and Authority**

- A. Purpose: This Ordinance governs the use of consumer fireworks to ensure the safety of the residents/property owners of the Town of Dedham and the general public; as well as ensuring the health and quality of our 16 lakes and ponds.
- B. Title and Authority: This Ordinance shall be known as the “Consumer Fireworks Ordinance.” It is adopted pursuant to the enabling provisions of the Maine Constitution, the provisions of 30-A M.R.S. § 3001, the provisions of P.L. 2011, Ch. 416, § 5 (effective January 1, 2012), codified at 8 M.R.S. § 223-A.

### **Section 2 Definitions**

The following words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Consumer Fireworks: “Consumer fireworks” has 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 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” includes, but is not limited to, 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;
- C. Sky rockets and bottle rockets. For purposes of this definition, “sky rockets and bottle rockets” 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;
- D. Firecracker type explosives and mortars.

### **Section 3 Use of Consumer Fireworks Prohibited**

The use of consumer fireworks within the Town of Dedham is permitted between the hours of 12:00PM and 10:30PM local time on July 3 and July 4 of each year.

All other days of the consumer fireworks are not permitted for use within the Town of Dedham.

### **Section 4 Exceptions**

This Ordinance does not apply to a person issued a fireworks display permit by the Town of Dedham Fire Chief and/or the State of Maine pursuant to 8 M.R.S. §227-A.

## **Section 5 Violation Penalties and Enforcement**

- A. Penalty for Violation: For each violation of a provision of this Ordinance or other failure to comply with any of the requirements thereof, the person shall be subject to a fine of not less than \$100 and not more than \$2,500, plus attorney's fees and costs.
- B. Enforcement: This Ordinance shall be enforced by the Town of Dedham governing body and its agents.
- C. Injunction: In addition to any other remedies available at law or equity, the Town of Dedham, acting through its Board of Selectmen, may apply to any court of competent jurisdiction to enjoin any planned, anticipated or threatened violation of this Ordinance.
- D. Seizure and Disposal: The Town may seize consumer fireworks that the Town has probably cause to believe are used or sold in violation of this Ordinance and shall forfeit seized consumer fireworks to the State for disposal.

## **Section 6 Effective Date**

This Ordinance takes effect immediately upon adoption.

## **Section 7 Severability**

Should any section, subsection or portion of this Ordinance be declared by any court of competent jurisdiction to be invalid for any reason, such a decision shall not be deemed to invalidate any other section, subsection or portion of this Ordinance.

Enacted: June 15, 2023