

**Town of Lincolnville
Consumer Fireworks Use Ordinance**

Section 1. Purpose.

This ordinance governs the use of consumer fireworks within the limits of Lincolnville to ensure the safety of residents, taxpayers and visitors of the Town of Lincolnville and to mitigate disturbance of humans and domestic and wild animals.

Section 2. Title and Authority.

This ordinance shall be known as the “Town of Lincolnville Consumer Fireworks Use Ordinance.” It is adopted pursuant to 30-A M.R.S.A. § 3001 and 8 M.R.S.A. § 223-A(2), both as may be amended from time to time.

Section 3. Definitions.

As used in this ordinance, the following terms shall have the following meanings respectively ascribed to them:

Consumer Fireworks shall have 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 including the following products, which are illegal to sell, use or possess in Maine:

- (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, “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.

Display shall have the same meaning as that term is defined under State law, 8 M.R.S.A. § 221-A(3), as may be amended from time to time.

Fireworks shall have the same meaning as that term is defined under State law, 8 M.R.S.A. § 221-A(4), as may be amended from time to time.

Person shall mean any individual, partnership, limited liability company, corporation, governmental entity, association, or public or private organization of any character.

Town shall mean the Town of Lincolnville.

Section 4. Prohibitions.

No person shall use consumer fireworks in the Town except in accordance with Section 5 below.

Section 5. Limitation on the Use of Consumer Fireworks.

- (a) The use of consumer fireworks is prohibited on any day rated a Fire Danger Class of 4 or 5, as determined by the State of Maine Department of Conservation's Maine Forest Service.
- (b) The use of consumer fireworks on Town owned property is prohibited.
- (c) Consumer fireworks may be used in the Harbor, Limited Commercial, Limited Residential, Resource Conservation, Resource Protection and Stream Protection zoning districts as depicted on the Town of Lincolnville Official Land Use Map, as may be amended from time to time, on the following dates and during the following times (with the less restrictive provision controlling if there is a conflict between subsections (1), (2) and (3)):
 - (1) From April 1 to October 31, on Friday, Saturday and Sunday evenings beginning at 7:00 p.m. and ending at 10:00 p.m., with the duration of such use not to exceed one hour per day;
 - (2) July 4, beginning at 9:00 a.m. and ending at 12:30 a.m. on July 5; and
 - (3) the Saturday and Sunday immediately before and after July 4, beginning at 9:00 a.m. and ending at 12:30 a.m. on the following day.
- (d) Consumer fireworks may be used in the Harbor, Limited Commercial, Limited Residential, Resource Conservation, Resource Protection and Stream Protection zoning districts as depicted on the Town of Lincolnville Official Land Use Map, as may be amended from time to time, on the following dates and during the following times:
 - (1) From November 1 to March 31, beginning at 9:00 a.m. and ending at 10:00 p.m., except that on the following dates they may also be used as follows:
 - a. December 31, beginning at 9:00 a.m. and ending at 12:30 a.m. on January 1; and
 - b. the Saturday and Sunday immediately before and after December 31, beginning at 9:00 a.m. and ending at 12:30 a.m. on the following day.
- (e) Consumer fireworks may be used in the General zoning district as depicted on the Town of Lincolnville Official Land Use Map, as may be amended from time to time, on the following dates and during the following times:
 - (1) Beginning at 9:00 a.m. and ending at 10:00 p.m., except that on the following dates they may also be used as follows:
 - a. July 4, beginning at 9:00 a.m. and ending at 12:30 a.m. on July 5;
 - b. December 31, beginning at 9:00 a.m. and ending at 12:30 a.m. on January 1; and
 - c. the Saturday and Sunday immediately before and after July 4 and December 31, beginning at 9:00 a.m. and ending at 12:30 a.m. on the following day.

- (f) A person may use consumer fireworks only on that person's property or on the property of a person who has consented to the use of consumer fireworks on that property.
- (g) Nothing in this Ordinance shall be construed to apply to a person issued a fireworks display permit by the State of Maine pursuant to 8 M.R.S.A. § 227-A, as may be amended from time to time.
- (h) Nothing in this Ordinance shall be construed to allow the use of any fireworks or consumer fireworks that are prohibited by State law.

Section 6. Penalties.

Any person who uses consumer fireworks in violation of Section 5 above in the Town commits a civil violation for which a fine of not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00), plus court costs, may be adjudged for any one offense.

Section 7. Enforcement.

This Ordinance shall be enforced by the Town's duly authorized law enforcement provider or any other duly authorized agent of the Town approved by the Selectmen to enforce this Ordinance.

Section 8. Severability.

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

Section 9. Effective Date.

This Ordinance shall be effective upon adoption by Town Meeting.