

Fireworks Use Ordinance

Section 1: Purpose

The purpose of this Ordinance is to regulate the use of consumer fireworks to ensure the safety of the residents and the property owners of the Town of Lincoln and of the general public. This Ordinance does not regulate State permitted fireworks shows.

Section II: Authority

Section 2.1-Authority

This ordinance is adopted and hereafter amended pursuant to and consistent with Title 8 M.R.S.A §223 A.2.

Section III: Definitions

Section 3.1- Consumer Fireworks

As used in the Ordinance, "Consumer Fireworks" means any fireworks that is authorized by the State of Maine for sale to the general public

Section 3.2- Weekend

As used in the Ordinance, the "Weekend" is the period from 5:00PM Friday through 10:00 P.M. Sunday.

Section IV: Use of Consumer Fireworks

Section 4.1 Limits on hours and dates

During the months of September-May consumer fireworks may only be utilized Friday 1PM-Sunday 7PM, except the following date(s) they may be used 9AM-12:30AM the following day:

- a. December 31st
- b. The weekends immediately before and after December 31st

During the months of June-August consumer fireworks may be utilized between 10:00 A.M. and 10:00 P.M. each day except the following date(s) they may be used 10:00 A.M.- 12:00 P.M.

- a. July 4th
- b. The weekends immediately before and after July 4th

Section 4.2 Limits on Location

A person may use, display, fire or cause to be exploded 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 either by written or verbal consent. Fireworks are prohibited from being used, displayed, fired or caused to be exploded within 1000 feet of any housing or care facility for senior citizens or disabled

person(s). Consumer fireworks are prohibited on all public property, unless an exception is made via the Lincoln Town Council.

Section 4.3 Limits on Conditions

A person may use, display, fire or cause to be exploded consumer fireworks only when fire danger levels are determined to be low or moderate by the Town Of Lincoln Fire Department.

Section 4.4 Debris

A person may not use, display, fire or cause to be exploded consumer fireworks in a manner that does not contain all falling debris from the fireworks to the user's property.

Section 4.5 Visible Intoxication or Impairment

A person may not use, display, fire or cause to be exploded consumer fireworks while intoxicated or impaired due to use of alcohol or drugs.

Section 4.6 Red Flag Warning

A person may not use, display, fire or cause to be exploded consumer fireworks on days that are designated by the Maine Forest Service and or NOAA as Red Flag Warning days. It is the sole responsibility of persons using consumer fireworks to ascertain the fire danger rating for the day that the consumer fireworks are used.

Section 4.7 Safety

A person chooses to use, display, fire or cause to be exploded consumer fireworks must have a water hose available or fire extinguisher available to put out any spark or fire caused by said consumer fireworks.

Section 4.8 Cessation after Single Complaint

Upon complaint from a single household to Lincoln's Public Safety Department, the Public Safety Director or designee shall have the authority to require that the person(s) complained about cease the use, display, firing, or explosion of consumer fireworks if in the judgment of the official the complainant has special aggravating circumstances such as a sick family member or the presence of animals in the area and the propensity of such animals to suffer adverse health effects from exposure to the noise accompanying fireworks, or, as a result of fear resulting from exposure to such noise, may endanger others. The length of the cessation required will be at the discretion of the Public Safety Director or designee. In instances where the required cessation extends beyond the 12 hour period from the time of notification to cease, the person(s) complained about will be provided with the cessation order in writing.

Section 4.9 Cessation after multiple Complaints

Upon complaints from multiple households to Lincoln's Public Safety Department, the Public Safety Director or designee shall have the authority to require that the person(s) complained about immediately cease the use, display, firing, or explosion of consumer fireworks for a 12 hour period from the time of notification to cease if the official determines that any such activity disturbs the quiet, comfort or repose of any reasonable person located within or upon any residential premises. In instances where the required cessation extends beyond the 12 hour period from the time of notification to cease, the person(s) complained about will be provided with the cessation order in writing.

Section V Enforcement and Penalty

Section 5.1 Penalty for Violation

Any person who violates the provisions of this Ordinance shall commit a civil violation punishable by a penalty of not less than one hundred dollars (\$250.00) and not more than five hundred dollars (\$500.00) plus attorney's fees and costs to be recovered by the Town of Lincoln for its use. Each day such violation occurs or continues to occur shall constitute a separate violation.

Section 5.2 Enforcement

This Ordinance shall be enforced by the Town of Lincoln Public Safety department.

Section VI Exceptions

Section 6.1

This Ordinance does not apply to any person(s) who has obtained a permit under 8 M. R. S. §227-A to conduct a display of fireworks.