

# **FIREWORKS USE ORDINANCE - (adopted 01/08/2018)**

## **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 31<sup>st</sup>
- b. The weekends immediately before and after December 31<sup>st</sup>

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 4<sup>th</sup>
- b. The weekends immediately before and after July 4<sup>th</sup>

### 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. 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).

#### 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 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 (\$100.00) 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.