



## CONSUMER FIREWORKS ORDINANCE

(Effective June 18, 2012)

### Section 1. Purpose and Authority.

- a) Purpose. This ordinance governs and prohibits the sale and use of consumer fireworks to ensure the safety of the residents and property owners of the City of Waterville and of the general public.
- 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.A § 3001, and the provisions of P.L. 2011, ch. 416, § 5 (effective Jan. 1, 2012), *codified at* 8 M.R.S.A § 223-A.

### Section 2. Definitions.

The following words, terms and phrases, when used in this chapter, 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 3rd-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 include the following products:

- a) Missile-type rockets, as defined by the State Fire Marshal by rule;
- b) Sky rockets and bottle rockets. For purposes of this definition, "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.

### Section 3. Sale of Consumer Fireworks Prohibited.

No person shall sell or offer for sale consumer fireworks within the City of Waterville

### Section 4. Use of Consumer Fireworks Prohibited.

No person shall use, fire, or cause to be exploded consumer fireworks within the City of Waterville.

### Section 5. Violation and Enforcement.

- a) **Penalty for sale violation.** Any person who violates the provisions of this Ordinance shall commit a civil violation punishable by a penalty of not less than three hundred dollars (\$300.00) and not more than five hundred dollars (\$500.00) plus attorney's fees and costs for the first offense, and a penalty of not less than six hundred dollars (\$600.00) and not more

than one thousand dollars (\$1,000.00) plus attorney's fees and costs for subsequent offenses, to be recovered by the City of Waterville for its use. Each day such violation occurs or continues to occur shall constitute a separate violation and fines imposed may not be suspended.

- b) **Penalty for use violation.** Any person who violates the provisions of Section 4 (Use of Consumer Fireworks Prohibited) shall commit a civil violation punishable by a penalty of not less than two hundred dollars (\$200.00) and not more than four hundred dollars (\$400.00) plus attorney's fees and costs for the first offense, and a penalty of not less than three hundred dollars (\$300.00) and not more than six hundred dollars (\$600.00) plus attorney's fees and costs for subsequent offenses, to be recovered by the City of Waterville for its use. Each day such violation occurs or continues to occur shall constitute a separate violation. Any fines imposed may not be suspended.
- c) **Enforcement.** This Ordinance shall be enforced by the Waterville Police Department.
- d) **Injunction.** In addition to any other remedies available at law or equity, the City of Waterville, acting through its City Manager, may apply to any court of competent jurisdiction to enjoin any planned, anticipated or threatened violation of this Ordinance.
- e) **Seizure & disposal of consumer fireworks.** The City may seize consumer fireworks that the City has probable 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. Exceptions.**

This section does not apply to a person issued a fireworks display permit by the State of Maine pursuant to 8 M.R.S.A. §227-A.

#### **Section 7. Severability.**

In the event that any section, subsection or portion of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance.

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**APPROVED**

Waterville City Council  
Approved: June 5, 2012  
Effective: June 18, 2012  
(Ordinance 111-2012)