

**TOWN OF MOUNT VERNON
CONSUMER FIREWORKS ORDINANCE**

Section I. Purpose.

This ordinance governs the use of consumer fireworks to ensure the safety of the residents and property owners of the Town of Mount Vernon and of the general public.

Section II. Title and authority.

This ordinance shall be known as the “Town of Mount Vernon Consumer Fireworks Ordinance.” It is adopted pursuant to the enabling provisions of the Maine Constitution, the provisions of 30-A M.R.S. § 3001, and the provisions of P.L. 2011, ch. 416, § 5 (effective Jan. 1, 2012, *codified at 8 M.R.S. § 223-A.*

Section III. Definitions.

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” excludes:

1. Missile-type rockets, as defined by the State Fire Marshal by rule.
2. Helicopters and aerial spinners, as defined by the State Fire Marshall by rule; and

Sky rockets and bottle rockets. For purposes of this paragraph “sky rockets and bottle rockets” means cylindrical tubes containing not more than twenty 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 IV. Use of Consumer Fireworks.

- A. No person shall use, display, fire, or cause to be exploded consumer works within the Town of Mount Vernon except in compliance with all federal, state, and local laws, ordinances, rules, and regulations.
- B. The use of consumer fireworks within the Town of Mount Vernon is further restricted as follows:
 1. The town assumes no liability for injuries or destruction of property that results from the use of consumer fireworks.

2. A person shall use consumer fireworks only on that person's property or on the property of a person who has consented to such use. Consumer fireworks may not be used on, in or from any watercraft located within the waters of the Town.
3. The use of consumer fireworks on public property, including roadways is prohibited.
4. Consumer fireworks shall not be used within fifty (50) feet of any combustible structure, overhead power lines, public right of way, or forest. In addition, consumer fireworks shall not be used within two hundred and fifty (250) feet of a licensed daycare, school, church, gas station, or any business which distributes liquid fuels, or a pasture with livestock present.
5. A person shall not use consumer fireworks on any day that the forest fire danger is a Class 4 or Class 5 as specified by the Maine Forestry Service.
6. Consumer fireworks shall not be used, displayed, fired, or exploded over any waterbodies within the Town of Mount Vernon.
7. **Days and Hours of Use.**
 - a. The use of consumer fireworks is restricted in the Shoreland Zone and the Village District to only the following days of the year: July 3, July 4, July 5, December 31, January 1, Memorial Day, the two days prior to Memorial Day, Labor Day, and the two days prior to Labor Day. In the Shoreland Zone and in the Village District, the hours consumer fireworks may be used on the permitted days is 9 am until 12:30 am the following day.
 - b. In all areas of Mount Vernon other than the Shoreland Zone and the Village District, the use of consumer fireworks is prohibited every day between the hours of 12:30 am and 9 am.
 - c. The use of fireworks that have a negligible sound effect (not to exceed forty-five decibels) such as sparklers, morning glories, and fountains can be used any day of the year in any district, as long as they are used in accordance with other provisions of this ordinance.

Section V. Violation and Enforcement.

- A. Penalty for Use Violation:** Any person who violates the provisions of this Ordinance shall commit a civil violation punishable by a penalty of not less than Two Hundred Dollars (\$200.00) and not more than One Thousand Five Hundred Dollars (\$1500.00) for each offense, plus attorney's fees and costs, to be recovered by the Town of Mount Vernon for its use. Each day a violation occurs or continues to occur shall constitute a separate violation.
- B. Enforcement:** This Ordinance shall be enforced by the Town of Mount Vernon Code Enforcement Officer or by a law enforcement officer, upon request of the Select Board.
- C. Injunction.** In addition to other remedies available in law or equity, the Town may apply to any court of competent jurisdiction to enjoin any planned, anticipated, or threatened violation of this Ordinance and to prohibit further and continued violation thereof.

- D. **Seizure and Disposal of Consumer Fireworks:** The Town may seize consumer fireworks that the Town 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.
- E. **Exceptions.** Pursuant to 8 M.R.S. § 221-237, particularly section 227-A, nothing in this Ordinance shall be construed to limit or regulate commercial fireworks displays or the issuance of permits for fireworks displays by the Commissioner of Public Safety or a designee.

Section VI. Severability.

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of the Ordinance.

Section VII. Effective Date.

This Ordinance shall take effect on _____, 2022.