

# TOWN OF WILTON CONSUMER FIREWORKS ORDINANCE

## REGULATING THE USE OF CONSUMER FIREWORKS IN WILTON, MAINE (Governing directive - Maine Revised Statute Title 8, Chapter 9-A, Sections 221-237)

### **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 Wilton and of the general public.

### **Section II. Title and authority.**

This ordinance shall be known as the "Town of Wilton 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 III. Definitions.**

As used in this ordinance, unless the context otherwise indicates, the following terms have the following meanings:

**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 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.

### **Section IV. Use of Consumer Fireworks.**

- A. No person shall use, display, fire, or cause to be exploded consumer fireworks within the Town of Wilton except on Class I (low) and Class II (moderate) National Fire Danger Rating System Days, as designated by the Maine Forest Service.

- B. No person shall use, display, fire, or cause to be exploded consumer fireworks within the Town of Wilton on Class III (high) National Fire Danger Rating System Days, as designated by the Maine Forest Service without a permit from the Wilton Fire Department.
- C. No person shall use, display, fire, or cause to be exploded consumer fireworks within the Town of Wilton on Class IV (very high) and Class V (extreme) National Fire Danger Rating System Days, as designated by the Maine Forest Service.
- D. No person shall use, display, fire or cause to be exploded consumer fireworks within the Downtown Village Zone or the Residential I Zone.
- E. No person shall use, display, fire, or cause to be exploded consumer fireworks on public property without a permit from the Town of Wilton.
- F. Unless otherwise stipulated in this Ordinance, all use of consumer fireworks shall be in accordance with the provisions of 8 M.R.S.A. § 221-237 and any revisions thereto.

**Section V. Seizure, Forfeiture and Disposal of Consumer Fireworks.**

The Town may seize consumer fireworks that the Town has probable cause to believe are used in violation of this Ordinance and shall forfeit seized consumer fireworks to the State for disposal. Fireworks may not be disposed of at the Wilton Transfer Station.

**Section VI. Conflicts with Other Rules, Regulations or Laws.**

Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawfully adopted Federal, State, or Local law, rule or ordinance, the requirements of the most restrictive or higher standard shall govern, unless, the provisions of the local ordinance are preempted by Federal or State laws or regulations.

**Section VII. Severability.**

In the event that any section, subsection, or any provision 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, sub-section, or other portion of this ordinance. To that end, the provisions of this ordinance are hereby declared severable.

**Section VIII. Penalties.**


Any person who violates any provision of this ordinance or the permit issued by the Town of Wilton for the use of consumer fireworks, commits a civil violation for which a fine of not less than two hundred dollars (\$200.00) and not more than five hundred dollars (\$500.00) may be imposed for each day such offense continues and the Town's reasonable fees and

expenses, including attorneys fees. Each day such violation occurs or continues to occur shall constitute a separate violation. Any violation of this ordinance may be deemed a nuisance.

**Section IX. Effective Date.**

This Ordinance shall become effective on the date of adoption by the Town of Wilton.

Enacted: June 10, 2013

Signed:   
Diane Dunham, Town Clerk