

OLD

Town of Waldoboro



Consumer Firework Ordinance

Section 1 Purpose and Authority

- A. Purpose: This Ordinance governs the use of consumer fireworks to ensure the safety of the residents and property owners of the Town of Waldoboro and of the general public.
- B. Title and Authority: This Ordinance shall be known as the "Town of Waldoboro Consumer Fireworks Ordinance" and will be referred to herein as "this Ordinance." This Ordinance is adopted pursuant to the enabling provisions of Maine Constitution, the provisions of 30-M.R.S. ss 3001, the provisions of P.L. 2011, Ch. 416, ss 5 (effective January 1, 2012), codified at 8 M.R.S. ss 223-A.

Section 2 Definitions

The following words, terms and phrases, when used in this Ordinance, 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 provisions, 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. Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and
- c. Sky rockets and bottle rockets. For the purposes of 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 height of flight.

- D. Seizure & Control. 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 of disposal.

Section 6 EFFECTIVE DATE.

This Ordinance takes effect immediately upon adoption.

Section 7 SEVERABILITY.

Should any section, subsection or portion of this Ordinance be declared by any court of competent jurisdiction to be invalid for any reason, such a decision shall not be deemed to invalidate any other section, subsection or portion of this Ordinance.

Given under our hands at Waldoboro, Maine this tenth day of April A.D., 2012.

Attest to All:

Steve Cartwright, Chairman

Rebecca B. Maxwell, Vice-chair

John A. Spear
Town Manager

Theodore M. Wooster

Craig E. Cooley

**Town of Waldoboro
Board of Selectmen**

Attest: A true copy of an ordinance entitled "Town of Waldoboro, Maine Consumer Fireworks Ordinance." as certified to me by the Municipal Officers of Waldoboro, Maine on April 10, 2012.

Linda E. Perry, Town Clerk
Town of Waldoboro, Maine

Town Seal