TOWN OF CAMDEN ORDINANCE TO REGULATE THE SALE AND/OR USE OF CONSUMER FIREWORKS

Section 1. Findings and Purpose

(a) The Town of Camden finds that the Maine state legislature approved legislation to make the sale and/or use of consumer fireworks legally permissible, and that said amendments to the M.R.S.A., Title 8, Amusements and Sports, Chapter 9-A, Fireworks, take effect on January 1, 2012. Said legislation also allows a municipality to adopt an ordinance to prohibit or restrict the sale and/or use of consumer fireworks.

(b) The Town of Camden finds that the sale and use of the consumer fireworks identified in the State law could pose a threat to the public health, safety and/or welfare. The Town of Camden further finds that it is in the best interests of the Town of Camden and public to prohibit the sale and use of consumer fireworks in the Town of Camden by adopting local ordinance provisions, as allowed by the relevant State law.

Section 2. Definitions

The following definitions shall apply in this section:

(a) *Consumer fireworks* shall have the same meaning as set forth in Title 27 Code of Federal Regulations, Section 555.11 or subsequent provision. Consumer fireworks shall include only those products that have been tested and certified by a third-party testing laboratory as conforming with United States Consumer Product Safety Commission standards, established pursuant to Title 15 United States Code, Chapter 47. "Consumer fireworks" shall not include the following products:

(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.

(b) *Display* means an entertainment feature where the public or a private group is admitted or permitted to view the display or discharge of fireworks or special effects.

Section 3. Prohibition

No person or legal entity shall use or sell consumer fireworks in the Town of Camden. This section, however, does not apply to a person or legal entity issued a fireworks display permit by the State of Maine pursuant to 8 M.R.S.A. §227-A, as amended.

Section 4. Penalties, Prosecution and Legal Fees.

Any prosecution under this Ordinance shall be initiated and conducted by the Camden Police Department.

(a) Any person who uses consumer fireworks within the Town of Camden shall be punished by a fine of not less than two hundred dollars ($200.00) and not more than four hundred dollars ($400.00) plus court costs. For second and subsequent offenses, a fine of not less than three hundred dollars ($300.00) and not more than six hundred dollars ($600.00) per violation plus court costs shall be imposed;

(b) Any person who sells consumer fireworks within the Town of Camden shall be punished by a fine of not less than five hundred dollars ($500.00) plus costs. For second and subsequent offenses, a fine of not less than one thousand dollars ($1,000.00) per violation plus costs shall be imposed;

(c) The Town of Camden may seek equitable and injunctive relief, including but not limited to Temporary or Permanent Injunctive orders, so as enforce the provisions of this Ordinance; and,

(d) Any person or legal entity found in violation of this Ordinance by a court of competent jurisdiction shall pay the Town of Camden's legal fees incurred in any prosecution under this ordinance.

Section 5. Seizure and Disposal.

The Town of Camden may seize consumer fireworks that the Town of Camden has probable cause to believe are sold or used in violation of this section and shall forfeit seized consumer fireworks to the State Fire Marshall's office, or such other authorized State Department, for disposal.\

Historical Note: Adopted by Special Town Meeting Vote on December 20, 2011.