



Town of South Thomaston, Maine
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Consumer Fireworks Ordinance

Section 1 Purpose and Authority

- A. Purpose: This Ordinance governs the use of consumer fireworks to ensure the safety and provide for the tranquility of the residents and property owners of the Town of South Thomaston and of the general public.
- B. Title and Authority: This Ordinance shall be known as the "Town of South Thomaston 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 Title 30-A M.R.S.A. § 3001, and Title 8 M.R.S.A. § 223-A.

Section 2 Definitions

- A. 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:
 - 1. 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 third-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: Missile-type rockets, as defined by the State Fire Marshal by rule; helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and 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.[Kristin C1]

Section 3 Use

- A. This Ordinance allows the use of consumer fireworks within the Town of South Thomaston subject to the following requirements. A person may:

1. not use consumer fireworks when the fire danger, as designated by the Maine Forest Service, is a class 5 fire-danger day.
 2. only use consumer fireworks on that person's property or the property of a person who has consented to the use of consumer fireworks on that property.
 3. use consumer fireworks only during the period from 2:00 PM to ninety minutes after sunset, with the exception of July 4 and the weekends immediately before and after July 4, during which consumer fireworks may be used between 2:00 PM and 11:00 PM; and December 31 on which consumer fireworks may be used during the period from 2:00 PM to 12:30 AM of the following day.
- B.** Nothing in this Ordinance shall be construed to prevent lease or rental agreements, subdivision covenants, condominium bylaws, and similar private agreements from prohibiting or further restricting the possession or use of consumer fireworks on property subject to such private agreements.

Section 4 Exceptions

- A.** This Ordinance 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.
- B.** This Ordinance does not apply to a person utilizing pyrotechnic devices in pest-dispersal operations in the agricultural production of blueberries.

Section 5 Violation, Penalties and Enforcement

- A.** Penalty for Violation: For each violation of a provision of this Ordinance or other failure to comply with any of the requirements thereof, the person may be subject to a fine of not less than \$100 and not more than \$2,500, plus any attorney's fees and costs.
- B.** Enforcement. This Ordinance is subject to enforcement by the Knox County Sheriff's Department in addition to any other remedies available at law or equity. The Knox County Sheriff's Department may seize consumer fireworks that it has probable cause to believe are being used in violation of this Ordinance and shall forfeit seized consumer fireworks to the State for disposal.
- C.** The Town of South Thomaston, acting through its Municipal Officers, may apply to any court of competent jurisdiction to enjoin any planned, anticipated, or threatened violation of this Ordinance.

Section 6 Effective Date

- A.** This Ordinance takes effect immediately upon adoption by the South Thomaston Town Meeting.

Section 7 Severability

- A. 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.

Town of South Thomaston Selectboard

Jan Gaudio, Chair

Cheryl Waterman

Walter Reitz

