

## CHAPTER 24. PUBLIC SAFETY

### Article 1. Fireworks

#### Sec. 1-1. Sale and Use of Consumer Fireworks.

A. *Definitions.* The following definitions shall apply in this section:

- (1) *Consumer fireworks* shall have 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 3<sup>rd</sup>-party testing laboratory as conforming with United States Consumer Product Safety Commission standards in accordance with 15 United State 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 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.
- (2) *Person* shall mean any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other organization.
- (3) *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.

B. *Prohibition.* The use, discharge, or ignition of consumer fireworks in the Town of Lisbon is prohibited\* with the following exceptions:

- (1) District Restrictions. ~~The use, discharge, or ignition of consumer fireworks is allowed in the Residential and Village Land Use Districts as those Districts are defined in the Town' Zoning Ordinance and Zoning Map~~ **None.**
- (2) Time and Date Restrictions. The use, discharge, or ignition of consumer fireworks is limited to the following dates, ~~and~~ times, **and conditions:**

- a. July 4<sup>th</sup> between the hours of 10:00 A.M. ~~and 10:00 P.M.~~  
**through July 5<sup>th</sup> at 1:00 A.M.**
  - b. December 31<sup>st</sup> between the hours of 10:00 A.M. through January 1<sup>st</sup> at 1:00 A.M.
  - c. January 1<sup>st</sup> between the hours of 10:00 A.M. and 10:00 P.M.
  - d. **The use discharge and ignition is prohibited on** ~~On~~ any day specified by the Town Fire Warden as presenting a high fire danger.
- (3) Notwithstanding the ~~following~~ **above Section 2,** the use, discharge, or ignition of consumer fireworks is prohibited in the following areas:
- All public property including public parks, public rights-of-way, and school department property
  - Within Seventy-Five Feet (75') of any building within the Town of Lisbon
- C. *Exception.* This Article does not apply to a person issued a fireworks display permit by the Town of Lisbon and/or the State of Maine pursuant to 8 M.R.S.A. § 227-A.
- D. *Permits for Sale of Consumer Fireworks Within the Town of Lisbon.* The sale of consumer fireworks within the Town of Lisbon shall be permitted providing that all required State of Maine licensing has been obtained by the seller together with a valid sales permit issued by the State Fire Marshall's Office and/or the Town of Lisbon, and that all regulations regarding the sale are complied with.
- E. *Penalties.*
- (1) Any person who uses, discharges or ignites consumer fireworks in the Town of Lisbon in violation of this Ordinance shall be punished by a penalty as follows:
- |  |          |
|--|----------|
| First Citation                           | \$110.00 |
| Second Citation                          | \$215.00 |
| Third Citation                           | \$425.00 |
| Fourth Citation and Subsequent Citations | \$850.00 |
- (2) Any penalty assessed under this Ordinance shall inure to the benefit of the Town of Lisbon. In addition to any penalty, the Town shall also recover any costs of prosecution of a violation of this Ordinance, including its reasonable attorney's fees.
- F. *Seizure and disposal of fireworks.* The Town may seize consumer fireworks that the Town has probable cause to believe are used or attempted to be used, offered for sale or sold, in violation of this Article. Upon conviction of the person from whom the fireworks were seized of violating this section with respect to those fireworks, the fireworks shall be forfeited to the Town.

Upon forfeiture, seized fireworks shall be forwarded to the State for disposal.

\* Editor's note: State law prohibits the sale and possession of all fireworks, with the exception of consumer fireworks, see 8 M.R.S.A. § 223.