



Town of Gorham

Consumer Fireworks Ordinance

**Adopted August 7, 2012
Effective September 6, 2012**

SECTION 1: Purpose

1.1 This Ordinance regulates the use of consumer fireworks to ensure the safety of the residents and property owners of the Town of Gorham and of the general public.

SECTION 2: Title and Authority

2.1 This Ordinance shall be known as the "Town of Gorham 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 8 M.R.S.A. § 223-A.

SECTION 3: Definitions

3.1 The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

3.2 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" does not include the following products which are illegal to sell, use, or possess in Gorham or the State of Maine:

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 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 the height of flight.

3.3 Display or Commercial Grade Fireworks – Fireworks that only trained and licensed pyro-technicians may handle and are regulated by the State of Maine and Federal Law.

SECTION 4: Permit Required

4.1 No person shall use, display, fire, or cause to be exploded, consumer fireworks within the Town of Gorham without a permit. This Section shall not apply to a person in possession of a fireworks display permit by the State of Maine pursuant to Title 8, MRSA Section 227-A.

4.2 No permit shall be issued on any day with a Fire Danger Class of 3, 4, or 5.

4.3 A person may use consumer fireworks only on that persons property or on the property of a person who has consented, in writing, to the use of consumer fireworks on that property.

SECTION 5: Use of Consumer Fireworks Restricted

5.1 No person shall use, display, fire, or cause to be exploded, consumer fireworks within 150 feet of any buildings or structures.

5.2 A person shall not use, display, fire, or cause to be exploded consumer fireworks within the Town of Gorham or in or from any watercraft within waters of the Town except on the following days and during the following times:

- A) July 3rd, beginning at 12pm (noon) and ending at 10pm;
- B) July 4th, beginning at 12pm (noon) and ending at 11 p.m.;
- C) December 31st, beginning at 12pm (noon) and ending at 12:30 a.m. the following day; and
- D) January 1st, beginning at 12pm (noon) and ending at 10:00 p.m.
- E) Every Saturday beginning at 12pm (noon) and ending at 10pm.

SECTION 6: Violation and Enforcement

6.1 PENALTY FOR VIOLATION: Any person who violates the provisions of this Ordinance shall commit a civil violation punishable by a penalty of not less than two hundred dollars (**\$200.00**) and not more than five hundred dollars (\$500.00) plus attorney's fees and costs to be recovered by the Town of Gorham for its use. Each incident shall constitute a separate violation.

6.2 ENFORCEMENT: This Ordinance shall be enforced by the Town of Gorham Police Department.

6.3 INJUNCTION: In addition to any other remedies available at law or equity, the Town of Gorham, acting through its Town Manager, may apply to any court of competent jurisdiction to enjoin any planned, anticipated or threatened violation of this Ordinance.

6.4 SEIZURE & DISPOSAL OF CONSUMER FIREWORKS: The Town may seize consumer fireworks that the Town has probable cause to believe are used or sold in violation of this Ordinance and shall forfeit seized consumer fireworks to the State for disposal.

SECTION 7: Exceptions

7.1 This Ordinance does not apply to a person or group of persons issued a fireworks permit by the Town of Gorham pursuant to the State of Maine in accordance with 8 M.R.S.A. §§ 227-A to 237.

7.2 The Town of Gorham is exempt from the provisions of this Ordinance.

SECTION 8: Severability

8.1 In the event that any section, subsection or portion 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, subsection or portion of this Ordinance.