



# GARDINER CITY COUNCIL AGENDA ITEM INFORMATION SHEET



Meeting Date		Department	
Agenda Item			
Est. Cost			
<b>Background Information</b>			
Requested Action			
City Manager and/or Finance Review			
Council Vote/ Action Taken			
Departmental Follow-Up			

<b>City Clerk Use Only</b>	1 <sup>st</sup> Reading _____	Advertised _____	<b>EFFECTIVE DATE</b> _____
	2 <sup>nd</sup> Reading _____	Advertised _____ w/in 15 Days	
	Final to Dept _____	Updated Book _____	Online _____

## **CHAPTER 13.8**

### **Sale, Use, and Possession of Fireworks**

#### **SECTION**

- 13.8.1 Definitions
- 13.8.2 Use of Certain Fireworks Prohibited
- 13.8.3 Retail Sale of Certain Consumer and/or Commercial Fireworks Prohibited
- 13.8.4 Possession of Consumer and/or Commercial Fireworks Permitted
- 13.8.5 Fireworks Displays
- 13.8.6 Violations
- 13.8.7 Seizure and Disposal of Fireworks

#### **Section 13.8.1 Definitions**

The following definitions shall apply in this chapter:

**“Commercial fireworks”** shall have the same meaning as “Display Fireworks” in 27 Code of Federal Regulations, Section 555.11 or subsequent provisions.

**“Consumer fireworks”** shall have the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provisions.

**“Display”** shall mean an entertainment feature where the public or a private group is admitted or permitted to view the display or discharge of fireworks.

**“Distribution”** shall mean the processing and storage of fireworks. It excludes the manufacturing of and retail sales of fireworks within the City of Gardiner but allows for the shipping of fireworks to other parts of the state, country, and world.

**“Fireworks”** shall have the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provisions.

**“Person”** shall mean any individual, corporation, company, association, firm, partnership, society, or joint stock company.

#### **Section 13.8.2 Use of Certain Fireworks Prohibited**

With the exception of those consumer fireworks that were legal in the State of Maine on December 31, 2011, the use of all consumer and commercial fireworks within the City of Gardiner shall be prohibited, except as provided for in Section 13.8.5. of this ordinance.

#### **Section 13.8.3 Retail Sale of Certain Consumer and/or Commercial Fireworks Prohibited**

With the exception of those consumer fireworks that were legal in the State of Maine on December 31, 2011, the retail sale of all consumer and/or commercial fireworks within the City

of Gardiner shall be prohibited. Nothing in this chapter shall prohibit the distribution of consumer and/or commercial fireworks, so long as such distribution is in compliance with all applicable State and Federal laws and with all applicable City zoning ordinances.

#### **Section 13.8.4 Possession of Consumer and/or Commercial Fireworks Permitted**

The possession of consumer and/or commercial fireworks shall be permitted within the City of Gardiner by any person age 21 or older so long as such possession is in compliance with all applicable State and Federal laws.

#### **Section 13.8.5 Fireworks Displays**

The display of consumer and/or commercial fireworks shall only be permitted within the City of Gardiner by a person who has been duly issued a fireworks display permit by the State of Maine pursuant to 8 M.R.S.A. section 227-A. Such displays shall not be permitted prior to 10 a.m. or after 10 p.m., except for on July 4th and December 31st, when displays may occur until midnight, and on January 1st, when displays may occur until 1 a.m.

##### 13.8.5.1 Firework Display Notification

The individual responsible for producing any public or private display must submit a Fireworks Permit to the Code Enforcement Officer a minimum of seven (7) calendar days prior to the display.

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##### 13.8.5.2 Public Notification

Those wishing to be notified of firework displays must register for the *Gardiner Current* listserv or mobile application.

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13.8.5.2.1 The City of Gardiner shall notify residents via the *Gardiner Current*, mobile application, and via the City website, no less than 48 hours prior to the scheduled start of the display.

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#### **Section 13.8.6 Violations**

Any person who uses consumer and/or commercial fireworks or possesses such fireworks with the intent to use in the City of Gardiner in violation of this ordinance shall receive a citation. The following civil penalties shall be imposed for violations of this ordinance:

First Citation \$110.00

Second Citation \$215.00

Third Citation \$425.00

Fourth and Subsequent Citation(s) \$850.00

#### **Section 13.8.7 Seizure and Disposal of Fireworks**

The City may seize consumer and commercial fireworks that the City has probable cause to believe are used, possessed, or sold in violation of this ordinance. Upon conviction of the person

from whom the fireworks were seized of violating Section 13.8.6 of this Ordinance with respect to those fireworks, the fireworks shall be forfeited to the City. Upon forfeiture, seized consumer and commercial fireworks shall be forwarded to the State for disposal.