

Town of Northport
Ordinance Prohibiting the Use and Sale of Consumer Fireworks
Section 1 – Purpose and Authority

This Ordinance is enacted pursuant to the authority granted by 8 M.R.S.A. § 223-A and is intended, pursuant to said statute, to protect the health, welfare and enjoyment of the citizens of the Town of Northport by prohibiting the use and sale of consumer fireworks within the more densely populated and developed Village area.

Section 2 – Consumer Fireworks Defined

Consumer fireworks shall have the same meaning as in 27 Code of Federal Regulations, Section 555.11 or superseding provision, 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” include but are not limited to 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) “Consumer fireworks” do not include “sparklers,” 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 and/or sound at or near the height of flight.

Section 3 – Prohibition

No person shall use, possess with the intent to use, sell, possess with the intent to sell, or offer for sale consumer fireworks within the geographic limits of the Northport Village Corporation.

Section 4 – Exception

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.

Section 5 – Enforcement

This Ordinance shall be enforced by any law enforcement officer having jurisdiction in the Town of Northport and/or the Northport Village Corporation.

Section 6 - Violation and Penalties

Any person who uses consumer fireworks or possesses consumer fireworks with intent to use in

violation of the prohibitions stated in this Ordinance shall be guilty of a civil violation and shall be punished by a fine of not less than one hundred dollars (\$100.00) and not more than four hundred dollars (\$400.00), plus legal fees and costs of prosecuting said violation. For second and subsequent offenses, a fine of not less than two hundred dollars (\$200.00) and not more than six hundred dollars (\$600.00) per violation, plus legal fees and costs of prosecuting said violation(s), shall be assessed.

Any person who sells, offers to sell, or possesses consumer fireworks with the intent to sell in violation of the prohibitions stated in this Ordinance shall be guilty of a civil violation and shall be punished by a fine of not less than five hundred dollars (\$500.00), plus legal fees and costs of prosecuting said violation. For second and subsequent offenses, a fine of not less than one thousand dollars (\$1,000.00) per violation, plus legal fees and costs of prosecuting said violation(s), shall be assessed.

Section 7 – Seizure

Any officer with authority to enforce this Ordinance may seize consumer fireworks that the officer has probable cause to believe are used, possessed or sold in violation of this Ordinance and shall forfeit seized consumer fireworks to the State of Maine for disposal.

Section 8 – Effective Date

This Ordinance shall become effective immediately upon its enactment by vote of the Town of Northport town meeting.

Section 9 – Severability

Should any section, subsection or portion of this Ordinance be held by a court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to invalidate any other section, subsection or portion of this Ordinance.

A true copy attest of the Town of Northport Ordinance Prohibiting the Use and Sale of Consumer Fireworks approved at Annual Town Meeting June 4, 2012.

Attest:  Date: June 5, 2012

Jeanine Tucker
Town Clerk