# Town of Newcastle
# FIREWORKS ORDINANCE

## 1. AUTHORITY

This Ordinance is enacted pursuant to Title 8 Chapter 9A of the Maine Revised Statutes.

## 2. PURPOSE

This Ordinance was developed to assure safe and healthful conditions and to prevent injury and nuisance from the careless use of fireworks.

## 3. DEFINITIONS

The following definitions shall apply in this Ordinance:

**CONSUMER FIREWORKS** - Consumer fireworks shall have the same meaning as in Title 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:

i. Missile-type rockets. as defined by the State Fire Marshal by rule;

ii. Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and

iii. 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.

**DISPLAY** - Display means an entertainment feature where the public is admitted or permitted to view the display or discharge of fireworks or special effects.

## 4. PROHIBITION

### 4.1. Prohibition against any use of Consumer Fireworks Within 100 Feet of a Public Way

No person shall use, display, throw, drop, or cause to be discharged or exploded, any consumer fireworks or fireworks at any time, within one hundred (100) feet of any public way.

### 4.2. All Other Fireworks

State law prohibits the sale and possession of all fireworks, with the exception of Consumer Fireworks. 8 M.R.S.A. §223.

## 5. EXCEPTION

This Ordinance does not apply to a person issued a fireworks display permit by the Town of Newcastle and/or the State of Maine pursuant to 8 M.R.S.A. §227-A. The Newcastle Fire Chief shall inspect the proposed display site at the time of the inspection conducted by a representative of the Maine Public Safety Department under 8 M.R.S.A. § 227-A (2).

## 6. SEIZURE AND DISPOSAL OF FIREWORKS

The Town may order the Lincoln County Sherriff or another law enforcement official to seize consumer fireworks that the Town has probable cause to believe are used, possessed, or sold in violation of this Ordinance and shall forfeit seized consumer fireworks to the State for disposal.

## 7. VIOLATIONS AND PENALTIES

Whoever violates any of the terms of this Ordinance shall be punished by a fine of not less than $100 nor more than $2,500 for each offense, plus attorney's fees and costs. In all other respects, assessment of penalties under this Ordinance shall be in accordance with 30-A M.R.S.A. § 4452.

## 8. CONFLICT WITH OTHER ORDINANCES

This Ordinance shall not repeal, annul, or in any other way impair the necessity of compliance with any other rule, regulation, bylaw, or provision of the Federal, State, or Local Government. In any conflict between this Ordinance and any other Ordinances, the stricter Ordinance, rule, regulation, or bylaw shall control.

## 9. VALIDITY AND SEVERABILITY

Should any section or provision of this ordinance be declared by the Courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

**10. EFFECTIVE DATE**

The effective date of this Ordinance is its date of enactment.

**11. AMENDMENT**

All amendments to this Ordinance shall be made at a Town meeting of Newcastle by a majority vote of the governing body.

Legislative History:
June 18, 2012 – Adopted
March 25, 2024 – Amended