

# **Town of Brownville, Fireworks Ordinance**

## **Section 1. Definitions.**

The following definitions shall apply in this Ordinance:

“Commercial fireworks” shall have the same meaning as “Fireworks” in 8 M.R.S.A. section 221-A as amended.

“Consumer fireworks” shall have the same meaning as in 8 M.R.S.A. section 221-A as amended.

“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.

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

## **Section 2. Use of Consumer and Commercial Fireworks Allowed.**

The use of consumer and commercial fireworks within the Town of Brownville shall be allowed, except as provided for in Sections 4 and 5 of this ordinance.

## **Section 3. Possession of Consumer and Commercial Fireworks Permitted.**

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

## **Section 4. Consumer Fireworks Displays.**

Consumer fireworks may not be discharged before 12 pm (noon) or after 10 pm (Eastern Standard Time). Fireworks may not be discharged within 100 yards of a building or residential dwelling without the permission of the owner or, in the owner’s absence, of an adult occupant of that building or dwelling authorized to act on behalf of the owner. Except on July 4<sup>th</sup> and December 31<sup>st</sup>, when displays may occur until midnight.

For purposes of this subsection, building means any residential, commercial, retail, educational, religious or farm structure that is designed to be occupied by people or domesticated animals or is being used to shelter machines or harvested crops.

**Section 5. Commercial Fireworks Displays.**

The display of commercial fireworks shall only be permitted within the Town of Brownville 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 noon or after 11:00 p.m., except on July 4<sup>th</sup> and December 31<sup>st</sup>, when displays may occur until midnight and until 1 am on Jan 1 following.

**Section 6. Violations.**

Any person who uses consumer and/or commercial fireworks in the Town of Brownville in violation of this ordinance shall receive a citation. The following civil penalties shall be imposed for violations of this ordinance:

	<u>Commercial</u>	<u>Consumer</u>
First Citation	\$ 150.00	\$ 75.00
Second Citation	\$ 300.00	\$ 150.00
Third Citation	\$ 450.00	\$ 225.00
Fourth and Subsequent Citation(s)	\$1,000.00	\$ 500.00

The Town may also seek attorney's fees and costs incurred in the enforcement of this ordinance. Each day such violation occurs or continues to occur shall constitute a separate violation. This ordinance shall be enforced by the Brownville Police Department.

**Section 7. Seizure and Disposal of Fireworks.**

The Town may seize consumer and commercial fireworks that the Town 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 4 or 5 of this Ordinance with respect to those fireworks, the fireworks shall be forfeited to the Town. Upon forfeiture, seized consumer and commercial fireworks shall be forwarded to the State for disposal, and the cost associated with disposal shall be borne by the individual convicted of the violation.

**Section 8. Severability.**

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.

August 5, 2015  
Kathy K. White  
Town Clerk