

TOWN OF SEBAGO CONSUMER FIREWORKS ORDINANCE

1. PURPOSE

The purpose of this Ordinance is to restrict and manage the use of fireworks in the Town of Sebago in order to protect the health, safety and welfare of the residents of the Town of Sebago. The issues of fire safety and respectful consideration of neighbors are at the center of the purpose.

2. TITLE & AUTHORITY

This ordinance shall be known as the "Town of Sebago 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 of 8 M.R.S.A. § 223-A.

3. SCOPE

This Ordinance shall apply to the use and or sale of Consumer Fireworks, as defined below, within the limits of Sebago, Maine

4. DEFINITIONS

Consumer Fireworks as used in this Ordinance, "Consumer Fireworks" means any firework that is authorized by the State of Maine for the sale to the general public.

Public Land means land owned or leased by the Town of Sebago, State of Maine, or another governmental or quasi-governmental agency or entity. "Public Land" expressly includes, without limitation, all Town and State streets, roads, highways, parks and preserves.

5. SEVERABILITY

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

6. PERMITS

Anyone planning to use consumer fireworks in Sebago must obtain a permit for the use of said fireworks with the following exceptions. No permits are required for consumer fireworks: July 4, December 31, the weekends immediately before and after July 4 and December 31. All other requirements of this ordinance remain in effect. Permits are available from the Town Clerk at the Town Office during normal business hours and must be on file prior to the use of any consumer fireworks. If it is deemed necessary by the Selectmen, permits may also become available from other Town Officials.

7. HOURS

Consumer fireworks may be used between the hours of 9:00 am and 10:00 pm, except that on the following dates they may be used from 9:00 am and 12:30 am the following day: July 4, December 31, the weekends immediately before and after July 4 and December 31.

8. FIRE CONDITIONS

There are times when weather conditions that greatly increase the potential for consumer fireworks to start a fire. In an effort to decrease the danger to our community, the use of consumer fireworks is prohibited during the periods that the fire danger is a Class 4 or Class 5. Each person wishing to use consumer fireworks shall be responsible for verifying the fire danger level with the Town of Sebago, Town Office, or searching for Wildfire Danger Report on maine.gov.

9. PROPERTY

A. A person may use consumer fireworks only on that person's property or on the property of a person who has given written consent for the use of consumer fireworks on that property.

B. Owners and landlords of rental properties are required to insure that their tenants are made aware of this Ordinance by including full information in rental agreements and or by posting prominently on the premises.

10. AGE

Consumer fireworks shall not be purchased, used or possessed by any person under the age of 21.

11. IMPAIRMENT

A person may not use, display, fire or cause to be exploded consumer fireworks while intoxicated or impaired due to use of alcohol or drugs.

12. PROXIMITY

Consumer fireworks shall not be used within 50 feet of any combustible structure, overhead power lines or public right of way.

Consumer fireworks shall not be used within 300 feet of a licensed daycare, school, or church.

Consumer fireworks shall not be used within 500 feet of any marina or docking facility engaging in the sale of fuel or oil.

Consumer fireworks shall not be used within 1000 feet of a pasture with livestock present without specific written permission from the owner of the pastured livestock.

13. TOWN PROPERTY

The use of consumer fireworks on Town owned property, including roadways, public parks, and public rights of way, is prohibited.

14. LIABILITY

The Town assumes no liability for injuries or destruction of property that result from the use of consumer fireworks.

15. FIRES

Means to extinguish any spot fires resulting from the use of consumer fireworks must be available including, but not limited to, fire extinguishers and garden hoses. Access to 911 by landline or mobile telephone must also be available during the use of consumer fireworks should an emergency arise.

16. BOATS

Consumer fireworks may not be used on, in or from any watercraft located within the waters of the Town of Sebago.

17. COMPLAINTS

Complaints should be made to the Cumberland County Sheriff's Office by dialing 911, or any other number designated by the Sheriff's Office as appropriate for this type of complaint. Any written complaints should be directed to the Selectmen of the Town of Sebago.

18. VIOLATIONS

If a fire starts from actions in violation of this ordinance, the property owner is financially responsible for extinguishing said fire. If the damage is to another person's property, the holder of this permit may also be responsible for those damages. In addition to the financial responsibility for extinguishing a fire caused by the use of consumer fireworks, fines will be imposed for any breach of the above limitations on the use of consumer fireworks.

19. FINES

First Offense: Written warning, Second Offense: \$250 fine, Subsequent Offenses will result in the denial of future permits for the use of consumer fireworks.

20. ENFORCEMENT

This ordinance shall be enforced by any authorized law enforcement provider or any duly authorized agent of the Town of Sebago approved by the Selectboard to enforce this ordinance

21. MISCELLANEOUS

Nothing in this Ordinance shall be construed to apply to a person issued a fireworks display permit by the State of Maine pursuant to 8 M.R.S.A. § 227-A, as may be amended from time to time. Nothing in this Ordinance shall be construed to allow the use of any fireworks or consumer fireworks that are prohibited by State law.

22. Notification recommendations

Neighbors within 200 feet of the originating location of the consumer fireworks display should be notified in advance of the date and time of the planned event. As a courtesy, people with young children or pets, shift workers, those adverse to loud noises such as former or current military members with

PTSD, and anyone else suspected to be sensitive to the use of fireworks, should be advised of any fireworks plans so they have the opportunity to adequately prepare.

Adopted on: May 14, 2019

Attest: 
Maureen F. Scanlon, Town Clerk