

3-21 USE OF CONSUMER FIREWORKS

Section 1 Definitions

As used in this article, unless the context otherwise indicates, the following words shall have the following meanings:

Consumer fireworks are those types of fireworks included in the definition set forth in 8 M.R.S.A Section 221-A.

Section 2 Permit Required

No person shall display, fire or cause to be exploded any type of consumer fireworks within the Town of Kennebunk without a permit issued by the Fire Chief, or his/her designee, on the day proposed for discharge. This requirement shall not apply to any person with a fireworks display permit issued by the State of Maine under the provisions of 8 M.R.S.A. Section 227-A, as the same may be amended from time to time.

A person seeking a consumer fireworks permit shall submit the appropriate application form to the Fire Chief, or his/her designee, which shall be accompanied by a sketch or aerial photograph of the property from which the consumer fireworks are to be discharged. Such an aerial photograph may be acquired through electronic platforms such as Google Earth or similar. The Fire Chief, or his/her designee, will review the application for consistency with the restrictions imposed by Section 3, below, and if found to be compliant with said restrictions, shall issue a permit.

Permits issued under this section are not transferable. The fee for such permits shall be as established by the Select Board and reflected in the Master Fee Schedule of the Town of Kennebunk. No permit shall be issued on any day with a Fire Danger Class of 4 or 5.

Section 3 Restrictions on Use of Consumer Fireworks

a) A person may not use consumer fireworks in the Town of Kennebunk, except that the use of consumer fireworks shall be permitted on the following days and during the following times:

- 1) July 4, between the hours of 9:00 a.m. and 12:30 a.m. the following day;
- 2) December 31, between 9:00 a.m. and 12:30 a.m. the following day.
- 3) To commemorate any special occasion upon receipt of a special permit to be issued by the Fire Chief, or his/her designee, for no more than two days per calendar year, based on good cause shown and subject to such other nuisance avoidance and fire safety conditions the Fire Chief or designee may reasonably impose.

b) A person may use consumer fireworks only on that person's property or on the property of a person who has consented in writing to the use of consumer fireworks on that property. No person shall use consumer fireworks in or on any public street, park or beach.

c) No person shall display, fire or cause to be exploded any type of consumer fireworks within 75 feet of any building.

d) No person under 21 years of age shall use or possess consumer fireworks.

e) The duration of any fireworks display allowed under a consumer fireworks permit shall not exceed thirty (30) consecutive minutes in a single day. No more than one (1) consumer fireworks permit shall be issued for any property for any single day.

Section 4 Enforcement

Any person who uses consumer fireworks within the Town in violation of this Ordinance shall be subject to a civil enforcement action and a fine as established by the Select Board and reflected in the Town's Master Fine schedule. The Town may seize consumer fireworks that the Town has probable cause to believe are used in violation of this Ordinance and shall forfeit seized consumer fireworks to the State for disposal. The violating party is responsible for any costs associated with the disposal of confiscated fireworks deemed to be used in violation of this ordinance.

Any further amendments relating to dates and times for permitted discharge of fireworks may be amended by the Select Board following a public hearing.

ADOPTED: 06-13-2017; AMENDED 06-15-2022