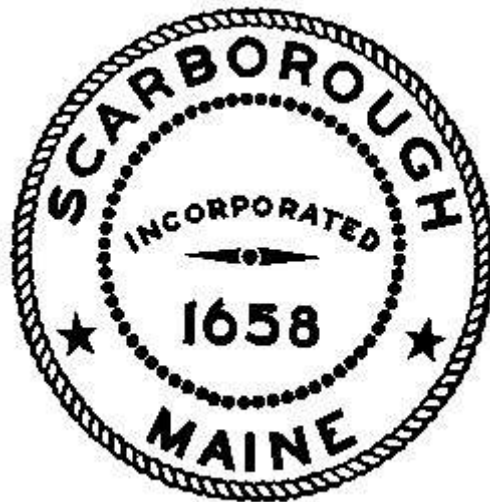


**CHAPTER 608**

**TOWN OF SCARBOROUGH**

**FIREWORKS DISPLAY ORDINANCE**



**ADOPTED OCTOBER 5, 1988**  
**AMENDED JUNE 15, 2005**  
**AMENDED MARCH 7, 2012**  
**AMENDED JUNE 21, 2017**  
**AMENDED NOVEMBER 1, 2017**

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**CHAPTER 608  
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**SECTION I Purpose & Title**

This ordinance recognizes the need for regulation of the display of fireworks to assure the safety of the spectators, property owners, citizens, and visitors of the Town of Scarborough. This Ordinance shall be known as the “Town of Scarborough Fireworks Display Ordinance.” [amended 03/07/2012]

**SECTION II Definitions**

**Display Fireworks** - Any combustible or explosive composition or substance; any combination of such compositions or substances; or any other article which was prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, including any device containing any explosive substance or flammable compound. Display fireworks are classed as Explosives, 1.3G and described as Fireworks, UN0335 by the U. S. Department of Transportation. For the purpose of this Ordinance Display Fireworks may include consumer fireworks as defined in 8 M.R.S.A§221-A. [amended 03/07/2012]

**Consumer Fireworks** – Consumer Fireworks” has the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provision, but includes only products that are tested and certified by a 3<sup>rd</sup> 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:

- 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. Sky rockets and bottle rockets. For purposes of this definition “sky rockers 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.

**Proximate Audience** – An audience closer to pyrotechnic devices than permitted by NFPA 1123, Code for Fireworks Displays.

**Pyrotechnic Device** – Any device containing pyrotechnic materials and capable of producing visual or audible effects by combustion, deflagration, or detonation.

**SECTION III Regulations & Codes**

Fireworks storage, transportation, and displays are regulated through laws, codes and standards including:

- a) State of Maine Laws for the Fire Service, 1997 edition, Title 8, section 222-227
- b) NFPA 1123 Code for Fireworks Displays
- c) NFPA 1126 Use of Pyrotechnics before a proximate audience
- d) Title 49 CFR, Federal Regulation for Transport

- e) Title 27 CFR, Part 181 Commerce in Explosives

All display fireworks shows permitted under this Ordinance shall be technicians licensed by the State of Maine Fire Marshal's Office.

#### **SECTION IV Permit Required**

No person shall possess, store, arrange, or detonate Display Fireworks or pyrotechnic devices before a proximate audience within the Town of Scarborough after the effective date of this ordinance without holding a valid permit from the Scarborough Fire.

The Scarborough Fire Department may issue a seasonal permit for outdoor pyrotechnic displays before a proximate audience that are regularly scheduled, are detonated from an approved location, and are similar in size and effect.

Any person applying for a Scarborough Fireworks Permit for a show containing display explosives (1.3G) must first possess a valid permit from the Maine State Fire Marshal's Office.

#### **SECTION V Application Procedure**

Application for a fireworks display permit shall be made to the Scarborough Fire Department by the responsible party for the display at least ten (10) days prior to the event as outlined below:

- a) Prior to applying for a Scarborough Fire Department Fireworks Permit the applicant must have a valid State of Maine permit issued by the State Fire Marshal's Office when required.
- b) A copy of the State Fire Marshal's permit application and written State Fire Marshal's permit shall accompany the local permit application form.
- c) Written permission from the local landowner of the property from where the fireworks will be detonated shall accompany the local permit application form.
- d) The proper fee as outlined in the current Town of Scarborough Schedule of License, Permit, and Application Fees shall be paid prior to the issuance of a local fireworks display permit.

#### **SECTION VI Fire Protection Coverage**

The Chief of the Scarborough Fire Department, or her/his designee, shall determine what, if any, fire department resources will be required to stand by during the event based on the size of the display, the current weather conditions, and other safety factors. The Fire Chief or his designee shall make the final decision as to the safety of the scene and weather conditions, and will either grant or deny permission for the display to proceed after evaluating the current conditions at the proposed time for the event. [amended 11/01/17]

#### **SECTION VII Permit, Apparatus, & Manpower Fees**

The Scarborough Fire Department shall collect a reasonable permit fee that is sufficient to offset the cost of administration and inspection of the site. The applicant shall also be responsible for reimbursing the Town of Scarborough for the required fire apparatus and manpower coverage to

assure safety during the display as specified in Section VI and deemed appropriate by the Scarborough Fire Chief, or her/his designee. The permit amount and the rates for apparatus and manpower are published in the current Town of Scarborough Schedule of License, Permit, and Application Fees. [amended 11/01/17]

### **SECTION VIII Notifications**

The applicant must submit a written notification plan that addresses how they intend to notify the neighbors and general public of the proposed event. This notification plan must be approved by the Police Chief, or her/his designee, prior to the issuance of a Fireworks Permit. Evidence that the notifications were made according to the approved plan must be presented before permission to proceed with the show will be given as outlined in Section VI. [amended 11/01/17]

### **SECTION IX Hours of Detonation**

No person shall detonate or discharge or cause to be detonated or discharged or permit to be detonated or discharged on her/his property any fireworks within the Town of Scarborough after the hour of 10:30 P.M. daily, prevailing time. [amended 11/01/17]

### **SECTION X Violation and Enforcement**

- a) **PENALTY FOR VIOLATION:** Any person who violates the provisions of this Ordinance shall commit a civil violation punishable by a penalty of not less than \$100.00 and not more than \$500.00 to be recovered on complaint to the use of the Town of Scarborough. Each day such violation occurs or continues to shall constitute a separate violation.
- b) **PENALTY FOR WILLFUL VIOLATION:** Any person who violates the provisions of this ordinance after having been informed by any officer or employee or agent of the Town of Scarborough that a planned or anticipated detonation or discharge of fireworks would violate this Ordinance shall be fined \$10,000.00.
- c) **ENFORCEMENT:** This Ordinance shall be enforced by the Town of Scarborough Police Department.
- d) **INJUNCTION:** In addition to any other remedies available at law or equity, the Town of Scarborough, acting through its Town Manager, may apply to any court of competent jurisdiction to enjoin any planned, anticipated or threatened violation of this Ordinance.

### **SECTION XI 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.

### **SECTION XII Consumer Fireworks.**

The regulation of consumer fireworks used without a licensed technician is as enumerated in the Town of Scarborough Consumer Fireworks Ordinance, Chapter 608A, and any other applicable state or federal law or regulation. [adopted 03/07/2012]