

**Town of Rockport
Ordinance to Regulate the Use of Consumer Fireworks**

Section 1. Title

This Ordinance shall be known and may be cited as the “Ordinance to Regulate the Use of Consumer Fireworks”.

Section 2. Findings and Purpose

A. The Town of Rockport finds that the Maine State Legislature approved legislation to make the sale and/or use of Consumer Fireworks legally permissible, and that said amendments to the Maine Revised Statutes, Title 8, Amusements and Sports, Chapter 9-A, Fireworks took effect on January 1, 2012. Said legislation also allows a municipality to adopt an ordinance to prohibit or restrict the sale and/or use of Consumer Fireworks.

B. The Town of Rockport finds that the use of the Consumer Fireworks identified in the State law could pose a threat to the public health, safety, and welfare. The Town of Rockport further finds that it is in the best interests of the Town of Rockport and public to prohibit the use of Consumer Fireworks in the Town of Rockport by adopting local ordinance provisions, as allowed by the relevant State law.

Section 3. Definitions

Consumer Fireworks: shall have the same meaning as is set forth in Title 8, Maine Revised Statutes, Subsection 221-A(1-A):

Display: means an entertainment feature where the public or a private group is admitted or permitted to view the display or discharge of fireworks or special effects.

Section 4. Prohibition

A. No person or legal entity may use Consumer Fireworks in the Town of Rockport. This section however does not apply to a person or legal entity issued a firework display permit by the State of Maine pursuant to Title 8, Maine Revised Statutes Section 227-A, as amended.

Section 5. Penalties, Prosecution and Legal Fees

A. Any prosecution under this Ordinance shall be initiated and conducted by the Rockport Police Department.

B. Any person or legal entity who uses Consumer Fireworks within the Town of Rockport shall be punished by a fine of not less than two hundred dollars (\$200.00) and not more than four hundred dollars (\$400.00) plus court costs. For second and subsequent offenses, a fine of not less than three hundred dollars (\$300.00) and not more than six hundred dollars (\$600.00) per violation plus court costs shall be imposed.

C. The Town of Rockport may seek equitable and injunctive relief, including but not limited to Temporary or Permanent Injunctive orders, so as enforce the provisions of this Ordinance.

D. Any person or legal entity found in violation of this Ordinance by a court of competent jurisdiction shall pay the Town of Rockport's legal fees incurred in any prosecution under this Ordinance.

Section 6. Seizure and Disposal

A. The Town of Rockport may seize Consumer Fireworks that the Town of Rockport has probable cause to believe are used in violation of this Ordinance and shall forfeit seized Consumer Fireworks to the State Fire Marshall's office, or such other authorized State Department for disposal.

Section 7. Effective Date

Pursuant to the Town of Rockport Charter Section 12, this Ordinance becomes effective seven days after adoption.

Effective Date: November 3, 2020 Approved by the voters