

## ARTICLE IV CONSUMER FIREWORKS

### Sec. 16-59 Definitions

As used in this Article, the following terms shall have the meanings:

(a) Consumer Fireworks has the same meaning as the term set forth in 27 Code of Federal Regulations, Section 555.11, as may be amended from time to time, but includes only products that are tested and certified by a third 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:

- (1) Missile-type rockets, as defined by the State Fire Marshal by rule;
- (2) Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and
- (3) Sky rockets and bottle rockets. For purposes of this paragraph, "sky rockets and bottle rockets" mean 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.

(b) Fireworks shall be as defined under Maine State law, 8 MRSA §221(a)(4) as may be amended from time to time.

### Sec. 16-60 Prohibition

No person shall use, ~~possess with the intent to use,~~ sell, or offer for sale fireworks or consumer fireworks in the City of Augusta; provided, however, that this Article does not apply to a person issued a fireworks display permit by the City and/or State of Maine pursuant to 8 M.R.S.A. 227-A, as may be amended from time to time. ~~Possession of consumer fireworks without intent to sell or use within the City of Augusta is not prohibited.~~

### Sec. 16-61 Penalties

(a) Any person who uses fireworks or consumer fireworks ~~or possesses fireworks or consumer fireworks with the intent to sell them~~ in the City of Augusta 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 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 costs shall be imposed.

(b) Any person who sells or offers for sale fireworks or consumer fireworks ~~or possesses fireworks or consumer fireworks with the intent to sell them~~ in the City of Augusta shall be punished by a fine of not less than five hundred dollars (\$500.00) plus costs. For second and subsequent offenses, a fine of not less than one thousand dollars (\$1000.00) per violation plus costs shall be imposed.

**Sec. 16-62 Seizure and Disposal**

**The City of Augusta may seize fireworks or consumer fireworks that the City has probable cause to believe are used, ~~possessed or~~ sold or offered for sale in violation of this Article or in violation of State law and shall forfeit the seized consumer fireworks to the State of Maine for disposal.**