

**TOWN OF MILO
CONSUMER FIREWORKS USE ORDINANCE**

The Town of Milo hereby ordains that the following Ordinance be enacted.

This Ordinance shall be known as and may be cited as the "Town of Milo Fireworks Ordinance" and will be referred to herein as the "Ordinance."

Section 1: AUTHORITY

This ordinance shall be known as the "Town of Milo Fireworks Use 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.

Section 2: PURPOSE

This Ordinance regulates the use of consumer fireworks to ensure the safety of the residents and property owners of the Town of Milo, and or the general public.

Section 3. APPLICABILITY.

This Ordinance shall apply to any person involved in the use of consumer fireworks within the Town of Milo. For the purposes of this Ordinance, the term "person" shall mean any individual, or combination of individuals engaged in the use of consumer fireworks and the term "consumer fireworks" shall be as defined in Title 8 M.R.S. Section 221-A, as may be amended from time to time.

Section 4. CONFORMANCE WITH ALL APPLICABLE LAWS.

Any person who receives a permit from the Town of Milo shall comply with all applicable Federal, State, or Town of Milo laws, ordinances, or regulations. A violation of the foregoing requirement, or of the permit issued by the Town, shall be grounds to revoke or suspend the permit by the Town Board of Selectmen, after notice and hearing.

Section 5. CONFLICT WITH OTHER RULES, REGULATIONS OR LAWS.

Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawfully adopted Federal, State, or local ordinance the requirements of the most restrictive or higher standard shall govern, unless the provisions of the local ordinance are preempted by Federal or State law or regulations.

Section 5: FIREWORKS DISPLAY

A Fireworks display requires a permit from the Maine Commissioner of Public Safety or his or her designee under the provisions of 8 M.R.S.A. §§ 221 - 237, and particularly section 227-A. The Fire Chief, or his or her designee, shall inspect the proposed display site at the time of the inspection conducted by a representative of the Maine Public Safety Department under 8 M.R.S.A. § 227-A(2). A Fireworks display shall comply with all federal, state and local laws, ordinances, rules and regulations.

Section 6: USE OF CONSUMER FIREWORKS RESTRICTED

- A. No person, other than a professional fireworks display company duly licensed and permitted as provided in Section 5 of this Ordinance, shall use, display, fire, or cause to be exploded any fireworks or consumer fireworks within the Milo Built Up Area as depicted on the Milo Built Up Area Boundary Map.
- B. No person shall use, display, fire, or cause to be exploded any consumer fireworks within the Town of Milo, or in or from any watercraft within the waters of the Town of Milo, except on July 4 and December 31st, along with the weekends before and after July 4th and December 31st, beginning at 9:30 AM and ending at 12:30 AM of the following day.
- C. No person, other than a professional fireworks display company duly licensed and permitted as provided in Section 5 of this Ordinance, shall use, display, fire or cause to be exploded any fireworks, other than consumer fireworks, within the Town of Milo, at any time. This restriction shall not apply to bona fide, duly licensed use of explosives for building construction or demolition; excavation; road construction; agricultural purposes or fire and police department training. This restriction shall not apply to the use of firearms for hunting or other lawful purposes.

Section 7: CONDITIONS OF USE, OR DISPLAY, OF FIREWORKS

- A. The Town assumes no liability for injuries that result from the use or display of Fireworks or Consumer Fireworks regardless of the status of a permit.
- B. Means to extinguish any spot fires resulting from the use or display of Fireworks or Consumer Fireworks must be available. This includes fire extinguishers and garden hoses. Access to 9-1-1 must also be available during the use or display of Fireworks or Consumer Fireworks should an emergency arise.
- C. It shall be unlawful for any person to use, display or explode any consumer fireworks on any private property, ~~outside of the Built Up Area in the Town of Milo~~, without the knowledge and consent of the property owner.
- D. It shall be unlawful for any person or firm to use or display Consumer Fireworks without providing for the cleanup and removal of all debris.

Section 8. FIRE DANGER PERIODS.

- A. There are times due to 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 high, Class 3 or above.
- B. Each person wishing to use consumer fireworks shall be responsible for verifying the fire danger level with the Milo Fire Department, Town Office or do an Internet Search "Maine Forest Fire Danger" (Zone 4) prior to use.

Section 9. ENFORCEMENT.

- A. **Enforcement:** This Ordinance shall be enforced by the Town of Milo Police Department.
- B. **Seizure & disposal of consumer fireworks:** The Town may seize consumer fireworks that the Town has probable cause to believe are used or sold in violation of this Ordinance and shall forfeit seized consumer fireworks to the State for disposal.

C. ~~Parents responsibility for minors: Parents of minor children, or children in their guardianship, shall be held responsible for the minors and liable for any infractions under, or violations of, this ordinance.~~

Section 10. EXCEPTIONS.

This ordinance does not apply to a person issued a fireworks display permit by the State of Maine pursuant to 8 M.R.S.A. §227-A, except to the extent that they must provide, at least 48 hours in advance of its use, photocopies of the state permit to both the Milo Police Chief, or his designee, and to the Milo Fire Chief, or his designee.

Section 11. PENALTIES.

Any person who violates the provisions of this Ordinance, or the permit issued by the Town Board of Selectmen, commits a civil violation for which a fine of not less than \$ 50 and not more than \$ 500 may be imposed for each day of violation. Each day such violation occurs or continues to occur shall constitute a separate violation. Any fines imposed may not be suspended. All fines shall inure to the benefit of the Town of Milo. In addition, if the Town is the prevailing party, the Town shall be awarded reasonable attorney fees, expert witness fees and cost, unless the Court finds that special circumstances make the award of fees and costs unjust. ~~Parents of minors shall be liable for and all fines, court costs or other costs associated with enforcement resulting from infractions or violations by their minor children, or children in their guardianship.~~

Section 12. SEVERABILITY.

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In the event that any section, subsection, or any provision 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, sub-section, or other portion of this Ordinance. To that end, the provisions of this Ordinance are hereby declared to be severable.

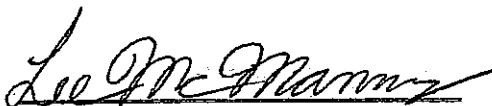
Section 13. ADOPTION PROCESS AND EFFECTIVE DATE

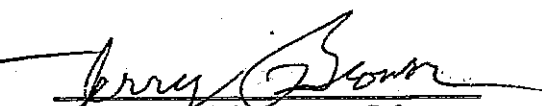
Date of Advertisement: March 5, 2014 in the Piscataquis Observer


Date of Public Hearing of this ordinance: March 18, 2014


Date of adoption by the Milo Select Board is: ~~April 1, 2014~~

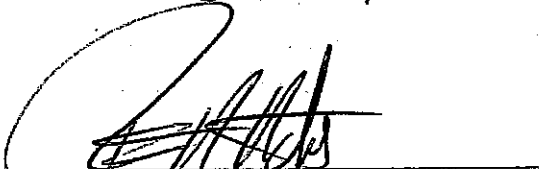
Effective date of this ordinance is: ~~May 1, 2014~~



Lee McManus, Chairman, Selectman


Jerry Brown, Secretary, Selectman


Wilma Stanchfield, Selectman


Lois Wagner, Selectman


Bobby Ade, Selectman

Attest: 
Betty Gornley, Town Clerk