

# SEARSPORT FIRE CODE ORDINANCE

Town of Searsport, Maine

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## 01) OUT-OF-DOOR BURNING

01-01 It shall be unlawful for any person, firm or corporation to burn debris, including manufactured products, household rubbish, hay or other vegetative accumulations or materials not included in 12

MRSA, Section 1551, without first obtaining a written permit from a Town Forest Fire Warden. Moisture, wind, time of day, length of burning period needed, availability of sufficient men and equipment and any other condition deemed necessary for granting such permits for burning will be considered; and the granting of a permit shall be at the discretion of Town Forest Fire Wardens.

01-02 Permits for burning debris, including manufactured products, household rubbish, hay or other vegetative accumulations or materials not included in 12 MRSA, Section 1551 in incinerators shall not be issued in the Town of Searsport.

Any person who violates any provision of this Section (01-01), upon conviction, shall be punished by a fine of not more than \$ 100.00 together with costs for use of the Municipality. Every day of continued burning constitutes a separate violation.

## 02) OPEN BURNING

### 02-01 Bonfires or Exposed Open Burning

No person shall kindle, maintain or assist in maintaining any bonfire or other exposed fire within the Town of Searsport, except under written permission from the Fire Chief, his appointed representative or State Permit. All Searsport Fire Permits will follow the State of Maine rules and regulations.

Enforcement: The Fire Chief, Police Chief or persons appointed by either may enforce this ordinance.

Penalty: Whoever violates the provisions of this article shall be punished by a fine of not less than \$100 for each offense. Each day shall constitute a separate offense. Should the fire get out of control, the violator will be responsible for damages and restitution for the Fire Department.

## 03) FIREWORKS

### 03-01 Definitions

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 3rd-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 paragraph, "sky rockets 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.

### 03-02) Use of Consumer Fireworks Restricted

No person shall use, ignite, fire, or cause to be exploded consumer fireworks within the Town of Searsport except in compliance with all federal, state and local laws, ordinances, rules and regulations.

The use of consumer fireworks within the Town of Searsport is further restricted as follows:

#### A. General Restrictions

1. The Town assumes no liability for injuries or destruction of property that results from the use of consumer fireworks.
2. A person shall use consumer fireworks only on that person's property or on the property of a person who has consented to such use. Consumer fireworks may not be used on, in or from any watercraft located within the waters of the Town.
3. The use of consumer fireworks on public property, including roadways, is prohibited.
4. Consumer fireworks shall not be used within fifty (50) feet of any combustible structure, overhead power lines, public right of way, or forest. In addition, consumer fireworks shall not be used within two hundred and fifty (250) feet of a licensed daycare, school, gas station, or any business which distributes liquid fuels, or a pasture with livestock present.
5. A person shall not use consumer fireworks on any day that the forest fire danger is a Class 4 or Class 5

### 3-3) Violation and Enforcement

1. Penalty for Use Violation: Any person who violates the provisions of this Ordinance shall commit a civil violation punishable by a penalty of not less than Two Hundred Dollars

(\$200.00) and not more than Five Hundred Dollars (\$500.00) for each offense, plus attorney's fees and costs, to be recovered by the Town of Searsport for its use. Each day a violation occurs or continues to occur shall constitute a separate violation.

2. Enforcement: This Ordinance shall be enforced by the Town of Searsport Police Department.
3. Injunction: In addition to other remedies available at law or equity, the Town may apply to any court of competent jurisdiction to enjoin any planned, anticipated, or threatened violation of this Ordinance and to prohibit further and continued violation thereof.
4. Seizure and 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.
5. Exceptions: Pursuant to 8 M.R.S.A. section 221-237, particularly section 227-A, nothing in this Ordinance shall be construed to limit or regulate commercial fireworks displays or the issuance of permits for fireworks displays by the Commissioner of Public Safety or a designee.

#### Article VI Severability

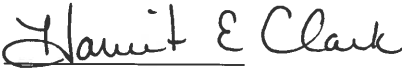
If any section, subsection, sentence, clause of phrase of this Ordinance is 'for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of the Ordinance.

Adopted: October 19, 2006

Amended: March 7, 2009

March 6, 2010

April 10, 2021

This is a true and attested copy by:   
Harriet Clark, Town Clerk