TOWN OF LIBERTY, MAINE
CONSUMER FIREWORKS USE ORDINANCE

CLEAN REVIEWED DRAFT

Prepared August 13, 2026

SECTION 1. TITLE

This ordinance shall be known and may be cited as the "Town of Liberty Consumer Fireworks Use Ordinance."

SECTION 2. PURPOSE

The purpose of this Ordinance is to protect the health, safety, property, peace, and general welfare of the residents and visitors of the Town of Liberty while allowing the responsible use of consumer fireworks. The Ordinance establishes reasonable hours, separation from neighboring dwellings, fire-safety standards, and enforcement procedures, while providing special celebration rules for Independence Day, New Year's Eve, Memorial Day, Labor Day, and the weekends immediately before and after each holiday.

SECTION 3. AUTHORITY, SCOPE, AND APPLICABILITY

This Ordinance is adopted pursuant to the home-rule authority granted by the Maine Constitution, Article VIII, Part Second, Section 1; 30-A M.R.S. Section 3001; and the express authority granted to municipalities by 8 M.R.S. Section 223-A(2) to prohibit or restrict the use of consumer fireworks.

This Ordinance applies to the use, discharge, firing, or explosion of consumer fireworks within the municipal boundaries of the Town of Liberty. It does not create a municipal permit program for the sale of consumer fireworks, and it does not authorize any firework, device, sale, possession, use, or display prohibited by federal or state law.

SECTION 4. DEFINITIONS

For purposes of this Ordinance, the following terms have the meanings stated below. Terms not defined here have the meanings assigned by applicable Maine law.

"Abutting or neighboring dwelling." A building, or portion of a building, used or intended for human habitation and located on a parcel other than the parcel containing the discharge site. The term includes a dwelling on property separated from the discharge site by a public or private road, right-of-way, or similar intervening strip.

"Celebration date." July 4; December 31; Memorial Day; Labor Day; and each Saturday and Sunday occurring during the weekends immediately before and after each of those four holidays.

"Consumer fireworks." Consumer fireworks as defined in 8 M.R.S. Section 221-A(1-A), as amended. The term does not include devices excluded from that statutory definition or commercial/display fireworks regulated under other provisions of Maine law.

"Discharge site." The point at which a consumer firework is ignited, fired, launched, or otherwise activated.

"Use." To possess for immediate discharge, ignite, discharge, fire, launch, explode, or cause to be ignited, discharged, fired, launched, or exploded.

SECTION 5. GENERAL REQUIREMENTS

State-law compliance. Consumer fireworks may be used only in full compliance with this Ordinance, 8 M.R.S. chapter 9-A, rules of the Office of State Fire Marshal, and all other applicable law. A person must be at least 21 years of age to purchase, possess, or use consumer fireworks.

Property authorization. A person may use consumer fireworks only on that person's property or on property for which the person has obtained the prior written consent of the property owner.

Impairment prohibited. A person may not use consumer fireworks while intoxicated or impaired by alcohol, cannabis, a controlled substance, medication, or any other substance that materially impairs judgment or coordination.

Safe operation. Consumer fireworks must be used in accordance with the manufacturer's instructions and in a manner that does not recklessly endanger any person, animal, structure, vehicle, or property. The responsible adult must remain at the site until all fireworks, debris, and embers are fully extinguished.

SECTION 6. PERMITTED DAYS, HOURS, AND SETBACKS

A. July 4 and December 31 extended hours. On July 4, December 31, and the weekends immediately before and after July 4 and December 31, consumer fireworks may be used between 9:00 a.m. and 12:30 a.m. the following day, as authorized by State law.

B. Memorial Day and Labor Day hours. On Memorial Day, Labor Day, and the weekends immediately before and after Memorial Day and Labor Day, consumer fireworks may be used between 9:00 a.m. and 10:00 p.m., the latest time permitted by State law on those dates.

C. Weekend dates expressly included. For each holiday named above, both Saturday and Sunday of the weekend immediately before and both Saturday and Sunday of the weekend immediately after are celebration dates, even when neither date is the holiday itself. The closing time in paragraph A applies to the July 4 and December 31 weekends. The closing time in paragraph B applies to the Memorial Day and Labor Day weekends.

D. All other dates. On every date that is not a celebration date, consumer fireworks may be used only between 9:00 a.m. and 9:00 p.m.

E. Additional ordinary-date setback. On every date that is not a celebration date, a discharge site must be at least 200 feet from an abutting or neighboring dwelling unless the user first obtains written consent from an adult owner or adult occupant of that dwelling.

F. Setback on celebration dates. The additional 200-foot setback in paragraph E does not apply on celebration dates. The universal 50-foot safety buffer in Section 7 applies on every date and may not be waived.

G. Measurement. Distances are measured horizontally from the discharge site to the nearest exterior wall of the dwelling or structure, or to the nearest point of the other protected feature.

SECTION 7. UNIVERSAL SAFETY AND FIRE-CONDITION STANDARDS

Universal 50-foot safety buffer. On every date, including celebration dates, a discharge site must be at least 50 feet from any dwelling or combustible structure on another property, overhead utility line, public right-of-way, or location where gasoline, propane, or another flammable liquid or gas is stored or dispensed. A greater separation stated by the manufacturer must be observed. The 50-foot minimum may not be waived.

Fire-danger restrictions. Consumer fireworks may not be used when the Maine Forest Service fire danger classification applicable to Liberty is Class 4 or Class 5, or while a Red Flag Warning covering Liberty is in effect. This restriction applies on celebration dates.

Temporary fire-safety suspension. The Fire Chief or Municipal Forest Fire Warden may temporarily suspend consumer-fireworks use when specific local fire, drought, weather, or emergency-response conditions create an imminent threat to public safety. A suspension must be in writing, state its basis and duration, and be posted at the Town Office and through any other customary Town public-notice channel that is reasonably available. The suspension is effective upon posting and may be ended when the hazardous condition no longer exists.

Fire-control equipment. A charged garden hose, operable fire extinguisher, or other effective means of extinguishing spot fires must be immediately available at the discharge site. A working telephone or other reliable means of contacting 9-1-1 must also be available.

Fallout, debris, and water protection. The user must take reasonable precautions to prevent fireworks, sparks, burning material, or debris from landing on another person's property. Consumer fireworks may not be discharged over or into a lake, pond, stream, wetland, or other waterbody. The user must promptly and safely collect and remove fireworks debris from the discharge property and any other property on which the user is authorized to enter.

SECTION 8. PUBLIC PROPERTY, PUBLIC WAYS, AND WATERCRAFT

Consumer fireworks may not be used on, from, or over Town-owned or Town-controlled property, a public way or public right-of-way, a public beach, a public landing, or a watercraft within the Town, unless the Select Board has given prior written authorization and all required state permits and approvals have been obtained. Town authorization may include reasonable conditions for safety, cleanup, insurance, and protection of the public.

SECTION 9. EXEMPTIONS

This Ordinance does not regulate a professional fireworks or flame-effects display conducted under a valid permit issued pursuant to 8 M.R.S. Section 227-A, except that separate Town authorization is required for use of Town property. This Ordinance also does not apply to emergency signaling devices or fireworks used by public-safety personnel in the lawful performance of official duties.

SECTION 10. ENFORCEMENT AND PENALTIES

Enforcement officials. This Ordinance may be enforced by the Code Enforcement Officer and, to the extent authorized by law or intergovernmental agreement, the Fire Chief, Municipal Forest Fire Warden, and any law enforcement officer. An enforcement official may order an unlawful use to stop immediately when necessary to protect persons or property.

Civil violation. A person who uses consumer fireworks, causes consumer fireworks to be used, or knowingly permits consumer fireworks to be used in violation of this Ordinance commits a civil violation. No prior warning or notice is required before an enforcement action is commenced.

Penalty. For a first violation, a civil penalty of not less than $100 and not more than $500 may be adjudged. For a second or subsequent violation committed within 12 months of a prior adjudicated violation, a civil penalty of not less than $250 and not more than $1,000 may be adjudged. Each day a violation continues, and each continued use after an order to cease, constitutes a separate offense.

Additional remedies. The Town may seek temporary or permanent injunctive relief and any other remedy available at law or in equity. Civil penalties accrue to the Town as provided by 30-A M.R.S. Section 3001(4). The remedies in this Ordinance are cumulative to the extent permitted by law.

SECTION 11. RELATIONSHIP TO OTHER LAW; SEVERABILITY

Nothing in this Ordinance permits conduct prohibited by federal or state law. When this Ordinance and another applicable law impose different restrictions, the more protective or restrictive requirement controls to the extent permitted by law.

If any section, subsection, sentence, clause, phrase, or application of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, that decision does not affect the validity of the remaining provisions or applications, which remain in full force and effect.

SECTION 12. ADOPTION, EFFECTIVE DATE, AND STATE FILING

This Ordinance becomes effective immediately upon adoption by the Town's legislative body unless the vote adopting it states a later effective date. Within 60 days after adoption, the Town Clerk shall provide a copy of the adopted Ordinance to the Maine Office of State Fire Marshal as required by 8 M.R.S. Section 223-A(2).

ADOPTION CERTIFICATION

Adopted by the legislative body of the Town of Liberty on:

_____

Effective date: _____

Attest: _____

Town Clerk