

ORDER FOR REFERENDUM BY THE DAYTON BOARD OF SELECTMEN:

Fireworks Referendum

Question #1: Do you wish to approve the sales, distribution, and storage of fireworks (as defined by Section 8 MRSA § 221-A) in the Town of Dayton pursuant to state statutes (Section 8 MRSA § 223-A)?

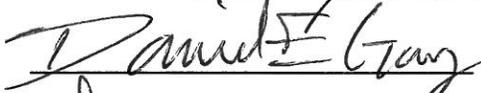
Dated: April 4th, 2016

Dayton Board of Selectmen:

Scott Littlefield, Chair

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Daniel E. Gay

Handwritten signature of Daniel E. Gay in cursive, written over a horizontal line.

Jarod Harriman

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Article 4.2 Definitions

Consumer Fireworks and Fireworks:

The definitions of terms pertaining to Consumer Fireworks and Fireworks or activities associated with Consumer fireworks, which includes but are not limited to the sale or display of Consumer Fireworks, as used in this ordinance, are defined by Section 8 MRSA 221-A.

Article 5.3 Table of Land Uses:

Sale of Consumer Fireworks
and Fireworks:

ORD.	V	R.P.	S.	M	Farm	Fields	C.R.	C.I.
7.27	N	N	N	Y	N	N	N	Y

Article 7:

7.27 Sale, Storage, and Distribution of Consumer Fireworks and Fireworks:

A. Definition:

1. 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 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.

2. Fireworks: "Fireworks" means any:

- a. Combustible or explosive composition or substance;
- b. Combination of explosive compositions or substances;

c. Other article that was prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, including blank cartridges or toy cannons in which explosives are used, the type of balloon that requires fire underneath to propel it, firecrackers, torpedoes, skyrockets, roman candles, bombs, rockets, wheels, colored fires, fountains, mines, serpents and other fireworks of like construction;

d. Fireworks containing any explosive or flammable compound; or

e. Tablets or other device containing any explosive substance or flammable compound.

The term "fireworks" does not include consumer fireworks or toy pistols, toy canes, toy guns or other devices in which paper caps or plastic caps containing 25/100 grains or less of explosive compound are used if they are constructed so that the hand can not come in contact with the cap when in place for the explosion, toy pistol paper caps that contain less than 20/100 grains of explosive mixture, sparklers that do not contain magnesium chlorates or perchlorates or signal, antique or replica cannons if no projectile is fired.

B. Manufacture. The manufacture of any types of fireworks is prohibited within the jurisdictional boundaries of the Town of Dayton.

C. Sale, Storage, and Distribution. The retail sale, storage and/or wholesale distribution of Consumer Fireworks and Fireworks are permitted within the Commercial/Industrial District as defined by the Town of Dayton Zoning Ordinance, and subject to Section 8 MRSA 223-A, NFPA 1124, and Dayton Ordinances.

1. A person may not sell consumer fireworks unless that person is 21 years of age or older and possesses;

a. A federal permit to sell fireworks under 18 United States Code, Section 843; and a conditional use permit issued by the municipality

b. All State and local permits as required by law or ordinance

2. **Permitting.** The Planning Board shall specify such requirements in any Conditional Use Permit issued for the Sale, Storage and Distribution of Fireworks as it deems necessary or desirable to assure compliance with local, state and federal regulations.

3. **Storage and Handling.** A person authorized to sell consumer fireworks may store and sell the fireworks only in a permanent, fixed, stand-alone building dedicated solely to the storage and sale of consumer fireworks in accordance with this subsection.

a. The building must be constructed, maintained and operated, and all consumer fireworks must be stored, in compliance with the requirements of National Fire Protection Association Standard 1124, as adopted by the Office of the State Fire Marshal, relevant building codes, zoning ordinances and other municipal ordinances.

b. The building may not be less than 60 feet from another permanent building and may not be less than 300 feet from a structure at which gasoline, propane or other flammable material is sold or dispensed.

c. Cigarettes, tobacco products or lighters or other flame-producing devices may not be permitted in the building.

d. A person under 21 years of age may not be admitted to the building unless accompanied by a parent or guardian.

e. Notwithstanding paragraph d, a person at least 18 years of age may handle and sell consumer fireworks if the person is under the direct supervision of a person 21 years of age or older.

f. All buildings used for the storage and sale of consumer fireworks shall be protected by an automatic sprinkler system in accordance with the current edition of NFPA 13 and monitored by a central station fire alarm system.

D. Insurance: A person authorized to sell consumer fireworks shall at all times maintain public liability and product liability insurance with minimum coverage limits of \$2,000,000.00 to cover losses, damages or injuries that might ensue to persons or property as a result of the person selling consumer fireworks.