

Sec. 11-205 Penalties

Any person violating any of the provisions of this article shall be subject to a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00).

Historical note: The provisions of this article were originally adopted November 13, 1967; subsequent amendments have been incorporated into the text.

ARTICLE III FIREARMS AND EXPLOSIVES

Sec. 11-301 Firearms and Explosives Regulated

1. **Firearms Regulated.** No person shall fire any firearm within the urban compact zone of the Town of Houlton, or within town parks, cemeteries, or airport property. Firearm means any instrument used in the propulsion of pellets, shot, shells or bullets by action of gunpowder, compressed air or gas exploded or released within it for the purposes of this Article.

2. **Penalty.** Any person violating any of the provisions of this section shall on conviction thereof, be fined in a sum not exceeding one hundred dollars (\$100.00) and costs, said fine and costs to be recovered to the use of the Town.

Sec. 11-302 Air Rifles Regulated – Repealed 12-27-2012

Sec. 11-303 CONSUMER FIREWORKS AND FIREWORKS

1. **Definition.** 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 1.8 MRSA 221-A.

2. **Manufacture.** The manufacture of any types of fireworks is prohibited within the jurisdictional boundaries of the Town of Houlton.

3. **Sale, Storage, and Distribution.** The retail sale, storage and/or wholesale distribution of Consumer Fireworks and Fireworks are permitted within the jurisdictional boundaries of the Town of Houlton, Maine, subject to Section 5.8 MRSA 223, and Houlton ordinances.

3.1 **Buildings.** All buildings and property used for the possession, storage and sale of Consumer Fireworks and Fireworks shall be in accordance with the applicable Houlton building codes and ordinances. All buildings used for the possession, storage and sale of Consumer Fireworks and Fireworks shall be protected by a automatic sprinkler system in accordance with the current edition of NFPA 13 and monitored by a central station fire alarm system.

4. **USE: Commercial Fireworks Display.** Any firm, partnership or corporation that commercially discharges, shoots, explodes or displays Consumer Fireworks and Fireworks in the Town of Houlton is required to do so in accordance with NFPA 1123 and is subject to the Department of Public Safety Office of the State Fire Marshal Chapter 25: "Rules For The Display of Fireworks"

5 **USE: Non-Commercial Use of Consumer Fireworks and Fireworks.** To protect the lives and property of its citizens concerning the possession and use of Consumer Fireworks and Fireworks in Populated Areas, the Town of Houlton recognizes the potential for fire and injury and the history of fire and injury in regards to the use of Consumer Fireworks and Fireworks, therefore It shall be unlawful for any person, firm, partnership or corporation to use, display or explode any Consumer Fireworks and Fireworks within the Town of Houlton.

5.1 **Exceptions;**

1. Use is permitted if on a lot sized in excess of 1 acre, either owned by the user of the fireworks or with permission of the land owner, and discharged at a minimum of 300 feet from neighboring residences or structures, and 100 feet from wooded areas.
2. The use and display of sparklers including morning glories, paper and plastic caps is permitted.

CONDITIONS ON EXCEPTED USE OF CONSUMER FIREWORKS AND FIREWORKS

5.1.1 **Time of Use.** Non Commercial use of Consumer Fireworks and Fireworks shall not be permitted between 10 PM and 8:00 AM. Exceptions: Non-Commercial use and Commercial use of Consumer Fireworks and Fireworks shall not be permitted on New Year's Eve between 2:00 AM and 8:00 AM and on July 4th between 11:00 PM and 8:00 AM.

5.1.2 **Public Safety.** Use may not take place within 300 feet of a public gathering consisting of 25 or more people, or on any town owned land.

5.1.3 **Age.** No peron under the age of 21 may display or explode any Consumer Fireworks and Fireworks within the Town of Houlton.

5.1.4 **Fire Conditions.** No person may explode any Consumer Fireworks or Fireworks when their exists a "High" risk of forest fire as displayed at the Houlton Fire Department or on the Maine forest Service web site:

<http://www.maine.gov/doc/mfs/firedanger/fire.shtml>

5.1.5 **Notification.** Persons discharging Fireworks or Consumer Fireworks shall contact the Houlton Fire Department 532-2287 prior to any such discharge.

6 **Other Agencies.** Nothing in this ordinance shall be construed to restrict or limit any other authority granted by state law. All requirements in this ordinance are in addition to any other state and federal regulations.

7. **Penalty.** Any person who uses Consumer Fireworks or Fireworks in the Town of Houlton in violation of this ordinance shall receive a citation, the penalty for which shall be not less than \$100. Each day, or each offense, any violation of any provisions of this Code shall continue shall constitute a separate offense in addition to the applicable civil penalty.

8. **Seizure and Disposal.** The Town may seize Consumer Fireworks and Fireworks used in violation of this ordinance. Upon conviction of the person from whom the Consumer Fireworks or Fireworks were seized, the fireworks shall be forfeited to the Town. Upon forfeiture, seized Consumer Fireworks or Fireworks shall be forwarded to the State for disposal.

ARTICLE IV PREVENTION OF DUTCH ELM DISEASE

Sec. 11-401 Statement of Policy

It is hereby declared to be against the public interest for any person, firm or corporation owning or occupying land within the Town of Houlton;

1. To grow, transport, or maintain on such land any elm tree infected with Dutch elm disease; or

2. To fail to remove dead wood from uninfected elm trees growing on such land.

Sec. 11-402 Detection

The Municipal Officers of the Town of Houlton, or their designated agents, are hereby authorized to enter upon any land within the Town of Houlton for the purpose of detecting Dutch elm disease and dead wood in uninfected elm trees. They may take samples from any elm trees for submission to a competent governmental department of forestry for analysis.

Sec. 11-403 Control

If any elm tree within the Town of Houlton is found by such department to be infected with Dutch elm disease, or if dead wood is found on uninfected elm trees, then both the owner and the occupant of the land, shall be requested by notice in writing as provided below to remove and destroy said diseased trees or dead wood. In the event that the requested action is not taken within a reasonable time after notice, considering the