

# TOWN OF BAILEYVILLE

## CONSUMER FIREWORKS ORDINANCE

### **Section 1. Purpose and Authority**

- A. Purpose: This Ordinance governs the use of consumer fireworks to ensure the safety of the residents and property owners of the Town Of Baileyville and of the general public.
- B. Title and Authority: This Ordinance shall be known as the “Town of Baileyville Consumer Fireworks Ordinance” and will be referred to herein as “this ordinance”. This Ordinance is adopted pursuant to the enabling provisions of Maine Constitution, the provisions of 30-MRSA ss.3001, and the provisions of 8-MRSA ss. 223-A.

### **Section 2. Definitions**

The following words, terms, phrases when used in this Ordinance, shall have the meanings ascribed to them in this section:

*Consumer Fireworks:* Consumer fireworks has the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provisions but does not include the following products:

- a. Missile type rockets, as defined by the State Fire Marshall by rule;
- b. Helicopters and aerial spinners, as defined by the State Fire Marshall by rule;
- c. Sky rockets and bottle rockets, by definition means, cylindrical tubes containing not more than 20 grams of chemical composition, 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 height of flight.

### **Section 3. Use and Sale of Consumer Fireworks**

This Ordinance allows the purchase, selling, use, and possession of consumer fireworks within the Town of Baileyville subject to the following requirements:

- a. Consumer fireworks may not be used when the fire danger class, as designated by the Maine Forest Service, is a class 4 or 5 fire danger day.
- b. Users must obtain a permit from the town office or the Fire Department before discharging any consumer fireworks.
- c. Consumer fireworks may only be discharged on property owned by the user and all falling debris must be contained on the user’s property.

- d. Consumer fireworks may not be used on or within 75 feet of publicly owned land or on any public roadway, combustible structure, overhead power lines or forest. In addition, consumer fireworks shall not be discharged within 250 feet of a licensed daycare, school, church, gas station, or any business which distributes liquid fuels, or a pasture with livestock present or in or from any watercraft within waters of the Town. Discharge of consumer fireworks from any motorized vehicle is prohibited.
- e. The use or discharge of consumer fireworks is prohibited within the "Village District" which is defined as: the intersection of Rt. 1 and Main St., traveling North on Rt. 1 to the Access Road and traveling easterly to the intersection of the Access Rd. and Main St. and all area to the left of Main St. bordering the St. Croix River back to the intersection of Main St. and Rt. 1.
- f. Consumer fireworks may only be used during the hours of 12:00pm to 9:00pm with exceptions on Memorial Day, Fourth of July, Christmas Eve, Christmas Day, New Year's Eve, New Year's Day, when consumer fireworks may be discharged from 12:00 noon to 1:00am.
- g. Consumer fireworks may be discharged every Saturday beginning at 12:00pm and ending at 10:00pm.
- h. A person may not discharge consumer fireworks while intoxicated or impaired due to use of alcohol or drugs.

#### **Section 4. Exceptions**

- a. This Ordinance does not apply to a person issued a fireworks display permit by the State of Maine pursuant to MRSA Title 8 ss.227-A
- b. This Ordinance does not apply to a person utilizing pyrotechnic devices in pest dispersal operations pertaining to agricultural production.
- c. The Town of Baileyville is exempt from the provisions of this Ordinance.

#### **Section 5. Violation and Enforcement**

- a. Any person who violates the provisions of this Ordinance shall commit a civil violation punishable by a penalty of not less than \$100.00 and not more than \$500.00 plus attorney's fees and costs to be recovered by the Town of Baileyville.
- b. This Ordinance shall be enforced by the Baileyville Police Department or any agents designated by the Baileyville Town Council.

#### **Section 6. Severability**

Should any section, or portion of this Ordinance be declared by any court of competent jurisdiction to be invalid for any reason, such a decision shall not be deemed to invalidate any other section or portion of this Ordinance.

This Ordinance shall take effect upon its adoption and publication as required by law.

Ordinance First Hearing \_\_\_/\_\_\_/\_\_\_ Publication Date(s): \_\_\_/\_\_\_/\_\_\_/and \_\_\_/\_\_\_/\_\_\_

Ordinance Second Hearing \_\_\_/\_\_\_/\_\_\_

Ordinance Adoption \_\_\_/\_\_\_/\_\_\_

### **Authorization to Execute**

The Town Manager of Baileyville and his/her agents is authorized to execute and the Deputy Clerk is authorized to attest to this Order on behalf of the Baileyville Town Council

### **Effective Date**

PASSED, APPROVED AND RESOLVED by the Baileyville Town Council on this day of \_\_\_/\_\_\_/\_\_\_

Town Councilor \_\_\_\_\_ Town Councilor \_\_\_\_\_

Town Councilor \_\_\_\_\_ Town Councilor \_\_\_\_\_

Town Councilor \_\_\_\_\_ ATTEST: \_\_\_\_\_

# TOWN OF BAILEYVILLE

## DOMESTICATED LIVESTOCK ORDINANCE

### **Sec. 1. – Purpose.**

The purpose of this article is to provide standards for the keeping of domesticated livestock within the designated zoned areas. The article is intended to enable residents of single family homes to keep a small number of domesticated farm animals on appropriately sized lots while limiting the potential adverse impacts on the surrounding neighborhood.

### **Sec. 2. – Definitions.**

*Domesticated farm animals* are defined as bovine, horses, donkeys, mules, sheep, goats, swine, llamas, alpacas and all fowl including ducks, geese, guinea, chickens, and the like.

*Barns, stables and other enclosures* are defined as any structure designed to provide safe and healthy living conditions for the domesticated farm animals while minimizing adverse impacts to neighboring lot owners. The use of scrap, waste board, sheet metal or similar materials as construction material is prohibited.

*Trespass:* An owner or keeper of an animal may not allow that animal to enter onto or remain on the property of another or unattended on any local, county, or state road or highway after the owner or keeper has been informed by a law officer, or animal control officer.

*Removal:* The owner or keeper of an animal is responsible, at the owner's or keeper's expense for removing any animal found trespassing.

*Household pets:* Unless their numbers and variety qualify their keeping as a kennel or pet breeder, household pets such as dogs, cats, exotic birds and reptiles may be kept.

*Animal Unit:* The equivalent of 1 cow, horse, Llama or 2 donkeys, swine, alpacas, or 4 goats, sheep or 15 chickens (no roosters) or 8 ducks, guinea fowl or turkeys or 4 geese or 10 rabbits or 12 beehives.

*Exotic Animals:* See MRSA Title 12 ss.7235-A. All state laws apply locally.

### **Sec. 3. Lot Sizes, Setbacks**

- a. A single family residence having a minimum lot area of 2 acres is required for the keeping of domesticated farm animals. See exception(s) in Sec. 4.

- b. No more than 2 domesticated farm animals (2 AU ) shall be kept on a lot with a single-family dwelling.
- c. Minimum setback: Any structure used to house domesticated farm animals must be at least 35 feet from a property line and at least 50 feet from any residential dwelling located on an abutting lot. Securely enclosed roaming or grazing areas must be at least 20 feet from any property line, at least 30 feet from any residential dwelling located on an abutting lot. Existing enclosures in place as of the date of this ordinance enactment shall be exempt.
- d. Lot sizes of greater than 2 acres may hold a combined total of 2 animal units (AU) and a maximum of 2 AU's per each full acre over 3 acres.

## **Sec. 4. Domesticated Fowl**

Domesticated fowl is intended to mean chickens, ducks, geese, turkeys, guinea fowl and the like.

- a. This section applies to the keeping of 15 or fewer chickens (females) that are 6 months old or older, or 8 ducks, guinea fowl, and turkeys; or 4 geese.
- b. The minimum lot size required is ½ acre and the minimum setback for the housing structure on the side and rear is 20 feet from abutting property owners. Housing structures are not allowed on the front side or street side of a lot.
- c. A housing structure shall be provided to provide safe and healthy living conditions for the fowl while minimizing adverse impacts to other residents in the neighborhood. An existing shed or garage, or portion of an existing building can be used if it meets the standards of this section.
- d. A building permit is required for a new housing structure.
- e. Housing structures must be enclosed on all sides, and have a roof and doors. Access doors must be able to be shut and locked at night.
- f. The roaming pen must have a minimum of 10 sq. feet per fowl and must be constructed so as to not allow the fowl to get out without human assistance.

## **Sec. 5. Waste Storage and Removal**

- a. Provisions must be made for the storage and removal of animal waste. All stored manure shall be covered and not consist of more than 3 cubic yards on lots of 2 acres or less. All other manure not used for composting or fertilizing shall be removed and legally disposed of.
- b. No manure shall be stored within 300 feet of the normal high water mark of a water body, wetland, brook, stream, vernal pool, or well that supplies water for human consumption.

- c. Excessive odors from domesticated animals, manure or other related substances shall not be perceptible at the property lines of abutting land owners.
- d. Manure storage must meet all applicable Maine Department of Agriculture, Conservation and Forestry Best Management Practices or similar State or Federal guidelines.

## **Sec. 6. Rodents, Insects and Parasites**

- a. The property owner shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites.
- b. Feed and water shall be unavailable to rodents, wild birds and predators by way of rodent proof containers.
- c. Animals found to be infested with insects and parasites shall be removed by the Animal Control Officer or any designated town agent.

## **Sec. 7. Licensing Requirements**

A person who keeps domesticated animals shall obtain a license for a fee of \$15.00. The license shall expire annually on the 1<sup>st</sup> day of April. The license shall be issued after favorable inspection by the Animal Control Officer or an agent of the Town of Baileyville. The license fee is non-refundable if the license is not approved. There will be a late fee assessed to licenses that have expired, in the amount of \$25.00.

## **Sec. 8. Complaints**

When any person files a complaint with the codes officer that this ordinance is being violated, the codes officer shall respond within 5 working days. All complaints and the action taken will be kept on file. It is at the discretion of the codes officer whether a complaint is valid.

## **Sec. 9. Penalty**

In addition to any other enforcement action which the town may take, violation of any provision of this ordinance shall be a civil violation and a fine not exceeding \$100.00 may be imposed. Each day that a violation continues will be treated as a separate offense. Other State and Federal statutes, rules, regulations and laws may apply. It is the responsibility of the animal owner or keeper to be aware of all applicable laws.

## **Sec. 10. Severability**

If any portion of this ordinance is held to be unconstitutional or invalid, such portion shall be deemed a separate, distinct and independent provision and such holding will not affect the validity of the remaining provisions thereof.

This Ordinance shall take effect upon its adoption and publication as required by law.

Ordinance First Hearing \_\_\_/\_\_\_/\_\_\_ Publication Date(s): \_\_\_/\_\_\_/\_\_\_/and \_\_\_/\_\_\_/\_\_\_

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Town Councilor \_\_\_\_\_ ATTEST: \_\_\_\_\_