

CHAPTER 303

FIRE ORDINANCE

Town of Yarmouth, Maine

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FIRE ORDINANCE

ARTICLE I

A. TITLE

This ordinance shall be known and may be cited at the “FIRE ORDINANCE of the Town of Yarmouth, Maine.”

B. PROHIBITION OF FIRES

1. It shall be unlawful for any person or persons to burn, kindle, ignite or set fire to any material on his/her own land or elsewhere, without first obtaining a permit from the Fire Chief.
2. It shall be unlawful for any person or persons to burn, kindle, set fire to or ignite any combustible material of any sort within the limits or any public way, within the Town of Yarmouth without written permission of the Fire Chief.
3. The Fire Chief shall, by publication in a newspaper or other publication having general circulation within the Town, prohibit or ban all outdoor burning of trash, leaves, grass, tree limbs, brush or other combustible materials for such a period of time as he/she deems necessary, when in his/her opinion a condition of serious fire hazard exists due to drought or other reasons. During the period of such prohibition or ban it shall be unlawful for any person or persons to set fire to, burn, kindle or ignite tree limbs, brush, lumber, leaves, straw, grass or other combustible materials anywhere out-of-doors, except that during such period of prohibition or ban the Chief may grant specific written permission for burning at such time and in such manner as he/she deems necessary to assure safe control of fire.
4. Pursuant to Chapter 306, Article III(3) of the Yarmouth Town Code, except for waste facilities licensed by the Maine Department of Environmental Protection, it shall be unlawful for any person to start, kindle, fuel, cause or allow the open burning or incineration of any solid waste within the Town other than trees, tree limbs, leaves and other wood waste. No solid waste shall be burned or incinerated within the Town without appropriate Town permits.

C. PROHIBITION OF SALE OR USE OF CONSUMER FIREWORKS

1. No person shall use, sell, possess with the intent to sell or offer for sale consumer fireworks within the Town of Yarmouth or from any watercraft within the waters of the Town of Yarmouth except as hereinafter provided.
 - i. Definition: For the purposes of this ordinance, “consumer fireworks” shall have the same meaning as provided in Title 8 MRSA Section 221-A. The term consumer fireworks does not

include 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 cannot come in contact with the cap when in place for the explosion, toy pistol paper caps or plastic 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.

2. Exceptions:

- i. This section shall not apply to a person issued a fireworks display permit issued by the State of Maine pursuant to Title 8 MRSA Section 227-A.

ARTICLE II

A. EQUIPMENT

1. No person shall use any Fire Department apparatus or equipment for any private purpose, nor shall any person willfully and without proper authority take away or conceal any article used in any way by said Department.
2. No person shall enter any place where Fire Department apparatus is housed, or handle any apparatus or equipment belonging to said Department unless accompanied by, or having special permission of, and authorized officer of said Fire Department.
3. The Municipal Officers of the Town of Yarmouth, at the request of the Fire Chief, are hereby authorized to enter into agreements or contracts with nearby communities or governing bodies of other organizations to provide the members of such communities or organizations with fire protection or to establish a mutual aid system.
4. No apparatus shall be used by the Fire Department or by any person or persons for any purpose except public fire prevention and control, or for instruction of department personnel, or permitted to leave the Town of Yarmouth except in response to a call for aid at a fire in a neighboring community, without the consent of the Chief of the Fire Department of Yarmouth. The officer in charge of the Department shall have the power to assign equipment for the response to calls for outside aid in accordance with ARTICLE II, Section II.A.4 and in any other cases only when the absence of such equipment will not jeopardize fire protection in the Town Of Yarmouth.

ARTICLE III

A. GENERAL

1. No person shall drive any vehicle over fire hose except on specific order from the Fire Chief or authorized officer of the Fire Department in charge where such hose is used.
2. It shall be unlawful for any person or persons to park any vehicle in any manner which will obstruct the entrance to any fire station in said Town, or obstruct the entrance to any such fire station in any other manner, or to park any vehicle within ten (10) feet of any fire hydrant or cistern.
3. No unauthorized person in any vehicle shall follow within five hundred (500) feet of any apparatus belonging to the Fire Department that is proceeding to answer an alarm, nor park any vehicle within three hundred (300) feet of a fire.
4. All motor equipment of the Fire Department and all personal cars or vehicles of Fire Department members shall have right-of-way over all other traffic when responding to a fire alarm.
5. No person shall maliciously turn in or cause to be turned in a false fire alarm.

B. PENALTIES

Any person or persons found guilty of a violation of this Ordinance under ARTICLES I, II, or III shall be punished by a fine of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200) for each such violation to be recovered by complaint to the use of the inhabitants of the Town of Yarmouth.