

TOWN OF MENDON, VERMONT

**ORDINANCE RELATING TO THE USE OF FIREWORKS WITHIN
THE TOWN OF MENDON**

Pursuant to Chapters 59 and 61 of Title 24, and Chapter 177 of Title 20, Vermont Statutes Annotated, the following ordinance is adopted by the Selectboard of the Town of Mendon:

Section 1: Findings

The Selectboard finds and determines that the unregulated use and discharge of fireworks, as defined in 20 VSA § 3131, within the Town of Mendon, constitutes a public nuisance, a hazard to public and private property and an endangerment to persons.

Section 2: Prohibition

No persons shall use, discharge, ignite, fire or display fireworks within the Town of Mendon without first obtaining a permit to do so.

Section 3: Permit Application

- (a) A person seeking to use, discharge, ignite, fire or display fireworks within the Town of Mendon shall submit a permit application to the Mendon Fire Warden or the Mendon Constable or other Town Official designated by the Fire Warden. The application shall be made on a form prepared by the Town of Mendon and shall be submitted at least fifteen (15) days in advance of the intended fireworks display date.
- (b) The application shall identify the person applying for the permit and to whom the permit is issued, the location of the property upon which the display is proposed, along with the consent of the landowner if the landowner is not the same person as the permit holder, the date and time of the proposed display and the nature and duration of the proposed display.
- (c) The Mendon Fire Warden and/or the Mendon Constable shall, following inspection of the application, either approve or reject such application and issue a written fireworks display permit or fireworks display denial. An approved permit may be issued if the Fire Warden and/or Town Constable determine that the proposed display will be of a character that said display will not be hazardous to any property, or endanger any person, when enacted as proposed in the permit application.
- (d) An approved display shall not begin before the hour of 7:00 am nor extend past the hour of 10:30 pm.

Section 4: Penalty

A person who shall violate this ordinance by using, discharging, igniting, firing or displaying fireworks within the Town of Mendon without first obtaining a permit hereunder, shall be guilty of a misdemeanor and shall be fined not more than \$800 for each violation, or imprisoned for not more than thirty (30) days, or both. Violators may be issued a Municipal Violation ticket by the Mendon Constable, to be administered by the Vermont Judicial Bureau.

Section 5: Designation

This ordinance is designated a criminal ordinance under 24 VSA § 1971(b).

Section 6: Indemnification

The acceptance of a permit issued under this ordinance shall be deemed to constitute the Permittee's waiver of any claim for damages or injury arising out of, or caused by the Permittee's display asserted against the Town of Mendon and shall constitute the Permittee's agreement to indemnify and hold harmless the Town of Mendon from all claims, demands or suits arising out of, or caused by such Permittee's display.

Section 7: Effective Date

This ordinance shall take effect sixty (60) days from the date of adoption unless disapproved by vote of the Town of Mendon following submission of a petition as provided in 24 VSA § 1973.

Adopted by the Mendon Selectboard at its meeting held on October 9, 2018.

Richard Wilcox, Chair, Mendon Selectboard
Geoffrey Wells, Member, Mendon Selectboard
Scott Bradley, Member, Mendon Selectboard