

**TOWN OF MEXICO  
CONSUMER FIREWORKS ORDINANCE**

**1. TITLE, AUTHORITY, AND PURPOSE**

**A. Title**

This Ordinance shall be known as the "Town of Mexico Consumer Fireworks Ordinance."

**B. Authority**

This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution; the provisions of 30-A M.R.S.A. § 3001 (Home Rule), and the provisions of Title 8 M.R.S.A. § 223-A, et seq.

**C. Purpose**

The purpose of this Ordinance is to protect the public health, safety and welfare of the residents, property owners and the general public by prohibiting the sale and use of consumer fireworks in Mexico, Maine.

**2. EFFECTIVE DATE**

This Ordinance becomes effective on the date of its adoption by the legislative body. Within 60 days of the date of the adoption of this Ordinance the Town Clerk shall provide an attested copy of the Ordinance to the Office of the State Fire Marshal.

**3. AMENDMENTS**

- A. Initiation of Amendments: An amendment to this Ordinance may be initiated by:
  - i. Request of the municipal officers; or
  - ii. Written petition of a number of voters equal to at least 10% if the number of votes cast in the municipality at the last gubernatorial election.
- B. The municipal officers shall hold a public hearing on the proposed amendment at least 14 days prior to the meeting of the Governing Body. Notice of the public hearing shall be posted at the town office at least seven days prior to the public hearing. Notice of the hearing shall be published at least two times in a newspaper of general circulation in the area. The date of the first notice shall be at least seven days before the hearing.
- C. Adoption of Amendment: An amendment to this Ordinance may be adopted by a majority vote of the Town Meeting. Within 60 days of the date of the adoption of an amendment to this Ordinance the Town Clerk shall provide an attested copy of the amended Ordinance to the Office of the State Fire Marshal.

**4. CONFLICT AND SEVERABILITY**

- A. If there is a conflict between provisions in this Ordinance, the more stringent shall apply. If there is a conflict between a provision in this Ordinance and that of another Ordinance, the provision of this Ordinance shall apply.
- B. The invalidity of any part of this Ordinance shall not invalidate any other part of this Ordinance.

**5. USE AND SALE OF CONSUMER FIREWORKS PROHIBITED**

No person shall use, sell or offer for sale consumer fireworks within the Town of Mexico.

**6. EXCEPTIONS**

This Ordinance does not apply to a person issued a fireworks display permit by the Town of Mexico and/or the State of Maine pursuant to Title 8 M.R.S.A. § 227-A.

## 7. ENFORCEMENT

This Ordinance shall be enforced by the Town of Mexico Police Department.

## 8. VIOLATION PENALTIES

- A. Use of consumer fireworks  
Use of consumer fireworks in violation of this chapter shall be subject to a fine of not less than \$250 plus attorney's fees and costs for the first offense, or a fine of not less than \$250 or more than \$500 plus attorney costs for each subsequent offense.
- B. Sale of consumer fireworks  
Sale of consumer fireworks in violation of this chapter shall be subject to a fine of not less than \$500 nor more than \$1,000 plus attorney's fees costs for the first offense, or a fine of not less than \$1,000 nor more than \$2,500 plus attorney costs for each subsequent offense.
- C. Seizure of consumer fireworks  
The Town may seize consumer fireworks that it has probable cause to believe are used or sold in violation of this chapter. All consumer fireworks lawfully seized under this chapter shall be forfeited to the State of Maine pursuant to Title 8 M.R.S.A. § 237.

## 9. APPEALS

Any appeals with respect to decisions made under this Ordinance shall be taken to Oxford County Superior Court within 30 days of the decision being appealed.

## 10. DEFINITIONS

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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 a 3rd-party testing laboratory as conforming with United States Consumer Product Safety Commission standards, in accordance with 15 United States Code, Chapter 47.

Adopted: November 6, 2012

Attest: Penny S. Duguay  
Penny S. Duguay, Town Clerk