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