



TOWN OF BUXTON, MAINE

Office of Town Clerk

185 Portland Road
Buxton, Maine 04093-6532

March 2, 2012

Joseph Thomas, Acting State Fire Marshal
State Of Maine
52 State House Sta
Augusta, ME 04333-0052

Re: *Town of Buxton Consumer Fireworks Ordinance*

Dear Acting State Fire Marshal Thomas,

This is to certify that the following article appeared on a Special Town Meeting Warrant for the Town of Buxton duly called and that the following action was taken by the Town's Legislative Body on December 28, 2011.

"Article 2. Shall an ordinance entitled 'Town of Buxton Consumer Fireworks Ordinance', prohibiting the sale and use of Consumer Fireworks be enacted?"

Copies available at Town Clerk's office."

Motion made by Lawrence A. Miller and seconded by Jean C. Harmon to accept the ordinance entitled "Town of Buxton Consumer Fireworks Ordinance". The Moderator asked for a count of hands and ruled an affirmative vote approving Article 2; nine yes votes and seven no votes counted. Three certified copies of the approved "Town of Buxton Consumer Fireworks Ordinance" are enclosed as the State of Maine's notification of the enactment.

It is further certified that Hiram R. Davis of Buxton was duly elected and sworn in as the Moderator of said meeting. And the meeting was conducted in compliance with and according to Maine State Law and the Town of Buxton Charter.

Signed and Certified,

John L. Myers, Jr.
Town Clerk

(Town Seal)



Pc: Peter E.W. Burns, Chair Board of Selectmen
Beverly A. Gammon, Selectmen's Assistant

**TOWN OF BUXTON
CONSUMER FIREWORKS ORDINANCE
PROHIBITING THE SALE AND USE OF CONSUMER FIREWORKS**

1. PURPOSE AND AUTHORITY.

A. Purpose. This Ordinance governs and prohibits the sale and use of consumer fireworks to ensure the safety of the residents and property owners of the Town of Buxton and of the general public.

B. Title and authority. This Ordinance shall be known as the "Town of Buxton Consumer Fireworks Ordinance." It is adopted pursuant to the enabling provisions of the Maine Constitution, the provisions of 30-A M.R.S. § 3001, the provisions of P.L. 2011, Ch. 416, § 5 (effective Jan. 1, 2012), *codified at* 8 M.R.S. § 223-A.

2. 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. "Consumer fireworks" does not include the following products:

- A. Missile-type rockets, as defined by the State Fire Marshal by rule;
- B. Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and
- C. Sky rockets and bottle rockets. For purposes of this definition, "sky rockets and bottle rockets" means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule, 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 the height of flight.

3. USE AND SALE OF CONSUMER FIREWORKS PROHIBITED.

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

4. EXCEPTIONS.

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

5. VIOLATION PENALTIES AND ENFORCEMENT.

A. Penalty for Violation. For each violation of a provision of this Ordinance or other failure to comply with any of the requirements thereof, the person shall be subject to a fine of not less than \$100 and not more than \$2,500, plus attorney's fees and costs.

B. Enforcement. This Ordinance shall be enforced by the Town of Buxton Police Department.

C. Injunction. In addition to any other remedies available at law or equity, the Town of Buxton, acting through its Board of Selectmen, may apply to any court of competent jurisdiction to enjoin any planned, anticipated or threatened violation of this Ordinance.

D. Seizure & Disposal. The Town may seize consumer fireworks that the Town has probable cause to believe are used or sold in violation of this Ordinance and shall forfeit seized consumer fireworks to the State for disposal.

6. EFFECTIVE DATE.

This Ordinance takes effect immediately upon adoption.

7. SEVERABILITY.

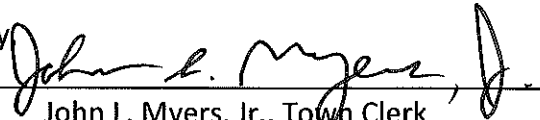
Should any section, subsection or portion of this Ordinance be declared by any court of competent jurisdiction to be invalid for any reason, such a decision shall not be deemed to invalidate any other section, subsection or portion of this Ordinance.

State of Maine
County of York, ss.

Town of Buxton
March 2, 2012

A True Copy

Attest:


John L. Myers, Jr., Town Clerk



(Town Seal)