

Town of Topsham, ME
Wednesday, July 3, 2013

Chapter 125. FIREWORKS

[HISTORY: Adopted by the Town of Topsham as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention — See Ch. 124.

Article I. Sale of Consumer Fireworks

[Passed at referendum 6-12-2012]

§ 125-1. Applicability.

This article shall govern the sale of consumer fireworks and fireworks as defined herein, as in 8 M.R.S.A. §§ 221A through 237.

§ 125-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

CONSUMER FIREWORKS

Shall have the same meaning as in 8 M.R.S.A. § 221A through 237, as may be amended from time to time.

§ 125-3. Sale of consumer fireworks prohibited.

The sale of, or offer to sell, consumer fireworks shall be prohibited within the Town of Topsham.

§ 125-4. Violations and penalties.

- A. Any person, individual, corporation, company, association, firm, partnership, society, joint-stock company or any other organization who sells or offers to sell consumer fireworks in the Town of Topsham shall be punished by a penalty of not less than five hundred dollars (\$500.00), plus costs associated with prosecuting the violation, for a first offense. For second and subsequent violations, a penalty of not less than one thousand dollars (\$1,000.00), plus costs, shall be imposed.
- B. Any penalties assessed under this article shall inure to the Town of Topsham.
- C. The Town of Topsham may seize consumer fireworks that the Town has probable cause to

believe are being sold or are to be sold in violation of this article. Upon conviction for selling or offering to sell consumer fireworks, any seized fireworks shall be forfeited to the Town. Forfeited consumer fireworks shall be forwarded to the State of Maine for disposal.

Article II. Use of Consumer Fireworks

[Passed at referendum 6-12-2012]

§ 125-5. Applicability.

This article shall govern the use of consumer fireworks and fireworks as defined herein, as in 8 M.R.S.A. §§ 221A through 237.

§ 125-6. Definitions.

As used in this article, the following terms shall have the meanings indicated:

CONSUMER FIREWORKS

Shall have the same meaning as in 8 M.R.S.A. §§ 221 through 237, as may be amended from time to time.

§ 125-7. Use of commercial fireworks prohibited.

The use, discharge or ignition of consumer fireworks shall be prohibited within the Town of Topsham.

§ 125-8. Violations and penalties.

- A. Any person, individual, corporation, company, association, firm, partnership, society, joint-stock company or any other organization who uses, discharges or ignites consumer fireworks in the Town of Topsham shall be punished by a penalty of not less than two hundred dollars (\$200.00) and not more than four hundred dollars (\$400.00), plus costs associated with prosecuting the violation and any response from the Topsham Fire Department made necessary by such violation, for a first offense. For second and subsequent violations, a penalty of not less than three hundred dollars (\$300.00) and not more than six hundred dollars (\$600.00) per violation, plus costs, shall be imposed.
- B. Any penalties assessed under this article shall inure to the Town of Topsham.
- C. The Town of Topsham may seize consumer fireworks that the Town has probable cause to believe are to be used, when located at the site of a suspected violation of this article. Upon conviction for illegal use of consumer fireworks, any seized fireworks shall be forfeited to the Town. Forfeited consumer fireworks shall be forwarded to the State of Maine for disposal.