

PUBLIC HEARING NOTICE

The Eastport City Council will hold a public hearing on Tuesday, October 22nd, 2013 at 6:00 p.m. at Shead High School. The purpose of the hearing is to receive public input and to give consideration to a proposed Fireworks Ordinance as follows:

The City Council welcomes all public comment.

Ordinances of the City of Eastport, Maine

Fireworks Ordinance.

All fireworks displays or use of explosive charges, performed by a fireworks technician, as defined in 8 M.R.S.A. § 221-A(5), within the boundaries of the City of Eastport shall have a permit issued by the fire chief. The site or sites shall be reviewed and approved by the fire chief prior to issuance of the permit. This permit will include time(s) of the display/use, agents to be used, storage of explosives, protection needs, and other matters of concern to the town. All vendors, contractors or parties responsible for the use or display will have listed the City of Eastport on its insurance policy as an additional insured, to the limits established by the City of Eastport. This limit and rider applies to all locations within the boundaries of the City of Eastport.

No person shall use, sell, possess with the intent to sell or offer for sale consumer fireworks, as defined in 8 M.R.S.A. § 221-A(1-A), within the boundaries of the City of Eastport. This prohibition does not apply to a person who is issued a fireworks display permit by the City of Eastport and/or the State of Maine pursuant to 8 M.R.S.A. § 227-A.

Any person who uses consumer fireworks within the City of Eastport shall be punished by a fine of not less than \$50.00 and not more than \$200.00, plus costs. For second and subsequent offenses committed within one year of adjudication of the previous offense, a fine of not less than \$100.00 and not more than \$400.00 per violation, plus costs, shall be imposed. Any fine shall inure to the benefit of the City of Eastport.

Any person who sells consumer fireworks, offers to sell consumer fireworks or possesses consumer fireworks with the intent to sell them in the City of Eastport shall be punished by a fine of not less than \$200.00, plus costs. For second and subsequent offenses, a fine of not less than \$500.00 per violation, plus costs, shall be imposed. Any fine shall inure to the benefit of the City of Eastport.

For the purposes hereof, the term "*person*" shall be as defined in 8 M.R.S.A. § 221-A(7), and the term "*costs*" shall include but not be limited to reasonable attorney fees.

The city may seize consumer fireworks that the town has probable cause to believe are used, possessed with intent to sell, offered for sale or sold in violation of this section. All consumer fireworks lawfully seized are contraband and are forfeited, and shall be delivered to the State for disposal.