

**WARRANT
FOR THE
SPECIAL TOWN MEETING
OF THE
TOWN OF OGUNQUIT
Tuesday, January, 17, 2012**

TO: **PATRICIA L. ARNAUDIN**, Chief of Police of the Town of Ogunquit, in the County of York, State of Maine:

GREETINGS: In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Ogunquit in said county and state, qualified by law to vote in town affairs, to meet at the Dunaway Community Center in said Town on **Tuesday, the seventeenth day of January 2012, A.D.**, at eight o'clock in the morning (8:00 a.m.) until six o'clock in the evening (6:00 p.m.) to vote by secret ballot on the following warrant articles; to wit:

Article 1: To elect a Moderator to preside at said Meeting. [**Note:** This question is not intended to be acted upon as part of the official secret ballot at the Special Town Meeting.]

Article 2: Shall an Ordinance entitled, "**Town of Ogunquit Fireworks Ordinance**" be enacted? [Note: The adopted ordinance will be made a part of Title II (Health, Safety & Welfare) as **Chapter 12 – Fireworks Ordinance**. - A copy of the proposed Ordinance is attached and made a part of this Warrant as **Exhibit A** and is available for inspection, use and examination by the public in the Town Clerk's Office.]

Given under our hands this **20th day of December 2011**, A.D. in Ogunquit, Maine, by the Select Board, acting in their capacity as the municipal officers. ATTEST:

OGUNQUIT SELECT BOARD

Donato J. Tramuto, Chairman

David F. Barton, Member

Christopher M. Charochym, Vice-Chairman

Barbara Dailey, Member

Robert N. Winn, Jr., Member

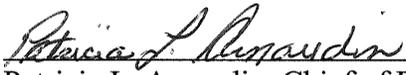
VOTER INFORMATION: The Registrar of Voters will hold office hours while the polls are open to correct any error in or change a name or address on the voting list, to accept the registration of any person eligible to vote and to accept new enrollments. A person who is not registered to vote may not vote in any election.

RETURN OF WARRANT CERTIFICATION

In the Town of Ogunquit, County of York, State of Maine, ss.

Pursuant to the foregoing Warrant to me as directed, I have notified and warned the Inhabitants of the Town of Ogunquit herein named to meet at the time and place for the purpose herein stated by posting upon the **21st day of December 2011 A.D.**, copy of said Warrant at the

Dunaway Community Center, Ogunquit Post Office, and Ogunquit Transfer Station, those being three (3) conspicuous and public places in said Town.



Patricia L. Arnaudin, Chief of Police
Town of Ogunquit

UNDER SEAL OF THE TOWN, A True Copy: ATTEST:

Office of the Town Clerk

Dated: _____

OGUNQUIT

Beautiful Place by the Sea

To the Town Clerk of Ogunquit:

We hereby certify that the document to which we have affixed this Certificate is a true copy of the official text of an Ordinance entitled "**Town of Ogunquit Fireworks Ordinance**". The proposed new **Chapter 12 of Title II** of the Ogunquit Municipal Code will be presented to voters by referendum ballot, for their consideration at the Special Town Meeting to be held on January 17, 2012.

Pursuant to 30-A, MRSA §3002(2), you will retain this copy of the complete text of the ordinance amendments as a public record and make other copies available for distribution to the voters, and you will ensure that these copies are available at the polling place on the day of the vote.

DATED: December 20, 2011

**OGUNQUIT
SELECT BOARD**

Not Present

Donato J. Tramuto, Chairman

Christopher M. Jaroehym

Christopher M. Jaroehym, Vice-Chairman

David F. Barton

David F. Barton, Member

Barbara Dailey

Barbara Dailey, Member

Robert N. Winn, Jr.

Robert N. Winn, Jr., Member

TRUE COPY, ATTEST:

Judy Shaw-Kagiliery, Town Clerk

Dated: _____

P:\Elections\Ordinance Certification.doc

EXHIBIT A

PROPOSED ORDINANCE
ARTICLE 2
for
TOWN WARRANT of JANUARY 17, 2012

TITLE II
HEALTH, SAFETY & WELFARE
FIREWORKS ORDINANCE

Chapter 12 Fireworks Ordinance

1201 Title

This ordinance shall be known as the "Town of Ogunquit Fireworks Ordinance."

1201 Purpose

The purpose of this ordinance is to safeguard the health, safety and welfare of the Town of Ogunquit by prohibiting and restricting the sale or use of consumer fireworks within the municipality.

1203 Authority

It is adopted pursuant to the enabling provisions of the Maine Constitution, the provisions of 30-A M.R.S.A. § 3001, and the provisions of 8 M.R.S.A. § 223-A.

1204 Definition

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

- 1204.1 **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 third party testing laboratory as confirming 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 paragraph, "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.

1204.2 **Fireworks**: Shall include the following products:

- a. Combustible or explosive composition or substance;
- b. Combination of explosive compositions or substances;
- c. Other article that was prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, including blank cartridges or toy cannons in which explosives are used the type of balloon that requires fire underneath to propel it, firecrackers, torpedoes, skyrockets, roman candles, bombs, rockets, wheels, colored fires, fountains, mines, serpents and other fireworks of like construction;
- d. Fireworks containing any explosive or flammable compound; or
- e. Tablets or other device containing any explosive substance or flammable compounds.

The term "fireworks" does not include consumer fireworks or toy pistols, toy canes, toy guns or other devices in which paper caps or plastic caps containing 25/1 00 grains or less of explosive compound are used if they are constructed so that the hand cannot come in contact with the cap when in place for the explosion, toy pistol paper caps or plastic caps that contain less than 20/100 grains of explosive mixture, sparklers that do not contain magnesium chlorates or perchlorates or signal, antique or replica cannons if no projectile is fired.

1204.3 **Display**: Any entertainment feature where the public or a private group is admitted or permitted to view the display or discharge of fireworks or special effects.

1205 **Prohibition**

No person or group shall use, possess with the intent to use, sell, possess with the intent to sell or offer for sale possess with the intent to sell or offer for sale consumer fireworks in the Town of Ogunquit.

1205.1 **Exception**: This section shall not apply to a person or group issued a fireworks display permit by the State of Maine pursuant to Title 8 M.R.S.A. §227-A.

1206 **Fireworks Display Permit**

A fireworks display requires a permit from the Maine Commissioner of Public Safety or his or her designee under the provisions of 8 M.R.S.A. §§ 221-237, and particularly Section 227-A. The Fire Chief, or his or her designee, shall inspect the proposed display site at the time of the inspection conducted by a representative of the Maine Public Safety Department under 8 M.R.S.A. § 227-A (2).

1207 Seizure and Disposal of Fireworks

The Town may seize consumer fireworks that the Town has probable cause to believe are used, possessed or sold in violation of this section and shall forfeit seized consumer fireworks to the State for disposal.

1208 Civil Penalties

Whoever violates any of the provisions of the foregoing Sections shall be subject to a civil penalty of not less than one hundred dollars (\$100) per day and not more than twenty-five hundred dollars (\$2,500) per day, plus attorney's fees and costs.

1209 Effective Date

This Ordinance shall become effective immediately upon affirmative vote of the registered voters of the Town of Ogunquit at the January 17, 2012 Special Town Meeting.