

Fireworks By-Law

THE CORPORATION OF THE TOWNSHIP OF BLACK RIVER-MATHESON

BY-LAW NO. 2005-30

BEING A BY-LAW TO REGULATE THE SALE AND USE OF FIREWORKS AND TO PROHIBIT THE SALE AND USE OF FIRECRACKERS IN THE TOWNSHIP OF BLACK RIVER-MATHESON.

WHERE AS the Municipal Act, R.S.O., 2001 Chapter 25, Section 121, subsection 1 authorizes a Municipality to pass by-laws for prohibiting and regulating the sale and setting off of fireworks.

AND WHERE AS the Municipal Act, R.S.O. 2001 Chapter 25, Section 121, subsection 2 authorizes a Municipality to prohibit the sale or setting off of fireworks unless a permit is obtained from the municipality for those activities and may impose conditions for obtaining, continuing to hold and renewing the permit, including submission of plans.

NOW THEREFORE the Council of the Corporation of the Township of Black River-Matheson hereby ENACTS AS FOLLOWS:

1. TITLE:

This By-Law may be referred to as "The Fireworks By-Law".

2. DEFINITIONS:

For the purpose of this by-law, the following definitions shall apply:

- DISPLAY means to display consumer fireworks in a way that leads to a reasonable belief that it is intended for sale, even if the fireworks is in an area that the public does not have access to, such as behind a sales counter, or the setting off of any type of fireworks for the purpose of visual show.
- FIREWORKS means any article containing a combustible or any substance or combination of substances prepared for, capable of, or discharged for the purpose of producing a visual show or effect which may or may not be preceded by, accompanied with, or followed by an explosion or audible sound.
- FAMILY FIREWORKS means a pyrotechnic device producing quantities or effects of light, sound or smoke by the combustion of explosive or flammable composition and includes fireballs, roman candles, pinwheels, fountains, skyrockets, sparklers, but does

not include firecrackers.

- FIRECRACKER means a pyrotechnic device that is produced solely for an explosion or audible sound when discharged and includes those devices commonly known as Chinese firecrackers, but does not include “caps” used in toy guns.
- PUBLIC FIREWORKS DISPLAY means a discharge of fireworks in a public park, or in some other area deemed as public property and is viewed by a public of more than 20 persons.
- FIRE CHIEF means the Fire Chief of the Corporation of the Township of Black River-Matheson.
- MUNICIPAL LAW ENFORCEMENT OFFICER means the By-Law Officer of the Corporation of the Township of Black River-Matheson.
- PERSON means and includes any individual, firm, incorporated group, business entity or club to whom the context can apply.
- FIREWORKS VENDOR means any person that sells, displays or offers for sale family fireworks.
- FIREWORKS SUPERVISOR means a persons who is 18 years of age or older and has experience in similar events.
- COUNCIL means the Council for the Corporation of the Township of Black River-Matheson.
- MUNICIPALITY means the Corporation of the Township of Black River-Matheson.

3. DISPLAY AND SALE OF FIREWORKS AND FIRECRACKERS

- i. No person shall sell or offer for sale any firecrackers.
- ii. No person shall set off any firecrackers within the Municipality.
- iii. The sale of family fireworks is prohibited except on the following National holidays:
 - Victoria Day (Monday preceding May 25)
 - Seven (7) days prior to the day being observed as Victoria Day.
 - Canada Day (July 1).
 - Seven (7) days prior to the day being observed as Canada Day.

iv. The sale of family fireworks is prohibited except on the following holiday:

- St. Jean Baptist Day (June 24, National Day in Quebec)
- Seven (7) days prior to the day being observed as St. Jean Baptist Day.
- Any other special event being held in the Municipality and approved by Council.

v. No person shall knowingly sell any fireworks of any kind or description to a person who is under the age of 18.

vi. Every fireworks vendor shall ensure that a copy of this By-Law is posted on the site in a conspicuous place visible to the public.

vii. All fireworks of any kind shall not be displayed, placed or stored in any window of any store, shop, building or business, adjacent to or near any flammable goods or any sources of heat (rays of the sun).

4. SETTING OFF OF FAMILY FIREWORKS

i. The setting off of family fireworks is prohibited except on the following days:

- Victoria Day.
- The two (2) days immediately preceding Victoria Day.
- Canada Day.
- The two (2) days immediately preceding Canada Day.
- St. Jean Baptist Day.
- The two (2) days immediately preceding St. Jean Baptist Day.

ii. A person eighteen (18) years of age or over may hold a display of family fireworks on any land belonging to him/her or on any other privately owned land where the owner thereof has given permission for such a display or discharge.

iii. No person shall use, or allow to be used any family fireworks in such a place or in a manner as to create a danger or constitute a nuisance to any person or property.

iv. No person under the age of eighteen (18) years of age shall set off fireworks except under the direct supervision and control of a person eighteen (18) years or older.

v. No person shall use or allow to be used any family fireworks without providing suitable means of fire protection (extinguishers etc.).

5. PUBLIC FIREWORKS DISPLAY

i. No person or group of persons shall hold a display of fireworks without first having

obtained a permit to do so (Schedule E) signed by the Fire Chief or his designate and the City Clerk.

ii. The application for such permits (Schedule B, C, D) shall be made at least one month prior to the date on which the display is to be held.

iii. The application shall at-least state the day, hour and location for which the permit is desired.

iv. The display of public fireworks shall be approved by Council and the Fire Chief or his designate and that all necessary precautions are being observed to keep spectators at a safe distance from the area where fireworks are to be discharged as specified by the Fire Chief or his designate.

v. No person shall hold a public fireworks display without providing suitable extinguishers and means of extinguishing fires on site and having a Fireworks Supervisor on site.

vi. If, in the opinion of the Fire Chief, it is necessary that a firefighter(s) be present at the setting off of any fireworks, such firefighter(s) shall not be hindered or obstructed in any way whatsoever. Such firefighter(s) shall have the authority to require any precautions for the prevention of fire, which in his opinion is deemed necessary before any fireworks may be set off.

6. GENERAL PROVISIONS

i. No person shall set off any fireworks in or into any building, doorway, automobile or other place where such setting off might create a danger or nuisance to any person or property.

ii. No person shall set off any fireworks in or on any highway, street, road, lane, square or other public place, provided that this shall not be deemed to prohibit a display of public fireworks in accordance with the provisions of this by-law.

iii. No fireworks shall be set off within 25 feet of any building, tent, trailer, camp, shelter or motor vehicle.

iv. No fireworks shall be set off within 600 feet of any place where explosives, gasoline or other highly flammable substances are manufactured or stored in bulk.

v. No fireworks shall be set off within 600 feet of a hospital, nursing home, health lodge, home for the aged, school or church unless consent of the municipality and the owner or his agent is obtained.

vi. That the City Clerk, Fire Chief or the Recreation Director be permitted to authorize the purchase, storage and discharge of fireworks at any time in conjunction with festivals or special events, subject to all other conditions.

vii. In the event of unforeseen circumstances a public fireworks display is unable to take place, a different day shall be used.

7. ADMINISTRATION

i. The Fire Chief, By-Law Enforcement Officer and their designates shall have the authority to administer this by-law in its entirety.

8. PENALTIES

i. Any person who contravenes any provisions of this by-law is guilty of an offense and on conviction is liable to a fine of not more than \$5000.00 as set out in the Provincial Offenses Act, R.S.O. 1990, Chapter P.33.

ii. In the event that the Township of Black River-Matheson Fire Department responds to an alarm call and is required to extinguish any fire deemed to be caused by the setting off of fireworks, the owner of the property or the person responsible for starting the fire shall be liable for the cost of the attendance of the Fire Department. Such costs are set out in the Township of Black River-Matheson Fire fees and charges by-law.

9. SCHEDULES TO FORM PART OF BY-LAW

i. Schedules "A", "B", "C", "D", and "E" shall form part of this by-law.

10. VALIDITY

If any section, clause or provision of this by-law, including anything contained in any schedule attached hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all remaining sections, clauses or provisions of this by-law shall remaining full force and effect until repealed, not withstanding that one or more provisions thereof shall have to be declared invalid.

That By-Law Number 26-69 and any other by-law pertaining to fireworks is hereby

repealed.

This By-Law shall come into force and take effect on the date of the final passing thereof.

Read a first and second time on this ____ day of _____, 2005.

Read a third time and finally passed on this ____ day of _____, 2005.

MAYOR

CLERK