

**THE CORPORATION OF THE TOWNSHIP OF CRAMAHE
BY-LAW NUMBER 02-47**

BEING A BY-LAW FOR REGULATING THE SALE OF FIREWORKS AND FOR REGULATING OR PROHIBITING THE SETTING OFF OF FIREWORKS.

WHEREAS Section 210(37) of the Municipal Act R.S.O. 1990, c. M.45 provides for the regulating of the sale of fireworks or any class thereof and for prohibiting the sale of fireworks or any class thereof on any days during the year specified in the by-law;

AND WHEREAS Section 210(38) of said Municipal Act provides for the prohibiting or regulating the setting off of fireworks or any class or classes thereof in the municipality or in any defined area or areas thereof and for requiring a permit for the holding of fireworks displays and prescribing the conditions under which fireworks displays may be held under such permit;

NOW THEREFORE the Council for the Corporation of the Township of Cramahe HEREBY ENACTS as follows:

1. Definitions

In this by-law,

- a) **Act** means the Explosive Act of Canada, MRS. 1985 and the Explosives Regulations made there under.
- b) **Family Fireworks** means any pyrotechnic device that produces quantities or effects of light, sound or smoke by the combustion of explosive or flammable composition and includes firework showers, fountains, golden rain, lawn lights, pinwheels, roman candles, sparklers, volcanoes and mines, but does not include firecrackers.
- c) **Firecracker** includes any pyrotechnic device that explodes instantaneously when ignited and does not make any subsequent display or visible effect after the explosion.
- d) **Fire Chief** means the Fire Chief for the Township of Cramahe or his designate.
- e) **Municipality** means the Corporation of the Township of Cramahe.
- f) **Person** means any individual, firm, corporation, organization, storeowner, merchant or company.
- g) **Public display** means the setting off of fireworks in accordance with the provisions of this by-law on any property owned by the Municipality.

2. Firecrackers

- a) No person shall at any time offer for sale or sell any firecracker within the Municipality.
- b) No person shall set off any firecracker in a public place or on public property within the Municipality at any time.

3. Sale of Fireworks

- a) No person shall sell any family fireworks in the Municipality on any day or days during the year **except** on the seven business days immediately preceding Victoria Day and the seven business days immediately preceding Canada Day.
- b) No person shall sell, give or distribute family fireworks to any person under the age of eighteen (18).
- c) Fireworks displayed in a store window shall be mock samples only and not contain explosive composition.

4. Display of Fireworks

- a) No person shall set off any family fire works **except** on the following days:
 - i. Victoria Day
 - ii. The two days immediately preceding/following Victoria Day
 - iii. Canada Day
 - iv. The one day immediately preceding/following Canada Day
- b) Notwithstanding the provisions of Section 4(a), a person may request permission in writing from the Municipality to hold a fireworks display on private property on any other day of the year and Council may, by resolution, waive date/time restrictions.

- c) No person under the age of eighteen (18) years shall set off any fireworks except under the direct supervision of and control of someone over the age of eighteen years.
- d) A person eighteen years of age and over may hold a display of family fireworks on any land belonging to him or on any other privately owned land where the owner thereof has given permission for such a display or discharge of fireworks.
- e) No person shall use, set off or allow to be used or set off any fireworks in such a place or in such a manner as might create danger or constitute a nuisance to any person or property, or do, cause or allow any unsafe act or omission at the time and place for the setting off of any fireworks.
- f) 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.
- g) No person shall set off any fireworks in, on or into any highway, street, lane, square or other public place unless such person is in compliance with the provisions of Section 5 of this by-law.

5. Public Display of Fireworks

- a) No person shall hold a display of fireworks without first requesting in writing permission to do so, from the Municipality. Such request shall include the date and time the display shall take place, the name of the person in charge of the display, a list of all safety precautions that shall be taken to ensure the safety of all persons and property in the immediate area, proof of Liability Insurance in an amount of not less than 2 million dollars (\$2,000,000), and written consent from the Fire Chief of the Municipality.
- b) Any person over the age of eighteen may hold a public display of fireworks provided they are in compliance with paragraph (a) of this Section, and provided the fireworks being used are listed under subdivision 1 of Division 2 fireworks as described in Section 14 of Explosives Regulations, C.R.C. c.599 under the Explosives Act. These are described as "low hazard and generally used for recreation." For a display of any other class of fireworks, must be conducted under the supervision of a person who has a valid Fireworks Supervisors Certificate from the Explosives Regulatory Division.
- c) All unused fireworks and all debris shall be removed by the person holding the display immediately following its conclusion and shall safely dispose of said fireworks and debris.
- d) No public display shall be conducted within 500 feet of a nursing home, public hospital, home for the aged or any premises or place where explosives, gasoline or other highly flammable substances are manufactured, sold or stored or within 500 feet of a church or a public, separate or secondary school unless the consent of the owner or an agent or representative of the owner of such church or school has been obtained.

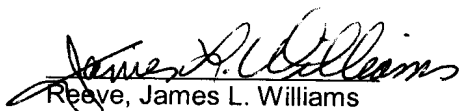
6. Penalty

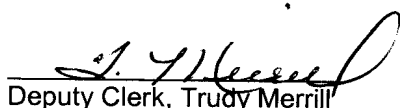
Any person who contravenes any provision of this By-Law is guilty of an offence, and upon conviction is liable to a fine as provided in the Provincial Offences Act R.S.O. 1990, c. P.33.

This By-Law shall come into force and effect on the day that it is passed.

ENACTED AND PASSED this 21 day of May, 2002.

All by-laws of the former Village of Colborne and Township of Cramahe pertaining to the regulation of fireworks are hereby repealed.


Reeve, James L. Williams


Deputy Clerk, Trudy Merrill

THE CORPORATION OF THE TOWNSHIP OF CRAMAHE

**Part I, of the Provincial Offences Act
Set Fine Schedule**

By-Law Number 02- , Being a By-Law to Regulate the Sale of Fireworks
And for Regulating and Prohibiting the Setting Off
Of Fireworks.

Item	<u>Column 1</u> Short Form Wording	<u>Column 2</u> Offence Creating Provision	<u>Column 3</u> Set Fine (including costs)
1	Offering of firecrackers for sale	Section 2(a)	\$75.00
2	Setting off of firecrackers on public property anywhere within the Municipality	Section 2(b)	\$75.00
3	Sale of fireworks except on 7 days preceding Canada Day	Section 3(a)	\$75.00
4	Sale of fireworks except on 7 days preceding Victoria Day	Section 3(a)	\$75.00
5	Sale of fireworks to person under the age of eighteen	Section 3(b)	\$75.00
6	Displaying fireworks in store window that contain explosive composition	Section 3(c)	\$75.00
7	Setting off of fireworks in public place without permission of Municipality	Section 5(a)	\$75.00
8	Setting off of fireworks on days not set out in Section 4(a)	Section 4(a)	\$75.00



The Corporation of the
TOWNSHIP OF CRAMAHE

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MAY 21ST, 2002

BY-LAW NO. 02-47 BEING A BY-LAW TO REGULATE THE USE OF FIREWORKS

MOVED BY Eli DeKeyser

SECONDED BY Rm. [Signature]

THAT By-Law 02-47 be read a first and second time.
VOTE - READ

DISCUSSION

MOVED BY Eli DeKeyser

SECONDED BY Rm. [Signature]

THAT By-Law 02-47 be read a third and final time.
VOTE - READ

IS IT THE WILL AND PLEASURE THAT BY-LAW 02-47 NOW BECOMES LAW?
CARRIED.