

THE CORPORATION OF THE MUNICIPALITY OF THAMES CENTRE

BY-LAW NO. 101-2004

Being a By-law to regulate the display and the discharge of fireworks within the Municipality of Thames Centre.

WHEREAS section 121 of *The Municipal Act, 2001, c. 25*, authorizes a municipality to prohibit and regulate the sale of fireworks and the setting off of fireworks;

AND WHEREAS the Council of The Corporation of the Municipality of Thames Centre deems it desirable to pass a By-law to prohibit and regulate the sale of fireworks and the setting off of fireworks within the Municipality of Thames Centre;

NOW THEREFORE the Council of The Corporation of the Municipality of Thames Centre **HEREBY ENACTS AS FOLLOWS:**

1. DEFINITIONS

In this by-law:

"banger" means a type of firework that is made to explode noisily without a spectacular display of colour or lights.

"firecracker" means a type of firework that is made to explode with a sharp crack without a spectacular display of colour or lights.

"fireworks" means any and all classes of fireworks, including and without limiting the generality of the foregoing the following clauses which are included in the Federal Explosives Regulation, Natural Resources Canada:

- (i) "Low-hazard" fireworks for recreation such as firework showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, volcanoes and sparklers; and
- (ii) "High-hazard" fireworks for recreation such as rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, mines and firecrackers (also known as "display fireworks") and includes fireworks composition and manufactured fireworks.

"fireworks composition" shall mean any chemical compound or mechanically mixed preparation of any explosive or inflammable nature that is used for the purpose of making any manufactured fireworks and is not included in any other class of explosives, and includes any star or coloured fire composition that is not manufactured fireworks.

"manufactured fireworks" shall mean explosives of any class and any fireworks composition that is enclosed in any case or contrivance, or is otherwise manufactured or adapted for the production of pyrotechnic effects, pyrotechnic signals or sound signals.

"Municipality" means The Corporation of the Municipality of Thames Centre.

2. GENERAL PROVISIONS

- (a) No person shall, within the Municipality of Thames Centre, sell or give to any person under the age of 18 years any type of fireworks.
- (b) No person shall display for sale within the Municipality of Thames Centre any type of fireworks in any manner other than in lots that do not exceed 22.68 kilograms gross weight (50 pounds gross weight).
- (c) No person shall display for sale within the Municipality of Thames Centre any type of fireworks in any manner other than in a package, glass case or other suitable receptacle, away from any other flammable goods.

- (d) No person shall display for sale within the Municipality of Thames Centre any type of fireworks in any manner other than in such a place that the fireworks are not exposed to the rays of the sun or to excess heat from any other source.
- (e) No person shall within the Municipality of Thames Centre, display or sell any type of fireworks except upon the three (3) business days prior to and on the days upon which the twenty-fourth day of May and the first day of July are celebrated as holidays.
- (f) No person under the age of 18 years shall set off any type of fireworks in the Municipality of Thames Centre.
- (g) No person shall within the Municipality of Thames Centre discharge any type of fireworks on any day other than the days upon which the twenty-fourth day of May and the first day of July are celebrated as holidays.
- (h) Notwithstanding the provisions of this By-law, the Municipality may hold special displays of fireworks to celebrate national or civic holidays or national celebrations provided such displays, in each case, are organized, constructed, lighted, set off or discharged under the supervision and in accordance with the directions of the Fire Chief of the Municipality and a pyrotechnical expert.

3. GENERAL PROHIBITIONS

- (a) Notwithstanding any other provision of this by-law no person shall, within the Municipality of Thames Centre, display, offer for sale, or sell firecrackers or bangers.
- (b) Notwithstanding any other provisions of this by-law no person shall let off or discharge within the Municipality of Thames Centre firecrackers or bangers.
- (c) No person shall, within the Municipality of Thames Centre, display in any store window, or display outside the perimeter of the store's exterior walls, any type of fireworks.

4. DISPLAY - PERMIT

- (a) Notwithstanding the provisions of this by-law, any group or association having a continuity of existence and organization shall be entitled to obtain a permit from the Chief of the Fire Department of the Municipality for the holding of a fireworks display, subject to compliance with the requirements set out in sections 4 (b) to 4 (f) inclusive of this by-law.
- (b) Applications for such permits shall be in writing addressed to the Chief of the Fire Department of the Municipality and shall set out the name and address of the applicant and full particulars of its qualifications for permit.
- (c) The applicant shall state the day for which the permit is desired and the location where such display is to be given.
- (d) The location referred to in section 4 (c) of this by-law must be such that there can be no danger to adjacent properties or highways or persons using the same.
- (e) The fireworks display shall be held between dusk and 11 o'clock in the evening, local time, on the day for which the permit is issued unless the permit states that the display may be held between such other hours as are specified therein.

- (f) The name, qualification and experience of the person to discharge the display shall be given, and he shall be a pyrotechnical expert, and/or possess a certificate as a recognized fireworks supervisor.

5. **ENFORCEMENT**

Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to any penalty as provided in the *Provincial Offences Act*.

6. **REPEAL - ENACTMENT**

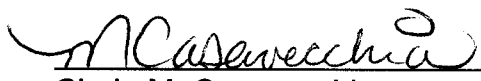
- (a) By-law No. 15-68 as passed by the Council of The Corporation of the Township of North Dorchester and all of its amendments are hereby repealed.
- (b) This By-law shall come into force and take effect as of the day of the final passing thereof.

READ a FIRST and SECOND time this 22nd day of November, 2004.

READ a THIRD time and **FINALLY PASSED** this 22nd day of November, 2004.



Mayor, C. Colvin



Clerk, M. Casavecchia

By-law #:	101-2004
Year:	2004
Subject:	Regulate Fireworks
Index:	Protection
Date Passed:	November 22, 2004
Other:	