

THE CORPORATION OF THE MUNICIPALITY OF NEEBING

BY-LAW NUMBER 325-1994

Being a by-law to regulate the sale and setting off of fireworks in the Municipality of Neebing and for requiring a permit for the holding of fireworks displays and for prescribing the conditions under which fireworks displays may be held under such permit.

WHEREAS pursuant to provisions contained in Section 210 (37 and 38) of the Municipal Act, R.S.O. 1990, Chapter M45, by-laws may be passed to regulate the sale of fireworks and to regulate the setting off of fireworks in the Municipality of Neebing, and to require a permit for the holding of fireworks displays;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY ENACTS AS FOLLOWS:

DEFINITIONS:

1. In this by-law:

"Act" means the Explosives Act, Statutes of Canada, Ch E-15 and the Regulations thereunder, as amended and revised from time to time.

"firecracker" means a pyrotechnic device that explodes instantaneously when ignited and does not make any subsequent display or visible effect after the explosion. Firecrackers are classified as high-hazard fireworks, and

(i) includes those devices commonly known as Chinese firecrackers, but

do not include paper caps containing not in excess of an average of twenty-five one-hundredth of a grain of explosive used per cap, or device for use with such caps;

"high-hazard fireworks" means a manufactured pyrotechnic device producing spectacular effects of light or sound of such a nature that it is classed under the Act as shop goods.

"low-hazard fireworks" means a pyrotechnic device producing quantities of effects of light, sound or smoke by the combustion of explosives or flammable composition and includes, but is not limited to, firework showers, fountains, golden rain, lawn lights, pin wheels, roman candles, sparklers, volcanoes and mines, but does not include:

(i) firecrackers, or

(ii) articles or devices not classed under the Act as shop goods.

2. SALE OF FIREWORKS

(1) No person shall sell or offer for sale any firecrackers or other high-hazard fireworks within the Municipality of Neebing.

(2) The sale of low-hazard fireworks is prohibited within the Municipality of Neebing except on the following days:

2. SALE OF FIREWORKS (cont.)

- (2) (a) Victoria Day;
  - (b) the six days immediately preceding Victoria Day;
  - (c) Canada Day; and
  - (d) the six days immediately preceding Canada Day.
- (3) Subsections 2(1) and 2(2) do not apply to the sale of paper caps, toy pistols, toy cannons or toy guns for the use of such caps, the explosive content of which is not in excess of twenty-five one-hundredths of a grain per cap.
- (4) Fireworks displayed in store windows shall be mock samples only, and shall not contain explosive composition.
- (5) Low-hazard fireworks on public display and available to the general public for purchase shall not exceed 25 kilograms. Any quantities in excess of 25 kilograms shall be kept in a suitable secure and locked container located in a building approved by the Fire Chief or the Fire Chief's designate.
- (6) Low-hazard fireworks may be stored for not more than 30 days prior to any of the lawful dates for the sale thereof and not longer than 30 days after such dates.

3. DISCHARGE OF LOW-HAZARD FIREWORKS

- (1) The setting off of low-hazard fireworks without a permit is prohibited except on the following days:
- (a) Victoria Day;
  - (b) the three days immediately preceding Victoria Day;
  - (c) Canada Day; and
  - (d) the three days immediately preceding Canada Day.
- (2) A person may hold a display of low-hazard fireworks on any land belonging to such person or on any other privately owned land where the owner thereof has given written permission for such display.
- (3) No person shall use or set off any low-hazard fireworks in a place or manner as might create a danger or constitute a nuisance to any person or property, or cause or allow any unsafe condition to exist at or during the setting off of any fireworks, and without limiting the generality of the foregoing:
- (a) no person shall set off any low-hazard fireworks in, on, from or into any building, doorway, automobile or other place where such setting off might create a danger or nuisance to any person or property; and
  - (b) no person shall set off any low-hazard fireworks in, on, or into any highway, street, lane, square or other public place, provided that this shall not be deemed to prohibit a display of low-hazard fireworks in conjunction with a display of high-hazard fireworks conducted in a public place pursuant to a permit issued hereunder and otherwise in accordance with the provisions of this by-law.

4. DISCHARGE OF HIGH-HAZARD FIREWORKS AND OF LOW-HAZARD FIREWORKS UNDER A PERMIT

- (1) No person shall set off or hold a display of:
  - (a) high-hazard fireworks; or
  - (b) low-hazard fireworks on any day other than those set forth in Subsection 3(1) of this By-law or in a location other than as provided in Subsection 3(2) of this By-law,  
  
without first having obtained a permit to do so signed by the Fire Chief of the Municipality of Neebing.
- (2) (a) All applications for a permit shall be made not less than fifteen (15) days before the proposed setting off or display of fireworks.
- (b) Forthwith after the receipt of an application for a permit in the form prescribed in Schedule "A" hereto, the Fire Chief shall make or cause to be made an investigation of the site of the proposed fireworks display and shall also satisfy himself or herself as to the competence of all persons who are to set off the fireworks.
- (c) The Fire Chief shall confer with the Chief of the Ontario Provincial Police Force and such other persons as the Fire Chief may deem advisable, as to the competence of the persons who are to set off the fireworks.
- (d) Upon being satisfied as to the site of the proposed fireworks display, the place of storage of the fireworks pending such fireworks display, the competence of the persons who are to set off the said fireworks, and other matter considered by him or her to be in the public interest, the Fire Chief may issue a non-transferable permit as prescribed in Schedule "B" hereto in the name of the applicant.
- (3) No person except a person licensed under the Act and who is entitled to purchase and discharge high-hazard explosives shall set off or display high-hazard fireworks.
- (4) All unused fireworks and all debris shall be removed by the person holding the display immediately following its conclusion, and safely disposed of.
- (5) The Fire Chief may, in addition to any other reason deny an application in the event that the fireworks were purchased outside of Canada or are not listed in the Regulations made under the Act.
- (6) Where an application has been approved and a permit granted, no person shall set off or hold a display of fireworks except in exact accordance with such application and permit.
- (7) Where an application for a permit is not approved by the Fire Chief, the applicant may request that the Council consider the matter and determination of the Council shall be final.

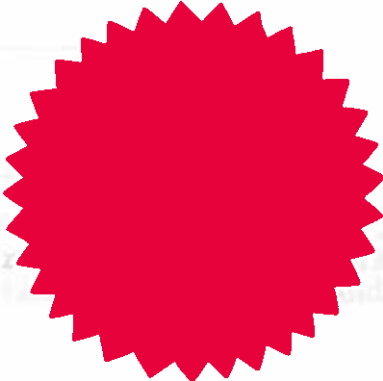
5. ADMINISTRATION

- (1) The Fire Chief, any Police Officer or any By-law Enforcement Officer of the Municipality of Neebing may at anytime inspect any premises where fireworks are stored or offered for sale to the public.
- (2) A copy of this by-law shall be posted in public view on the premises where low-hazard fireworks are sold during each of the lawful sales periods.
- (3) The person holding a display of fireworks pursuant to a permit granted hereunder shall produce such permit at the request of any of the persons referred to Subsection 5(1) hereof.
- (4) Any power, right or duty conferred upon the Fire Chief or the Chief of Police under this By-law may be exercised or performed by their designates respectively.
- (5) That all by-laws passed prior to this by-law shall hereby be repealed and the terms of this by-law shall prevail.


This by-law shall come into force and effect on the date of passing hereof.

ENACTED AND PASSED IN COUNCIL this 5th day of October, 1994, as witnessed by the Corporate seal of the Corporation and the hands of its proper Officers duly authorized in that behalf.

THE CORPORATION OF THE  
MUNICIPALITY OF NEEBING



  
\_\_\_\_\_  
Reeve

  
\_\_\_\_\_  
Clerk

Read for a first time this 5th day of October, 1994.

Read for a second time this 5th day of October, 1994.

Read for a third time and finally passed this 5th day of October, 1994.

Schedule "A" to By-law Number 325-1994

THE CORPORATION OF THE MUNICIPALITY OF NEEBING  
APPLICATION FOR PERMIT TO HOLD A FIREWORKS DISPLAY

Date of Application: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

Date of Display: \_\_\_\_\_ Time: \_\_\_\_\_

Exact location of display and name of landowner:  
\_\_\_\_\_  
\_\_\_\_\_

Full name, date of birth, qualification and experience of the applicant and of the person or persons by whom or under whose supervision the display will be conducted: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Number and kind of fireworks to be discharged: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Manner and place of storage of fireworks prior to display: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I certify that the information contained in this application is true and correct and that permission for the holding of the display has been obtained from the landowner.

\_\_\_\_\_  
Signature of Applicant

\*\*\*\*\*  
FOR OFFICE USE ONLY

The permit has been \_\_\_\_\_. If denied the reasons are as follows: \_\_\_\_\_  
\_\_\_\_\_

Conditions that are placed on this permit are: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_\_  
Fire Chief

Schedule "B" to By-law Number 325-1994

THE CORPORATION OF THE MUNICIPALITY OF NEEBING

PERMIT TO HOLD A FIREWORKS DISPLAY

This permit authorizes \_\_\_\_\_

to hold a

\_\_\_\_\_ HIGH-HAZARD (which may be combined with low-hazard)  
fireworks display

\_\_\_\_\_ LOW-HAZARD fireworks display only

on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,

in accordance with the Application for Permit dated \_\_\_\_\_.

The setting off of the fireworks shall comply with the provisions of By-law Number 325-1994 of the Corporation of the Municipality of Neebing and with the Explosives Act of Canada and the Regulations thereunder.

This permit is non-transferable.

Dated at the Municipality of Neebing this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

THE CORPORATION OF THE  
MUNICIPALITY OF NEEBING

\_\_\_\_\_  
Fire Chief

NOTE: Subsection 5(3) of By-law Number 325-1994 requires that this permit be produced on the request of the Fire Chief, any Police Officer or any By-law Enforcement Officer of the Municipality of Neebing.