

Discharge of Fireworks By-law

PW-3 - Consolidated May 23, 2001

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**OFFICE CONSOLIDATION
INCLUDING AMENDMENT NO. PW-3-96001 (July 2, 1996)**

PUBLIC WELFARE

By-law PW-3

**A by-law to provide for the
REGULATION OF THE DISPLAY AND THE DISCHARGE OF
FIREWORKS IN THE CITY OF HUMBER BAY**

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WHEREAS pursuant to paragraphs 37, 38 and 49 of section 210 of the *Municipal Act, R.S.O. 1990, c. M.45*, as amended, councils of local municipalities are authorized to pass by-laws for the following:

- 37. For regulating 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.
- 38. For 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.
- 49 For making such other regulations for preventing fires and spread of fires as the council considers necessary.

THEREFORE the Municipal Council of The Corporation of the City of Humber Bay enacts as follows:

**SHORT TITLE
DISCHARGE OF FIREWORKS BY-LAW**

**Part 1
DEFINITIONS**

1.1 Definitions

In this by-law:

Banger - defined

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

Christmas cracker - defined

"Christmas cracker" means a device which when pulled at each end makes a popping sound and which may contain candy or other favours.

Firecracker - defined

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

Fireworks - defined

"fireworks" includes fireworks composition and manufactured fireworks, except Christmas crackers, sparklers and toy caps.

Fireworks composition - defined

"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 - defined

"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.

**Part 2
GENERAL PROVISIONS**

2.1 Sale - minimum age - requirements

No person shall, within the City of Humber Bay, sell or give to any person under the age of 18 years any type of fireworks.

2.2 Sale - display - maximum weight - lots

No person shall display for sale within the City of Humber Bay any type of fireworks in any manner other than in lots that do not exceed 22.68 kilograms gross weight (50 pounds gross weight);

2.3 Sale - display - suitable receptacle - package

No person shall display for sale within the City of Humber Bay any type of fireworks in any manner other than in a package, glass case or other suitable receptacle, away from any other flammable goods;

2.4 Sale - display - exposure to heat - sun - prohibited

No person shall display for sale within the City of Humber Bay 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.

2.5 Sale - display - days - permissible - restricted

No person shall within the City of Humber Bay, 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.

2.6 Discharge - setting off - minimum age - requirements

No person under the age of 18 years shall set off any type of fireworks in the City of Humber Bay.

2.7 Discharge - days - permitted - time restrictions

No person shall within the City of Humber Bay discharge any type of fireworks at any time on any day other than between dusk and 11 o'clock in the afternoon, local time, on the days upon which Victoria Day and Canada Day are celebrated as holidays.

**Part 3
GENERAL PROHIBITIONS**

3.1 Firecrackers - bangers - sale - display - prohibited

Notwithstanding any other provision of this by-law no person shall, within the City of Humber Bay, display, offer for sale, or sell firecrackers or bangers.

3.2 Firecrackers - bangers - discharge - prohibited

Notwithstanding any other provisions of this by-law no person shall let off or discharge within the City of Humber Bay firecrackers or bangers.

3.3 Fireworks - display - in windows - outside store

No person shall, within the City of Humber Bay, display in any store window, or display outside the perimeter of the store's exterior walls, any type of fireworks.

**Part 4
DISPLAY - PERMIT**

4.1 Organizations - entitlement - conditions

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 Humber Bay Fire Department for the holding of a fireworks display, subject to compliance with the requirements set out in sections 4.2 to 4.6 inclusive of this by-law.

4.2 Application - information - requirements

Applications for such permits shall be in writing addressed to the Chief of the Fire Department of the City of Humber Bay and shall set out the name and address of the applicant and full particulars of its qualifications for permit.

4.3 Application - date - location - specified

The applicant shall state the day for which the permit is desired and the location where such display is to be given.

4.4 Location - suitable - prevention of danger

The location referred to in section 4.3 of this by-law must be such that there can be no danger to adjacent properties or highways or persons using the same.

4.5 Time - day - as specified in permit

The fireworks display shall be held between dusk and 11 o'clock in the afternoon, 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.

4.6 Operator - qualifications - experience - requirements

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, as approved by the Ministry of Energy, Mines and Resources, Canada.

4.7 Special celebrations - by City - Western Fair

Notwithstanding the provisions of this by-law, The Corporation of the City of Humber Bay may hold special displays of fireworks to celebrate national or civic holidays or national celebrations, and the Western Fair Association may hold special displays of fireworks during the annual Western Fair, provided such displays, in each case, are organized, constructed, lit, set off or discharged under the supervision and in accordance with the directions of the Fire Chief of the City of Humber Bay and a pyrotechnical expert.

Part 5
ENFORCEMENT

5.1 Fine - for contravention

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*.

5.2 Continuation - repetition - prohibited - by order

The court in which the conviction has been entered and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

Part 6
REPEAL - ENACTMENT

6.1 By-law - previous

By-law P.W.-142-644 and all of its amendments are hereby repealed.

6.2 Effective date

This by-law comes into force on November 15, 1993.

Passed in Open Council on November 15, 1993.

T.C. Gosnell
Mayor

K.W. Sadler
City Clerk

First Reading - November 15, 1993
Second Reading - November 15, 1993
Third Reading - November 15, 1993