

# THE CORPORATION OF THE MUNICIPALITY OF GREENSTONE

## BY-LAW NO. 04-16

Being a By-law to provide for the Regulation of the Display and the Discharge of Fireworks in the Municipality of Greenstone.

**WHEREAS** the *Municipal Act*, R.S.O.1990, Chapter M.45, as amended, Section 210, (37) (38) and (49) authorizes councils of local municipalities 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.

**NOW THEREFORE** the Council of the Corporation of the Municipality of Greenstone 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 loud crack without a spectacular display of colour or lights.

**Fireworks – defined**

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

- (1) “Low-hazard” fireworks for recreation such as firework showers, fountains, golden rain, lawn lights, pinwheels, Roman candles, volcanoes and sparklers;
- (2) “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, 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 Municipality of Greenstone, 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 within the Municipality of Greenstone 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 Municipality of Greenstone any type of fireworks in any manner other than in a package, glass case or other suitable receptacle, away from any other flammable good;

**2.4 Sale – display – exposure to heat – sun – prohibited**

No person shall display for sale within the Municipality of Greenstone 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 Municipality of Greenstone, display or sell any type of fireworks except upon the seven (7) 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 – days – permitted – time restrictions**  
No person under the age of 18 years shall set off any type of fireworks in the Municipality of Greenstone.
- 2.7 Discharge – days – permitted – time restrictions**  
No person shall within the Municipality of Greenstone discharge any type of fireworks at any time on any day other than between dusk and 11 o'clock in the evening, local time, on the days upon which Victoria Day and Canada Day are celebrated as holidays, or other such occasion as permitted by Council.

### **Part 3 GENERAL PROHIBITIONS**

- 3.1 Firecrackers – bangers – sale – display – prohibited**  
Notwithstanding any other provision of this by-law no person shall, within the Municipality of Greenstone, 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 Municipality of Greenstone, firecrackers or bangers.
- 3.3 Fireworks – display – in windows – outside store**  
No person shall, within the Municipality of Greenstone, 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 Director – Protective Services of the Municipality of Greenstone for the holding of fireworks display, subject to compliance with the requirements set out in sections 4.2 to 4.8 inclusive of the by-law.
- 4.2 Application – information – requirements**  
Applications for such permits shall be in writing addressed to the Director – Protective Services and shall set out the name and address of the applicant and full particulars concerning the applicant's qualifications for a 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 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.
- 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 designated pursuant to the *Explosives Act*, R.S.C. 1985, c.E 15, and regulations thereunder.

**4.7 Display – Permit – Municipally owned lands**

Any discharge of fireworks of municipally owned land shall require the Municipality of Greenstone’s consent, and the provision of liability insurance, in an amount determined by the Municipality of Greenstone’s Director – Finance and Administration or designate, and naming the Municipality of Greenstone as an additional insured.

**Part 5  
ENFORCEMENT**

**5.1 Fine – for contravention**

Any person who contravenes any provision of the by-law is, upon conviction, guilty of an offence and is liable to any penalty as provide 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.

Enacted and passed this 25<sup>th</sup> day of May, 2004

*Original signed by N. MacOdrum*

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Deputy-Mayor

*Original Signed By D.B. Stevens*

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Deborah B. Stevens, Clerk