

THE CORPORATION OF THE TOWNSHIP OF SHUNIAH

BY-LAW NUMBER 1982-99

A by-law to regulate the sale of fireworks within the limits of the Corporation of the Township of Shuniah, and for regulating the setting off of fireworks in the said Municipality, and for the holding of fireworks displays and for prescribing the conditions under which fireworks displays may be held under such a permit and to repeal By-law 1780-93.

WHEREAS the Municipal Act R.S.O. 1990 Section 210, Subsections 37 and 38 provide that the councils of municipalities may enact by-laws for prohibiting or for regulating the sale of or the setting off of fireworks within the municipality:

AND WHEREAS the Council of the Corporation of the Township of Shuniah deems it is advisable and expedient to regulate the sale of fireworks and to regulate the setting off of fireworks within the limits of the Township of Shuniah, and to require a permit for the holding of fireworks displays;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SHUNIAH ENACTS AS FOLLOWS:

1. DEFINITIONS:

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 pyrotechnical device that explodes instantaneously when ignited and does not make any substantial display or visual effect after explosion. Firecrackers are classified as high-hazard fireworks, and includes those devices commonly known as Chinese firecrackers, but, does not include paper caps containing not in excess of twenty-five one hundredths of a grain of explosive used per cap, or device for use with such caps.

“**High-hazard firework**” 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 firework**” means a pyrotechnic device producing quantities of effects of light, sound or smoke by the combination 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:

- a) Fire crackers, or
- b) Articles or devices not classed under the Act as shop goods.

2. SALE OF FIREWORKS:

- 2.1 No person shall sell or offer for sale any firecracker or other high-hazard fireworks within the Township of Shuniah.
- 2.2 The sale of low hazard fireworks is prohibited within the Township of Shuniah except on the following days:
 1. New Year's Day
 2. Victoria Day
 3. Canada Day
 4. Civic Holiday
 5. Labour Day
 6. December 31st
 7. The fourteen days immediately preceding any of the days referred to in paragraph (1) through (6).

- 2.3 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.
- 2.4 Fireworks displayed in store windows shall be mock examples only, and shall not contain explosive composition.
- 2.5 The total aggregate weight of Low-hazard fireworks on public display in any premises 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.
- 2.6 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.
- 2.7 No person shall within the limits of the Township of Shuniah, sell any type of fireworks to any person under the age of nineteen years.

3. DISCHARGE OF LOW-HAZARD FIREWORKS

- 3.1 The setting off of low-hazard fireworks without a permit is prohibited except on the following days:
1. New Year's Day,
 2. Victoria Day,
 3. Canada Day,
 4. Civic Holiday,
 5. Labour Day,
 6. December 31st, and
 7. The two days immediately preceding and the two days immediately following any of the days referred to in paragraphs (1) through (6).
- 3.2 A person may hold a display of low-hazard fireworks in any land belonging to such a person or on any other privately owned land where the owner thereof has given written permission for such a display. No person shall use or set off any low-hazard fireworks on 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:
- i) no person shall set off any low-hazard fireworks 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
 - ii) 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 the by-law.

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

- 4.1 No person shall set off or hold a display of:
- i) high hazard fireworks; or
 - ii) low hazard fireworks on any day other than those days set out 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 Township of Shuniah.

- 4.2 All applications for a permit shall be made not less than fifteen (15) days before the proposed setting off or display of fireworks.
- 4.3 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.
- 4.4 The Fire Chief shall confer with 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.
- 4.5 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 fireworks, and any 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.
- 4.6 No person except a person under the Act and who is entitled to purchase and discharge explosives shall set off or display high-hazard fireworks.
- 4.7 All unused fireworks and all debris shall be removed by the person holding the display immediately following its conclusion, shall be safely disposed of.
- 4.8 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.
- 4.9 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.

5. ADMINISTRATION

- 5.1 The Fire Chief, any police officer or any By-law Enforcement Officer of the Township of Shuniah may at anytime inspect any premises where fireworks are stored or offered for sale to the public.
- 5.2 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.
- 5.3 The person holding a display of fireworks pursuant to a permit granted hereunder shall produce such a permit at the request of any of the persons referred to in Subsection 5.1 hereof.
- 5.4 Any power, right or duty conferred upon the Fire Chief, or the senior OPP Officer under this By-law may be exercised or performed by their designates respectively.
- 5.5 Every person is guilty of an offence hereunder who conducts a fireworks display without due care and attention or without reasonable consideration for other persons or property.

- 5.6 The following regulations shall be observed on all occasions where fireworks are being set off:
- i) At least two operators of the display shall be constantly be on duty during the setting off of fireworks;
 - ii) All persons watching fireworks displays who are not actively engaged in the setting off of fireworks shall be kept behind lines at least one hundred and fifty (150) feet from the point where the fireworks are set off and no person other than a person actively engaged in the setting off of the fireworks shall be permitted to approach inside such liens;
 - iii) All fireworks that discharge a projectile of any kind shall be set up or placed in a vertical position as nearly as may be, provided however that where such **fireworks are set** off beside the shore of a lake, such fireworks may be inclined so that such projectiles will fall into the lake;
6. Everyone who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the Provincial Offences Act.
7. By-law No. 1780-93 is hereby repealed.
8. This By-law shall, come into force and take effect of the final passing thereof.

READ A FIRST AND SECOND TIME THIS 24th DAY OF June, 1999

Ennaisa
Reeve

[Signature]
Clerk

READ A THIRD TIME AND FINALLY PASSED THIS 24th DAY OF June, 1999

Ennaisa
Reeve

[Signature]
Clerk

SCHEDULE "A" TO BY-LAW NUMBER 1982-99

FORM A

APPLICATION FOR PERMIT TO HOLD A FIREWORKS DISPLAY

Date of Application: _____

Name of Organization sponsoring display: _____

Date of display: _____ 19 ____ Time: _____

Exact Location of display: _____

Name, qualification and experience of the person to discharge the display, said person to be a pyrotechnical expert:

Number and kind of fireworks to be discharged: _____

Manner and place of storage of fireworks prior to display: _____

Signature of Applicant

FOR OFFICE USE ONLY:

I hereby endorse the foregoing proposed fireworks display.

FIRE CHIEF

Date _____ 19 _____

SCHEDULE "B" TO BY-LAW NUMBER

FORM B
(By-law Number 1982-99)

PERMIT TO HOLD A FIREWOKS DISPLAY

This permit authorizes _____

to hold a fireworks display at _____ p.m. on _____
_____ 19 _____ at the following location: _____

provided the said _____

shall duly observe all provisions of By-law No. _____ of The
Corporation of the Municipality of Shuniah relating to the manner
of setting off of fireworks.

FIRE CHIEF

THE CORPORATION OF THE MUNICIPALITY OF SHUNIAH

FIREWORKS BY-LAW

The following covers the intent of the Fireworks By-law with respect to the selling and setting off of fireworks within the municipality of Shuniah.

MERCHANTS

- 1) No person shall within the Municipality of Shuniah sell any type of fireworks to any person under **nineteen (19) years of age.**
- 1) No person shall within the Municipality of Shuniah sell any type of fireworks except upon the designated days stipulated in the By-law.
- 2) No person shall within the Municipality of Shuniah place on display in any shop or store window any type of fireworks other than mock examples that do not contain explosive composition.

CITIZENS

- 1) No person shall set off any **low hazard fireworks** in the Township of Shuniah except on the days and in the manner as set out in the by-law.
- 2) No person shall within the Municipality of Shuniah set off any type of **high hazard fireworks** without having obtained a **permit** as stipulated in the By-law.
- 3) All applications for permits to hold fireworks displays shall be in writing and shall be in accordance with Form A of the Fireworks By-law and every application shall be made to the Chief of the Fire Department at least (15) days before the date of the proposed fireworks display.