

CORPORATION OF THE MUNICIPALITY OF STRATHROY-CARADOC

BY-LAW NO. 19-11

**BEING A BY-LAW TO PROVIDE FOR THE
REGULATION OF THE DISPLAY, SALE AND DISCHARGE OF
FIREWORKS IN THE MUNICIPALITY OF
STRATHROY-CARADOC**

WHEREAS pursuant to paragraphs 1 and 2 of section 121 of *the Municipal Act, R.S.O. 2001,c25*, Councils of local municipalities are authorized to pass by-laws for the following:

Fireworks

121. (1) A local municipality may prohibit and regulate the sale of fireworks and the setting off of fireworks. 2001, c. 25, s. 121 (1);

Permit

(2) A by-law under subsection (1) may prohibit the activities described in that subsection unless a permit is obtained from the municipality for those activities and may impose conditions for obtaining, continuing to hold and renewing the permit, including requiring the submission of plans. 2001, c. 25, s. 121 (2);

AND WHEREAS Council deems it expedient to pass a by-law regarding prohibiting the sale and the setting off of fireworks.

NOW THEREFORE THE COUNCIL OF THE MUNICIPALITY OF STRATHROY-CARADOC ENACTS AS FOLLOWS:

**PART 1
DEFINITIONS**

1.1 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;

“By-law Enforcement Officer” means a person appointed by Council for enforcing the provisions of this By-law, and also means a Police Officer;

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

“Council” means the Council of the Municipality of Strathroy-Caradoc

“Fire Chief” means the Fire Chief for the Municipality of Strathroy-Caradoc, or designate;

“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 Explosives Regulations under *the Explosives Act* (Canada):

- (i) Consumer Fireworks (Class 7.2.1) also known as “Low-hazard Fireworks” designed for recreational use by the public include such as roman candles, sparklers, fountains, wheels, volcanoes, mines and snakes;
- (ii) Display Fireworks (Class 7.2.2) also known as “High-hazard Fireworks” designed for use by professionals include such items as aerial shells, cakes, roman candles, waterfalls, lances and wheels:

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

“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 other appropriate device, or is otherwise manufactured or adapted for the production of pyrotechnic effects, pyrotechnic signals or sound signals;

“Strathroy-Caradoc” means the Municipality of Strathroy-Caradoc;

PART 2 GENERAL PROVISIONS

2.1 **Sale – minimum age – requirements**

No person shall, within the Municipality of Strathroy-Caradoc, 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 Municipality of Strathroy-Caradoc any type of fireworks in any manner other than in lots that do not exceed 22.68 kilograms (50 lbs.) gross weight.

2.3 **Sale – display – suitable receptacle – package**

No person shall display for sale within the Municipality of Strathroy-Caradoc 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 Municipality of Strathroy-Caradoc 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 Strathroy-Caradoc, display, offer for sale or sell any type of fireworks except upon the seven (7) business days prior to and on the days upon which “Victoria Day” and “Canada Day” 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 Municipality of Strathroy-Caradoc.

2.7 Discharge – days – permitted – time restrictions

No person shall within the Municipality of Strathroy-Caradoc 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 Strathroy-Caradoc, 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 Strathroy-Caradoc firecrackers or bangers.

3.3 Fireworks – displays – in windows – outside store

No person shall, within the Municipality of Strathroy-Caradoc, display in any store window, or display outside the perimeter of the store’s exterior walls, any type of fireworks.

3.4 Fireworks – displays – in parking lots – vehicles

No person shall, within the Municipality of Strathroy-Caradoc, display or sell fireworks from vehicles or other means located on parking lots or residential property.

PART 4
FIREWORKS DISPLAY – PERMIT

- 4.1 **Issuance of Permits for a Fireworks Display**
The Director of Fire Services/Fire Chief of the Municipality of Strathroy-Caradoc may issue a permit for the discharge of fireworks on any lands within the Municipality subject to all requirements of this by-law being met.
- 4.2 **Consumer Fireworks (Class 7.2.1)** may be discharged **without** a permit within the Municipality of Strathroy-Caradoc 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 subject to general safety precautions as recommended by Natural Resources Canada.
- 4.3 **Consumer Fireworks (Class 7.2.1)** may be discharged **with** a permit within the Municipality of Strathroy-Caradoc between dusk and 11 o'clock in the evening, local time, at other times of the year subject to subject to general safety precautions as recommended by Natural Resources Canada, provided that the permit holder has a valid Fireworks Supervisors Card.
- 4.4 **Display Fireworks (Class 7.2.2)**) may be discharged **with** a permit within the Municipality of Strathroy-Caradoc 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 any other such occasion as permitted by Council provided that the permit holder has a valid Fireworks Supervisors Card as designated pursuant to *the Explosives Act (Canada)* and regulations thereunder.
- 4.5 **Fireworks Display – On Municipal owned lands**
Any discharge of fireworks on Municipal owned lands shall require Municipal consent in writing.
- 4.6 **Liability Insurance**
The applicant for a permit shall provide and maintain Commercial General Liability Insurance subject to limits of not less than Two Million Dollars (\$2,000,000) inclusive per occurrence for bodily injury, death and damage to property including loss thereof. Such insurance shall be in the name of the applicant and shall name The Corporation of the Municipality of Strathroy-Caradoc as an additional insured thereunder. Such insurance shall include coverage for displays of permitted fireworks. Such insurance policy shall contain an endorsement to provide the Municipality of Strathroy-Caradoc within thirty (30) calendar days prior written notice of cancellation or of a material change that would diminish coverage.
- 4.7 **Fireworks Display –Notice to adjacent property owners**
All applicants for a permit to discharge fireworks are required to advise adjacent property owners of the planned event prior to applying for a permit.

4.8 Permit Fees

The Permit application fee shall be \$25.00, payable to the Strathroy-Caradoc Fire Department for each event and such fees shall be submitted with the application for a permit.

4.9 Collection of Fees

The Director of Fire Services/Fire Chief is authorized to collect Fireworks Discharge Permit fees.

4.10 Application – information – requirements

Applications for such permits shall be in writing on the form provided addressed to the Director of Fire Services/Fire Chief and shall set out the name and address of the applicant and full particulars of its qualifications for permit. Fireworks Discharge Permit application forms may be obtained at the administration office of the Strathroy-Caradoc Fire Department, 23 Zimmerman Street, Strathroy, Ontario.

4.11 Application - Deadline for Submission

Applications for a Discharge of Fireworks Permit shall be submitted no less than 30 calendar days prior to the planned event date to be considered for approval.

4.12 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.

4.13 Location – suitable – prevention of danger

The location referred to in section 4.10 of this by-law must be such that there can be no danger to adjacent properties or highways or persons using the same.

4.14 Location – Site Plan

The applicant shall provide on submission of the application, a site plan depicting the layout and setup of the display and must include identification of existing structures, public and private roads, spectator viewing area and adjacent properties and shall indicate the use of adjacent properties, i.e.; agricultural, wooded area, commercial, residential etc..

4.15 Time – day – as specified in the 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.

4.16 Operator – qualifications – experience – requirements

The name, qualification and experience of the person to discharge the display shall be given, and he/she shall be a pyrotechnical expert, and/or possess a certificate as a recognized fireworks supervisor, as designated pursuant to *the Explosives Act* (Canada) and regulations thereunder.

**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*, 1990 as amended.

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.

5.3 Enforcement

Any Police Officer or By-law Enforcement Officer is hereby authorized to enforce the provisions of this By-law.

**PART 6
SHORT TITLE**

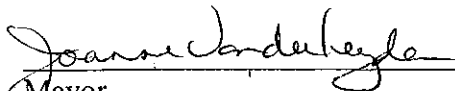
6.1 This by-law shall be referred to as the ‘Sale and Discharge of Fireworks’ By-law.

**PART 7
REPEAL - EFFECTIVE DATE**

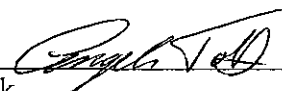
7.1 Any previous by-laws pertaining to the Display, Sale and Discharge of Fireworks are hereby repealed.

7.2 This by-law comes into force on the date of its final passing thereof.

Read a first, second and third time and FINALLY PASSED in Open Council this 4th day of April, 2011.



Mayor



Clerk