

CORPORATION OF THE TOWNSHIP OF HAVELOCK-BELMONT-METHUEN

BY-LAW NO. 2008 - 84

BEING A BY-LAW RESPECTING THE SALE AND SETTING OFF OF FIREWORKS

WHEREAS section 121 of the Municipal Act, Chapter 25, S.O. 2001, provides that a local municipality may prohibit and regulate the sale of fireworks, and the setting off of fireworks;

AND WHEREAS under Section 5 (3) of the Municipal Act, a municipal power shall be exercised by by-law;

NOW THEREFORE the Council of the Corporation of the Township of Havelock-Belmont-Methuen hereby enacts as follows:

- (1) The following definitions are made for the purposes of this by-law:
 - (a) “Fireworks” includes any combustible or explosive composition, or any substance or any combination of substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation and without limiting the generality of the foregoing include firecrackers, torpedoes, skyrockets, roman candles, and any fireworks containing explosives or flammable compounds or material, and includes “Family Fireworks”.
 - (b) “Family Fireworks” means fireworks for recreational purposes.
 - (c) “Person” means and includes persons, firms and corporations.
 - (d) “Public Display” means a display intended to be open to the public.
- (2) No person shall offer for sale, cause or permit to be sold, sell or possess for sale Family Fireworks unless:
 - a) the fireworks are included on the most recent list of authorized explosives as published from time to time by the Explosives Branch of Natural Resources Canada, or their successors:
 - b) the fireworks are displayed for sale in a package, glass case or other suitable receptacle away from flammable goods;
 - c) the fireworks are displayed in a place where they are not exposed to the rays of the sun or to excess heat:

- d) the person is a licensed vendor.
- (3) No person shall offer for sale, cause or permit to be sold or sell any Family Fireworks to any person under the age of eighteen (18) years.
- (4) No person shall offer for sale, cause or permit to be sold, or sell Family Fireworks from an outdoor stand, tent, van, trailer, or motor vehicle.
- (5) No person who offers for sale any Family Fireworks shall, at any time, keep or permit the keeping of any Family Fireworks in any location in a shop unless the location is designated and posted as a “non-smoking” area and separated from flammable goods.
- (6) No individual consumer without a license shall possess more than ten- (10) kg of Family Fireworks on his/her premises.
- (7) The setting off of fireworks is prohibited unless authorization has been provided by the Fire Chief of the Township of Havelock-Belmont-Methuen.
- (8) The setting off of fireworks as a public display is prohibited unless permission for the holding of such a display is first obtained from the Chief Fire Official of the Township of Havelock-Belmont-Methuen, and such permission, if granted, shall prescribe the place and the conditions under which such a display may be held.
- (9) No parent or guardian of any person under the age of eighteen years shall allow or permit that person to set off Family Fireworks, except under the direct supervision and control of the natural person eighteen years of age or older, who shall, at all times, remain physically present in the immediate area where the fireworks are being set off.
- (10) No person shall set off or hold a display of Family Fireworks on any land that is not owned by him or her, unless written permission for the setting off or the holding of a display of Family Fireworks on a date to be clearly specified in the written permission, has been obtained from the owner, lessee or the person in charge of that land.
- (11) Every person who sets off fireworks shall provide and maintain fully operational fire extinguishing equipment ready for immediate use, and present at all times and for a reasonable period thereafter, at the location or site of the setting off of Family Fireworks.
- (12) No person shall set off Family Fireworks into, inside of, out of or on any building, accessory building, structure, or motor vehicle.
- (13) No person shall set off Family Fireworks in a manner that creates or may create a nuisance or that creates or may create an unsafe condition, danger from fire, or risk

of accident, injury or damage at or in respect of any place, location or site, or in respect of any person, property or thing.

- (14) No person shall set off Family Fireworks, into, in, or on any highway, street, lane, square or other public place, which the public or any member thereof uses or may use.
- (15) Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act.
- (16) If a court of competent jurisdiction declares any provision, or any part of a provision of this by-law to be invalid, or to be of no force and effect, it is the intention of the Council in enacting this by-law, that each and every other provision of this by-law be applied and enforced in accordance with its terms to the extent possible according to law.

Read a FIRST, SECOND AND THIRD time and finally passed in Open Council this 16th day of December, 2008.

Reeve Ronald Gerow

Clerk Glenn Girven