

THE CORPORATION OF THE TOWN OF THESSALON

BY-LAW NUMBER 1393

Being a by-law to prohibit and regulate the sale of fireworks and the setting off of fireworks.

WHEREAS the Municipal Act, 2001, c. 25 as amended, Section 121 (1) provides that a municipality may prohibit and regulate the sale of fireworks and the setting off of fireworks.

AND WHEREAS the Council of The Corporation of the Town of Thessalon deems it advisable to pass a by-law to prohibit and regulate the sale of fireworks and the setting off of fireworks pursuant to the foregoing provisions.

NOW THEREFORE, the Council of the Corporation of the Town of Thessalon enacts as follows:

1. The provisions of this by-law be applicable to and have full force and effect within the Town of Thessalon.
2. For the purposes of this by-law:
  - (a) "Town" shall mean The Corporation of the Town of Thessalon.
  - (b) "Council" shall mean the Council of The Corporation of the Town of Thessalon.
  - (c) "Enforcement Officer" shall include all members of the Ontario Provincial Police for the East Algoma Detachment and all members of the Fire Department for the Town of Thessalon possessing the Fireworks Supervisor Licence.
  - (d) "Fire Chief" shall mean the Fire Chief of the Town of Thessalon or his/her authorized delegate.
  - (e) "Fireworks Display" shall mean a display or show of substance including a pyrotechnical display.
  - (f) "Near" shall mean so close as to be dangerous or unsafe.
  - (g) "Person" shall include firm, partnership, company, corporation, club or organization.
  - (h) "Setting off of fireworks" shall include the throwing or tossing of ignited fireworks.
  - (i) The plural shall include the singular and the singular shall include the plural and the applicable provisions of this by-law shall be constructed as if the necessary grammatical and terminological changes thereby rendered necessary had been made.

SALE OF FIREWORKS

3.
  - (a) No person shall sell, either directly or indirectly, fireworks as set out in Part IX of the regulations of the Explosives Act to any person under the age of eighteen (18) years.
  - (b) No person shall possess for sale, or otherwise, on his premises any quantity of fireworks exceeding:

- (i) 1,000 kilograms (2,000 lbs.) (gross weight) of Class 7 (manufactured low hazard recreational e.g. fountains, sparklers) without proper licencing Subdivision 1, 3 and 4 of Division 2 under the Explosives Act and regulations thereto
  - (ii) 125 kilograms (250 lbs.) recreation fireworks high hazard type, Subdivision 2 and 5 of Division 2 (e.g. rockets and bombshells) without the proper licensing under the Explosives Act and regulations thereto.
- (c) No person shall display more than 25 kilogram (50 lbs.) of fireworks at one time.
  - (d) No person shall buy or sell any other type of fireworks worth more than \$150.00 unless such person is a fireworks supervisor licenced under the Explosives Act for such purchase and sale and an explosives technician is on site during the display.

#### PROHIBITIONS AND REGULATIONS RELATING TO THE SETTING OFF OF FIREWORKS

- 4. (a) Except for the purposes of a fireworks display, no person shall set off fireworks of the types known as sky rockets, torpedoes or firecrackers exceeding two (2) inches in length and one-quarter (1/4) of an inch in diameter or other types of fireworks designed or intended for the purposes of a fireworks display only.
- (b) No person under the age of eighteen (18) years shall set off fireworks except under the direct supervision and control of his or her parent or other responsible adult.
- (c) No person being the parent or guardian of any child under the age of eighteen (18) years shall knowingly allow such child to set off fireworks contrary to the provisions of this by-law or contravene any of the provisions of this by-law.
- (d) No person shall set off fireworks in such a place or in such a manner or under conditions or circumstances likely to cause damage to property or injury to person, animal or fowl and, without in any way limiting the generality of the foregoing, no person shall set off fireworks:
  - (i) in or near any group or assembly of persons
  - (ii) in any street, lane, park or other public place unless authorized to do so by Council
  - (iii) in or near any building structure, telephone booth, mail box, newspaper box or other similar container or any container likely to shatter or explode
  - (iv) in, on or near any boat, automobile or other vehicle
  - (v) near any explosives plant, chemical plant, gasoline station, flammable liquid or any combustible material, substance or object
  - (vi) in or near any place where there is danger of causing a forest fire, bush fire, grass fire or a fire to a hay field, haystack or grain field
  - (vii) on the grounds of or near any hospital, convalescent home, home for the aged or other similar institutions
  - (viii) during a fire ban.
- (e) No person shall authorize, cause, permit or allow any unsafe act or omission at the time and place of the setting off of fireworks.

FIREWORKS DISPLAY

5. Any person supervising the fireworks display shall comply with all of the applicable provisions of the Explosives Act and this by-law.
6. (a) The Enforcement Officer shall have the right to be present at any fireworks display and he/she shall not be hindered or obstructed in any way whatsoever.  
(b) The Enforcement Officer shall have the right to require the person in charge of conducting the fireworks display to take such steps, measures or precautions as he may deem advisable and necessary for the protection of persons and property, and such permit holder or person in charge of conducting the fireworks display shall promptly comply with the orders, directions or requirements of the Enforcement Officer as aforesaid.
7. The provisions of this by-law shall not apply to the lawful sale or use of truck flares, railway flares, railway torpedoes, marine or military rockets or other like devices.
8. Any person convicted of a breach of any of the provisions of this by-law shall be guilty of an offence punishable under the Provincial Offences Act, and on conviction is liable to a fine pursuant to the Provincial Offences Act.
9. By-Law Number 517 of The Corporation of the Town of Thessalon is hereby rescinded.

**READ A FIRST AND SECOND TIME THIS 6<sup>th</sup> DAY OF MARCH, 2006.**

**READ A THIRD TIME AND FINALLY PASSED THIS 20<sup>th</sup> OF MARCH, 2006.**

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MAYOR

Seal

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CLERK-TREASURER