

THE CORPORATION OF THE MUNICIPALITY OF OLIVER PAIPOONGE

BY-LAW NO. 476-2007

A By-law to regulate the sale or setting off of fireworks within the Municipality of Oliver Paipooonge and for requiring a permit for the holding of fireworks displays and for prescribing the conditions under which fireworks displays may be held.

WHEREAS pursuant to Section 210, Subsection 37 and 38 of the Municipal Act, by-laws may be passed to regulate the sale of fireworks, and to regulate the setting off of fireworks in the Municipality of Oliver Paipooonge, and to require a permit for holding of fireworks displays.

NOW THEREFORE the Council of the Corporation of the Municipality of Oliver Paipooonge hereby enacts as follows:

DEFINITIONS:

1. In this by-law:

“ACT” means the Explosives Act, Statutes of Canada, Chapter E-15, and Regulations thereunder, as amended and revised from time to time.

“FIRECRACKER” means a pyrotechnic device that explodes instantaneously when ignited and does not make any subsequent display or visible effect after the explosion. Firecrackers are classified as high hazard fireworks, and,

- i) includes those devices known as Chinese Fireworks, but, does not include paper caps containing not in excess of an average of twenty-five one hundredths of a gram of explosive used per cap, or device for use with such caps.

“HIGH-HAZARD FIREWORKS” means a manufactured pyrotechnic device producing spectacular effects of lights or sound of such a nature that it is classed under the act as shop goods.

“LOW-HAZARD FIREWORKS” means a pyrotechnic device producing quantities of effects of light, sound or smoke by the combustion of explosives or flammable composition and included, but is not limited to, fireworks, showers, fountains, golden rain, lawn lights, pinwheels, roman candles, sparklers, volcanoes and mines, but does not include:

- i) firecrackers
- ii) articles or devices not classed under this Act as shop goods

2. SALE OF FIREWORKS

- 1) No person shall sell or offer for sale any high-hazard fireworks within the Municipality of Oliver Paipooonge.
- 2) Low-Hazard Fireworks displayed in store windows shall be mock samples only and shall not contain explosive composition.
- 3) Low-hazard fireworks on public display 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.

- 4) A person may hold a display of low-hazard fireworks on any land belonging to such person or on any privately owned land where the owner thereof has given permission for such display.
- 5) No person shall use or set off any low-hazard fireworks in 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 in, 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 thereunder and otherwise in accordance with the provisions of this by-law.

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

- 1) No person shall set off or hold a display of:
 - a) high-hazard fireworks; or
 - b) low-hazard fireworkswithout having obtained a permit to do so signed by the Fire Chief of the Municipality of Oliver Paipoonge.
- 2)
 - a) All applications for a permit shall be made not less than fifteen (15) days before the proposed setting off or display of fireworks.
 - b) 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.
 - c) The Fire Chief shall confer with any such persons as the Fire Chief may deem advisable, as to the competence of the persons who are to set off the fireworks.
 - d) 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 said 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 described in Schedule "B" hereto, in the name of the applicant.
- 3) No person except a person licensed under the Act and who is entitled to purchase and discharge high-hazard explosives shall set off or display high-hazard fireworks.

- 4) All unused fireworks and all debris shall be removed by the person holding the display immediately following its conclusion, and safely disposed of.
- 5) 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.
- 6) 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.
- 7) Where an application for a permit is not approved by the Fire Chief, the applicant may request that Council consider the matter and the determination of Council shall be final.

4. ADMINISTRATION

- 1) The Fire Chief, and Oliver Paipoonge Police Officer, or any By-law Enforcement Officer of the Municipality of Oliver Paipoonge, may at any time inspect any premises where fireworks are stored for sale to the public.
- 2) A copy of this by-law shall be posted in public view of the premises where low-hazard fireworks are sold.
- 3) The person holding a display of fireworks pursuant to a permit granted hereunder shall produce such permits at the request of any of the persons referred to in Section 5(1) hereof.
- 4) Any power, right, or duty conferred upon the Fire Chief under this by-law may be exercised or performed by his designates respectively.

5. PENALTY

Every person who contravenes any of the provisions of this by-law is guilty of an offense and upon conviction is liable to a fine or penalty as provided for in the Provincial Offenses Act.

6. By-law No. 1072-1997 and amendments, and By-law 090-1999 are hereby repealed.
7. This By-law shall come into force and effect on the date of passing thereof.

Read a first and second time this 12th day of November, 2007

Read a third time and finally passed this 12th day of November, 2007

THE CORPORATION OF THE
MUNICIPALITY OF OLIVER PAIPOONGE

Mayor

Sharron Martyn,
Chief Administrative Officer/Clerk

SCHEDULE "A" TO BY-LAW 476-2007

APPLICATION FOR PERMIT TO HOLD A FIREWORKS DISPLAY

Date of Application: _____

Name of Applicant: _____

Date of Display: _____ Time: _____

Exact Location of Display and Name of Landowner:

Full Name, Date of Birth, Qualifications of Applicant, and of the Person or Persons by Whom or Under Whose Supervision the Display will be Conducted:

Number and Kind of Fireworks to be Discharged:

Manner and Place of Storage of Fireworks Prior to Display:

Other:

I certify that the information contained in this application is true and correct and that permission for holding the display has been obtained from the landowner.

Signature of Applicant

FOR OFFICE USE

The undersigned has no objection to this application

The undersigned recommends denial of this application

Date: _____

Fire Chief

SCHEDULE "B" TO BY-LAW NO. 476-2007

PERMIT TO HOLD A FIREWORKS DISPLAY

This permit authorizes _____

to hold a:

- High-Hazard Fireworks Display (which may be combined with a low-hazard display)
- Low-Hazard Fireworks Display Only

on the _____ day of _____

The setting off of fireworks shall comply with the Provisions of By-law No. 476-2007 of the Corporation of the Municipality of Oliver Paipoonge, and with the Explosives Act of Canada and Regulations thereunder.

This permit is non-transferable.

Dated at Murillo, Ontario, this _____ day of _____

THE CORPORATION OF THE
MUNICIPALITY OF OLIVER PAIPOONGE

Fire Chief

NOTE: Subsection 5(3) of By-law No. 476-2007 requires that this permit be produced on request of the Fire Chief or any By-law Enforcement Officer of the Municipality of Oliver Paipoonge or any Oliver Paipoonge Police Officer.