



## **TOWN OF MASSEY DRIVE**

### **FIREWORKS BY-LAW**

Pursuant to the authority conferred by section 7(1)(e), section 8(1)(a, d, q), section 10(a) of the Towns and Local Service Districts Act (TLSDA), and sections 6, 10, 11 and 12 of the Newfoundland and Labrador Fire Protection Services Act and all other powers enabling it, the Town of Massey Drive has adopted, through resolution of the Town Council on the 10<sup>TH</sup> day of May, 2025, the Fireworks By-Law.

Town of Massey Drive acknowledges and appreciates the importance of celebrating and recognizing special occasions through the use of fireworks, however the Town also has an obligation to ensure such use is conducted safely, respectively and with reduced risk to the public and property. The Fireworks By-law will be used as a supplement to compliment the Town of Massey Drive Nuisance By-law.

The Town of Massey Drive's Town Councillor's Code of Conduct, Conflict of Interest and Workplace Harassment policies and procedures shall apply to all members of Council, staff and the general public.

#### **1.1 POWERS AND DUTY**

- 1.1. The Massey Drive Town Council shall permit the sale, storage and discharge of fireworks as set out in the Town of Massey Drive Fireworks By-law.
- 1.2. The Massey Drive Town Council shall regulate the safe and respectful sale, storage and discharging of fireworks to ensure compliance of this Fireworks By-law.
- 1.3. The Town of Massey Drive Fireworks By-Law shall apply within the boundaries of the Town.

#### **2.0 DELEGATION AND ENFORCEMENT**

- 2.1 The Council will delegate the day-to-day administration of the Fireworks By-Law to the Town Manager/Clerk.
- 2.2 Utilizing municipal enforcement capacity or engagement of the police and/or other relevant authorities will be at the discretion of the Town Manager.

- 2.3 This By-law may be enforced by the Town Manager, a person designated by Council to enforce by-laws, appropriate government officials, the Royal Newfoundland Constabulary(RNC) and/or the Royal Canadian Mounted Police (RCMP).

### 3.0 DEFINITIONS

- 3.1 Aerial or display fireworks refers to high hazard fireworks generally used for community celebrations and, as defined in NL Fire Protection Regulations 45/12 and, as described in Class 7, Division 2, Subdivision 2 of the Explosives Regulations under the Explosive Act (Canada).
- 3.2 Distributor means a person who sells consumer fireworks to other distributors or to retailers, whether or not they sell to users.
- 3.3 Family or consumer fireworks and novelty devices refers to outdoor, low hazard fireworks generally used for recreational purposes, and as defined in NL Fire Protection Regulations 45/12 and, as described in Class 7, Division 2, Subdivision 1 of the Explosives Regulations under the Explosive Act (Canada).
- 3.4 Firecrackers means a class of fireworks which when ignited explodes with little or no visual effect, but does not include caps for toy guns or Christmas crackers.
- 3.5 Fireworks refers to fireworks as classified in the Explosive Regulations and the Explosive Act (Canada) and includes family fireworks, aerial fireworks, and pyrotechnics.
- 3.6 Holiday means Christmas Day, New Years Eve, Victoria Day, Canada Day, Labour Day and Massey Drive Day.
- 3.7 Officer means a representative of Council or designate.
- 3.8 Pyrotechnics means theatrical explosives as described in Class 7, Division 2, Subdivision 5 of the Explosive Regulations under the Explosives Act (Canada).
- 3.9 Retailer means a person, other than a distributor, who sells consumer fireworks.
- 3.10 User means a person who acquires consumer fireworks for use.

### 4.0 GENERAL

- 4.1 No person shall discharge fireworks or pyrotechnics within the boundaries of Massey Drive unless authorized under this By-law.
- 4.2 Only a person 19 years of age or over may discharge and/or hold a display of fireworks or pyrotechnics, and/or supervise or control such discharge or display on any land belonging to that person or on any other privately owned property where permitted under this by-law.
- 4.3 No person shall discharge or cause or allow to be discharged fireworks or pyrotechnics in such a manner as might create danger to any person or property, or do or cause or allow any unsafe actor omission in the discharging of any fireworks.

- 4.4 Notwithstanding the Town of Massey Drive Nuisance By-Law, a person may make noise by discharging fireworks or pyrotechnics if they do so in compliance with this by-law.
- 4.5 No person(s) shall fire, discharge, set off or cause to be set off fireworks inside a building or automobile.
- 4.6 No person(s) shall fire, discharge, set off or cause to be set off any family or consumer fireworks on or into any road, highway, street, lane, boulevard, roundabout, cul-de-sac, or private road in the Town of Massey Drive.
- 4.7 No person(s) shall fire, discharge, set off or cause to be set off fireworks or pyrotechnics when the surface wind speed at the time of the display exceeds 40 kilometers per hour.
- 4.8 No fireworks not including pyrotechnics shall be ignited inside of or closer than 8 meters to any building, tent, trailer, camp or shelter or motor vehicle.
- 4.9 No fireworks, not including pyrotechnics shall be ignited within 300 meters of any place where explosives, gasoline or other highly flammable substances are manufactured, stored or displayed in large quantities.
- 4.10 Every person who discharges or permits or allows fireworks to be discharged shall ensure that there is immediate access to a fire extinguisher and water ready for use at the site where the fireworks are discharged.
- 4.11 No person shall use, set off, or allow to be used or set off any fireworks on any land whatsoever, except on land belonging to the person setting of the fireworks, or on other privately owned land where the written consent of the owner has been obtained.
- 4.12 No person(s) shall fire, discharge, set off or cause to be set off fireworks in or on or into any highway or public park, playground or public space or on or into any other private property for which permission has not been granted.
- 4.13 The person(s) responsible for discharging, firing, setting off, or causing to be set off any fireworks or any class of fireworks thereof must ensure that all unused fireworks and debris be removed and safely disposed of immediately.
- 4.14 Only fireworks which have been authorized under the Explosives Act (Canada) and the Explosives regulations may be stored, sold or used or discharged.

## 5.0 PERMIT REQUIREMENTS

- 5.1 A permit is not required for New Years Eve, Canada Day, Labour Day and Massey Drive Day and the day immediately following each of these days as permitted under this by-law.
- 5.2 Council or its designate may include in a permit those terms and conditions deemed appropriate for the prevention of fire or may refuse to issue a permit.

- 5.3 Council or its designate may cancel or suspend a permit for non-compliance with this by-law, the provincial Fire Protection Services Act, or the applicable federal requirements.
- 5.4 A permit issued for outside discharge or display of aerial fireworks or pyrotechnics is valid only for the date and area for which the permit was issued.
- 5.5 A person to whom a permit is issued shall keep a copy of the permit on the site where the fireworks are being used.
- 5.6 All persons granted permission under this by-law shall indemnify and save harmless the Town of Massey Drive from any and all claims, demands, causes of action, losses, costs or damages that the Town of Massey Drive may suffer, incur or be liable for resulting from the use of fireworks or pyrotechnics as set out in this by-law or its predecessor, whether with or without negligence on the part of the applicant, the applicant's employees, directors, contractors and agents.

#### 6.0 FAMILY OR CONSUMER FIREWORKS

- 6.1 No person shall fire, discharge, set off or cause to be set off family or consumer fireworks within the boundaries of the Town of Massey Drive without a permit except:
  - 6.1.1 On New Year's Eve, Canada Day, Labour Day and Massey Drive Day, and
  - 6.1.2 Are restricted to the hours of 6:00pm – 9:00pm and 11:00pm – 1:00am.
- 6.2 No person shall discharge, fire, set off, or cause to be set off any family or consumer fireworks in a manner that might create a danger or nuisance to any person or property.
- 6.3 All fireworks stored or discharged must be done so in accordance with the instructions printed on each item or package.
- 6.4 Person(s) storing or discharging any fireworks must do so with care and caution.
- 6.5 The person(s) responsible for the setting off of any fireworks or classes thereof must ensure that all unused fireworks and debris be removed and safely disposed of immediately.

#### 7.0 AERIAL OR DISPLAY FIREWORKS AND PYROTECHNICS

- 7.1 No person shall discharge/fire/set off or cause to be set off aerial or display fireworks, or hold a pyrotechnics display on any day/night or days/nights within the Town of Massey Drive without prior approval and a permit issued by Council.
- 7.2 Council may impose conditions for approval as it considers necessary to ensure the safety of the public.
- 7.3 Discharging, firing, setting off, or causing to be set off aerial or display fireworks or pyrotechnics shall be in accordance with this By-law, the provincial Fire Protection

Services Act and the Explosives Act (Canada), and all associated regulations and safety procedures including but not limited to:

- 7.3.1 Keeping spectators at a safe distance;
  - 7.3.2 Protecting private and public property;
  - 7.3.3 Ensuring serviceable fire extinguishing equipment is readily available at all times;
  - 7.3.4 Explosives Act and Explosive Regulations (BL2015-098).
- 7.4 The person(s) who hold a valid Fireworks Supervisor certificate or equivalent thereof, issued by the Explosives Regulatory Division of Natural Resources Canada (NRCan) are eligible to request approval to display or set off aerial or display fireworks and/or pyrotechnic effects, and proof of such certification must be provided to the town immediately upon request.
- 7.5 The handling and discharge of aerial or display fireworks or pyrotechnics shall conform with the Natural Resources Canada (NRCan) "Display Fireworks Manual" and Natural Resources Canada (NRCan) Pyrotechnic Special Effect Manual.
- 7.6 The person(s) responsible for the setting off of any fireworks or classes thereof or pyrotechnics must ensure that all unused fireworks and/or pyrotechnics and debris are removed and safely disposed of immediately following the event.

#### **8.0 FIRECRACKERS AND FLYING LANTERNS**

- 8.1 No person shall discharge, fire, set off, or cause to be set off any firecrackers or flying lanterns or other prohibitive article or effect within the Town of Massey Drive.

#### **9.0 PROVINCIAL FIRE BAN**

- 9.1 Notwithstanding the above sections, where a provincial fire ban that includes the boundary of the Town of Massey Drive is in effect under the Forestry Act, RSNL 1990 c F-23, as amended, no persons shall discharge any fireworks or pyrotechnics in such areas within the boundaries of the Town.

#### **10.0 RIGHT OF ENTRY**

- 10.1 An enforcement officer may at any time, enter onto land to determine whether this by-law and/or provincial or federal Acts and regulations are being complied with.
- 10.2 Every owner shall permit an enforcement officer to inspect any land for the purpose of determining compliance with these by-laws and/or provincial or federal Acts and regulations.
- 10.3 Notwithstanding any provision of this by-law, an enforcement officer shall not enter or remain in any room or place actually being used as a dwelling, unless:
- 10.3.1 The consent of the occupier is obtained;
  - 10.3.2 The occupier first having been informed that the right of entry may be refused; and,

- 10.3.3 If refused, may only be made under the authority of a warrant issued under the NL Provincial Offences Act, chapter P-31.1, as amended;
- 10.3.4 A warrant issued under the NL Provincial Offences Act SNL1995, as amended is obtained.

**11.0 SALE OF CONSUMER FIREWORKS AND FIRECRACKERS**

- 11.1 No person shall sell or offer for sale any firecrackers and/or flying lanterns.
- 11.2 No person may sell, offer for sale, give or distribute consumer fireworks to any person under nineteen (19) years of age.

**12.0 PENALTY**

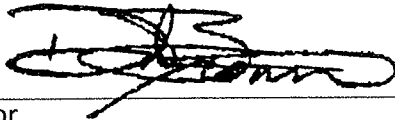
- 12.1 Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the NL Provincial Offences Act Chapter P-31.1, as amended.
- 12.2 The court in which the conviction has been entered and any court of competent jurisdiction 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.
- 12.3 Any inspector who observes a contravention of the provisions of this by-law may seize any fireworks in possession of the person or corporation who committed the contravention.

**13.0 REPEAL OF PREVIOUS RECREATIONAL VEHICLE REGULATIONS**

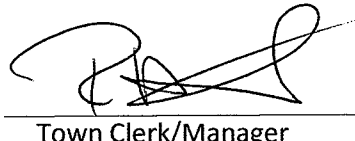
All previous Town of Massey Drive Fireworks regulations and amendments are repealed.

**14.0 COMPLIANCE WITH OTHER ACTS AND REGULATIONS**

Nothing in this By-law shall or shall not be deemed to alter, amend, or abrogate in any way the requirements and responsibilities set out in the Fire Protection Services Act, SNL 2008, c F-11.01, as amended, and its Regulations, or the Explosives Act, c E-17 as amended, and its Regulations.



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Mayor



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Town Clerk/Manager

May 10, 2025  
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Date

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Date