

THE MUNICIPALITY OF NORTH PERTH

BY-LAW NO. 39-2011

BEING A BY-LAW TO PROHIBIT THE SALE AND USE OF
FIRECRACKERS
AND TO REGULATE THE SALE AND USE OF FIREWORKS IN THE
MUNICIPALITY OF NORTH PERTH.

WHEREAS Section 121 of *The Municipal Act, Chapter 25, S.O. 2001*, authorizes Municipal councils to pass by-laws for regulating the sale of fireworks or any class thereof and for prohibiting the sale of fireworks or any class thereof on any days during the year except as specified in this by-law.

AND WHEREAS Section 121 of *The Municipal Act, Chapter 25, S.O. 2001*, authorizes Municipal Councils to pass by-laws for prohibiting or regulating the setting off of fireworks or any class or classes thereof in the municipality or in any defined area or areas thereof and for requiring a permit for the holding of fireworks displays and prescribing the conditions under which fireworks displays may be held under such permit.

NOW THEREFORE the Municipal Council of the Corporation of the Municipality of North Perth hereby enacts as follows:

In this By-law:

- 1.1 “**Firecracker**” includes any article containing a combustible or explosive substance, or combination of substances, prepared for, capable of, or discharged for the purposes of producing solely an explosion or audible sound and includes cannon crackers, firecrackers, mines, squibs and torpedoes but does not include a Christmas cracker or similar device.
- 1.2 “**Fireworks**” shall mean any article containing a combustible or explosive composition or any substance or combination of substances prepared for, capable of, or discharged for the purpose of producing a visual show or effect which may or may not be preceded by, accompanied with, or followed by an explosion or audible sound and includes fireballs, roman candles, skyrockets, pinwheels and sparklers but does not include pyrotechnical devices for marine, military or railway purposes.
- 1.3 “**Display**” means the setting off of fireworks at any time in accordance with the provisions of this by-law.
- 1.4 “**Fire Chief**” means the Fire Chief for the Municipality of North Perth or his designate.
- 1.5 “**Canada Day**” means July 1st.
- 1.6 “**Victoria Day**” means the Monday preceding May 25th.

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2. FIRECRACKERS

- 2.1 No person, firm, partnership, merchant, storekeeper, corporation or company in the Municipality of North Perth shall at any time offer for sale or sell any firecrackers in the said Municipality.
- 2.2 The setting off of any firecrackers in the Municipality of North Perth by any person at any time is hereby prohibited.

3. FIREWORKS

- 3.1 No person, firm, partnership, merchant, storekeeper, corporation or company carrying on business in the Municipality shall offer for sale or sell any fireworks in the said Municipality on any day or days except on the **fourteen** business days immediately preceding "Victoria Day" and "Canada Day", providing that nothing in this section shall prevent the sale on any day for the purpose of a fireworks display to a person who is the holder of a permit for such display under the provisions of this By-law.
- 3.2 No person, firm, partnership, merchant, storekeeper, corporation or company in the Municipality of North Perth shall sell any fireworks in the Municipality of North Perth to anyone under eighteen (18) years of age.
- 3.3 No person, firm, partnership, merchant, storekeeper, corporation or company in the Municipality of North Perth shall set off any fireworks on any street, highway or lane under the jurisdiction of the Municipality, or in any public park, except with the written consent of the Corporation.
- 3.4 No person, firm, partnership, merchant, storekeeper, corporation or company in the Municipality of North Perth shall hold a public fireworks display in the municipality except under a permit issued therefor under Section 4, and in compliance with the conditions set forth in the said Section 4 and Section 5 of this By-law.
- 3.5 Fireworks shall not be exhibited in any window of any store, shop, building or place of business in the Municipality of North Perth at any time.
- 3.6 Fireworks shall not be sold from any mobile, portable or temporary type structure except for those operations run by a service club or charitable organization, with the proceeds going to an organization or activity within the Municipality of North Perth. Such service club or charitable organization shall obtain a sales licence from the Municipality of North Perth prior to selling any fireworks.

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4. PERMITS - CONDITIONS OF DISPLAY

The following conditions shall apply to the holding of public fireworks display under a permit issued under Section 3:

- 4.1 Displays of fireworks shall be approved by the Fire Chief or his qualified designate who shall be responsible for the display;
- 4.2 The public fireworks display shall be held at the place and on the date set forth in the permit;
- 4.3 No person shall hold a public fireworks display unless the proper precautions are being observed to keep spectators at a safe distance from the area where fireworks are to be discharged as specified by the Fire Chief;
- 4.4 No person shall hold a public fireworks display without providing suitable fire extinguishers and means of extinguishing fire on the site.

5. PERMIT INFORMATION

Notwithstanding the provisions of this By-law, no person, firm, partnership, merchant, storekeeper, corporation or company in the Municipality of North Perth shall be entitled to obtain a permit for the setting off of fireworks, subject to the compliance with the following:

- 5.1 Applications for such permits shall be in writing, addressed to the Fire Chief of the Municipality of North Perth and shall set out the name and address of the applicant and full particulars of its qualifications for permit;
- 5.2 The applicant shall state the day and hour for which the permit is desired which must be at least fourteen (14) days after the date on which the application is made, and the location where such display is to be given. No fireworks shall be set off at any time in any street, highway or lane under the jurisdiction of the Municipality of North Perth or in any public park without the approval of the Fire Chief;
- 5.3 The location referred to in the preceding paragraph must be such that there can be no danger to adjacent properties or highways or persons using the same;
- 5.4 The name, qualification and experience of the person to set off the display shall be given.

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6. Notwithstanding the provisions of this By-law, the Corporation of the Municipality of North Perth may hold special displays of fireworks to celebrate national or civic holidays or national celebrations, provided such fireworks are set off by a qualified person.
7. Any person who contravenes any of the provisions described above shall be guilty of an offence and upon conviction shall be subject to a fine as prescribed in *The Provincial Offences Act*, R.S.O. 1990, c. P33, as amended.
8. The Town of North Perth By-law Number 56-AD-2001 is hereby repealed.
9. This By-law shall come into force and take effect on the date of the final passing thereof.

READ A FIRST AND SECOND TIME this 18th day of April, 2011.

READ A THIRD TIME AND FINALLY PASSED this 18th day of April, 2011.



MAYOR



CLERK