

TOWN OF PORT HAWKESBURY FIREWORKS BY-LAW

1. SHORT TITLE

This By-Law shall be known as the "Fireworks By-Law".

2. AUTHORITY

Sections 172(1)(a)(b) and (d) of the *Municipal Government Act* provide municipalities with the power to make By-Laws respecting the health, well-being, safety and protection of persons, the safety and protection of property, and activities that may cause nuisances including noise, burning, odors and fumes.

3. DEFINITIONS

In this By-Law, the following definitions shall apply:

- a) "Consumer Fireworks" means low hazard fireworks generally used for recreational purposes such as showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, volcanoes, sparklers, caps for toy guns and Christmas crackers;
- b) "Display Fireworks" means high hazard fireworks generally used for community celebrations such as bombshells, aerial shells, large wheels and bombardos;
- c) "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;
- d) "Fire Chief" means the Fire Chief of the Port Hawkesbury Volunteer Fire Department;
- e) "Officer" means a By-law Enforcement Officer, Police Officer, Fire Chief or Designate.
- f) "Owner" means any person, firm or corporation having control over any portion of the building or property under consideration;
- g) "Town Council" means the Town Council for the Town of Port Hawkesbury

4. SALE OF FIREWORKS AND FIRECRACKERS

- 1) No person shall sell or offer for sale any firecrackers within the Town of Port Hawkesbury;
- 2) No person shall sell, offer for sale, give or distribute consumer fireworks to any person under nineteen (19) years of age.
- 3) Where fireworks are offered for sale, they must be displayed in such a manner that they are not accessible as a self-serve item.
- 4) Where fireworks are offered for sale, they must be kept away from flammable goods and away from excessive heat and sunlight.
- 5) Where fireworks are offered for sale, a letter from the owner of the property where the sale of fireworks will take place shall provide written permission to the seller to allow the sale of fireworks on the premises and a copy of such letter must be delivered to the Town Office.
- 6) Where fireworks are offered for sale, an Officer may inspect the premises to ensure the safe storage and display of the fireworks.

5. SETTING OFF OF FIRECRACKERS

- 1) No person shall discharge, fire, set off or cause to be set off any firecrackers within the Town of Port Hawkesbury.

6. SETTING OFF OF CONSUMER FIREWORKS

- 1) No person shall discharge, fire, set off or cause to be set off any consumer fireworks within the Town of Port Hawkesbury;

7. SETTING OFF OF DISPLAY FIREWORKS

- 1) No person shall hold a display of or set off display fireworks at any time without approval from the Fire Chief;
- 2) The Fire Chief may impose such conditions for approval as he/she considers necessary to ensure the safety of the public.
- 3) Setting off of display fireworks must be in accordance with recognized safety procedures including, but not limited to:
 - a) keeping spectators at a safe distance;
 - b) protecting private and public property;
 - c) ensuring suitable fire extinguishing equipment is available at all times.
- 4) The person(s) responsible for the setting off of any fireworks must ensure that all unused fireworks and debris be removed and safely disposed of immediately following the event.

- 5) Only persons who hold a valid Fireworks Supervisor Certificate or equivalent thereof as issued by Natural Resources Canada are eligible to be given approval to set off Display Fireworks.

8. GRANT OF EXEMPTION BY COUNCIL.

- 1) Notwithstanding anything contained in this By-Law, any person may make application to Town Council to be granted an exemption from any of the provisions of this By-Law with respect to the discharge of fireworks and Town Council may refuse to grant any exemption or may grant the exemption upon such terms and conditions as Council sees fit.
- 2) In deciding whether to grant the exemption, Town Council shall give the applicant and any person opposed to the application an opportunity to be heard and may consider such other matters as it deems appropriate.
- 3) A breach by the applicant of any of the terms or conditions of any exemption granted by Town Council shall render the exemption null and void.

9. RIGHT OF ENTRY

- 1) An Officer may, at any time, enter onto any land or premises to determine whether this By-Law is being complied with;
- 2) Every owner shall permit the Officer to inspect any land or premises for the purpose of determining compliance with this By-Law.

10. PENALTY

- 1) Any person who contravenes any of the provisions of this By-Law is guilty of an offence and shall be liable to a penalty of not less than \$250.00 and not exceeding \$5,000.00 for each offence.
- 2) Any person who is issued a Notice of By-Law violation may pay to the Town of Port Hawkesbury the sum provided under the Town's payment in Lieu of \ Prosecution Policy within 14 days of the date of the Notice and shall thereby avoid prosecution for that contravention.

11. REPEAL

- 1) Section 19 of the Peace and Good Order By-Law is hereby repealed.

Date of First Reading: August 6, 2013

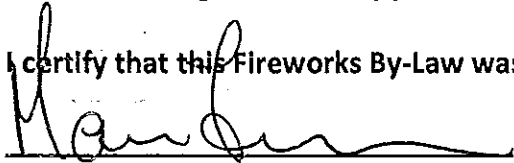
Date of Advertisement of Notice of Intent to Consider: August 14, 2013

Date of Second Reading: September 3, 2013

Date of Advertisement of By-law Passage and Approval: September 11, 2013

Date of Mailing Certified Copy to SNSMR: September 24, 2013

I certify that this Fireworks By-Law was adopted by Council and published as indicated above.



Maris Freimanis P. Eng.
Chief Administrative Officer

September 24, 2013

Date