

THE CORPORATION OF THE TOWNSHIP OF MANITOUWADGE

BY-LAW NO. 2009-08

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

WHEREAS Section 121. (a) of the Municipal Act, 2001, S.O. 2001 c.25 provides that the Council may prohibit and regulate the sale of fireworks and the setting off of fireworks;

AND WHEREAS Section 121. (b) of the Municipal Act, 2001, S.O. 2001 c.25 provides that the Council may prohibit the activities described in Section 121. (1), above, unless a permit is obtained from the municipality for those activities and may impose conditions for obtaining, continuing to hold and renewing the permit, including requiring the submission of plans;

AND WHEREAS Council for the Corporation of the Township of Manitowadge deems it necessary for the safety and well being of the community to prohibit and regulate the setting off of fireworks and for requiring permits within the Corporation of the Township of Manitowadge;

NOW THEREFORE the Council of the Corporation of the Township of Manitowadge hereby enacts as follows:

1. DEFINITIONS:

- .1 "By-Law Enforcement Officer"** means a person appointed by Council by way of by-law to perform the duties of a By-law Enforcement Officer;
- .2 "Council"** means the Council of the Corporation of the Township of Manitowadge;
- .3 "Deputy Fire Chief"** means the Deputy Chief of the Township of Manitowadge Fire Department;
- .6 "Fire Chief"** means the Chief of the Township of Manitowadge Fire Department;
- .7 "Firecracker"** means any class of Fireworks that explodes when ignited and does not make any significant display or visible effect after the explosion but does not include caps for toy guns or Christmas crackers;
- .8 "Fireworks"** means a pyrotechnic device or a substance that is made, manufactured or used to produce an explosion or detonation and includes fireworks composition and manufactured fireworks as defined in the Explosive Regulations made pursuant to the Explosives Act, R.S. c. E-15, s.1 as amended and includes one single item of fireworks;
- .9 "Motor Vehicle"** means any automobile, motorcycle, motor assisted bicycle, and any other vehicle propelled or driven otherwise than by muscular power;
- .10 "Person"** means and shall include an individual human being, an individual company, partnership, corporation or limited company;
- .11 "Public Fireworks Display"** means an exhibition of Fireworks in an open air assembly, occupancy to which the public is invited, attends or is admitted, with or without a fee being charged;
- .12 "Vehicle"** means any motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle, motorized snow vehicle and any vehicle drawn, propelled or driven by any kind of power including muscular power.

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2. OFFENSES:

- .1 No person shall set off any firecracker within the Township of Manitowadge;
- .2 No person shall set off any fireworks within the Township of Manitowadge;
- .3 A Public Fireworks Display is exempt from Section 2.1 and Section 2.2 providing a valid permit as outlined in Section 3 has been obtained from the Fire Chief of the Township of Manitowadge;
- .4 No person shall set off any fireworks in, on or onto any building, highway, sidewalk, municipal park or municipal property;
- .5 No person shall set off any Public Fireworks Display unless they have received a permit;
- .6 No person shall display, offer for sale, or sell fireworks within The Township of Manitowadge;
- .7 No person shall sell, cause or permit to be sold any fireworks to a person who is less than 18 years old;
- .8 No person shall display, offer to sell or sell any firecracker;
- .9 No person shall sell or offer for sale any fireworks in any outdoor location or from any motor vehicle or vehicle.

3. PERMITS FOR PUBLIC FIREWORKS DISPLAY:

- .1 A permit may be issued by the Fire Chief on any land if the requirements listed in this section are met;
- .2 An application form has been completed and submitted to the Fire Chief together with the application fee paid in full;
- .3 Filed with the application form, shall be current and up to date site plan with dimensions showing:
 - (a) the location of the proposed Public Fireworks Display;
 - (b) the access to be provided for fire and emergency vehicles;
 - (c) the free zone area of clear distance between the point of launch and an occupied area;
- .4 Filed with the application form, shall be a statement of the safety measures being implemented;
- .5 Filed with the application form, shall be a Certificate of Liability Insurance certifying the permit being applied for is insured against general liability and property damage claims, in the minimum amount of Five Million Dollars (\$5,000,000.00), inclusive for any one occurrence. Said policy shall name "The Corporation of The Township of Manitowadge", as an additional insured. Said policy shall be endorsed to provide that the policy will not be altered, cancelled or allowed to lapse without ten (10) days' prior written notice to The Corporation;

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- .6 The Fireworks shall only be set off on the day or days specified by the permit;
- .7 The application fee shall be \$50.00 for a Public Fireworks Display that does not include any Fireworks as defined in Class 7, Division 2, Subdivision 2 of The Explosives Regulations made pursuant to the Explosives Act, R.S. c. E-15, s.1, as amended;
- .8 The application fee shall be \$150.00 for a Public Fireworks Display that does include any Fireworks as defined in Class 7 Division 2 Subdivision 2 of The Explosives Regulations made pursuant to the Explosives Act, R.S. c. E-15, s.1, as amended;
- .9 The fireworks shall only be set off by a person currently certified as a Fireworks Supervisor Level I or Level II by the Explosion Regulatory Division of Natural Resources Canada;
- .10 The permit may be suspended or revoked by the Fire Chief if the conditions of the permit are not being met or it would be unsafe to allow the Public Fireworks Display;
- .11 Notwithstanding the forgoing sections, the Fire Chief may require any additional information of the applicant to ensure the public's safety and may impose additional conditions on the issuance of a permit as he deems advisable in the particular circumstances of the application.

4. EXEMPTIONS:

- .1 It is hereby declared for greater certainty that on land belonging to a private residence, occupied by the owner, tenant or an authorized person of the residence, that the setting off of fireworks for their own personal display shall not be deemed to be a Public Fireworks Display;
- .2 Additionally, the display described in Section 4.1 shall not include Fireworks as defined in Class 7, Division 2, Subdivision 2 of The Explosives Regulations made pursuant to the Explosives Act, R.S. c. E-15, s.1, as amended.

5. VALIDITY:

Should any section, subsection, clause, paragraph or provision of this By-law be declared by a Court of competent jurisdiction to be invalid or illegal for any other reason, such offending section or part shall be deemed to have been severed from this By-law and the remaining sections or parts shall continue in full force and effect and shall remain valid and binding.

6. ADMINISTRATION, ENFORCEMENT AND INSPECTION:

- .1 This By-law shall be administered by the Fire Chief of the Township or such other person or persons as Council may, by by-law, appoint all such persons who shall be considered inspectors under the terms of the By-law;
- .2 This By-law shall be enforced by the Fire Chief or By-law Enforcement Officer(s) or such other person or persons as the Council may by by-law appoint

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and all such persons shall be considered inspectors under the terms of this By-law;

- .3 An inspector under this By-law;
- a) Has the power to enter upon any yards, vacant lots, grounds or buildings, except a dwelling house, at any reasonable time or times; and,
 - b) May be accompanied by such person or persons as they deem necessary to properly carry out their duties under this By-law.

7. PENALTY:


Every person who:

- .1 Hinders, disturbs or obstructs any inspector(s) in carrying out his, her or their duties under this By-law; or,
- .2 Contravenes any portion of this By-law;

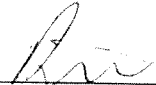
is guilty of an offence and is liable upon conviction, to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33 as amended from time to time.

8. That The Corporation of the Township of Manitowadge By-law #1958-18 is hereby repealed.
9. That this by-law comes into force and takes effect upon the date of its passing.

READ A 1ST AND 2ND TIME THIS 8th day of April, 2009 **and READ A THIRD TIME AND FINALLY ENACTED** this 8th day of April, 2009.



Mayor John MacEachern



Randy Mattson, Director of Leisure Services /
Deputy Clerk