

THE CORPORATION OF THE MUNICIPALITY OF WHITESTONE

BY-LAW NO. 41-2012

**Being a by-law for regulating and setting off of fireworks
during a Municipal or Provincial Fire Ban**

WHEREAS pursuant to the provisions of the Municipal Act, 2001 Revised, 2001,c.25,s.121(1) the Council of any municipality may pass by-laws to regulate and prohibit the sale and setting off of fireworks.

WHEREAS Council deems it necessary for the safety of the residents of the Municipality of Whitestone and to minimize the risk of fire and injuries to regulate the detonation and sale of fireworks.

NOW THEREFORE the Council of the Corporation of the Municipality of Whitestone enacts as follows:

DEFINITIONS

In this by-law:

“Act” means the Explosives Act, R.S.C. 1985, c.E-17, and the Regulations as may be passed from time to time.

“Chief Fire Official” means the Fire Chief of the Municipality of Whitestone or designate.

“Fallout Area” means the area over which any hazardous debris falls after aerial shells are fired.

“Firecracker” means any combustible or explosive composition, or any substance, or combination of substances, or articles, prepared for the sole purpose of producing an audible effect by combustion, explosion, or detonation, and includes the fireworks commonly known as cherry bombs, silver salutes, and auto alarms (jokers).

“Recreational Low Hazard Fireworks” are low hazard fireworks generally used for recreational purposes and includes fireworks showers, golden rain, lawn lights, pin wheels, roman candles, volcanoes, sparklers, but does not include firecrackers.

“Recreational High Hazard Fireworks” are high hazard fireworks generally used for recreational purpose and includes rockets, serpents, shells, bombshells, tourbillions, maroon, large wheels, bouquets, barrages, bombardons, waterfalls, fountains, batteries, illumination, set pieces, pigeons.

“Possession” having fireworks or firecrackers; outside and within plain view.

PROHIBITIONS

Recreational Low or High Hazard Fireworks

1. No person shall:
 - 1.1 Discharge fireworks in a fire ban; or
 - 1.2 Have in their possession; recreational low hazard fireworks or recreational high hazard fireworks during a Municipal or Provincial Fire Ban.

DISCHARGE OF FIRECRACKERS

2. No person shall during a Municipal or Provincial Fire Ban:
 - 2.1 Sell or offer to sell firecrackers;
 - 2.2 Give firecrackers away without charge;
 - 2.3 Distribute firecrackers to another person or persons;
 - 2.4 Discharge, fire or set off any firecrackers, or cause any firecrackers to be discharged, fired or set off; or
 - 2.5 Have firecrackers in his or her possession.

SALE OF FIREWORKS

3. No person shall sell or offer to sell “Recreational Low Hazard Fireworks” and “Recreational High Hazard Fireworks” that are prohibited during a Municipal or Provincial Fire Ban.

VALIDITY

4. If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this by-law and it is hereby declared that the remainder of this by-law shall be valid and shall remain in force.

ENFORCEMENT

5. Every person who contravenes any provision of this by-law is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not more than five thousand dollars (\$5,000) exclusive of costs and every such fine is recoverable under the Provincial Offences Act, R.S.O. 1990, cP.33.
6. Be liable for costs incurred by the Fire Department, including personnel, equipment and apparatus necessary to extinguish said fire. Persons will be billed at M.N.R. rates as per schedule “C”, plus MNR charges if MNR assistance is requested.
7. No person shall, without lawful authority, tear down, remove, damage, deface or interfere with any notice or sign put up, posted, or placed by the Municipality of Whitestone for the purposes of fire prevention.
8. Special Event Fire Works displays may be done only by the Corporation of the Municipality of Whitestone with the following provisions in place.
 - 8.1 Signage indicating a special event;
 - 8.2 The fire department is on standby;
 - 8.3 Fire extinguisher on site;
 - 8.4 Licensed person detonating the fireworks; and
 - 8.5 With the approval of Fire Chief or designate.

9. And further that By-Law No. 34-2012 be rescinded (as this By-Law 41-2012 replaces it).

READ a FIRST and SECOND time this 20th day of August, 2012.

Mayor Chris Armstrong

CAO-Clerk Liliane Nolan

Read a Third time and Passed, Signed and Sealed this 20th day of August, 2012.

Mayor Chris Armstrong

CAO-Clerk Liliane Nolan

PROVINCIAL OFFENCES ACT-PART 1
Municipality of Whitestone

BY-LAW NO. 41-2012

TITLE: By-Law to setting off of fireworks

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISIONS CREATION OR DEFINING OFFENCE	COLUMN 3 SET FINE
INCLUDING COSTS			
1.	Discharge of any fireworks in fire ban.	S.1.1	\$200.00
2.	Having fireworks in his/her possession during a fire ban.	S.1.2	\$200.00
3.	Sell or offer to sell firecrackers during a fire ban.	S.2.1	\$200.00
4.	Give firecrackers away without charge during a fire ban.	S.2.2	\$200.00
5.	Distribute firecrackers to another person or persons during a fire ban.	S.2.3	\$200.00
6.	Discharge, fire or set off any firecrackers during a fire ban.	S.2.4	\$200.00
7.	Have firecrackers in his/her possession during a fire ban.	S.2.5	\$200.00
8.	Sell recreational low or high hazard during a fire ban.	S.3	\$200.00
9.	Unlawful interference with fire prevention signs.	S.7	\$200.00

****NOTE:** The general penalty provision for the offences listed above is section 5 of By-Law 41-2012, a certified copy of which has been filed.