

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. 43-2000

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

WHEREAS Section 210 (37) of The Municipal Act, R.S.O. 1990, Chapter M.45, as amended, provides authority to Councils of municipalities 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 specified in the by-law;

AND WHEREAS Section 210 (38) of the said Act provides authority to Councils of municipalities 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;

AND WHEREAS the Council of the Corporation of the Town of Milton deems it expedient and necessary to regulate the sale and to prohibit and regulate the setting off of fireworks for the safety of children and adults of the Town of Milton;

NOW THEREFORE the Council of the Corporation of the Town of Milton hereby enacts as follows:

1. Definitions

In this By-law:

(a) "Act" shall mean The Explosive Act, Revised Statutes of Canada, and the regulations enacted thereunder as amended from time to time.

(b) "Firecracker" shall mean a pyrotechnic device that explodes instantaneously when ignited and does not produce any visible effect after the explosion, but does not include caps for toy guns.

(c) "Family firework" shall mean a pyrotechnic device producing quantities or effects of light, sound, or smoke by the combustion of explosive or flammable composition and includes, but is not limited to, firework showers, fountains, golden rain, lawn lights, pin wheels, roman candies, volcanoes, and sparklers, classed under the Act as low hazard fireworks, but does not include caps for toy guns.

(d) "Exhibition firework" shall mean a manufactured pyrotechnic device producing spectacular effects of light or sound classed under the Act as high hazard fireworks, but does not include firecrackers.

2. Sale of Fireworks and Firecrackers

(a) The sale of fireworks must meet the requirements of the Act and any specific requirements of the Fire Chief, or designate.

(b) No person shall sell or offer for sale any firecrackers.

(c) No person shall display, offer for sale, or sell family fireworks within the corporate limits of the Town of Milton except ten (10) days prior to the holiday known as Victoria Day and the day fixed for the celebration of Victoria Day, and ten (10) days prior to the holiday known as Canada Day (July 1st) and on July 1st of each year.

(d) No person shall knowingly sell any firework to a person who is under the age of 18 years and no person shall sell any firework to a person who appears to be under the age of 18 years.

(e) No person shall sell exhibition fireworks to a person who is not an approved purchaser under the Act.

(f) Fireworks shall only be sold in stores, unless approval is obtained by the authority having jurisdiction.

(g) Fireworks displayed shall be mock samples only and shall not contain explosive composition.

(h) Family fireworks on public display shall not be accessible to the general public.

3. Discharge of Firecrackers

No person shall discharge, fire or set off, or cause to be discharged, fired or set off, any firecrackers.

4. Displays of Family Fireworks

(a) The setting off of family fireworks is prohibited except on the following days:

(i) Victoria Day and Canada Day; and/or

(ii) the two days immediately preceding these two days and the two days immediately following.

(b) A person 18 years of age or over may hold a display of family fireworks on any land belonging to him or any other privately owned land where the owner thereof has given written permission for such display.

(c) No person shall use, set off or allow to be used or set off any firework or fireworks in such a place or in such a manner as might create danger or constitute a nuisance to any person or property, or to do or cause or allow any unsafe act or omission at the time and place for the setting off of any fireworks.

(d) No person shall set off any firework or fireworks in or into any building, doorway, automobile, or any other place where such setting off might create a danger or nuisance to any person or property.

(e) No person shall set off any firework or fireworks in or on or into any highway, street, lane, square, or other public place; provided that this shall not be deemed to prohibit a display of exhibition fireworks in a public place in accordance with the provisions of this By-law.

(f) Permit required if display is to be held on Town-owned property:

No person shall hold a display of family fireworks on Town-owned property without written permission from the Director of Community Services, or designate, and a permit issued by the Fire Chief, or designate, who shall issue permits for displays of fireworks on the conditions set forth in subsection (h) hereof, and such permit shall state:

- (i) the name of the club, association or group to whom the same is issued;
- (ii) the name of the person under whose supervision the same shall be held;
- (iii) the purpose of the display;
- (iv) the place and time at which and on which the same may be held; and
- (v) the method of restraining persons present at the display to the distance required by the Act.

(g) Permit Revoked:

A permit issued under this section may be revoked at any time by the Fire Chief, or designate, in the event of non-compliance with the provisions of this By-law. Any such permit is not transferable and is issued subject to this By-law.

(h) Conditions:

The following conditions shall apply to the holding of a display of family fireworks on Town-owned property under a permit issued under this section:

- (i) the display shall be held by or under the auspices of the club, association, or group to whom the permit is issued, at the place and time set forth in the said permit;
- (ii) the display shall be conducted under the direct supervision of the person to whom the permit is issued, or of some other responsible person whose name and address shall be furnished to the Fire Chief in writing not less than three (3) days prior to the display;
- (iii) the written approval of the Director of Community Services, or designate, shall first be obtained, prior to the holding of the fireworks display;
- (iv) an application (refer to Schedule 'A') must be completed and submitted to the Director of Community Services and the Fire Chief for approval;
- (v) every application for a display fireworks permit on Town-owned property shall deposit with the Director of Corporate Services proof of liability insurance in the minimum amount of \$1,000,000.00 naming the Corporation of the Town of Milton as insured;
- (vi) every person to whom a display fireworks permit is issued shall conform to the provisions of the current issue of the fireworks manual as published from time to time by the Explosives Branch of the Department of Energy, Mines and Resources (Canada), or any successor publication, for the setting off or holding of a display of fireworks;

(vii) all fireworks and all debris shall be removed by the permit-holder immediately after the display, and safely disposed of and, an inspection of the site must be carried out on the following day;

(viii) the application for a permit with respect to a display of fireworks shall be made in writing to the Fire Chief at least thirty (30) days in advance of the day of such display and copies provided to the Clerk's Department of the Town of Milton; and

(ix) the application for a permit with respect to a display of fireworks shall be made in writing to the Events Co-ordinator, Halton Regional Police Service, at least thirty (30) days in advance of such display.

(i) No person under the age of 18 years shall set off any firework or fireworks except under the direct supervision of and control of a person 18 years or over.

(j) No person being the parent or guardian of any child under the age of 18 years shall allow the child to set off any firework or fireworks, except when such parent or guardian or some other responsible person of 18 years or over is in direct supervision and control.

5. Exhibition Fireworks Display

(a) Permit required:

No person shall hold a display of exhibition fireworks except under the permit issued therefor by the Fire Chief, or designate, who shall issue permits for displays of fireworks on the conditions set forth in subsection (c) hereof, and such permit shall state:

(i) the name of the club, association or group to whom the same is issued;

(ii) the name of the person under whose supervision the same shall be held;

(iii) the purpose of the display;

(iv) the place and time at which and on which the same may be held; and

(v) the method of restraining persons present at the display to the distance required by the Act.

(b) Permit Revoked:

A permit issued under this section may be revoked at any time by the Fire Chief, or designate, in the event of non-compliance with the provisions of this By-law. Any such permit is not transferable and is issued subject to this By-law.

(c) Conditions:

The following conditions shall apply to the holding of a display of exhibition fireworks under a permit issued under this section:

(i) the display shall be held by or under the auspices of the club, association, or group to whom the permit is issued, at the place and time set forth in the said permit;

- (ii) the display shall be conducted under the direct supervision of the person to whom the permit is issued, or of some other responsible person whose name and address shall be furnished to the Fire Chief in writing not less than three (3) days prior to the display and who has been certified as a Fireworks Supervisor under the Act;
- (iii) no person shall hold a display of exhibition fireworks without written notification to the Events Co-ordinator, Halton Regional Police Service, thirty (30) days in advance of the day of such display;
- (iv) if the display is to be held on Town-owned property, the written approval of the Director of Community Services, or designate, shall first be obtained, prior to the holding of the fireworks display;
- (v) if the display is to be held on Town-owned property, an application (refer to Schedule 'B') must be completed and submitted to the Director of Community Services and the Fire Chief for approval;
- (vi) every application for a display fireworks permit on Town-owned property shall deposit with the Director of Corporate Services proof of liability insurance in the minimum amount of \$1,000,000.00 naming the Corporation of the Town of Milton as insured;
- (vii) the display shall be conducted in a manner consistent with all safety procedures as outlined in the Act;
- (viii) if the fireworks display is to be held on property other than that owned or occupied by the applicant, the consent of the owner or occupant of such property shall first be obtained;
- (ix) all fireworks and all debris shall be removed by the permit-holder immediately after the display, and safely disposed of and, an inspection of the site must be carried out on the following day;
- (x) the application for a permit with respect to a display of fireworks shall be made in writing to the Fire Chief at least thirty (30) days in advance of the day of such display and copies provided to the Clerk's Department of the Town of Milton and the Halton Regional Police Service;
- (xi) the Fireworks Supervisor setting off Exhibition Fireworks must also submit the Approval for Purchase of Display Fireworks form thirty (30) days prior to the event; and
- (xii) every person to whom a display fireworks permit is issued shall comply with the enactments and regulations of this By-law, even where they differ from the Act. It is the responsibility of the Fireworks Supervisor to be aware of the relevant jurisdictions and to ensure that the most restrictive regulations prevail.

6. Certain Fireworks Not Deemed Fireworks Displays

It is hereby declared for greater certainty that for purposes of this By-law, the sale or setting off of pyrotechnical signalling devices for marine, military or railway purposes, or truck flares shall not be deemed to be respectively the sale or setting off of fireworks.

7. That if in the opinion of the Fire Chief, or designate, it is necessary that a firefighter be present at the setting off of any fireworks, (at the cost of the permit holder), such firefighter shall have the right to enter any premises for that purpose and shall not be hindered or obstructed in any way whatsoever.

Such firefighter shall also have the right to require any precautions for the prevention of fire which to him seem necessary before any fireworks may be set off.

8. The Fire Chief, or designate, or any Municipal By-law Enforcement Officer may, at anytime, inspect any premises where fireworks are stored or offered for sale to the public.

9. 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 Provincial Offences Act.

10. By-law No. 20-66 is hereby repealed in its entirety.

READ a FIRST, SECOND and THIRD TIME and FINALLY PASSED this 12th day of June, 2000.

Mayor

G.A. Krantz

Town Clerk

H. Lisi