

THE CORPORATION OF THE TOWN OF ESPANOLA

BYLAW NO. 1966/07

**A Bylaw to Prohibit and Regulate
The Sale of Fireworks and
The Setting Off of Fireworks**

WHEREAS Section 121. (1) of the Ontario 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;

WHEREAS Section 121. (2) of the Ontario 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 Town of Espanola 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 Town of Espanola;

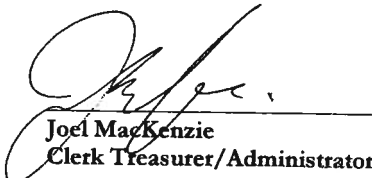
NOW THEREFORE the Council of the Corporation of the Town of Espanola hereby enacts as follows:

1. The Short Title of this Bylaw shall be "Fireworks Restriction Bylaw."
2. **Definitions**
 - 2.1 "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.
 - 2.2 "High-hazard" fireworks for recreation such as rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, mines and firecrackers (also known as "display fireworks").
 - 2.3 "Low-hazard" fireworks for recreation such as firework showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, volcanoes and sparklers.
3. **Prohibition**
 - 3.1 No person shall sell or cause or permit to be sold any fireworks to a person who is less than eighteen (18) years old.
 - 3.2 No person under the age of eighteen (18) years shall fire or set off fireworks at any time.
4. **Discharge of Fireworks**
 - 4.1 No person shall set off any fireworks except on the designated days of Victoria Day and Canada Day or upon the approval of Council.
 - 4.2 In the event that weather conditions, such as rain, on Victoria Day or Canada Day make it impractical to set off fireworks, the next day suitable day shall be the designated day.

- 4.3 No person shall discharge any fireworks on Town owned lands unless permission to do so has been given by the Council of the Corporation of the Town of Espanola, which permission may be subject to terms and conditions, including but not limited to, the provision of liability insurance naming the Corporation of the Town of Espanola as an additional insured.
- 4.4 In addition to Section 4.1 and Section 4.3 of this section, no person shall discharge any fireworks within the Town of Espanola before 9:00 a.m. or after 11:59 p.m. on the day such discharge is permitted.
- 4.5 No person shall fire or set off fireworks on any lands in the Town of Espanola without first obtaining written permission to do so from:
- 4.5.1 The owner or lessee of the lands on which it is proposed to fire or set off the fireworks; and
- 4.5.2 The owners or lessees of all neighbouring lands on which debris from the firing or setting off of the fireworks might reasonably be expected to fall; and
- 4.5.3 A copy of the written permission must be submitted to the Town of Espanola.
- 4.6 In order to fire or set off a fireworks display in the Town of Espanola, in which any high hazard fireworks may be used, permission to do so must first be obtained from the Council of the Corporation of the Town of Espanola.
- 4.7 The Council of the Corporation of the Town of Espanola may, by resolution, grant permission for fireworks displays in which any high hazard fireworks may be used upon such days and under such restrictions and regulations as the occasion may require including the requirement that such displays must be set off or fired only by and under the supervision of a qualified fireworks supervisor under the *Explosives Act*.
- 4.8 Any person who contravenes any of the provisions of this bylaw is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act.
- 4.9 Bylaw 1950/06 is hereby repealed.
- 4.10 This bylaw shall come into full force and effect on the date of passing.

Read a first, second and third time and passed in open Council on this 23rd day of January 2007.


Bernice Gagnon
Mayor


Joel MacKenzie
Clerk Treasurer/Administrator