

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 161-91

BEING A BY-LAW TO REGULATE THE SALE OF FIREWORKS AND FOR PROHIBITING THE SALE OF FIREWORKS ON CERTAIN DAYS DURING THE YEAR;

AND BEING A BY-LAW PROHIBITING THE SALE OF FIREWORKS TO ANY PERSON UNDER THE AGE OF EIGHTEEN (18) YEARS;

AND BEING A BY-LAW REGULATING THE SETTING OFF OF FIREWORKS 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.

WHEREAS the Municipal Act, R.S.O. 1980, Chapter 302, Section 210 (1) Paragraphs 30 and 31 authorize the Councils of local municipalities to pass by-laws for the following purposes, namely:

Paragraph 30: For regulating the sale of fireworks and for prohibiting the sale of fireworks on any day or days during the year or to any person under such age as the by-law may prescribe and as regulated by the Explosives Act.

Paragraph 31: For prohibiting or regulating the setting off of fireworks 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 City of North Bay deems it advisable to pass a by-law pursuant to the foregoing provisions.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

1. The provisions of this by-law shall be applicable to and have full force and effect within the territorial limits of The Corporation of the City of North Bay.
2. For the purposes of this by-law:
  - (a) "City" shall mean The Corporation of the City of North Bay.
  - (b) "Council" shall mean the Council of The Corporation of the City of North Bay.
  - (c) "Deputy Fire Chief" shall mean the Deputy Fire Chief for the time being of the City of North Bay.
  - (d) "Enforcement Officer" shall include all members of the Police Force for the City of North Bay and all members of the Fire Department for the City of North Bay.

- (e) "Fire Chief" shall mean the Fire Chief of the City of North Bay or his or her authorized delegate.
- (f) "Fireworks Display" shall mean a display or show of substance including a pyrotechnical display.
- (g) "Near" shall mean so close as to be dangerous or unsafe.
- (h) "Person" shall include firm, partnership, company, corporation, club or organization.
- (i) "Setting off of fireworks" shall include the throwing or tossing of ignited fireworks.
- (j) The plural shall include the singular and the singular shall include the plural and the applicable provisions of this by-law shall be construed as if the necessary grammatical and terminological changes thereby rendered necessary had been made.

#### SALE OF FIREWORKS

- 3. (a) No person shall sell, by retail, fireworks on any day during the year except as follows:
  - (i) Canada Day
  - (ii) The seven (7) days immediately preceding Canada Day (including Sundays)
  - (iii) The day fixed by proclamation of the Governor-General for the observance of Victoria Day
  - (iv) The seven (7) days immediately preceding Victoria Day (including Sundays)
  - (v) Any other days authorized by resolution of Council
- (b) No person shall sell, either directly or indirectly, fireworks as set out in Part IX of the regulations of the Explosives Act to any person under the age of eighteen (18) years.
- (c) The person selling fireworks shall place the same in a strong paper bag or other suitable receptacle at the time of delivery to the purchaser.
- (d) The person selling fireworks for the purpose of a fireworks display shall deliver the same only to the person to whom a permit for the holding of a fireworks display has been issued pursuant to the provisions of this by-law.
- (e) No person shall possess for sale, or otherwise, on his premises any quantity of fireworks exceeding:
  - (i) 1000 kilograms (2,000 lbs.) (gross weight) of Class 7 (manufactured low hazard recreation e.g. fountains, sparklers with proper licencing Subdivision 1, 3 and 4 of Division 2 under the Explosives Act and regulations thereto.
  - (ii) 125 kilograms (250 lbs.) recreation fireworks high hazard type, subdivision 2 and 5 of Division 2 (e.g. rockets and bombshells) without the proper licencing) under the Explosives Act and regulations thereto.

- (f) No persons shall display more than 25 kilograms (50 lbs.) of fireworks at one time.
- (g) No person shall set off fireworks with a value of \$25.00 to \$150.00 during the prescribed period without obtaining a permit from the Fire Chief and only at the place and time set out in the permit.
- (h) No person shall buy or sell any other type of fireworks worth more than \$150.00 during the prescribed period unless such person is a fireworks supervisor licenced under the Explosives Act and a permit is obtained under the Explosives Act for such purchase and sale.

PROHIBITIONS AND REGULATIONS RELATING TO THE  
SETTING OFF OF FIREWORKS

4. (a) No person shall set off fireworks except on the days authorized for the sale thereof, as set forth in paragraph 3 (a) of this by-law.
- (b) Except for the purposes of a fireworks display, no person shall set off fireworks of the types known as sky rockets, torpedoes or firecrackers exceeding two inches (2") in length and one-quarter of an inch (1/4") in diameter or other type of fireworks designed or intended for the purposes of a fireworks display only.
- (c) No person under the age of eighteen (18) years shall set off fireworks except under the direct supervision and control of his or her parent or other responsible adult.
- (d) No person being the parent or guardian of any child under the age of eighteen (18) years shall knowingly allow such child to set off fireworks contrary to the provisions of this by-law or contravene any of the provisions of this by-law.
- (e) No person shall set off fireworks in such a place or in such a manner or under conditions or circumstances likely to cause damage to property or injury to person, animal or fowl and, without in any way limiting the generality of the foregoing, no person shall set off fireworks
- (i) in or near any group or assembly of persons
  - (ii) in any street, lane, park or other public place unless authorized so to do by resolution of council
  - (iii) in, on or near any building, structure, telephone booth, mail box, newspaper box or other similar container likely to shatter or explode
  - (iv) in, on or near any boat, automobile or other vehicle
  - (v) near any explosives plant, chemical plant, gasoline station, inflammable liquid or any combustible material, substance or object
  - (vi) in or near any place where there is danger of causing a forest fire, bush fire, grass fire or a fire to a hay field, haystack or grain field

- (vii) on the grounds of or near any hospital, convalescent home, home for the aged or other similar institution
- (f) No person shall authorize, cause, permit or allow any unsafe act or omission at the time and place of the setting off of fireworks.

FIREWORKS DISPLAY


- 5. (a) The Fire Chief and the Deputy Fire Chief are each hereby authorized and empowered to grant a permit for the holding of a fireworks display upon and subject to the terms and conditions set forth in the permit.
- (b) No person shall hold any fireworks display without first having obtained a permit so to do signed by the Fire Chief.
- (c) No permit shall be issued to any person under the age of eighteen (18) years or to any person whom the Fire Chief has reason to believe may not use the fireworks safely or in compliance with the permit.
- (d) The applicant for a permit shall make written application therefore on a form to be provided by the City in accordance with Schedule "A" to this by-law.
- (e) The application for a permit shall be made at least one week prior to the date on which the applicant proposes to hold the fireworks display.
- (f) The permit shall be in accordance with Schedule "B" to this by-law.
- (g) The fireworks display shall be conducted under the direct supervision of the person to whom the permit is issued, or of some other fit and competent person or persons whose name or names and address or addresses shall be included in the application for the permit.
- (h) The fireworks display shall be held only at the time and place specified on the permit.
- (i) No person shall cause or conduct a fireworks display except in a manner consistent with the safety of persons and property. The permit holder or any other person supervising the fireworks display shall:
  - (i) take all necessary steps and precautions to keep spectators at a safe distance
  - (ii) carry out and conduct the fireworks display at a safe distance from the all buildings, highways, railways, overhead wires, trees or combustible materials;
  - (iii) have immediately available a fire extinguisher and other sufficient means of extinguishing fire or as required by the permit;
  - (iv) promptly remove and safely dispose of all debris resulting from the fireworks display;
  - (v) promptly remove and safely store or safely dispose of all fireworks which have not been set off during the fireworks display;

- (vi) comply with all of the applicable provisions of the Explosives Act and this by-law and such further and other requirements and conditions as the Fire Chief or the Deputy Fire Chief may deem necessary and advisable for the protection of persons and property.
- 6. (a) It shall be the duty of the Enforcement Officer to enforce the provisions of this by-law and he shall have the right to be present at any fireworks display and he shall not be hindered or obstructed in any way whatsoever.
- (b) The Enforcement Officer shall have the right to require the permit holder or the person in charge of conducting the fireworks display to take such steps, measures or precautions as he may deem advisable and necessary for the protection of persons and property and such permit holder or person in charge of conducting the fireworks display shall promptly comply with the orders, directions or requirements of the Enforcement Officer as aforesaid.
- 7. The provisions of this by-law shall not apply to the lawful sale or use of truck flares, railway flares, railway torpedoes, marine or military rockets or other like devices.
- 8. Any person convicted of a breach of any of the provisions of this by-law shall be guilty of an offence punishable under the Provincial Offences Act.
- 9. By-law No. 2263 of the City of North Bay, By-law No. 903 of the former Township of West Ferris are hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL THE **6TH** DAY OF **AUGUST** 1991.

READ A SECOND TIME IN OPEN COUNCIL THE **26TH** DAY OF **AUGUST** 1991.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS **26TH** DAY OF **AUGUST** , 1991.

  
MAYOR

  
CITY CLERK

SCHEDULE "A" TO BY-LAW NO. 161-91

FIRE PREVENTION DIVISION - FIREWORKS

In September, 1972, the Government of Canada under the Ministry of Mines and Resources announced the immediate ban on the sale of firecrackers in the Dominion of Canada to the general public. They also introduced additional controls on display fireworks.

The ban however, was on firecrackers only and fireworks could be purchased under proper supervision and permits.

The City of North Bay passed a by-law in governing the sale and use of fireworks.

Family fireworks have not been banned. They may still be purchased at retail outlets by those persons 18 years of age and over. This includes roman candles, sparklers and pinwheels, etc.

Family displays must be supervised by those persons 18 years of age and over. For displays of \$25.00 in value and up to \$150.00 a person must obtain a permit which is available at the Fire Administration Office, 4th Floor, City Hall or the Main Fire Station, Victoria Street West in the City of North Bay. Displays under the value of \$25.00 must be supervised by anyone 18 years old or over.

Displays over \$150.00 and involving high hazard subdivision 2 and 5 of Division 2 must have a permit to be obtained from Ottawa and must have a fireworks supervisor in charge.

A fireworks supervisor is anyone holding a certificate from a recognized course in the proper handling of fireworks. A list of certificate holding supervisors may be obtained at the Fire Administration Office by calling 476-3200.

SCHEDULE "B" TO BY-LAW NO. 161-91

PERMIT TO HOLD A FIREWORKS DISPLAY

THIS PERMIT AUTHORIZES.....

TO HOLD A FIREWORKS DISPLAY ON .....

TIME:.....

AT THE FOLLOWING LOCATION:

.....

ON THE CONDITIONS THAT THE SAID PARTY STRICTLY COMPLIES WITH THE PROVISIONS OF BY-LAW NO. **161-91** OF THE CORPORATION OF THE CITY OF NORTH BAY IN RELATION TO THE HOLDING OF FIREWORKS DISPLAYS AND ANY OTHER CONDITIONS WHICH MAY BE ENDORSED HEREIN.

\_\_\_\_\_  
SIGNATURE OF PERMITTEE

\_\_\_\_\_  
FOR: FIRE CHIEF

\_\_\_\_\_  
DATED AT NORTH BAY, ONTARIO

(TO BE MADE OUT IN DUPLICATE)