

**THE CORPORATION OF THE CITY OF NORTH BAY**

**BY-LAW NO. 2010-146**

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

**WHEREAS** the *Municipal Act, 2001*, S.O. 2001, Chapter 25, as amended in Section 121(a) and 121(b) authorize the Councils of local municipalities to pass by-laws for the following purposes, namely:

- 121(a): prohibit and regulate the sale of fireworks and the setting off of fireworks.
- 121(b): prohibit the activities described in clause (a) 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. 2006, c. 32, Sched. A, s. 62.

**AND WHEREAS** the Council of The Corporation of the City of North Bay passed Resolution No. 2010-351 at its Regular meeting held on Monday, May 17, 2010 to pass a by-law to regulate, but not licence, the sale and setting off of fireworks 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 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 and the Municipal Law Enforcement Officer for the City of North Bay.
  - (e) "Fire Chief" shall mean the Fire Chief of the City of North Bay or his/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 constructed 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) August Civic Holiday;
  - (vi) The seven (7) days immediately preceding the August Civic Holiday (including Sundays); or
  - (vii) Any other days authorized by resolution of Council.
- (b) No person shall sell, either directly or indirectly, fireworks as set out in Part X of the regulations of the *Explosives Act* to any person under the age of eighteen (18) years.
- (c) No person shall possess for sale, or otherwise, on his premises any quantity of fireworks exceeding:
- (i) 1000 kilograms (2,204 lbs.) (gross weight) of Class 7 (manufactured low hazard recreational e.g. fountains, sparklers) Subdivision 1, 3 and 4 of Division 2 without proper licencing of the *Explosives Act* and regulations thereto; or
  - (ii) 125 kilograms (275 lbs.) Recreation fireworks high hazard type, Subdivision 2 and 5 of Division 2 (e.g. rockets and bombshells) without the proper licensing under the *Explosives Act* and regulations thereto.
- (d) No person shall display more than 25 kilograms (55 lbs.) of fireworks at one time.
- (e) 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* for such purchase and sale and an explosives technician is on site during the display.

**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 types 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 anyway 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 to do so by resolution of Council;
  - (iii) in or near any building structure, telephone booth, mail box, newspaper box or other similar container or any 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, flammable 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; or
  - (vii) on the grounds of or near any hospital, convalescent home, home for the aged or other similar institutions.
- (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. Any person supervising the fireworks display shall comply with all of the applicable provisions of the *Explosives Act* and this by-law.
6. (a) The Enforcement Officer shall have the right to be present at any fireworks display and he/she shall not be hindered or obstructed in any way whatsoever.
- (b) The Enforcement Officer shall have the right to require 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 person in charge of conducting the fireworks display shall promptly comply with the orders, directions or requirements of the Enforcement Officer as aforesaid.

### **ENFORCEMENT**

7. The enforcement officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not:
  - a) this by-law is being complied with;
  - b) a direction or order of the City made pursuant to the *Municipal Act, 2001* or any successor thereof or made pursuant to a by-law of the City is being complied with;
  - c) a condition of a licence issued under a by-law of the City is being complied with; or
  - d) an order made pursuant to Section 431 of the *Municipal Act, 2001* which prohibits the continuation of repetition of an offence is being complied with.
8. An enforcement officer may for the purposes of an inspection:
  - a) require the production for inspection of documents or things relevant to the inspection;
  - b) inspect or remove documents or things relevant to the inspection for the purpose of making copies or extracts;
  - c) acquire information from any person concerning a matter related to the inspection; and

- d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
9. The enforcement officer may undertake inspections pursuant to orders which are made pursuant to Section 438(2) of the *Municipal Act, 2001*.

**OFFENCES**

- 10. 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.
- 11. Any person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine, penalty or order as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, or any successor thereof, or in the *Municipal Act, 2001*, S.O. 2001, c.25, as amended or any successor thereof.
- 12. By-Law No. 2000-73 of The Corporation of the City of North Bay is hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL THE 31<sup>st</sup> DAY OF MAY, 2010.

READ A SECOND TIME IN OPEN COUNCIL THE 31<sup>st</sup> DAY OF MAY, 2010.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 31<sup>st</sup> DAY OF MAY, 2010.

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MAYOR VIC FEDELI

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CITY CLERK CATHERINE CONRAD

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