



DISTRICT OF PORT EDWARD

Fireworks Bylaw No. 723

A BYLAW TO PROVIDE FOR THE REGULATION, SALES, POSSESSION AND USE OF FIREWORKS

WHEREAS Council of the District of Port Edward, in accordance with Section 8 (3)(d) of the Community Charter, may establish by bylaw to regulate, prohibit and impose requirements in relation to firecrackers, fireworks and explosives.

NOW THEREFORE the Council of the District of Port Edward, in open meeting assembled enacts as follows:

1. CITATION

This bylaw may be cited for all purposes as the “**District of Port Edward Fireworks Bylaw No. 723, 2021.**”

2. REPEALS

Fireworks Regulations Bylaw # 384, 1996 is hereby repealed.

3. DEFINITIONS

In this Bylaw, unless the context otherwise requires:

“**Approved**” means approved by an Officer of the District of Port Edward, Fire Chief or designate.

“**Council**” means the Council of the District of Port Edward.

“**District**” means the District of Port Edward.

“**Explosive**” includes gunpowder, nitro glycerine, gun cotton, dynamite, blasting gelatin, fulminate or mercury, or other metals, coloured fire and every other substance used or manufactured to produce a violent effect by explosion caps, detonators, cartridges, and ammunition.

“**Fire Chief**” means the person who is appointed from time to time as Fire Chief of the District of Port Edward or that person’s representative.

“Fire Department” means the District of Port Edward Volunteer Fire Department.

“Firecracker” includes small fireworks with entwined fuses used solely as noise makers, not for pyrotechnic effects or have little or no pyrotechnic effect and without limitation such as bottle rockets, screechers, screecharoos, humaroos, supersonic bang, butterfly thunder and air bombs and items similarly named or are in the same noise producing category.

“Fireworks” means consumer fireworks, manufactured goods intended to be used for pyrotechnic effect that are classified by the Canada Explosives Regulations as low hazard fireworks for recreation (Class 7.2.1) such as, but not limited to, fireworks, showers, fountains, golden rain, lawn lights, pinwheels, Roman candles, and volcanoes. (**Low Level Fireworks less than 50 meters**) (**High-Level Fireworks** more than 50 meters such as aerial shells, comets, large roam candles. Designed for professional and certified individuals as per the Federal Explosives Acts and Explosives Regulations may use high-hazard display fireworks.)

“Minor” means a person under the age of nineteen (19) years old.

“Occupant” means an owner, tenant, lessee, agent, licensee, and any other person who has the right of access to and control of any, land, building or premises to which this bylaw applies.

“Peace Officer” means Fire Chief, Fire Prevention Officer, Bylaw Officer, Police/RCMP Officer.

“Possession” means when a person has anything in his/her personal possession or knowingly has it in the possession or custody of another person or place, whether or not that place belongs to or is occupied by him/her.

“Restricted Area” means a storage area specifically assigned for the storage of fireworks that are behind a counter, in a locked cabinet, supervised by the retail proprietor or under constant surveillance.

“Sales” means the act of selling, the exchange of goods or services for money or other valuable considerations.

4. GENERAL

4.1 No person shall sell or offer to sell, either by way of retail or wholesale, fireworks in the District of Port Edward.

4.2 No person shall give or otherwise dispose of fireworks to another person in the District of Port Edward.

- 4.3 No person shall sell, give or furnish fireworks or firecrackers to a minor.
- 4.4 No minor shall be in possession of, ignite or explode fireworks or firecrackers.
- 4.5 Except as provided in this bylaw, no person shall explode or discharge fireworks in the District of Port Edward, whether on public or private property.
- 4.6 No person shall manufacture any fireworks by altering or combining any combustibles, chemicals, explosives, flammables or other dangerous things.
- 4.7 A Peace Officer may seize firecrackers or fireworks being held in violation of this bylaw and may dispose of them without compensation.
- 4.8 The Fire Chief may enter onto property and inspect premises for conditions that may cause a fire, increase the danger of a fire or increase the danger to person or property.
- 4.9 An occupant of real property shall remove or reduce anything or conditions from a building or yard which in the opinion of the Peace Officer is a fire hazard or increases the danger of fire during use or fireworks.
- 4.10 After an inspection the Fire Chief may order, in writing, that, within a reasonable time set out in order, the occupant remove, destroy, repair or alter the use of the occupancy of the premises, or remove or take precautions against any fire hazard as set out in the order.
- 4.11 The District shall charge any and all costs that are incurred while mitigating fires resulting from the misuse of fireworks to the person or persons responsible for discharging the fireworks or firecrackers.

5. SAFETY

- 5.1 The person displaying the fireworks must read all instructions and plan the order of firing before hand.
- 5.2 This bylaw shall be subject to the provisions of the Federal Explosives Acts and Explosives Regulations.
- 5.3 In the event of a fire ban a person shall not be permitted to discharge fireworks at any time.
- 5.4 No person shall explode any fireworks on any highway, road, street, lane, bridge or other public place unless authorized in writing by Council resolution and signed by the

Fire Chief. Application must be submitted at least thirty (30) days before the event and any other required information. **A fee of one hundred and fifty (\$150) dollars will be required for the use of any public place.**

- 5.4 Any person or organization conducting a public display using a public area with written permission of Council or authorized entity must provide a detail plan of their fireworks display with their fireworks application.
- 5.5 Clean-up after the show- wait 30 minutes after the display has finished. Check the firing area for duds, clean up all debris, and check it again the next morning. Water supply or extinguishers must be on hand during the event.
- 5.6 Any and all costs that are incurred while mitigating fires resulting from the misuse of fireworks will be charged to the person or persons responsible for discharging the fireworks or firecrackers.

6. PENALTIES

- 6.1 A person who contravenes a provision of this Bylaw is guilty of an offence and is subject to the penalties imposed by this Bylaw.
- 6.2 Each day that a contravention of this provision of this Bylaw continues is a separate offence.
- 6.3 Each person who commits an offence against this Bylaw is liable to a fine of not less than Two Hundred Dollars (\$200) and not more than Ten Thousand Dollars (\$10,000).

7. SEVERABILITY

- 7.1 The provisions of this bylaw are severable and the invalidity of any part of this Bylaw shall not affect the validity of the remainder of this bylaw.

READ a first time this 14th day of December, 2021;

READ a second time this 14th day of December, 2021

READ a third time this 14th day of December, 2021

RECONSIDERED AND ADOPTED THIS 11th day of January, 2022

Knut Bjorndal, Mayor

Polly Pereira, Director of Corporate
Administrative Services