

Corporation of the Town of Moosonee

BY-LAW No. 06-08

Being a by-law to regulate the sale of fireworks and
for prohibiting the sale of fireworks on certain days
during the year.

WHEREAS Section 150 of the Municipal Act permits a local municipality to license, regulate and govern any business carried on within the municipality.

AND WHEREAS Section 121 of the Municipal Act permits a municipality to prohibit and regulate the sale of fireworks and the setting off of fireworks.

THEREFORE The Corporation of The Town of Moosonee enacts as follows:

PART 1

DEFINITIONS

- 1.1) 'Town' shall mean The Corporation of Town of Moosonee
- 1.2) "Council" shall mean the Council of The Corporation of The Town of Moosonee
- 1.3) "Fire Chief" shall mean the Fire Chief of the Moosonee Volunteer Fire Dept.
- 1.4) "Fireworks Display" shall mean a display or show of substance including a pyrotechnical display.
- 1.5) "Near" shall mean so close as to be dangerous or unsafe.
- 1.6) "Person" shall include firm, partnership, company, corporation, club, business or organization.

Part 2

SALE OF FIREWORKS

- 2.1) No person shall sell, by retail, fireworks on any day during the year except as follows:
 - a) Canada Day
 - b) The seven(7) days immediately preceding Canada Day(including Sundays)
 - c) Victoria Day
 - d) The seven(7) days immediately preceding Victoria Day(including Sundays)
 - e) August Civic Holiday
 - f) The seven(7) days immediately preceding August Civic Holiday including Sundays)
 - g) Any other days authorized by resolution of Council.
- 2.2) 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.
- 2.3) 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.
- 2.4) No person shall possess for sale, or otherwise, on his/her premises any quantity of

fireworks exceeding:

- a) 1000 kilograms (2,000 lbs.) (gross weight) of Class 7 (manufactured low hazard recreational e.g. fountain, sparklers) without proper licensing under Subdivision 1,3 and 4 of Division 2 under the Explosives Act and regulations thereto
 - b) 125 kilograms (250 lbs.) of Recreation fireworks high hazard type, Subdivisions 2 and 5 of Division 2 (e.g. rockets and bombshells) without the proper licensing under the Explosives Act and regulations thereto
- 2.5) A complete list of Subdivisions 1-5 of Division 2 of the Explosives Regulations shall be included titled Schedule "A" following this by-law.
- 2.6) No person shall display more than 25 kilograms (50 lbs.) of fireworks at one time.
- 2.7) 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 licensed under the Explosives Act for such purchase and sale and an explosives technician is on site during the display.

PART 3

PROHIBITIONS AND REGULATIONS RELATING TO THE SETTING OFF OF FIREWORKS

- 3.1) No person shall set off fireworks except on the days authorized for the sale thereof, as set forth in subsection 2.1 of "Part 2" of this by-law.
- 3.2) Except for the purposes of a fireworks display, no person shall set off fireworks of the types known of sky rockets, torpedoes or firecrackers exceeding two (2) inches in length and one-quarter of an inch ($\frac{1}{4}$ ") in diameter or other types of fireworks designed or intended for the purposes of a fireworks display only.
- 3.3) No person under the age of eighteen (18) years of age shall set off fireworks except under the direct supervision and control of his or her parent or other responsible adult.
- 3.4) 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.
- 3.5) 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 or animal and, without in anyway limiting the generality of the foregoing, no person shall set off fireworks.
- a) In or near any group or assembly of persons.
 - b) In any street, lane, park or other public place unless authorized to do so by resolution of Council.
 - c) In or near any building structure, garbage box and other similar container or any other container likely to shatter or explode.
 - d) In, or near any boat, automobile or other vehicle.
 - e) Near any water treatment plant, gasoline station, flammable liquid or any combustible material, substance or object.
 - f) In or near any place where there is danger of causing a forest fire, bush fire or grass fire.
 - g) On the grounds of or near any hospital, senior citizens home or other similar institutions.
 - h) On the grounds or near any Non-profit residential neighborhood.
- 3.6) No person shall authorize, cause, permit or allow any unsafe act or omission at the time and place of the setting off of fireworks.

PART 4

FIREWORKS DISPLAY

- 4.1) Any person supervising the fireworks display shall comply with all of the applicable provisions of the Explosives Act and this By-law.
- 4.2) The Fire Chief or the By-law 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.
- 4.3) The Fire Chief or the By-law 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/she 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 Fire Chief or the By-law Enforcement Officer.
- 4.4) 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.
- 4.5) Any person convicted of a breach of any of the provisions of this by-law shall be guilty of an offense punishable under the Provincial Offences Act

**READ a first and second time
this 14th day of January, 2008**

ORIGINAL SIGNED AND SEALED

Mayor – Wayne Taipale

ORIGINAL SIGNED AND SEALED

Deputy Clerk – Nathalie G. Forget

**READ a third time and finally passed
this 14th day of January, 2008**

ORIGINAL SIGNED AND SEALED

Mayor – Wayne Taipale

ORIGINAL SIGNED AND SEALED

Deputy Clerk – Nathalie G. Forget