

**CORPORATION OF THE CITY OF QUINTE WEST
BY-LAW 07-144**

BEING A BY-LAW TO PROHIBIT AND REGULATE THE SALE AND SETTING OFF OR FIRING OF FIREWORKS AND FIRECRACKERS.

WHEREAS paragraph 37 of Section 210 of the Municipal Act RSO 1990, chapter M45, provides that by-laws may be passed by the councils of local municipalities for regulating the sale of fireworks or any class thereof and for prohibiting the sale of fireworks or any class thereof on any days during the year specified in the by-law, and

WHEREAS paragraph 38 of Section 210 of the Municipal Act RSO 1990, chapter M45, provides that by-laws may be passed by the councils of local municipalities for prohibiting or regulating the setting off of fireworks or any class or classes thereof 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 for the City of Quinte West deems it advisable and in the best interests of the residents of the City of Quinte West to pass such a by-law, now

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF QUINTE WEST HEREBY ENACTS AS FOLLOWS:

1. This by-law may be cited as the **"Fireworks By-Law"**.
2.
 - (a) **"Backyard Display"** - means the discharge, firing or setting off of any fireworks or firecrackers on a residential lot and commonly known as a back yard or family display, and such fireworks or firecrackers are only those that can be purchased by the public at a retail store.
 - (b) **"Display"** - means the discharge, firing or setting off of any fireworks or firecrackers for viewing by or the entertainment of the public, including the text and definitions of "c" and "d" below.
 - (c) **"Fireworks"** - includes any explosive or combustible composition, or any substance or any combination of substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, or toy guns in which explosives are used, or the type of balloons which require fire underneath to propel same, torpedoes, sky-rockets, Roman Candles, and any fireworks containing explosives or flammable compound, or any tablets or other devices containing any explosive substance.
 - (d) **"Firecrackers"** - means a pyrotechnic device that explodes instantaneously when ignited and does not make any subsequent display or visible effect after the explosion and includes those devices commonly known as Chinese firecrackers.
 - (e) **"Officer"** – means Firefighters, Police Officers or Municipal Law Enforcement Officers for the City of Quinte West.
 - (f) **"Permit"** – means the written authority of the Fire Department to conduct a public display.
 - (g) **"Public Display"** - means the discharge, firing or setting off of any fireworks or firecrackers, other than a backyard display.

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- (h) "Structures", means any type of building, shed or garage.
 - (i) "Set Off Fireworks" – includes the discharge or firing of fireworks.
3. No person shall in each year, **display, offer for sale, or sell fireworks or firecrackers** within the limits of the City of Quinte West except:
- (a) seven days prior to the holiday know as Victoria Day, on the Victoria Day Holiday; and
 - (b) seven days prior to the Holiday known as Canada Day, July 1st, and on the Canada Day Holiday, July 1st; and
 - (c) seven days prior to the Holiday known as Labour Day, and on the Labour Day Holiday; and
 - (d) seven days prior to the Holiday known as Saint Jean the Baptist Day and on Saint Jean the Baptist Day Holiday; and
 - (e) seven days prior to the Holiday known as New Years and on the New Years Holiday; or
 - (f) companies specifically licenced by the Explosives Division of the Ministry of Energy Mines and Resources for, packaging, warehousing and operating an approved retail outlet as part of the operation
4. No person shall in each year, **set off, or cause to be set off, any fireworks or firecrackers** (including backyard displays) sooner than:
- (a) three days prior to the holiday know as Victoria Day and on the Victoria Day Holiday, or
 - (b) three days prior to the Holiday known as Canada Day, July 1st, and on the Canada Day Holiday, July 1st; or
 - (c) three days prior to the Holiday known as Labour Day, and on the Labour Day Holiday; or
 - (d) three days prior to the Holiday known as Saint Jean the Baptist Day and on the Saint John the Baptiste Day Holiday; or
 - (e) three days prior to New Years and on the New Years Holiday.
 - (f) This section does not apply where a permit has been issued.
5. No person shall set off or cause to be set off any fireworks or firecrackers after an officer has deemed that the setting off of the fireworks or firecrackers poses a fire hazard.
6. No person shall sell fireworks to any person under the age of eighteen **(18) yrs.**
7. Fireworks shall not be set off in backyard displays where it may cause a hazard.
8. Fire works shall not be set off towards or on any, roads, laneways, streets, sidewalks, structures, or areas where traffic and pedestrians may be.

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9. No person shall set off, or cause to be set off, any fireworks or firecrackers for a public display of fireworks unless a permit to do so has been applied for and issued.
10. Application for such permit or permits shall be made in writing to the Chief of the Fire Department or designate, at least thirty days in advance of the first day of such display.
11. No person shall operate a public display except in accordance with the regulations or specific policy established for any permit issued.
12. Any fireworks or firecrackers that remain unfired after any display has been concluded shall immediately be disposed of in a safe manner, having regard to the particular type of fireworks or firecrackers remaining.
13. Unused fireworks should not be stored from year to year in occupied buildings except where retail space is allotted for safe retail storage.
14. This by-law does not apply to;
 - (a) paper caps containing not in excess of an average of twenty-five one-hundredths of a grain of explosive used per cap, or
 - (b) toy pistols, toy guns and other devices for the use of such caps, or
 - (c) the firing of a starter gun during any race or competition.
12. Any person found to be in contravention of any of the provisions of this by-law is guilty of an offence and upon conviction thereof is liable to a fine, exclusive of costs for each offence and every such penalty shall be recoverable under the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.
13. In the event any court of competent jurisdiction should adjudge that any section or sections of this By-law is/are not valid for any cause, such section or sections shall be deemed severable from the remainder of the By-law and the remainder of the By-law shall stand and be enforced to the same extent as if the offending section or sections had not been included therein.
14. By-law number 1646, as amended, of the former Township of Sidney, and By-law number 70-2470, as amended, of the former City of Trenton and any By-laws of the former Township of Murray and the former Village of Frankford and any and all By-laws or portions thereof or resolutions of the Councils of the aforesaid municipalities and of the City of Quinte West, contrary hereto or inconsistent herewith shall be and are hereby repealed.
15. This By-Law shall come into force and take effect on January 1st, 2008.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED
THIS DAY 15th OF OCTOBER 2007.**

John Williams, Mayor

Gary Dyke, Deputy City Clerk