

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW 2013-06

(“CONSOLIDATED” as Amended by By-law 2019-49)

A BY-LAW TO REGULATE THE SETTING OFF OF FIREWORKS, INCLUDING CONSUMER AND DISPLAY FIREWORKS.

WHEREAS Section 11 of the Municipal Act, S.O. 2001, Chapter 25 (the “Act”), as amended, empowers municipalities to pass by-laws with respect to the health, safety and well-being of persons;

AND WHEREAS Section 121 of the Municipal Act, S.O. 2001, provides that a local municipality may, for the purpose of public safety, prohibit or regulate the sale of fireworks and the setting off of fireworks;

AND WHEREAS it is deemed necessary to regulate the setting off of fireworks in the municipality;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN enacts as follows:

1. In this by-law;

- (a) “Fireworks” means fireworks as defined in Class 7, Division 2, Subdivision 1 to 5 of the Explosives Regulation.
- (b) “Consumer Fireworks” means low hazard outdoor recreational fireworks described as Class 7, Division 2, Subdivision 1 in the Explosives regulation.
- (c) “Display Fireworks” means High Hazard outdoor recreational fireworks described as Class 7, Division 2, Subdivision 2, in the Explosives Regulations and includes both public and private display fireworks.
- (d) “Fire Chief” means the Fire Official appointed by the Township of West Lincoln for the purposes described in the Fire Protection and Prevention Act or his or her designate;
- (e) “Flying lanterns” means a small hot air balloon or similar device made of treated paper or other material, with an opening at the bottom, which is propelled by an open flame generated by a small candle or fuel cell, allowing the balloon or similar device to rise and float in the air.
(amended by By-law 2019-49)

2. Consumer Fireworks:

- (a) The setting off of **consumer** fireworks is prohibited except on the following days:
 - (i) Victoria Day
 - (ii) Canada Day
 - (iii) The two days immediately preceding and/or following Victoria Day and Canada Day.
 - (iv) Any alternate date that Council may by resolution authorize.
- (b) A person eighteen years of age or over may hold a display of consumer fireworks on any land belonging to him/her or on any other privately owned land where the owner thereof has given permission for such a display or discharge of fireworks.
- (c) No person shall use, set off or allow to be used or set off, any firework or fireworks in such a place or in such a manner as might create danger or constitute a nuisance to any person or property, or to do or cause or allow any unsafe act or omission at the time and place for the setting off of any fireworks.

- (d) No person shall set off any firework or fireworks in or onto any building, doorway, automobile, or other place where such setting off might create a danger or nuisance to any person or property.
- (e) No person shall set off any firework or fireworks in or onto any highway, street, lane, square, or other public place provided that this shall not be deemed to prohibit a public display of exhibition fireworks in accordance with the provisions of this by-law.
- (f) No person under the age of eighteen years shall set off any firework or fireworks except under the direct supervision of and control of a person who is at least eighteen years of age
- (g) No person being the parent or guardian of any child under the age of eighteen shall allow the child to set off any firework or fireworks except when such parent or guardian or some other responsible person of eighteen years or over is in direct supervision and control.
- (h) No person shall discharge a Flying Lantern. *(amended by By-law 2019-49)*

3. Display Fireworks:

- (a) The setting off of display fireworks is prohibited except on the following days:
 - (i) Victoria Day
 - (ii) Canada Day
 - (iii) The two days immediately preceding and/or following Victoria Day and Canada Day.
 - (iv) Any alternate date that Council may by resolution authorize, which has also been previously approved by the Fire Chief
- (b) No person or group of persons shall hold a public exhibition of display fireworks without first having obtained permission to do so from the Fire Chief
- (c) A request for permission to hold a public exhibition of display fireworks shall be made at least one week prior to the date on which it is desired to hold the display or exhibition fireworks.
- (d) A public exhibition display fireworks may only be held by a person or group of persons if such display is under the supervision of a person having a valid Fireworks Display Supervisor certificate.
- (e) A public exhibition of display fireworks shall be conducted in a manner consistent with all safety procedures and be held and continued on while all proper precautions are being observed to keep spectators at a safe distance, to protect public and private property, and suitable fire extinguishing equipment shall be on hand at all times.
- (f) All unused fireworks and all debris shall be removed by the group holding the public exhibition of display fireworks immediately following its conclusion and shall be safely disposed of.

4. Penalty

Any person who contravenes any provision of this by-law shall be guilty of an offence and liable upon conviction to a penalty specified by the Provincial Offences act.

5. Repeal of Previous By-laws

That By-law numbers 90-26, 2000-13 and 2001-51 are hereby repealed.

READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
9th DAY OF JANUARY, 2013.

CONSOLIDATED VERSION – ORIGINAL SIGNED

MAYOR DOUGLAS JOYNER

CONSOLIDATED VERSION – ORIGINAL SIGNED

CAROLYN LANGLEY, CLERK