



THE CORPORATION OF THE TOWNSHIP OF NORWICH

BY-LAW NUMBER 34-2003

TO PROHIBIT AND REGULATE THE SALE OF FIREWORKS AND THE SETTING OFF OF FIREWORKS

WHEREAS the Municipal Act, 2001, S.O. 2001 as amended, Chapter 25, Section 121(1) states that "A local municipality may prohibit and regulate the sale of fireworks and the setting off of fireworks";

AND WHEREAS the Municipal Act, 2001, S.O. 2001, as amended, Chapter 25, Section 121(2) states that "A by-law under subsection (1) may prohibit the activities described in that subsection 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";

AND WHEREAS the Municipal Act, 2001, S.O. 2001, as amended, Chapter 25, Section 8 states that "A municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act";

AND WHEREAS it is deemed expedient to adopt a by-law to prohibit and regulate the sale of fireworks and the setting off of fireworks;

NOW THEREFORE the Council of The Corporation of The Township of Norwich hereby enacts as follows:

1. DEFINITIONS

1.1 For the purposes of this By-law:

1.1.1 "Fireworks" means and includes any explosive or combustible or explosive composition, or any substance or any combination of substances or article prepared for the purpose of producing a visible or audible effect through combustion, explosion, deflagration or detonation and shall include blank cartridges, toy pistols, toy cannons or toy guns in which explosives are used, the type of balloons which require fire underneath to propel same, fire-crackers, torpedoes, sky-rockets, roman candles and any fire-works containing an explosive or flammable compound, or any tablets or other devices containing any explosive substance; but shall not include paper caps containing less than an average of twenty-five hundredths of a grain of explosive content per cap and toy pistols, toy guns and other devices for use of such caps, the sale and use of which shall be permitted at all times.

1.1.2 "Fireworks Display" means a display of fireworks in a public park, on private property or in some other area specifically approved by the Municipal Fire

Service for view by a public or private group of more than twenty (20) persons, under the supervision of a fireworks supervisor as defined under the *EXPLOSIVES ACT*.

1.1.3 "Permit" means authorization by the Municipal Fire Service to hold a Fireworks Display in the Township of Norwich (See Schedule "A")

1.1.4 "Person" means and includes persons, firms and corporations.

2. PROHIBITIONS

2.1 No person shall:

2.1.1 Display, offer for sale, or sell fireworks within the corporate limits of the Township of Norwich except

2.1.1.1 during the ten (10) days prior to the holiday known as Victoria Day and on the Victoria Day holiday in each year, or

2.1.1.2 during the ten (10) days prior to the holiday known as Canada Day and on the Canada Day holiday in each year, or

2.1.1.3 when authorized by Permit.

2.2 Sell fireworks to any person under the age of eighteen (18) years.

2.3 Within the limits of the Township of Norwich display fireworks in any shop or store window, doorway or open stall in or adjoining any public street except as regulated by the Municipal Fire Service.

2.4 Discharge or set off any fireworks within the limits of the Township of Norwich except during the three days prior to the holiday known as Victoria Day and on the Victoria Day holiday and during the three days prior to the holiday known as Canada Day and on the Canada Day holiday in each year.

2.5 Under the age of 18 years shall set off any firework or fireworks except under the direct supervision of and control of a person 18 years of age or over.

2.6 At anytime discharge fireworks in or on any highway, street, public land, public square or any other public space. This shall not prohibit a fireworks display in a public park or other public place or private location in accordance with a permit issued under the provisions of this by-law nor the discharge of fireworks by a person conducting a display upon private property before a private group of twenty (20) or less persons.

2.7 Conduct a fireworks display for view by more than twenty (20) persons without a permit for same.

2.8 Discharge any fireworks in or into any building, doorway, automobile or other place where such discharge might create danger to persons or property.

3. PERMIT FOR PUBLIC DISPLAY

3.1 Notwithstanding the foregoing provisions of this by-law, the Municipal Fire Service may grant a permit for a supervised public display of fireworks by the Township,

Associations, Amusement Parks or other organizations or groups of individuals.

3.1.1 Application for such permit or permits (Schedule "A") shall be made in writing to the Municipal Fire Service at least fifteen (15) days in advance of the day of such display.

3.1.2 Any fireworks that remain unfired after such display has been concluded and for which a permit has been granted, shall immediately be disposed of in a safe manner having regard to the particular type of fireworks remaining.

4. SIGN REQUIREMENTS TO DISPLAY FIREWORKS

4.1 Every person offering for sale or selling fireworks in the Township shall at all times during which fireworks are displayed, offered for sale or sold, maintain in a prominent position in the immediate area in which the fireworks are displayed a sign reading "SALE OF FIREWORKS TO PERSONS UNDER 18 YEARS OF AGE IS PROHIBITED" and the dimensions of such sign shall be not less than twelve inches (12") by eighteen inches (18").

5. PENALTY

5.1 Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act.

6. TITLE

6.1 This By-Law may be cited and known as "The Fireworks By-Law".

7. EFFECTIVE DATE

7.1 That this by-law shall be effective upon the passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 24TH DAY OF JUNE 2003.

MAYOR
SUSAN HAMPSON

CLERK-ADMINISTRATOR
BETTEANNE M. CADMAN

SCHEDULE "A"
TO BY-LAW NO. 34-2003

FIREWORKS DISPLAY PERMIT

This permit authorizes the following person/party to hold a fireworks display at the location, time, and dates specified below.

The applicant shall duly observe all provisions of By-Law No. 34-2003 of the Township of Norwich relating to the setting off of fireworks (copy attached).

Name of Person/Party: _____

Function: _____

Location: _____

Date: _____

Time: _____

SIGNED BY APPLICANT _____ DATE _____, 20____.

APPROVED BY
FIRE CHIEF _____ DATE _____, 20____.