

THE CORPORATION OF THE TOWN OF TECUMSEH

BY-LAW NUMBER 2013-50

A by-law to regulate the sale and use of fireworks

WHEREAS Section 8 of the *Municipal Act, 2001*, S.O. c.25, as amended, (Act) provides that the powers of a municipality under the Act or any other act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 11 of the Act provides that a municipality may pass by-laws respecting the health, safety and well-being of persons;

AND WHEREAS Section 5 of the Act states that the powers of a municipality shall be exercised by Council and that a municipal power shall be exercised by by-law;

AND WHEREAS the Council of The Corporation of the Town of Tecumseh deems it necessary to amend By-law No. 1999-33, as amended by By-law 2000-92, to include the regulating of certain other devices which may impact upon the safety of the public;

NOW THEREFORE THE CORPORATION OF THE TOWN OF TECUMSEH ENACTS AS FOLLOWS:

1. Definitions:

"Council" shall mean the elected council of The Corporation of the Town of Tecumseh.

"Fire Chief" shall mean the Director, Fire Services/Fire Chief of The Corporation of the Town of Tecumseh.

"Fireworks" shall be deemed to include, squibs, firecrackers, rockets, torpedoes, Roman candles, sparklers and other pyrotechnics of all description which may be used or intended to be used, or adopted to produce or cause, or to aid in producing or causing only an explosive sound when fired or set off.

"Fireworks Display" shall mean a display of fireworks in a public park, or in some other public place approved by the Council which may be used or intended to be used, or adopted to produce or cause, or to aid in producing or causing, through combustible or explosive composition, a pleasing or scenic effect when fired or set off.

"Municipality" shall mean The Corporation of the Town of Tecumseh.

"Person" includes an individual, firm, public body, body corporate, society, company, partnership and sole proprietorship, and any combination or combinations thereof.

2. No person shall, either directly or indirectly,

- (a) Sell by retail any Fireworks of any kind or description to any person who has not attained the age of eighteen (18) years at the time of such sale;

- (b) Sell by retail any Fireworks on any day other than the days next following and the four days immediately preceding such days:

the first day of July, annually,
the fourth day of July, annually,
the day fixed for the observance of Victoria Day, annually, and
the thirty-first day of December, 1999, only;
 - (c) Sell by retail any Fireworks on any day other than the day next following and the seven (7) days immediately preceding New Year's Eve;
 - (d) Sell by retail any of the Fireworks known as, or similar to, sky-rockets, torpedoes or firecrackers, unless the purchaser holds a permit for a Fireworks Display as herein authorized;
 - (e) Display any Fireworks for sale in any window, doorway or open stall in or immediately adjoining a public street.
3. No person shall set off any Fireworks in any highway, street, alley, park or other public place in the Municipality.
4.
 - (a) No person shall hold a Fireworks Display without first having obtained a permit approved and signed by the Fire Chief to do so.
 - (b) The Fire Chief may issue a permit for a Fireworks Display to any responsible person provided that such Fireworks Display shall be held at the time and the place set out in the permit and under the direct supervision of the applicant therefor.
 - (c) All Fireworks Displays shall be held at a safe distance from all streets, highways, buildings or other structures, and the person holding such display shall take every reasonable precaution for the safety of the public and shall provide such firefighting equipment as may be directed by the Fire Chief.
 - (d) A permit issued under this section may be revoked at any time by the Fire Chief in the event of non-compliance with the provisions of this By-law.
 - (e) The amount of the fee payable upon application for a permit under this section shall be \$50.00, or such amount as Council may determine from time to time by resolution.
5. For the purposes of this by-law "Sky Lantern" shall mean a small hot air balloon made of paper or any other material with an opening at the bottom where a small fire may be suspended such that the lantern will rise and float in the air while ignited.
6. No person or corporation shall offer for sale, cause or permit to be sold, sell or otherwise distribute a Sky Lantern within the Municipality.
7. No person or corporation shall ignite a Sky Lantern within the Municipality.
8. No person or corporation shall release an ignited Sky Lantern into the air within the Municipality.
9. Every person who contravenes any provision of this By-law is guilty of an offence and shall, upon conviction thereof, be liable to a fine pursuant to the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended.

10. If any portion of this By-law is found to be in conflict with any other provision of any other by-law of the Municipality, the provision which establishes the higher standard or greatest restriction shall prevail.
11. This By-law shall come into force and take effect upon the day final passing thereof.
12. By-law No. 1999-33, as amended by By-law No. 2000-92; and any by-laws inconsistent with the provisions of this By-law, are hereby repealed.

Read a first, second and third time and finally passed this 24th day of September, 2013.

Gary McNamara, Mayor

“SEAL”

Laura Moy, Clerk