

# CORPORATION OF THE TOWNSHIP OF WELLESLEY

## BY-LAW NO. 5/2005

### A BY-LAW TO REGULATE THE SALE AND USE OF FIREWORKS AND FIRECRACKERS

**WHEREAS** it is deemed necessary to regulate the sale and use of fireworks and firecrackers by the Council of the Township of Wellesley;

**AND WHEREAS** it is deemed necessary to repeal By-Law 1992

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WELLESLEY ENACTS AS FOLLOWS:**

**1. In this By-Law:**

- (a) **ACT** means the Explosives Act, revised Statutes of Canada 1990, Chapter E-15 and the Regulations enacted there under as amended from time to time;
- (b) **FIRECRACKER** means a pyrotechnics devise that explodes instantaneously when ignited and does not make any subsequent display or visable effect after the explosion, firecrackers are classified as high-hazard fireworks, and:
  - i) includes those devices commonly known as Chinese firecrackers, but
  - ii) does not include Christmas Crackers or paper caps containing not in excess of an average of twenty-five one-hundredths of a grain of explosive used per cap, or device for use with such caps;
- (c) **LOW-HAZARD, FIREWORK(S)** means a pyrotechnic devise producing quantities of effects of light, sound or smoke by the combustion of explosives or flammable composition and includes fireworks showers, fountains, golden rain, lawn lights, pin wheels, roman candles, sparklers, volcanoes and mines, but does not include:
  - i) firecrackers, or
  - ii) articles or devices not classed under the Act as shop goods,
  - iii) pyrotechnical signaling devices for marine, military or railway purposes.
- (d) **HIGH-HAZARD FIREWORK(S)** means a manufactured pyrotechnic device producing spectacular effects of light or sound of such a nature that it is classed under the Act as shop goods.

**REGULATIONS:**

**2. Sale of Fireworks:**

- (a) no person shall sell or offer for sale any firecrackers or other high-hazard fireworks.
- (b) the sale of low-hazard fireworks is prohibited except on the following days:
  - i) Victoria Day, and July 1st
  - ii) the TEN days immediately preceding Victoria Day and July 1st.
- (c) no person shall sell, offer for sale, give or distribute to any person under the age of (18) eighteen any low or high hazard fireworks
- (d) fireworks displayed in store windows shall be mock samples only, and not contain explosive composition.

- (e) low-hazard fireworks on public display and available to the general public for purchase shall not exceed 25 kilograms. Any quantities in excess of 25 kilograms shall be kept in a suitable secure and locked container located in a building, approved by the Fire Chief or his designate, which must be free from flammable and other fire hazards. The low-hazard fireworks in excess of 25 kilograms shall not be accessible to the to the general public.
- (f) low-hazard fireworks may be stored 30 days prior to any of the lawful date(s) for the sale thereof and not longer that 30 days after the lawful sales date(s) in accordance with the provisions of section 2(e)

**3. Discharge of Low-Hazard Fireworks:**

- (a) the setting off of low-hazard fireworks is prohibited except on the following days in each calendar year:
  - i) Victoria Day and July 1st
- (b) a person (18) eighteen years of age or over may hold a display of low-hazard fireworks on any land belonging to him or on any other privately owned land where the owner thereof has given written permission for such a discharge of low-hazard fireworks.
- (c) no person shall use, set off any firework(s) in such a place or in such a manner as might create danger or constitute a nuisance to any person or property, or 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 into 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 on or into any highway, street lane, square or other public place; provided that this shall not be deemed to prohibit a display of high-hazard fireworks in a public place in accordance with permits issued pursuant to the provisions of this by-law.
- (f) no person under the age of (18) eighteen years shall set off any firework(s).

**4. Discharge of High-Hazard Fireworks:**

- (a) no person shall hold a display of high-hazard fireworks without first having obtained a permit to do so signed by the Fire Chief of the Township of Wellesley or his designate.
- (b) the application for a permit shall be made at least two weeks prior to the date on which it is desired to hold the display of any high-hazard fireworks.
- (c) a display of high-hazard fireworks may only be held by a person licensed under the Federal Explosives Act, who is entitled to purchase and discharge high-hazard explosives.
- (d) a display of high-hazard fireworks shall be conducted in a manner consistent with the Federal Explosives Act and the regulations enacted there under.
- (e) all unused fireworks and all debris shall be removed by the group holding the display immediately following its conclusion or no later than 10:00a.m. the day following the commencement of the display.
- (f) no display shall be held within 500 feet of a nursing home, public hospital, retirement residence, any premises or place where explosives, gasoline, or other highly inflammable substances are manufactured, sold or stored, or within 500 feet of any church or a public, separate or parochial school, unless the consent of the owner, or the agent or representative of the owner of such church or school has been obtained.

**5. Administration:**

The Fire Chief and/or his designate(s) or any municipal by-law enforcement officer may at anytime inspect any premises where fireworks are stored or offered for sale to the public.

A copy of this by-law must be posted on the premises where low-hazard fireworks are sold during each of the lawful sales periods.

**6. Penalty:**

Every person who contravenes any provisions of this by-law is guilty of an offence and upon conviction pursuant to The Provincial Offences Act, is liable to a fine of \$2,000.00

This by-law shall come into force and take effect on the date of the final passing thereof

**PASSED** this **7th** day of **January** , **2005**

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Mayor - Ross Kelterborn

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Clerk – Susan Duke