

**The Corporation of the Municipality of South Huron**

**By-Law 37- 2004**

**A By-Law to regulate the display and discharge of fireworks**

**Office Consolidation**

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of the Council of the Municipality of South Huron

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# **The Corporation of the Municipality of South Huron**

## **By-Law 37- 2004**

### **“Being a By-law to regulate the display and discharge of fireworks in the Municipality of South Huron”**

Whereas the Municipal Act S.O. 2001, as amended, c. 25, s. 121 (1) provides that a local municipality may prohibit and regulate the sale of fireworks and the setting off of fireworks, and under s. 121 (2) provides 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 S.O. 2001, as amended, c. 25, s. 130 provides that a municipality may regulate matters not specifically provided for by this Act or any other Act for purposes related to the health, safety and well-being of the inhabitants of the municipality;

Now Therefore, Council of the Corporation of the Municipality of South Huron enacts as follows:

#### **Part 1 – Definitions**

For the purpose of this By-law, the following definitions shall apply:

- 1.1 “Fireworks Composition” shall mean any chemical compound or mechanically mixed preparation of any explosive or inflammable nature that is used for the purpose of making any manufactured fireworks and is not included in any other class of explosives, and includes any star or coloured fire composition that is not manufactured fireworks.
- 1.2 “Manufactured Fireworks” shall mean explosives of any class and any fireworks composition that is enclosed in any case or contrivance, or is otherwise manufactured or adapted for the production of pyrotechnic efforts, pyrotechnic signals or sound signals.

#### **Part 2 – General Provisions**

- 2.1 No person in the Municipality of South Huron shall sell or give any type of fireworks to any individual under the age of 18 years.
- 2.2 No person in the Municipality of South Huron shall display for sale any type of fireworks with the exception of lots amounting to less than 22.68 kilograms gross weight (50 pounds gross weight);

- 2.3 No person in the Municipality of South Huron shall display any type of fireworks for sale unless the contents are enclosed in a package, glass case or other suitable receptacle, and are stored in an area away from any other flammable goods;
- 2.4 No person in the Municipality of South Huron shall display any type of fireworks for sale unless the fireworks display is placed in an area that is not exposed to the rays of the sun or to excess heat from any source.
- 2.5 No person in the Municipality of South Huron shall display or sell any type of fireworks except during that period of time between May 1 and July 10 of each year for the purpose of Victoria Day and Canada Day celebrations.
- 2.6 No person in the Municipality of South Huron under the age of 18 years shall set off any type of fireworks.
- 2.7 No person in the Municipality of South Huron shall discharge any type of fireworks at any time on any day other than between dusk and 11 p.m. local time on the days upon which Victoria Day and Canada Day are celebrated.

### Part 3 – General Prohibitions

- 3.1 Notwithstanding any other provisions of this by-law, no person shall offer for sale, or sell firecrackers or bangers in the Municipality of South Huron.
- 3.2 Notwithstanding any other provisions of this by-law no person in the Municipality of South Huron shall set off or discharge firecrackers or bangers within the Municipality of South Huron.
- 3.3 No person in the Municipality of South Huron shall display any type of fireworks in any store window or outside the perimeter of the store's exterior walls.

### Part 4 – Fireworks Show Permission

- 4.1 Notwithstanding the provisions of this by-law, any established group, association, or organization in the Municipality of South Huron may hold a fireworks show, subject to permission from the Municipality of South Huron Fire Chief according to those provisions set out in Sections 4.2 and 4.3 of this by-law.
- 4.2 Applications for Fireworks Show Permission shall be in writing addressed to the Municipality of South Huron Fire Chief and shall specify:
  - a) the name and address of the applicant
  - b) full particulars of the applicant's qualifications for setting off fireworks.
  - c) the date of the fireworks show
  - d) location of the fireworks show demonstrating that there will be no danger to adjacent properties, highways, or persons using same.
  - e) the name, qualification, and experience of the person to discharge the fireworks, who shall be a pyrotechnical expert, and/or possess a recognized Fireworks

Supervisor Certificate as approved by the Ministry of Energy, Mines and Resources, Canada.

- 4.3 The fireworks show shall be held between dusk and 11:00 p.m., local time, on the day for which Permission is issued unless the Permission specifies an accepted alternative show time.
- 4.4 Notwithstanding the provisions of this by-law, the Municipality of South Huron may hold a special fireworks show to commemorate a national or civic holiday or celebration, on the condition that each show is conducted by a pyrotechnical expert under the supervision and control of the Municipality of South Huron Fire Chief.

**Part 5 – Enforcement**

- 5.1 Every person who contravenes any provision of this by-law is guilty of an offence and on conviction thereof is liable to a fine as provided for in the Provincial Offences Act.
- 5.2 All penalties imposed by a judicial official are recoverable under the provisions of the Provincial Offences Act together with such costs and expenses as are imposed there under.
- 5.3 The court in which the conviction has been entered and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

**Part 6 – Repeal and Enactment**

- 6.1 That By-law #24-1999 of the former Town of Exeter is hereby repealed.
- 6.2 This by-law shall come into force as of the date of final passing.

Read a first time and second time	June 7, 2004.
Read a third time and finally passed	June 7, 2004.

Original Signed By:

Robert Morley, Mayor  
Sandra Strang, Clerk