

BY-LAW NUMBER 45 (1970)

THE CORPORATION OF THE TOWN OF PELHAM

Being a By-law regulating the sale of fireworks and for prohibiting the sale of fireworks on certain days during the year;

And being a By-law prohibiting the sale of fireworks to any person under the age of sixteen (16) years;

And being a By-law regulating the setting off of fireworks and for requiring a permit for the holding of fireworks displays may be held under such permit.

WHEREAS The Municipal Act, R.S.O. 1960 Chapter 249 Section 379 (1) Paras. 30 and 31 authorize the Councils of local Municipalities to pass By-laws for the following purposes, namely:

Par. 30 For regulating the sale of fireworks and for prohibiting the sale of fireworks on any day or days during the year or to any person under such age as the by-law may prescribe.

Par. 31 For prohibiting or regulating the setting off of fireworks in the municipality or in any defined area or areas thereof and for requiring a permit for the holding of fireworks displays and prescribing the conditions under which fireworks displays may be held under such permit;

AND WHEREAS The Council of the Corporation of the Town of Pelham deems it advisable to pass a By-law pursuant to the foregoing provisions;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM HEREBY ENACTS AS FOLLOWS:

1. The provisions of this By-law shall be applicable to and have full force and effect within the territorial limits of the Corporation of the Town of Pelham.
2. For the purpose of this By-law:
  - (a) "Town" shall mean the Corporation of the Town of Pelham.
  - (b) "Council" shall mean the Council of the Corporation of the Town of Pelham.
  - (c) "Deputy Fire Chief" shall mean the Deputy Fire Chief of the Town of Pelham.

(d) "Enforcement Officer" shall include all members of the Police Department for the Town of Pelham and all members of the Fire Department for the Town of Pelham.

(e) "Fire Chief" shall mean the Fire Chief for the Town of Pelham.

(f) "Fireworks Display" shall mean a display or show of substance including a pyrotechnical display.

(g) "Near" shall mean so close as to be dangerous or unsafe.

(h) "Person" shall include firm, partnership, company, corporation, club or organization.

(i) "Setting off of fireworks" shall include the throwing or tossing of ignited fireworks.

(j) The plural shall include the singular and the singular shall include the plural and the applicable provisions of this By-law shall be construed as if the necessary grammatical and terminological changes thereby rendered necessary had been made.

#### SALE OF FIREWORKS

3. (a) No person shall sell, by retail, fireworks on any day during the year except as follows:

(i) Dominion Day

(ii) The five (5) days immediately preceding and the five (5) days immediately following Dominion Day (exclusive of Sundays).

(iii) The day fixed by proclamation of the Governor-General for the observance of Victoria Day.

(iv) The five (5) days immediately preceding and the five (5) days immediately following Victoria Day (exclusive of Sundays).

(v) Any other days authorized by Resolution of Council.

(b) No person shall sell, either directly or indirectly, fireworks to any person under the age of sixteen (16) years.

(c) The person selling fireworks shall place the same in a strong paper bag or other suitable receptacle at the time of delivery to the purchaser.



(d) The person selling fireworks for the purpose of a fireworks display shall deliver the same only to the person to whom a permit for the holding of a fireworks display has been issued pursuant to the provisions of this By-law.

PROHIBITIONS AND REGULATIONS RELATING TO THE  
SETTING OFF OF FIREWORKS

4. (a) No person shall set off fireworks except on the days authorized for the sale thereof, as set forth in paragraph 3(a) of this By-law.

(b) Except for the purposes of a fireworks display, no person shall set off fireworks of the types known as sky rockets, torpedoes, or firecrackers exceeding two inches (2") in length and one-quarter of an inch ( $\frac{1}{4}$ ") in diameter or other type of fireworks designed or intended for the purposes of a fireworks display only.

(c) No person under the age of sixteen (16) years shall set off fireworks except under the direct supervision and control of his or her parent or other responsible adult.

(d) No person being the parent or guardian of any child under the age of sixteen (16) years shall knowingly allow such child to set off fireworks contrary to the provisions of this By-law or contravene any of the provisions of this By-law.

(e) No person shall set off fireworks in such a place or in such a manner or under conditions or circumstances likely to cause damage to property or injury to person, animal or fowl and, without in any way limiting the generality of the foregoing, no person shall set off fireworks

- (i) in or near any group or assembly of persons,
- (ii) in any street, lane, park or other public place unless authorized so to do by Resolution of Council,
- (iii) in, on or near any building, structure, telephone booth, mail box, newspaper box or other similar container or any container likely to shatter or explode,
- (iv) in, on or near any boat, automobile or other vehicle,
- (v) near any explosives plant, chemical plant, gasoline station, inflammable liquid or any combustible material, substance or object,
- (vi) in or near any place where there is danger of causing a forest fire, bush fire, grass fire or a fire to a hay field, hay stack or grain field,
- (vii) on the grounds of or near any hospital, convalescent home, home for the aged or other similar institution.

(f) No person shall authorize, cause, permit or allow any unsafe act or omission at the time and place of the setting off of fireworks.

#### FIREWORKS DISPLAY

5. (a) The Fire Chief and the Deputy Fire Chief are each hereby authorized and empowered to grant a permit for the holding of a fireworks display upon and subject to the terms and conditions hereinafter set forth.

(b) No person shall hold any fireworks display without first having obtained a permit so to do signed by the Fire Chief or the Deputy Fire Chief.

(c) No permit shall be issued to any person of known criminal tendencies or any other unfit person or to any person of unsound or immature mind or to any person under the age of twenty-one (21) years.

(d) The applicant for a permit shall make written application therefore on a form to be provided by the Town in accordance with Schedule "A" to this By-law.

(e) The application for a permit shall be made at least one week prior to the date on which it is desired to hold the fireworks display.

(f) The permit shall be in accordance with Schedule "B" to this By-law.

(g) The fireworks display shall be conducted under the direct supervision of the person to whom the permit is issued, or of some other fit and competent person or persons whose name or names and address or addresses shall be included in the application for the permit.

(h) The permit holder or person supervising the fireworks display shall not authorize, allow or permit any incompetent person to assist in the fireworks display.

(i) The fireworks display shall be held only at the time and place specified on the permit.

(j) The fireworks display shall be carried out and conducted in a manner consistent with all proper safety precautions for the protection of persons and property and, without in any way limiting the generality of the foregoing, the permit holder or other person supervising the fireworks display shall

(i) take all necessary steps and precautions to keep spectators at a safe distance,



- (ii) carry out and conduct the fireworks display at a safe distance from the nearest building, highway, railway, overhead wire, tree or combustible material,
- (iii) have immediately available all necessary fire extinguishers or other means of extinguishing fire which might result from the fireworks display,
- (iv) promptly remove and safely dispose of all debris resulting from the fireworks display,
- (v) promptly remove and safely store or safely dispose of all fireworks which have not been set off during the fireworks display,
- (vi) comply with all of the applicable provisions of this By-law and such further and other requirements and conditions as the Fire Chief may deem necessary and advisable for the protection of persons and property.

6. (a) It shall be the duty of the Enforcement Officer to enforce the provisions of this By-law and he shall have the right to be present at any fireworks display and he shall not be hindered or obstructed in any way whatsoever.

(b) The Enforcement Officer shall have the right to require the permit holder or the person in charge of conducting the fireworks display to take such steps, measures or precautions as he may deem advisable and necessary for the protection of persons and property and such permit holder or person in charge of conducting the fireworks display shall promptly comply with the orders, directions or requirements of the Enforcement Officer, as aforesaid.

7. The provisions of this By-law shall not apply to the lawful sale or use of truck flares, railway flares, railway torpedoes, marine or military rockets or other like devices.

8. Any person convicted of a breach of any of the provisions of this By-law shall forfeit and pay, at the discretion of the convicting Magistrate, a fine or penalty not exceeding the sum of Three Hundred Dollars (\$300) for each offence, exclusive of costs, to be recoverable under The Summary Convictions Act.

9. All previous By-laws or sections of By-laws of the Corporations of the former Village of Fonthill and Township of Pelham including the Police Village of Fenwick, conflicting with the provisions of this By-law shall be deemed to be and they are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED  
IN COUNCIL THIS 25th DAY OF MAY, 1970.

SCHEDULE "A"

APPLICATION FOR PERMIT TO HOLD A FIREWORKS DISPLAY

Name of Applicant: \_\_\_\_\_

Address of Applicant: \_\_\_\_\_

\_\_\_\_\_ Age of Applicant \_\_\_\_\_

Date of Display \_\_\_\_\_ Time of Display \_\_\_\_\_

Exact Location of Display: \_\_\_\_\_

\_\_\_\_\_

Names, Addresses and Ages of persons conducting and  
supervising fireworks display: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Number and kind of fireworks to be used in the display:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Manner and place of storage of fireworks prior to display: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date of Application: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Signature of Applicant)

\_\_\_\_\_

(for office use only)

I do hereby approve of the foregoing proposed fireworks  
display and the granting of a permit therefore.

DATE: \_\_\_\_\_

\_\_\_\_\_  
FIRE CHIEF

SCHEDULE "B"

PERMIT TO HOLD A FIREWORKS DISPLAY

This permit authorizes \_\_\_\_\_

\_\_\_\_\_ to hold a fireworks display on \_\_\_\_\_

day, the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_ at the hour  
of \_\_\_\_\_ p.m. at the following location: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

on condition that the said \_\_\_\_\_  
\_\_\_\_\_ strictly complies with the  
provisions of By-law No. \_\_\_\_\_ of The Corporation  
of the Town of Pelham relating to the holding of fire-  
works displays and any other conditions which may be  
endorsed hereon.

Dated at Fonthill, Ontario, this \_\_\_\_\_ day of  
19\_\_ .

\_\_\_\_\_  
FIRE CHIEF

ADDITIONAL CONDITIONS:

\_\_\_\_\_  
FIRE CHIEF