

The Corporation of the Municipality of Brighton

By-Law No. 078-2016

Being a by-law to regulate the sale of fireworks and for prohibiting or regulating the setting off of fireworks in the Municipality of Brighton

Whereas, Section 121(a) of the Municipal Act, 2001 provides that a local municipality may prohibit and regulate the sale of fireworks and setting off of fireworks;

And whereas, Section 121(b) of the Municipal Act, 2001 provides that a municipality may prohibit the sale of fireworks and the setting off of fireworks unless a permit is obtained from the municipality for the sale of fireworks and the setting off of fireworks and may impose conditions for obtaining, continuing to hold and renewing the permit, including requiring the submission of plans;

And whereas, section 425 of part XIV of the Municipal Act, S.O. 2001, c 25 authorizes that a municipality may pass By-Laws providing that a person who contravenes a By-Law of the municipality passed under this Act is guilty of an offence;

And whereas, section 429 of part XIV of the Municipal Act, S.O. 2001, provides that a municipality may establish a system of fines for offences under a By-Law of the municipality passed under this Act;

And whereas, the Council of the Corporation of the Municipality of Brighton deems it expedient to pass a by-law for this purpose;

Now, therefore, the Council of the Corporation of the Municipality of Brighton enacts as follows:

Section 1.0 **Definitions**

In this By-Law:

"Act" means the Explosives Act, R.S.C. 1985, c.E-17 and Regulations enacted, or any other Act and Regulations enacted in substitution,

"Consumer Fireworks" means an outdoor, low hazard, recreational fireworks rated as 'Class F.1' pursuant to the Explosives Act, R.S.C. 1985, c.E-17 and includes, but not limited to, fountains, wheels, roman candles, sparklers, volcanoes, mines and snakes;

"Display Fireworks" means an outdoor, high-hazard, recreational fireworks rated as 'Class F.2' pursuant to the Explosives Act, R.S.C. 1985, c.E-17 and includes, but not limited to, display shells, barrages, batteries, fountains, exhibition candles, flares, set-pieces, maroons, wheels and bouquets;

"Exhibition Fireworks" for the purpose of this By-law has the same meaning as "Display Fireworks";

"Family Fireworks" for the purpose of this By-law has the same meaning as "Consumer Fireworks";

"Officer" means Firefighters, Police Officers or Municipal Law Enforcement Officer for the Municipality of Brighton.

Section 2.0 Sale of Fireworks

- 2.1 No person shall sell or offer for sale fireworks of any kind except on the following days:
- a) Victoria Day, Canada Day, Labour Day and New Year's Day,
 - b) The seven (7) days immediately preceding Victoria Day, Canada Day, Labour Day and New Year's Day.
- 2.2 No person shall sell, give or distribute fireworks to any person under the age of eighteen (18).
- 2.3 No person shall display fireworks in store windows that contain explosive composition.

Section 3.0 Exceptions

- 3.1 Notwithstanding Section 2 of this By-law, a person may sell or offer for sale paper caps, toy pistols, toy cannon or toy guns for the use of such caps the explosive content of which does not exceed 16 grams per cap.

Section 4.0 Family Fireworks

- 4.1 No person shall set off family fireworks except on the following days:
- a) Victoria Day, Canada Day, Labour Day and New Year's Day.
 - b) The three (3) days immediately prior to Victoria Day, Canada Day, Labour Day and New Year's Day.
- 4.2 No person shall set off fireworks if the said person is under the age of eighteen (18) and not under the direct supervision and control of a person eighteen (18) years of age or older.
- 4.3 No person shall set off family fireworks on any land or other privately owned land unless the person is eighteen (18) years of age or older and the owner of the said land has given permission for such a display or setting off of fireworks.
- 4.4 No person shall store, handle or cause the discharge of fireworks in an unsafe manner or in a manner that creates a nuisance taking into account the noise, danger from fire and explosion, risk of injury and damage to property inherent in the storage, handling or use of fireworks.
- 4.5 No person shall set off fireworks in or on or into any highway, street, lane, square or other public place.

Section 5.0 Exhibition Fireworks

- 5.1 No person shall:
- a) Hold a display or exhibition of fireworks without first having obtained a permit to do so from the Chief of the Brighton District Fire Department.
 - b) Handle and/or discharge fireworks contrary to the Fireworks Manual as published by the Explosives Division of Natural Resources Canada.
 - c) Store, handle or cause discharge of fireworks in an unsafe manner or in a manner that creates a nuisance taking into account the noise, danger from

By-law 078-2016

fire and explosion, risk of injury and damage to property inherent in the storage, handling or use of fireworks.

- 5.2 Every person and/or group holding a fireworks exhibition shall insure that all precautions are being taken and observed to keep spectators at a safe distance, protect public and private property, and that suitable fire extinguishers are at hand at all times.
- 5.3 All unused fireworks and all debris shall be removed by the person and/or group holding the fireworks exhibition immediately following its conclusion and safely dispose of the same.

Section 6.0 Enforcement and Penalty

- 6.1 "An Officer may at reasonable times enter upon any premises other than a dwelling house in order to ascertain whether the provisions of this By-Law are being observed or to enforce this By-Law".
- 6.2 "Any person who violates any provision of this By-Law is, upon conviction, guilty of an offence and shall be liable to such penalties prescribed by the Provincial Offences Act, R.S.O., 1990, c.p.33."
- 6.3 Each day that such offence is committed, or permitted to continue, shall constitute a separate offence and may be punishable as such.
- 6.4 Set fines for contravention of this By-Law are set out in Schedule "A" of this By-Law.

Section 7.0 Validity

- 7.1 In the event any Court of competent jurisdiction declares any section or provision of this By-Law to be invalid, or to be of no force and effect for any cause, such section or provision thereof shall be deemed severable from the remainder of the By-Law and the remainder of the By-Law shall stand and be enforceable to the same extent as if the offending section or provision thereof had not been included herein.

Section 8.0 Repeal

That By-law No. 296-2005 is hereby repealed.

Section 9.0 Effective Date

This By-Law shall come into force and effect upon the date of final passing thereof.

Read a first, second and third time and finally passed this 15th day of August 2016.

Original signed by:

Mark A. Walas, Mayor

Original signed by:

Vicki Kimmett, Deputy Clerk

Schedule "A" Set Fines

The Corporation OF THE Municipality OF Brighton
Part 1, Provincial Offences Act

By-Law 078-2016 Fireworks By-Law

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1	Selling or offering for sale fireworks on a prohibited day	Section 2. 1	\$100.00
2	Distribute, sell, give fireworks to person under 18 years old	Section 2. 2	\$175.00
3	Setting off fireworks on a prohibited day	Section 4. 1	\$100.00
4	Setting off of fireworks when under 18 years old without supervision	Section 4. 2	\$175.00
5	Setting off of fireworks creating a nuisance or unsafe act to persons or property	Section 4. 4	\$175.00
6	Setting off of fireworks in a public place, highway or street	Section 4. 5	\$125.00
7	Holding a display of fireworks without obtaining permission	Section 5.1 a)	\$150.00

Note: The general penalty provision for the offences listed above is Section 6.2 of By-law _____ - 2016, a certified copy of which has been filed.