

# THE CORPORATION OF THE TOWNSHIP OF PERRY

## BY-LAW No. 2013-35

Being a By-law to Regulate the Sale and Use of Fireworks in the Township of Perry

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**WHEREAS** the Municipal Act, S.O. 2001, c. 25, Section 121 (a) (b) provides that a local municipality may prohibit and regulate the sale of fireworks and the setting off of fireworks; and require a permit for the public display of fireworks;

**AND WHEREAS** the Council of the Township of Perry considers it advisable to prohibit the sale of and regulate the setting off of fireworks;

**NOW THEREFORE BE IT RESOLVED THAT** the Council of the Corporation of the Township of Perry enacts as follows:

### 1. DEFINITIONS

In this by-law:

- 1.1 **By-law Officer** means a person appointed by the Township to enforce the by-laws of the Township under s. 15 of the Police Services Act, R.S.O. 1990, c. P.15 as amended.
- 1.2 **Council** means the Council of the Corporation of the Township of Perry
- 1.3 **Display Permit** means a permit issued by Council pursuant to this By-law to permit the use of fireworks.
- 1.4 **Fire Chief** means the Fire Chief for the Township of Perry or his/her designate.
- 1.5 **Firecrackers** includes any article containing a combustible or explosive substance, or combination of substances, prepared for, capable of, or discharged for the purposes of producing solely an explosion or audible sound and includes but is not limited to cherry bombs, cannon crackers, firecrackers, mines, squibs and torpedoes but does not include a Christmas cracker or similar device.
- 1.6 **Fireworks** means any article containing combustible or explosive composition or any substance or combination of substances, prepared for, capable of, or discharged for the purpose of producing a visual show or effect which may or may not be preceded by, accompanied with, or followed by an explosion or audible sound and includes but is not limited to fireballs, Roman Candles, skyrockets, pinwheels, Chinese lanterns, and sky lanterns but does not include pyrotechnical signaling devices for marine, military or railway purposes.

### 2. SALE OF FIREWORKS AND FIRECRACKERS

- 2.1 No person shall at any time offer for sale, sell, or distribute any fireworks or firecrackers in the Township of Perry.

### 3. USE OF FIREWORKS AND FIRECRACKERS

- 3.1 No person shall set off any firecrackers within the Township of Perry at any time.
- 3.2 No person shall set off any fireworks within the Township of Perry without first obtaining the express written permission of Council through the issuance of a Display Permit.

**4. OBTAINING A FIREWORKS DISPLAY PERMIT**

- 4.1 Any person who wishes to obtain a permit to hold a display shall apply in writing to Council no later than 4 weeks prior to the date of the proposed display.
- 4.2 The applicant shall submit an application in the form established by the Township administration and such supporting documentation, material and information as may be required by Council at its discretion.
- 4.3 Council shall review the application, supporting documentation and materials filed with the application and shall at its own discretion:
  - a. approve the application;
  - b. approve the application subject to such restrictions, regulations or conditions considered advisable; or
  - c. refuse to approve the application.

**5. OBLIGATIONS OF FIREWORKS DISPLAY PERMIT HOLDER**

The holder of a Display Permit issued by Council shall:

- 5.1 Ensure that the fireworks display is held only at the place and on the date set forth in the Display Permit.
- 5.2 Ensure all reasonable safety procedures are followed to prevent harm to persons and property.
- 5.3 Ensure the proper precautions are being observed to keep spectators at a safe distance from the area where fireworks are to be discharged.
- 5.4 Ensure that suitable fire extinguishers and means of extinguishing fires on the site are provided.
- 5.5 Ensure that the site of the display and surrounding lands are cleared of any and all debris resulting from the holding of the display and restored to their original condition within 24 hours of the holding of the display.
- 5.6 Ensure that the Display Permit is at the location of the display and shall surrender the Display Permit to the By-law Officer, Fire Chief or his/her designate in the event that the display is to be revoked for any reason.

**6. ENFORCEMENT**

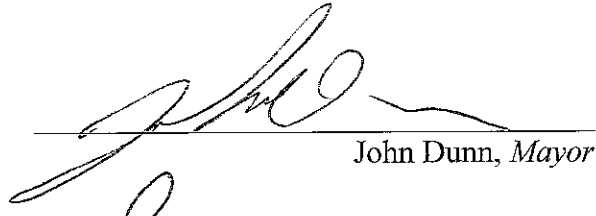
- 6.1 This by-law shall be enforced by the By-law Officer, the Fire Chief or his/her designate and/or the Ontario Provincial Police.
- 6.2 Every person who contravenes any of the provisions of this by-law:
  - 6.2.1 is guilty of an offence; and
  - 6.2.2 upon conviction therefore is liable to a fine or penalty of not more than Five Thousand (\$5,000.00) Dollars for each such offence and every such penalty shall be recoverable under the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.


7. **SEVERABILITY AND EFFECTIVE DATE**

7.1 Each and every one of the foregoing provisions of the by-law is severable and if any provisions of this by-law should, for any reason, be declared invalid by any court, it is the intention and desire of this Council that each and every one of the remaining provisions shall remain in full force and effect.

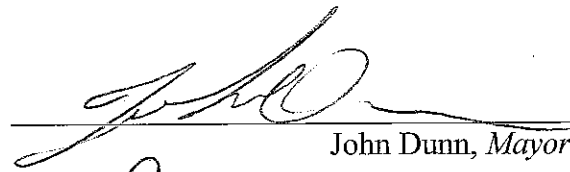
7.2 This By-law shall come into force and take effect


READ a first and second time this 18<sup>th</sup> day of September, 2013.

  
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John Dunn, *Mayor*

  
\_\_\_\_\_  
Beth Morton, *Clerk-Administrator*

READ a third and final time and enacted in Open Council this 18<sup>th</sup> day of September, 2013.

  
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John Dunn, *Mayor*

  
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Beth Morton, *Clerk-Administrator*