

**TOWNSHIP OF WILMOT
BY-LAW NO. 2003-48**

**BY-LAW TO PROHIBIT THE SALE AND USE OF
FIRECRACKERS AND TO REGULATE THE SALE AND
USE OF FIREWORKS IN THE TOWNSHIP OF WILMOT**

WHEREAS the Municipal Act, S.O. 2001, c. 25, Section 121 (1) (2) provide that the Council of a municipality may regulate of the sale, setting off of fireworks and require a permit for the public display of fireworks;

AND WHEREAS it is considered advisable to prohibit the sale of and the setting off of firecrackers and to regulate the sale of, the setting off of fireworks and holding of public fireworks displays;

**THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE
TOWNSHIP OF WILMOT ENACTS AS FOLLOWS:**

1. In this By-law:
 - 1.1 "Firecracker" 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 cannon crackers, firecrackers, mines, squibs and torpedoes but does not include a Christmas cracker or similar device.
 - 1.2 "Fireworks" shall mean any article containing a 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 fireballs, roman candles, skyrockets, pinwheels and sparklers but does not include pyrotechnical devices for marine, military or railway purposes.
 - 1.3 "Display" means the setting off of fireworks at any time in accordance with the provisions of this by-law.
 - 1.4 "Fire Chief" means the Fire Chief for the Township of Wilmot or his designate.

1.5 **"Fireworks Supervisor"** means the person who by training or experience has the required skill and ability to safely set up and supervise the discharge of fireworks at a public display and is approved by the Fire Chief.

1.6 **"Canada Day"** means July 1st.

1.7 **"Victoria Day"** means the Monday preceding May 25th.

2. Firecrackers

2.1 No person, firm, partnership, merchant, storekeeper, corporation or company in the Township of Wilmot shall at any time offer for sale or sell any firecracker in the Township.

2.2 No person shall set off of any firecracker in a public place or on public property in the Township of Wilmot at any time.

3. Fireworks

3.1 No person shall sell any fireworks in the Township of Wilmot on any day or days during the year except on the ten (10) business days immediately preceding Victoria Day, and the ten (10) business days immediately preceding Canada Day, providing that nothing in this section shall prevent the sale on any day for the purpose of a fireworks display to a person who is the holder of a permit for such display under the provisions of this By-law.

3.2 No person shall sell any fireworks in the Township of Wilmot to anyone under eighteen (18) years of age.

3.3 No person shall set off any fireworks on any street, highway or lane under the jurisdiction of the Township of Wilmot, or in any public park, except with the written consent of the Corporation.

3.4 No person shall hold a public fireworks display in the municipality except under a permit issued therefor under Section 4, and in compliance with the conditions set forth in the said Section 4 and Section 5 of this by-law.

3.5 No person shall exhibit any live fireworks in any window of any store or shop in the Township of Wilmot.

3.6 Every person who sells or offers to sell from any premises any fireworks as permitted in this By-law shall post a copy of this By-law in a conspicuous place on such premises.

4. Permit - Conditions of Display

The following conditions shall apply to the holding of public fireworks display under a permit issued under Section 3.

- 4.1 A public fireworks display shall be held by or under the auspices of a club, association or group of persons;
- 4.2 The public fireworks display shall be held at the place and on the date set forth in the permit;
- 4.3 No person shall hold a public fireworks display unless it is under the supervision of a Fireworks Supervisor who must not be less than 21 years of age, holds a Fireworks Certificate issued by the Energy Mines and Resources Canada Explosives Branch, and who must be approved by the Fire Chief;
- 4.4 No person shall hold a public fireworks display unless the proper precautions are being observed to keep spectators at a safe distance from the area where fireworks are to be discharged as specified by the Fire Chief;
- 4.5 No person shall hold a public fireworks display without providing suitable fire extinguishers and means of extinguishing fires on the site;
- 4.6 No public fireworks display shall be held within 500 feet of a nursing home, public hospital, home for the aged, any premises or place where explosives, gasoline or other highly inflammable substances are manufactured, sold, or stored, or within 500 feet of a church or a public, separate, secondary or other school unless the consent of the owner of such church or school or an agent or representative of such owner is obtained.
- 4.7 Every person, group of persons or association applying for a permit to hold a public fireworks display shall produce proof of liability insurance in the amount of not less than Two Million (\$2,000,000.00) Dollars.

If the display is to be held on property owned by the Township of Wilmot, the applicant must provide proof of liability insurance in the amount of not less than Two Million (\$2,000,000.00) Dollars with the Township of Wilmot named as additionally insured for the purposes of the fireworks display event.

5. Permit Information

5.1 The Fire Chief issue a permit for display of fireworks subject to the conditions set forth in Section 4 and each such permit shall contain the following information:

- 5.1.1 state the name of the person, club, association or group to whom the same is issued;
- 5.1.2 the name and address of the executive officer or other responsible person;
- 5.1.3 the place and date upon which the display is to be held;
- 5.1.4 the name and address of any Fireworks Supervisor;
- 5.1.5 place of storage for the fireworks before the display;
- 5.1.6 the manner in which the fireworks are to be disposed of;
- 5.1.7 the manner and means of retraining unauthorized persons from attending too close to the location where the display is to be held; and
- 5.1.8 a copy of the proof of liability insurance shall be attached to the permit.

6. That this by-law will come into force and effect and By-law No. 92-91 is rescinded upon final approval of the Set Fine Schedule by the Ministry of the Attorney General.

7. Enforcement

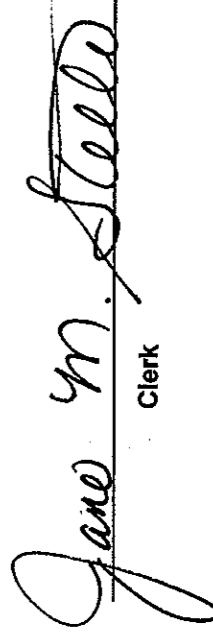
- 6.1 Every person who contravenes any of the provisions of this by-law:
 - (i) is guilty of an offence; and
 - (ii) upon conviction therefor is liable to a fine or penalty of not more than Five Thousand (\$5,000.00) Dollars for each such offence and every such penalty shall be recoverable under the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

READ a first and second time this 8th day of September , 2003.

READ a third time and finally passed this 8th day of September , 2003



Mayor



Clerk