

## BY-LAW NO. 88 - 2004

### A BY-LAW OF THE CORPORATION OF THE TOWN OF CARLETON PLACE FOR PROHIBITING AND REGULATING THE SALE OF FIREWORKS AND SETTING OFF FIREWORKS AND HOLDING OF FIREWORKS DISPLAYS

**WHEREAS** pursuant to Section 121 (1) and (2) of the Municipal Act, S.O. 200 I, a local municipality may prohibit and regulate the sale and setting off of fireworks as well as requiring a permit for those activities as detailed in the By-law, and;

**WHEREAS** the Council of the Corporation of the Town of Carleton Place deems it expedient and necessary to regulate the use, holding, displaying and selling of fireworks for the health, safety and welfare of its inhabitants;

**NOW THEREFORE** the Council for the Corporation of the Town of Carleton Place enacts as follows:

#### 1. DEFINITIONS

- 1.1 **By-law Enforcement Officer** means an appointed By-law Enforcement Officer for the Corporation of the Town of Carleton Place.
- 1.2 **Designate** means a person appointed by the Fire Chief to pursue the requirements of this by-law.
- 1.3 **Fire Chief** means the appointed Fire Chief for the Corporation of the Town of Carleton Place,
- 1.4 **Fireworks** means items bought or homemade containing sulphur and gunpowder which may be lit on fire and producing sounds, lights and other similar spectacles designed for the enjoyment of an audience.
- 1.5 **Fireworks Display** means the setting off of fireworks in large quantities designed for the enjoyment of a public audience, which may be sponsored or held by a person, corporation, committee or other such group.
- 1.6 **Municipality** means the Corporation of the Town of Carleton Place.
- 1.7 **Person** includes a corporation and the heirs, executors, administrators, or other legal representatives of a person to whom the context can apply according to law.
- 1.8 **Property** means lands, premises, parks, yards or vacant lots owned privately or municipally, which are open or uncovered.
- 1.9 **Police Officer** means an officer employed with the Carleton Place Detachment of the Ontario Provincial Police.

## **2. GENERAL REGULATIONS**

- 2.1 No person shall sell or permit to be sold fireworks within the municipality at any time except:
  - 2.1.1 during seven days immediately preceding the day fixed by proclamation of the Governor General of Canada for the celebration of Victoria Day.
  - 2.1.2 during the seven days immediately preceding Canada Day
- 2.2 No person shall set off or permit to be set off fireworks on any day other than Victoria Day or Canada Day unless or until a permit has been obtained from the Fire Chief.
- 2.3 Every person setting off fireworks shall confine said fireworks to the property of the person or persons so setting off said fireworks.
- 2.4 No person shall sell or permit to be sold fireworks to any person or persons under the age of sixteen (16) years.
- 2.5 No person shall sponsor or hold any fireworks displays without first obtaining a permit from the Fire Chief to do so.
  - 2.5.1 no person shall obtain a permit to display fireworks unless or until the conditions imposed by the Fire Chief are carried out under the inspection of the Fire Chief or designate.

## **3. ENFORCEMENT**

- 3.1 This by-law shall be enforced by a By-law Enforcement Officer and/or a Police Officer.
- 3.2 Any person who contravenes any of the provisions of this by-law and the procedures with respect there to is guilty of an offence and the enforcement and penalty imposed thereunder shall be subject to the provisions of *The Provincial Offences Act*, R.S.O. 1990, Chapter P.53 and amendments thereto, and the penalty for the commission of such offences shall be provided for *The Provincial Offences Act*.

## **4. VALIDITY**

- 4.1 If any section of this by-law for any reason is deemed invalid, the remaining parts of the by-law shall remain in effect until repealed.
- 4.2 Where provisions of this by-law conflicts with the provisions of another by-law in force in the municipality, the provisions that establish the higher standards to protect the health and welfare of the general public prevails.

4.3 This by-law shall come into force and take effect upon its passing.

**5. SHORT TITLE**

5.1 This by-law may be referred to as The Fireworks By-law.

**6. REPEAL OF BY-LAW**

6.1 That By-law No. 12-200 I and amendments thereto prescribing the use, selling, holding and displaying of fireworks be and is hereby repealed in its entirety.