

AMENDED BY #97-39

THE CORPORATION OF THE TOWN OF GRIMSBY  
BY-LAW NO. 92-58

A BY-LAW TO REGULATE THE USE AND SALE OF  
FIREWORKS AND FIRECRACKERS.

WHEREAS Section 210, Sub-section 37 of the Municipal Act, R.S.O. 1990, Chapter M.45 provides that a City, Town, Village or Township may by by-law regulate the sale of fireworks or any class thereof and prohibit the sale of fireworks or any class thereof on any days during the year.

AND WHEREAS Section 210, S of the Municipal Act, R.S.O. 1990, Chapter M.45 provides that a City, Town, Village or Township may by by-law prohibit or regulate the setting off of fireworks or any class or classes thereof in the municipality or in any defined area or areas thereof and require a permit for the holding of fireworks displays and prescribe the conditions under which fireworks displays may be held under such permit.

AND WHEREAS it is deemed necessary to regulate the use and sale of fireworks and firecrackers.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF GRIMSBY ENACTS AS FOLLOWS:

1. In this by-law:

- (a) "Act" means the Explosives Act, Statutes of Canada, 1987 and the Regulations enacted there under as amended from time to time;
- (b) "Firecracker" means a pyrotechnic device that explodes instantaneously when ignited and does not make any subsequent display or visible effect after the explosion; and
  - (i) includes those devices commonly known as Chinese firecrackers, but
  - (ii) does not include paper caps containing not in excess of an average of twenty-five one-hundredths of a grain of explosive used per cap, or device for use with such caps;
- (c) "Family fireworks" means a pyrotechnic device producing quantities or effects of light, sound or smoke by the combustion of explosive or flammable composition and includes firework showers, fountains, golden rain, lawn lights, pinwheels, roman candles, sparklers, volcanoes and mines, but does not include
  - (i) firecrackers,
  - (ii) articles or devices not classed under the Act as Class 7.2.1.

- (d) "Exhibition fireworks" means a manufactured pyrotechnic device producing spectacular effects of light or sound of such a nature that it is classed under the Act as Class 7.2.2.

## 2. SALE OF FIREWORKS AND FIRECRACKERS

- (a) No person shall sell or offer for sale any firecrackers.
- (b) The sale of family fireworks is prohibited except on the following days:
- (i) Victoria Day.
  - (ii) Each of the six business days immediately preceding Victoria Day.
  - (iii) Canada Day.
  - (iv) Each of the six business days immediately preceding Canada Day.
- (c) Subject to sub-section (d) no person shall sell, give or distribute family fireworks to any person under the age of 18 years.
- (d) Notwithstanding sub-section (a) (b) or (c) a person may sell paper caps, toy pistols, toy cannon or toy guns for the use of such caps, the explosive content of which is not in excess of twenty-five one-hundredths of a grain per cap.
- (e) Fireworks displayed in store windows shall be mock samples only, and not contain explosive composition.

## 3. DISCHARGE OF FIRECRACKERS

No person shall discharge, fire or set off, or cause to be discharged, fired or set off, any firecrackers.

## 4. DISPLAYS OF FAMILY FIREWORKS

- (a) The setting off of family fireworks is prohibited except on the following days:
- (i) Victoria Day.
  - (ii) The two days immediately preceding and/or following Victoria Day.

- (iii) Canada Day.
  - (iv) The four days immediately preceding and/or following Canada Day.
  - (v) Any alternative date the Council may by resolution authorize.
- (b) A person 18 years of age or over may hold a display of family fireworks on any land belonging to him or on any other privately owned land where the owner thereof has given permission for such a display or discharge of fireworks.
  - (c) No person shall use, set off or allow to be used or set off, any firework or fireworks in such a place or in such a manner as might create danger or constitute a nuisance to any person or property, or to do or cause or allow any unsafe act or omission at the time and place for the setting off of any fireworks.
  - (d) No person shall set off any firework or fireworks in or onto any building, doorway, automobile, or other place where such setting off might create a danger or nuisance to any person or property.
  - (e) No person shall set off any firework or fireworks in or onto any highway, street, lane, square or other public place, provided that this shall not be deemed to prohibit a display of exhibition fireworks in a public place in accordance with the provisions of this by-law
  - (f) No person under the age of 18 years shall set off any firework or fireworks except under the direct supervision of and control of a person 18 years or over.
  - (g) No person being the parent or guardian of any child under the age of 18 shall allow the child to set off any firework or fireworks except when such parent or guardian or some other responsible person of 18 years or over is in direct supervision and control.

s. **PUBLIC FIREWORKS DISPLAY**

- (a) No person or group of persons shall hold a display of exhibition fireworks without first having obtained a permit to do so signed by the Fire Chief or Deputy Fire Chief.
- (b) The application for a permit shall be made at least one week prior to the date on which it is desired to hold the display of exhibition fireworks.

- (c) A display of exhibition fireworks may only be held by a person or group of persons if such display is under the supervision of a person who has completed an approved fireworks supervisor course.
- (d) A display of exhibition fireworks shall be conducted in a manner consistent with all safety procedures and be held and continued on while all proper precautions are being observed to keep spectators at a safe distance, to protect public and private property, and suitable fire extinguishing equipment shall be on hand at all times
- (e) All unused fireworks and all debris shall be removed by the group holding the display immediately following its conclusion and safely disposed of.

**6. PENALTY**

Any person who contravenes any provision of this by-law is guilty of an offence and liable upon conviction to a penalty not exceeding \$300.00 recoverable under the Provincial Offences Act.

7. That By-laws No. 70-69 and No. 71-41 are hereby repealed.

READ A FIRST TIME THIS 15th day of June, 1992.

READ A SECOND AND THIRD TIME AND FINALLY PASSED THIS 15th day of June, 1992.

  
 Mayor  
  
 Town Administrator

THE CORPORATION OF THE TOWN OF GRIMSBY  
BY-LAW NO. 97-39

A BY-LAW TO AMEND BY-LAW NO. 92-58 (FIREWORKS).

WHEREAS Council passed By-law No. 92-58 to regulate the use and sale of fireworks and firecrackers.

AND WHEREAS it is deemed expedient to amend the said by-law.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF GRIMSBY ENACTS AS FOLLOWS:

- 1. By-law No. 92-58 is hereby amended by deleting therefrom Section By-law No. 92-58 is hereby amended by deleting therefrom Section

4 (a) (v) and substituting therefor the following:

4 (a) (v) "Any alternative date the Fire Chief may authorize".

READ A FIRST TIME THIS 20th day of May, 1997

READ A SECOND AND THIRD TIME AND FINALLY PASSED THIS 20th day of May, 1997

*m. B. Andreychuk*  
Mayor

*Kathryn J. Vout*

Town Clerk