

# THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

CONSOLIDATED BY-LAW NO. 90-26  
(AMENDED BY BY-LAWS 2000-13 & 2001-51)

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

**WHEREAS** Subsection 30 of Section 210 of the Municipal Act R.S.O. 1980, Chapter 302 as amended prescribes that municipalities may pass by-laws for the purpose of regulating the sale of fireworks or any class thereof and for prohibiting the sale of fireworks or any class thereof on any days during the year specified in the by-law;

**AND WHEREAS** Subsection 31 of Section 210 of The Municipal Act, R.S.O. 1980, Chapter 302, as amended, provides for prohibiting or regulating the setting off of fireworks or any class or classes thereof in the municipality or in any defined area or areas thereof and for requiring a permit for the holding of fireworks displays and prescribing 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 in the municipality;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN** enacts as follows:

**1. In this by-law;**

- (a) "Firecracker" means a pyrotechnic device that explodes instantaneously when ignited and does not make any subsequent display or visible effect after the explosion.
- (b) "family fireworks display" means a pyrotechnic device producing quantities or effects of light, sound or smoke by the combustion of explosive or flammable composition and does not include firecrackers.
- (c) "public exhibition fireworks display" means a manufactured pyrotechnic device producing spectacular effects of light or sound and does not include firecrackers.
- (d) "Chief of the Department" means the Fire Official for the Corporation of the Township of West Lincoln.  
**(Section added by Amending By-law 2000-13)**

**2. Sale of Fireworks and Firecrackers**

- (a) No person shall sell or offer for sale any firecrackers.
- (b) The sale of family fireworks displays is prohibited except on the following days: **(New Section 2b added by amending by By-law 2001-51)**
  - (i) Victoria Day
  - (ii) Canada Day
  - (iii) Each of the nine days immediately preceding Victoria Day and Canada Day
  - (iv) Any other day or days of the year which may by Council resolution be authorized."
- (b) No person shall sell, give or distribute family fireworks to any person under the age of sixteen years.
- (c) No person shall sell, offer for sale, give or distribute to any person under the age of eighteen years any exhibition fireworks for public display purposes.

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

4. (a) The setting off of family fireworks is prohibited except on the following days: **(New Section 4a added by amending by By-law 2001-51)**
- (i) Victoria Day
  - (ii) Canada Day
  - (iii) The two days immediately preceding and/or following Victoria Day and Canada Day.
  - (iv) Any alternate date the Council may by resolution authorize.
- (b) A person sixteen years of age or over may hold a display of family fireworks on any land belonging to him/her 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.
- (d) 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 public display of exhibition fireworks in accordance with the provisions of this by-law.
- (e) No person under the age of sixteen years shall set off any firework or fireworks except under the direct supervision of and control of a person sixteen years of age.
- (f) No person being the parent or guardian of any child under the age of sixteen shall allow the child to set off any firework or fireworks except when such parent or guardian or some other responsible person of sixteen years or over is in direct supervision and control.
5. (a) No person or group of persons shall hold a public fireworks display without first having obtained permission to do so from the Fire Chief or Deputy Fire Chief.
- (b) A request for permission to hold a public fireworks display shall be made at least one week prior to the date on which it is desired to hold the display or exhibition fireworks.
- (c) A public fireworks display may only be held by a person or group of persons if such display is under the supervision of a fit or competent person.
- (d) A public 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 public fireworks display immediately following its conclusion and shall be safely disposed of.

6. **Penalty**

Any person who contravenes any provision of this by-law shall be guilty of an offence and liable upon conviction to a penalty not exceeding \$300.00

**READ A FIRST TIME THIS 7<sup>TH</sup> DAY OF MAY, 1990.**

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**MAYOR**

\_\_\_\_\_  
**CLERK**

**SCHEDULE “A”**  
By-law 90-26  
**(SCHEDULE ADDED BY AMENDING BY-LAW 2000-13)**

WEST LINCOLN VOLUNTEER FIRE DEPARTMENT

CONDITIONS FOR SALE OF FIREWORKS AND FIRECRACKERS IN THE  
TOWNSHIP OF WEST LINCOLN

1. The West Lincoln Fire Department will be kept aware at all times of the exact location of the fireworks and firecrackers while within jurisdictional West Lincoln. In this regard, the Fire Department expects to be notified of any other temporary storage arrangements along the route from the supplier to the sales site. Temporary storage of high-hazard fireworks is not permitted in a residential dwelling or any part thereof.
2. The sales site must be supervised by a competent person, 18 years of age or older, at all times while open to the public for business. The Trailer will be securely locked at all times outside the hours of business.
3. All electrical power supply cables to the trailer will be disconnected and removed at all times outside the hours of business.
4. No less than two 20 lb. dry chemical fire extinguishers will be readily available at all times.
5. No open flame (smoking articles, etc.) will be permitted within a 15m radius of the sales trailer. In this regard, appropriate “Explosive” and “No Smoking” signage will be displayed adequately warning the public of the hazardous nature of the area.
6. The trailer is to be situated so as to allow a safe distance (about 15m) from a public place or thoroughfare.
7. The West Lincoln Fire Department requests a photocopy of the magazine license, which is a regulated requirement for the sale of display fireworks and firecrackers.
8. Any interpretation of the above conditions for the sale of fireworks and firecrackers in West Lincoln shall be at the discretion of the Chief of the Department.