

THE TOWN OF NIVERVILLE
BY-LAW NO. 651-07

A By-law of the Town of Niverville to regulate fireworks.

Section 232(1) of "*The Municipal Act*", C.C.S.M., cap M225 provides as follows:

"S.232(1) A Council may pass by-laws for municipal purposes respecting the following matters:

(a) the safety, health, protection and well-being of people, and the safety and protection of property;

(b) people, activities and things in, on or near a public place or a place open to the public, including parks, municipal roads, recreation centres, restaurants, facilities, retail stores, malls, and private clubs and facilities that are exempt from municipal taxation;

(c) subject to section 233, activities or things in or on private property;

(f) property adjacent to highways or municipal roads, whether the property is publicly or privately owned;

(i) preventing and fighting fires;"

AND WHEREAS the Council of the Town of Niverville deems it expedient and in the best interests of the Town to pass a by-law regulating the sale and use of firecrackers and other fireworks;

THE TOWN OF NIVERVILLE, in Council assembled, enacts as follows:

Short Title

1. This By-law may be cited as "***The Fireworks Regulation By-law.***"

Definitions

2. In this By-law:

Designated Employee means the Chief Administrative Officer of the Town of Niverville and any employee of the Town to whom he or she has delegated in writing the authority to enforce all or part of this By-law.

Fireworks means those items included in Class 7 of the "*Explosives Regulations*", C.R.C. c.599 and includes low hazard fireworks, high hazard fireworks and pyrotechnic special effects.

Fireworks display means any occasion in which fireworks are ignited, fired or set off.

Fireworks Display Permit means a permit issued under s.7(1).

Fireworks Distribution Permit means a permit issued under s.5(1).

Fireworks supervisor means an individual who has been certified by the Explosives Regulatory Division of Natural Resources Canada to supervise fireworks displays.

High hazard fireworks means fireworks in Class 7, Division 2, Subdivision 2 of the "*Explosives Regulations*", C.R.C. c.599.

Low hazard fireworks means fireworks in Class 7, Division 2, Subdivision 1 of the "*Explosives Regulations*", C.R.C. c.599.

Pyrotechnic special effects means fireworks to which the Pyrotechnics Special Effects Manual, Edition 2, published by the Explosives Regulatory Division of Natural Resources Canada applies and includes black powder bombs, bullet effects, flash powder, smoke compositions, gerbs, lances and wheels.

Town means the Town of Niverville, in Manitoba.

Unauthorized fireworks prohibited

3. No person may
- (a) possess;
 - (b) ignite, fire or set off or cause to be ignited, fired or set off; or
 - (c) sell, cause or permit to be sold or offer for sale

any fireworks, except those on a list maintained by the Chief Inspector of Explosives for the Government of Canada pursuant to section 24 of the "*Explosives Regulations*", C.R.C.c.599.

Sale of fireworks to persons under 18 prohibited

4. No person may sell, offer for sale or distribute any fireworks, and no person being the owner, occupant or person in charge of any premises may permit any fireworks to be sold, offered for sale or distributed on the premises to anyone under eighteen years of age.

Permits required for sale and distribution of fireworks

- 5.(1) No person may sell, offer for sale or distribute any fireworks, and no person being the owner, occupant or person in charge of any premises may permit any fireworks to be sold, offered for sale or distributed on the premises without a Fireworks Distribution Permit by the Designated Employee.

Fireworks for sale must be inaccessible to public

- 5(2) Any person who sells, offers for sale or distributes fireworks or who, being the owner, occupant or person in charge of any premises, permits any fireworks to be sold, offered for sale or distributed on the premises must ensure that the fireworks being offered for sale are either packaged or stored in a manner that prevents members of the public from having direct physical contact with the fireworks other than under the supervision of the Fireworks Distribution Permit holder or the permit holder's agent.

Distributor must provide information

- 5(3) Any person who sells, offers for sale or distributes fireworks in the Town must provide at the time of the sale or distribution printed information in a form approved by the Designated Employee advising the purchaser or recipient of the fireworks that no fireworks may be ignited, fired or set off within the Town without a Fireworks Display Permit issued by the Designated Employee.

Storage of fireworks

- 6(1) Any person who stores and handles fireworks must do so in a manner that minimizes the risk that they will be set off accidentally or in violation of this By-law.

Dangerous Quantities Fireworks Storage Permit

- 6(2) Any person who stores
- (a) more than 1000 kilograms gross weight of Low hazard fireworks; or
 - (b) any amount of High hazard fireworks or pyrotechnic special effects;

must obtain a Dangerous Quantities Fireworks Storage Permit for this purpose from the Designated Employee.

Adequate sprinkler protection required

- 6(3) No person may store
- (a) more than 1000 kilograms gross weight of low hazard fireworks; or

- (b) any amount of high hazard fireworks or pyrotechnic special effects;

except inside a building which meets the sprinkler system requirements for buildings classified as High Hazard Industrial in the Manitoba Fire Code.

Special exemption by Designated Employee

6(4) The Designated Employee may exempt a person from the requirements of subsection (3) where he or she determines that an adequate level of public safety is achieved at the proposed storage facility for the fireworks, taking into account

- (a) the location of the storage facility relative to other building and activities;
- (b) the preventative measure taken to prevent the fireworks from being set off in the facility;
- (c) the measures taken to suppress and contain fireworks that have been set off in the facility; and
- (d) other relevant factors.

Fireworks display permit required

7(1) No person may ignite, fire or set off any fireworks or cause any fireworks to be ignited, fired or set off, and no owner or occupant of premises may permit fireworks to be ignited, fired or set off on the premises, without a Fireworks Display Permit issued by the Designated Employee.

Fireworks display permit not issued to persons under 18

7(2) A Fireworks Display Permit shall not be issued to an individual under the age of 18 years.

Permit for high hazard fireworks only issued to fireworks supervisor

7(3) A Fireworks Display Permit for a fireworks display involving high hazard fireworks or pyrotechnic special effects shall both be issued to anyone of other than a fireworks supervisor.

Insurance may be required

7(4) A Fireworks Display Permit may be withheld until and unless the applicant provides evidence that he or she has obtained insurance for the fireworks display of a type and in an amount sufficient, in the opinion of the Designated Employee, to provide reasonable coverage for any accidental harm that may result from the fireworks display.

Person under 18 prohibited from setting off fireworks

8(1) No person under the age of 18 years may ignite, fire or set off any fireworks or cause any fireworks to be ignited, fired or set off.

Fireworks must not cause danger or create nuisance

8(2) No person may ignite, fire or set off any fireworks or cause any fireworks to be ignited, fired or set off in a place or in a manner that might cause a danger to people or property or that might create a nuisance.

Fireworks prohibited on streets or public places

8(3) No person may ignite, fire or set off any fireworks or cause any fireworks to be ignited, fired or set off in or on or into any highway, street, lane, square or any other public place except as otherwise permitted by this By-law.

High hazard fireworks

8(4) No person may ignite, fire or set off any high hazard fireworks or cause high hazard fireworks to be ignited, fired or set off except in conformity with the current issue of the Display Fireworks Manual published by the Explosives Regulatory Branch of Natural Resources Canada.

Pyrotechnic special effects

8(5) No person may ignite, fire or set off any pyrotechnic special effects or cause any pyrotechnic special effects fireworks to be ignited, fired or set off except in conformity with the current issue of the Pyrotechnics Special Effects Manual published by the Explosives Regulatory Branch of Natural Resources Canada.

Safety precautions required in fireworks display

8(6) A person who ignites, fires or sets off fireworks must do so in a manner consistent with the safety of people and property and, in particular, may do so only while:

- (a) safeguards are in place to keep spectators at a safe distance; and
- (b) suitable fire extinguishing equipment is at hand.

Unused fireworks must be disposed of

8(7) Immediately following a fireworks display, a person who ignited, fired or set off any fireworks or who cause fireworks to be ignited, fired or set off must ensure that all unused fireworks are removed and safely disposed of.

Fireworks on Town property

9(1) Subject to subsection (2), no person may ignite, fire or set off fireworks on or over land owned by the Town or over which the Town has possession or control unless the person has:

- (a) obtained written permission to do so from the Designated Employee;
- (b) agreed in writing to assume all liability associated with the fireworks display, fully indemnifying the Town and saving it harmless from any liability associated with the fireworks display; and
- (c) deposited with the Chief Administrative Officer (CAO) of the Town a certificate that, in the opinion of the CAO, is sufficient to provide the indemnification referred to in clause (b).

Exemptions

9(2) Clauses (b) and (c) of subsection (1) do not apply to fireworks ignited, fired or set off by individuals while acting out of or in the course of their duties as directors, employees or volunteers of community centres and other entities for which insurance is purchased by the Town.

Penalty

10 Any person who contravenes the provision of this By-law is guilty of an offence and is liable, upon summary conviction, to a fine of not less than \$200.00 and not more than \$1,000.00, or to imprisonment for a term of not more than six months, or both.

DONE AND PASSED in Council assembled in the Council of Chambers of the Town of Niverville, in the Province of Manitoba this 15th day of April, 2008.

Mayor

Chief Administrative Officer

Given 1st reading this 4th day of December, 2007.

Given 2nd reading this 4th day of December, 2007.

Given 3rd reading this 15th day of April, 2008.