

THE CORPORATION OF THE CITY OF PEMBROKE

BY-LAW NUMBER 73 - 38

A BY-LAW OF THE CORPORATION OF
THE CITY OF PEMBROKE RESPECTING
FIREWORKS

WHEREAS the Municipal Act, R.S.O. 1970, Chapter 284, Section 354 (1) 31 and 32, provides for the regulation of the sale and setting off of fireworks;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF PEMBROKE ENACTS AS FOLLOWS:

DEFINITIONS -

1. (a) "ACT" means the Explosive Act, Revised Statutes of Canada, 1970, Chapter E-15, and the Regulations enacted thereunder 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, but does not include
 - (i) caps for toy guns;
- (c) "FAMILY FIREWORK" 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, pin wheels, roman candles, sparklers, volcanoes and mines, but does not include
 - (i) firecrackers and other articles or devices not classed under the Act as shop goods;
 - (ii) caps for toy guns;
- (d) "EXHIBITION FIREWORK" means a manufactured pyrotechnic device producing spectacular effects of light or sound of such a nature that it is not classed under the Act as shop goods.

SALE OF FIREWORKS AND FIRECRACKERS

2. (a) No person shall sell or offer for sale any firecrackers.
- (b) The sale of family fireworks is prohibited except during the period from May 15 to September 15 in each year.
- (c) No person shall knowingly sell any firework to a person who is under the age of eighteen years and no person shall sell any firework to a person who appears to be under the age of eighteen years.
- (d) No person shall sell, offer for sale, or distribute to any person under the age of twenty-one any exhibition fireworks.
- (e) Fireworks displayed in store windows shall be mock samples only, and shall not contain explosive composition.

DISCHARGE OF FIRECRACKERS

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

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DISPLAY OF FAMILY FIREWORKS

4. (a) The setting off of family fireworks is prohibited except on the following days:
- (i) Victoria Day and Dominion Day.
 - (ii) The two days immediately preceding these two days and the two days immediately following.
 - (iii) Any other day or days which may be declared by resolution of this Council.
- (b) A person 18 years of age or over may hold a display of family fireworks on any land belonging to him or any other privately owned land where the owner thereof has given permission for such a display or discharge of fireworks, or such other place as may be approved in writing by the Chief of Police of the City of Pembroke.
- (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 to 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 into any building, doorway, automobile or any 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 on or into 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.

CERTAIN FIREWORKS NOT DEEMED FIREWORKS DISPLAYS

5. It is hereby declared for greater certainty that for purposes of this by-law the sale or setting off of pyrotechnical signalling devices for marine, military or railway purposes or truck flares shall not be deemed to be respectively the sale or setting off of fireworks.
6. That any person who contravenes any of the provisions of this By-law shall be guilty of an offence and shall forfeit and pay for each offence a penalty of not less than TEN DOLLARS (\$10.00) and not more than FIFTY DOLLARS (\$50.00) exclusive of costs, and such penalty shall be recoverable under the Summary Convictions Act.

- 7. This By-law repeals By-law Number 2061, passed on the Twenty-Sixth day of May, 1958.
- 8. This By-law shall come into force and effect on the date of the final passing thereof.

READ A FIRST AND SECOND TIME THIS SEVENTH DAY OF MAY, 1973.

G.B. Abdulahy
 Mayor

[Signature]
 Clerk

READ A THIRD TIME AND PASSED THIS SEVENTH DAY OF MAY, 1973.

G.B. Abdulahy
 Mayor

[Signature]
 Clerk