

THE CORPORATION OF THE TOWN OF HANOVER

BY-LAW NO. 2566-07

(as amended by By-laws 2572-07 and 2823-13)

BEING a By-law to regulate the sale and discharge of fireworks in the Town of Hanover.

WHEREAS the Council of the Town of Hanover wishes to repeal By-law No. 952 to regulate the sale and discharge of fireworks within the Town of Hanover.

AND WHEREAS pursuant to paragraphs (a) of Section 121 of the Municipal Act, 2001, S.O. 2001, C.25, as amended, Councils of local municipalities are authorized to pass a by-law for the following:

- (a) prohibit and regulate the sale of fireworks and the setting off of fireworks;
- (b) prohibit and regulate the storage of explosives and dangerous substances in the municipality.

NOW THEREFORE the Council of the Town of Hanover hereby enacts as follows:

1. Definitions:

In this by-law:

- (a) "Act" means The Explosives Act R.S., c. E-15,s.1.
- (b) "Firecrackers" 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) "Consumer fireworks" means an outdoor, low hazard, recreational firework that is classed as a Subdivision 1 of Division 2 of Class 7 Fireworks under the Act and includes fireworks showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, and volcanoes, but does not include sparklers, Christmas crackers, and caps for toy guns containing not in excess of twenty-five one-hundredths of a grain of explosive used per cap.
- (d) "Display fireworks" means an outdoor, high hazard, recreational firework that is classed as a Subdivision 2 of Division 2 of Class 7 Fireworks under the Act, and includes rockets, serpents, shells, bombshells, tourbillions, maroons large wheels, bouquets, bombardos, waterfalls, fountains, batteries, illumination set pieces and pigeons but does not include firecrackers.
- (e) Fire Chief shall mean the Fire Chief of the Hanover Fire Department.
- (f) "FPPA" means the Fire Protection and Prevention Act, 1997, S.O. 1997, c 4, as amended, and the Regulations enacted there under as amended from time to time or any Act and Regulations enacted in substitution therefore.
- (g) By-law Enforcement Officer shall mean the By-law Enforcement Officer of the Town of Hanover or a police officer of the Hanover Police Service.
- (h) Chief of Police shall mean the Chief of Police for the Hanover Police Service.
- (i) "Sell" includes offer for sale, cause or permit to be sold and to possess for the purpose of sale and the words "selling" and "sold" have a similar meaning.

2. Administration

This by-law shall be administered by the Fire Chief, Chief of Police or alternates and the Municipal By-law Enforcement Officer of the Town of Hanover.

3. General Provisions

3.1 Sale of Consumer Fireworks and Firecrackers

- (a) No person shall sell, offer for sale, or have in their possession, any firecrackers, flying or floating lanterns.
- (b) Subject to subsection (c) no person shall sell, give or distribute consumer fireworks to any person under the age of 18 or;
- (c) appears to be under 18 years of age and does not produce evidence that he/she is 18 years of age or older.
- (d) Notwithstanding subsection (a) and (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) No person shall have in their possession, sell, offer for sale, give or distribute any exhibition fireworks unless licensed to do so.
- (f) No person shall sell, offer for sale or have in their possession any of 5, 8, 10 or 12 Ball Roman Candles other than part of prepacks.
- (g) It is the responsibility of the retailer to insure compliance with the federal law regarding the sale and storage of fireworks.
- (h) No person shall display Consumer Fireworks, that are for sale:
 - (i) in lots exceeding 25 kilograms each gross weight;
 - (ii) in a package, glass case or receptacle near inflammable goods;
 - (iii) in a place where they are exposed to the rays of the sun or to excess heat;
 - (iv) without a sign posted that the sale of fireworks is prohibited to any person under the age of 18.

3.2 Discharge of Firecrackers

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

3.3 Displays of Consumer Fireworks

- (a) Fireworks shall be displayed in a package, glass case or other suitable receptacle, away from inflammable goods, and not exposed to rays of the sun or excess heat.
- (b) A person 18 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 provided such land is of an adequate size for the safe discharge of family fireworks.
- (c) No person shall use, set off or allow to be used or set off any firework(s) 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 of commission or omission at the time and place for the setting off of any fireworks.
- (d) No person shall set off any firework(s) in or on or into any highway, street, lane or square; nor permit debris to fall upon such sites 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.
- (e) No person shall set off any firework(s) in or into any building doorway, automobile, or other place where such setting off might create a danger or nuisance to any person or property.
- (f) No person under the age of 18 years shall set off any firework(s).
- (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(s).
- (h) No person under the influence of drugs or alcohol shall set off any firework(s).

Amended
by By-law
2823-13

Amended
by By-law
2572-07

3.4 Public Fireworks Displays

- (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 alternate of the Town of Hanover and who is certified by the Explosive Regulatory Division to authorize permits.
- (b) The application for a permit shall be made at least two weeks prior to the date on which it is desired to hold the display of exhibition fireworks, stating place and time, and with what group, and what protection they have.
- (c) A display of exhibition fireworks may only be held by a certified firework's supervisor. All persons must be certified firework's supervisor Level 1.
- (d) A display of exhibition fireworks shall be conducted in conformance with Display Fireworks Edition #1 1999 Natural Resources Canada and any subsequent edition.
- (e) All unused fireworks and all debris shall be removed by the group holding the display immediately following its conclusion and disposed of following procedures as outlined in the Display Fireworks Manual Edition # 1 1999 Natural Resources Canada and any subsequent edition.
- (f) A public advertisement shall be given at least one week in advance of any exhibition firework's display.

4. Offences And Penalties

Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction, shall be liable to a fine as provided for under the Provincial Offences Act, C.P. 33, R.S.O. 1990, as amended.

- 5.** By-law No. 952, as amended, is hereby repealed in its entirety.

READ A FIRST, SECOND and THIRD TIME and FINALLY PASSED this 13th day of August, 2007.

Kathi Maskell
Mayor

William Roberts
Chief Administrative Officer & Clerk