

THE CORPORATION OF THE TOWN OF AURORA

By-law Number 4736-05.P

BEING A BY-LAW to prohibit and regulate the sale and setting off of fireworks in the Town.

WHEREAS the provisions of Section 121 (1), (2) of the Municipal Act, R.S.O., 2001, as amended, authorizes the Town of Aurora to enact by-laws to prohibit and regulate the sale and setting off of fireworks;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF AURORA ENACTS AS FOLLOWS:

1. DEFINITIONS

In this By-Law:

- (a) "Council" means the Council of the Corporation of the Town of Aurora.
- (b) "Fireworks" shall consist of the following devices:
 - (i) "Display Fireworks" shall mean a device or devices classed by the Department of Energy, Mines and Resources as High Hazard Fireworks for Recreation being the type used at public gatherings and include rockets, display shells, large wheels and displays, fountains, batteries, candles, bombardos and mines, which are sold only to responsible groups.
 - (ii) "Family Fireworks: shall mean a device or devices which are designed to produce colourful effects, with sound added as a secondary function and includes such devices commonly known as small fountains, volcanoes, roman candles, pin-wheels, Christmas crackers and caps for toy guns.
 - (iii) "Firecracker" shall mean a noise-producing device which uses a chemical compound and entwined fuses and which are designed and used primarily as noisemakers.
- (c) "Permit" means an Application for Display Fireworks Permit as set forth in Schedule 'A'.
- (d) "Person" includes both a corporation and a natural individual. Where a Person is a minor, "Person" includes the parent or guardian of the minor.
- (e) "Sale" shall include all attempts or offers to sell or invitations to purchase, whether by express act or implication.

2. SALE OF FIREWORKS AND FIRECRACKERS

- (a) No person shall sell or otherwise provide Firecrackers in the Town of Aurora.
- (b) With the exception of Christmas crackers and caps for toy guns, no person shall sell or otherwise provide Family Fireworks in the Town of Aurora except for a period of seven (7) days prior to the day in the month of May designated as Victoria Day, and for a period of seven (7) days prior to Canada Day.
- (c) No person shall sell or otherwise provide Family Fireworks to any person under the age of eighteen (18) years.

(d) No person shall sell or otherwise provide Display Fireworks to any person under the age of twenty-one (21) years.

(e) Where Fireworks are offered for sale, they must be displayed in such a manner that they are not accessible as a self-serve item and Fireworks shall not be located at or near a means of access or egress to any building or room.

(f) No person shall sell Fireworks in the Town of Aurora without displaying in his shop or place of business in a clearly visible location at a point adjacent to the Fireworks being sold, the provisions contained in sections 2, 3, 4 and 9 of this By-Law.

3. DISPLAY & STORAGE OF FIREWORKS

The storage, sale and handling of Fireworks shall be in conformance with the Ontario Fire Code, the Explosives and Fireworks Regulations made thereunder and all other applicable legislation.

4. SETTING OFF OF FIRECRACKERS

No person shall set off Firecrackers in the Town of Aurora.

5. SETTING OFF OF FAMILY FIREWORKS

(a) No person shall set off Family Fireworks except on Canada Day or the day designated as the Victoria Day holiday, as well as the two days immediately preceding and following the same.

(b) No person shall set off any Fireworks on any public land without advance written approval from Council.

(c) No person shall set off any Family Fireworks in any building or vehicle.

(d) Every person who sets off Family Fireworks shall take all steps reasonably necessary, as would a reasonable and prudent person, to ensure that no harm to persons or damage to property shall result.

6. SETTING OFF DISPLAY FIREWORKS

(a) No person shall set off Display Fireworks in the Town of Aurora except pursuant to the terms of a Permit issued for such purpose and in compliance with the provisions of this By-Law and all other applicable laws.

(b) The Chief of the Fire Department of the Town of Aurora or his designate shall issue a Permit based on the following criteria:

(i) Each permit application shall state the name of the club, association or group to whom the same is issued, the purpose of the display, the place and date at which and on which the same may be held, and the name of the person under whose supervision the same shall be held, together with any special conditions imposed by the Chief of the Fire Department to promote the health and safety of the public at the event.

(ii) A Permit may only be issued to a service club, association or group.

(iii) A Permit may be issued for the purpose of celebrating Victoria Day or Canada Day. Where an applicant wishes to celebrate any other event, it must obtain the approval in writing of Council prior to applying for a Permit.

(iv) If the Display Fireworks are to be held on public land, the approval in writing of Council must be obtained by the applicant prior to applying for a Permit.

(v) Display Fireworks shall only be set off under the supervision of a person of not less than 21 years of age who is qualified for such purpose to the satisfaction of the Chief of the Fire Department.

(vi) No permit shall be issued for a location within 150 meters of a Nursing Home, public hospital, home for aged, any premises or place where explosives, gasoline or other highly inflammable substances are manufactured, sold or stored, or within 150 meters of a church or a public, separate, secondary or other school, unless the consent in writing of the owner of such church or school or an agent or representative of such owner is obtained.

(vii) The Permit fee shall be \$25.00.

(viii) Every applicant shall provide with the Permit proof of Liability Insurance with a minimum coverage of one million dollars (\$1,000,000.00) for each event before a Permit will be issued.

7. Every person who sets off Display Fireworks shall take all steps reasonably necessary, as would a reasonable and prudent person, to ensure that no harm to persons or damage to property shall result.

8. It is hereby declared for greater certainty that for the purposes of this By-Law, the setting off of Family Fireworks on Victoria Day or Canada Day or the two days immediately preceding or on the two days immediately following Victoria Day or Canada Day on land appurtenant to a private residence by the owner or tenant of such resident or a person authorized by him so to do shall not be deemed to be Display Fireworks as defined in this By-law; and the sale or setting off of pyrotechnical signalling devices for marine, military or railway purposes shall not be deemed to be respectively the sale or setting off of Fireworks.

9. That By-law No. 1894 of the Corporation of the Town of Aurora be and is hereby repealed.

10. PENALTY

Any person convicted of a violation of any of the provisions of this By-law, is guilty of an offence and, upon conviction, is liable to a penalty of not more than Five Thousand dollars (\$5,000.00) exclusive of costs, and all such penalties shall be recoverable under the provisions of the Provincial Offences Act.

11. This By-Law shall come into full force and effect upon the day of final passage thereof.

12. By-law 3302-91 is hereby repealed.

READ A FIRST AND SECOND TIME THIS 13th DAY OF DECEMBER 2005.

READ A THIRD TIME AND FINALLY PASSED THIS 13th DAY OF DECEMBER 2005.

TIM JONES, MAYOR

BOB PANIZZA, TOWN CLERK

SCHEDULE "A"

APPLICATION FOR
DISPLAY FIREWORKS PERMIT

Name of Organization/Applicant

Address of Organization:

Name of Agent:

Address of Agent:

Purpose of Event:

Location of Event:

Letter of Permission attached for event on Public Land:

Date of Event:

Liability Insurance: Insurance Co. _____

Policy No. _____

Insurance Agent _____

Name and Title of Person Supervising the setting off of at Display Fireworks at this event:

The applicant acknowledges having read the Fireworks By-Law and agrees that the Corporation of the Town of Aurora assumes no responsibility for loss of property or personal damage resulting from the aforementioned Display Fireworks event and hereby agrees to indemnify and hold harmless the Town from any and all claims whatsoever arising there from.

The Agent acknowledges that this application may contain "personal information" as defined under the *Municipal Freedom of Information and Protection of Privacy Act, 1989* being the name and address of the Agent. Such information is required by the Town for the proper administration of this event, under the provisions of the Fire Marshals Act. The Agent hereby consents to any disclosure by the Town of such information. If you have any questions in this regard, contact the Clerk of the Town of Aurora at 1 Municipal Dr. Aurora, ON L4G 6J1 727-3123 Ext.

Agent

Director of Organization

'SPECIAL CONDITIONS'

Application approved by: _____

Date: _____

NOTE: When approved, this application becomes the "Permit".