

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2003-26

**Being a By-law to Regulate the Sale of Fireworks
and the Setting Off of Fireworks**

WHEREAS pursuant to Sec. 121 SS(1) Municipal Act 2001 c.25 a local municipality may prohibit and regulate the sale of fireworks and the setting off of fireworks and;

WHEREAS pursuant to Sec. 121 SS(2) Municipal Act 2001 c. 25 a bylaw under SS(1) may prohibit the activities described in that subsection unless a permit is obtained from the municipality for those activities and may impose conditions for obtaining continuing to hold and renewing the permit, including requiring the submission of plans and;

WHEREAS it is deemed expedient to regulate the sale and the setting off of fireworks within the limit of the Municipality

**NOW THEREFORE THE CORPORATION OF THE TOWN OF
AMHERSTBURG HEREBY ENACTS AS FOLLOWS:**

1. Definitions:

“Council” shall mean the elected Council of the Corporation of the Town of Amherstburg.

“Fire Chief” shall mean the Fire Chief of the Corporation of the Town of Amherstburg.

“Fireworks” shall be deemed to include a squibs, firecrackers, rockets, torpedoes, Roman candles, sparklers and other pyrotechnics of all description which may be used or intended to be used, or adopted to produce or cause, or to aid in producing or causing only an explosive sound when fired or set off.

“Fireworks Display” shall mean a display of fireworks in a public park, or in some other public place approved by the Council of the Municipality which may be used or intended to be used, or adopted to produce or cause, or to aid in producing or causing, through combustible or explosive composition, a pleasing or scenic effect when fired or set off.

“Municipality” shall mean the Corporation of the Town of Amherstburg.

“Person” includes an individual, firm, public body, body corporate, society, company, partnership and sole proprietorship, and any combination or combinations thereof.

2. No person shall, either directly or indirectly,

(a) sell by retail any fireworks of any kind or description to any person who has not attained the age of sixteen years at the time of such sale.

(b) sell by retail any fireworks on any day other than the day of, the days next following and the 7 days immediately preceding such days:

the first day of July, annually,

the fourth day of July, annually,

the day fixed for the observance of Victoria Day, annually, and

the thirty-first day of December annually.

- (c) sell by retail any of the fireworks known as, or similar to, sky-rockets, torpedoes or firecrackers, unless the purchaser holds a permit for a fireworks display as herein authorized.
 - (d) display any fireworks for sale in any window, doorway or open stall in or immediately adjoining a public street.
3. No persons shall set off any fireworks in any highway, street, alley, park or other public place in the Municipality.
4. (a) No person shall hold a fireworks display without first having obtained a permit approved and signed by the Fire Chief to do so.
- (b) The Fire Chief may issue a permit for a fireworks display to any responsible person provided that such display shall be held at the time and the place set out in the permit and under the direct supervision of the applicant therefor.
- (c) All fireworks displays shall be held at a safe distance from all streets, highways, buildings or other structures, and the person holding such display shall take every reasonable precaution for the safety of the public and shall provide such firefighting equipment as may be directed by the Fire Chief.
- (d) A permit issued under this section may be revoked at any time by the Fire Chief in the event of non-compliance with the provisions of this By-law.
5. Any person who violates any of the provisions of this By-law is guilty of an offence and on conviction is liable to a penalty of not less than Two Hundred (\$200.00) Dollars or more than Five Hundred (\$500.00) Dollars and every such penalty shall be recoverable under the Provincial Offences Act, all the provisions of which shall apply.
6. This By-law shall come into force and take effect upon the day final passing thereof.

READ a first, second and third time and finally passed this 14th day of April, 2003.

MAYOR

CLERK

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
WEST REGION



COURT HOUSE
15TH FLOOR, UNIT "G"
80 DUNDAS STREET
LONDON, ONTARIO
N6A 6R3

CABINET DU JUGE PRINCIPAL REGIONAL
COUR DE JUSTICE DE L'ONTARIO
REGION DE L'OUEST

TELEPHONE/TÉLÉPHONE (519) 660-2292
FAX/TÉLÉCOPIEUR (519) 660-3198

RECEIVED
JUL 13 2005

July 8th, 2005

Mr. David Mailloux, Clerk
Corporation of the Town of Amherstburg
PO Box 159, 271 Sandwich St S
Amherstburg ON N9V 2Z3

Dear Mr. Mailloux:

**Re: Set Fines - Provincial Offences Act - Part I
By-law Number 2003-26, of the Town of Amherstburg**

Enclosed herewith is a copy of an Order, and a copy of a schedule of set fines for the above referenced By-Law, the By-law indicated in the schedule.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

I have forwarded the original of the Order and the schedule of the set fines to the Ontario Court of Justice in Windsor, together with a certified copy of the By-law.

Yours truly,

A handwritten signature in blue ink, appearing to read 'A. Graham', with a long horizontal flourish extending to the right.

Alexander M. Graham
Regional Senior Justice
West Region

Enclosures
/ec

ONTARIO COURT OF JUSTICE

PROVINCIAL OFFENCES ACT

PART I

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 2003-26, of the Town of Amherstburg, attached hereto are the set fines for those offences. This Order is to take effect July 8th, 2005.

Dated at London this 8th day of July, 2005.



Alexander M. Graham
Regional Senior Justice
West Region

SET FINE SCHEDULE

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2003-26

A By-law to Regulate the Sale of Fireworks and the Setting Off of Fireworks

PART I Provincial Offences Act

ITEM	SHORT FORM WORDING	PROVISION CREATING OFFENCE	SET FINE
1	Sell fireworks to person under 16 years of age	s. 2 (a)	\$250.00
2	Sell fireworks other than on a permitted day	s. 2 (b)	\$250.00
3	Sell sky-rockets, torpedoes or firecrackers without authorization	s. 2 (c)	\$250.00
4	Display fireworks for sale in a window, doorway or open stall	s. 2 (d)	\$250.00
5	Set off fireworks in/on a highway, street, alley, park or other public place	s. 3	\$250.00
6	Hold a fireworks display without a permit	s. 4 (a)	\$250.00

NOTE: The penalty provision for the offences indicated above is section 61 of the Provincial Offences Act, R.S.O. 1990, c. C.33