



THE CORPORATION OF THE CITY OF THUNDER BAY

BY-LAW NUMBER ...45... 19 93....

A By-law to regulate the sale and setting off of fireworks in the City of Thunder Bay and for requiring a permit for the holding of fireworks displays and for prescribing the conditions under which fireworks displays may be held under such permit.

WHEREAS pursuant to Paragraphs 37 and 38 of Section 210 of the Municipal Act, by-laws may be passed to regulate the sale of fireworks and to regulate the setting off of fireworks in the City of Thunder Bay, and to require a permit for the holding of fireworks displays;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF THUNDER BAY ENACTS AS FOLLOWS:

DEFINITIONS:

1. In this by-law:

"Act" means the Explosives Act, Statutes of Canada, Ch E-15 and the Regulations thereunder, as amended and revised from time to time,

"firecracker" means a pyrotechnic device that explodes instantaneously when ignited and does not make any subsequent display or visible effect after the explosion. Firecrackers are classified as high-hazard fireworks, and

(i) includes those devices commonly known as Chinese firecrackers, but

do 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;

"high-hazard firework" means a manufactured pyrotechnic device producing spectacular effects of light or sound of such a nature that it is classed under the Act as shop goods.

"low-hazard firework" means a pyrotechnic device producing quantities of effects of light, sound or smoke by the combustion of explosives or flammable composition and includes, but is not limited to, firework showers, fountains, golden rain, lawn lights, pin wheels, roman candles, sparklers, volcanoes and mines, but does not include:

(i) firecrackers, or

(ii) articles or devices not classed under the Act as shop goods.



2. Sale of Fireworks:

- (1) No person shall sell or offer for sale any fire-crackers or other high-hazard fireworks within the City of Thunder Bay.
- (2) The sale of low-hazard fireworks is prohibited within the City of Thunder Bay except on the following days:
  - (i) Victoria Day;
  - (ii) the six days immediately preceding Victoria Day;
  - (iii) Canada Day; and
  - (iv) the six days immediately preceding Canada day.
- (3) Subsections 2(1) and 2(2) do not apply to the sale of paper caps, toy pistols, toy cannons 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.
- (4) Fireworks displayed in store windows shall be mock samples only, and shall not contain explosive composition.
- (5) Low-hazard fireworks on public display and available to the general public for purchase shall not exceed 25 kilograms. Any quantities in excess of 25 kilograms shall be kept in a suitable secure and locked container located in a building approved by the Fire Chief or the Fire Chief's designate.
- (6) Low-hazard fireworks may be stored for not more than 30 days prior to any of the lawful dates for the sale thereof and not longer than 30 days after such dates.

3. Discharge of Low-Hazard Fireworks

- (1) The setting off of low-hazard fireworks without a permit is prohibited except on the following days:
  - (i) Victoria Day;
  - (ii) the three days immediately preceding Victoria Day;
  - (iii) Canada Day; and
  - (iv) the three days immediately preceding Canada Day.



- (2) A person may hold a display of low-hazard fireworks on any land belonging to such person or on any other privately owned land where the owner thereof has given written permission for such display.
- (3) No person shall use or set off any low-hazard fireworks in a place or manner as might create a danger or constitute a nuisance to any person or property, or cause or allow any unsafe condition to exist at or during the setting off of any fireworks, and without limiting the generality of the foregoing:
  - (i) no person shall set off any low-hazard fireworks in, on, from or into any building, doorway, automobile or other place where such setting off might create a danger or nuisance to any person or property; and
  - (ii) no person shall set off any low-hazard fireworks in, on or into any highway, street, lane, square or other public place, provided that this shall not be deemed to prohibit a display of low-hazard fireworks in conjunction with a display of high-hazard fireworks conducted in a public place pursuant to a permit issued hereunder and otherwise in accordance with the provisions of this by-law.

4. Discharge of High-hazard Fireworks and of Low-Hazard Fireworks under a Permit

- (1) No person shall set off or hold a display of:
  - (i) high-hazard fireworks; or
  - (ii) low-hazard fireworks on any day other than those set forth in Subsection 3(1) of this By-law or in a location other than as provided in Subsection 3(2) of this By-law,

without first having obtained a permit to do so signed by the Fire Chief of the City of Thunder Bay.

- (2) (a) All applications for a permit shall be made not less than fifteen (15) days before the proposed setting off or display of fireworks.
- (b) Forthwith after the receipt of an application for a permit in the form prescribed in Schedule "A" hereto, the Fire Chief shall make or cause to be made an investigation of the site of the proposed fireworks display and shall also satisfy himself or herself as to the competence of all persons who are to set off the fireworks.



- (c) The Fire Chief shall confer with the Chief of the Thunder Bay Police Force and such other persons as the Fire Chief may deem advisable, as to the competence of the persons who are to set off the fireworks.
- (d) Upon being satisfied as to the site of the proposed fireworks display, the place of storage of the fireworks pending such fireworks display, the competence of the persons who are to set off the said fireworks, and any other matter considered by him or her to be in the public interest, the Fire Chief may issue a non-transferable permit as prescribed in Schedule "B" hereto in the name of the applicant.
- (3) No person except a person licenced under the Act and who is entitled to purchase and discharge high-hazard explosives shall set off or display high-hazard fireworks.
- (4) All unused fireworks and all debris shall be removed by the person holding the display immediately following its conclusion, and safely disposed of.
- (5) The Fire Chief may, in addition to any other reason deny an application in the event that the fireworks were purchased outside of Canada or are not listed in the Regulations made under the Act.
- (6) Where an application has been approved and a permit granted, no person shall set off or hold a display of fireworks except in exact accordance with such application and permit.
- (7) Where an application for a permit is not approved by the Fire Chief, the applicant may request that the Council consider the matter and the determination of the Council shall be final.

5. Administration

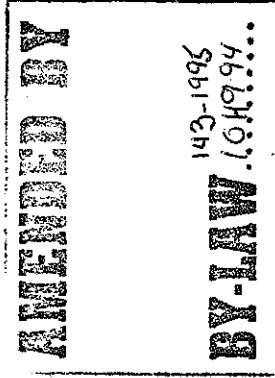
- (1) The Fire Chief, any Police Officer or any By-law Enforcement Officer of the City of Thunder Bay may at anytime inspect any premises where fireworks are stored or offered for sale to the public.
- (2) A copy of this by-law shall be posted in public view on the premises where low-hazard fireworks are sold during each of the lawful sales periods.
- (3) The person holding a display of fireworks pursuant to a permit granted hereunder shall produce such permit at the request of any of the persons referred to Subsection 5(1) hereof.
- (4) Any power, right or duty conferred upon the Fire Chief or the Chief of Police under this By-law may be exercised or performed by their designates respectively.



- 6. By-law 37-1970 of The Corporation of the City of Thunder Bay, and amendments thereto, are hereby repealed.
- 7. This By-law shall come into force and take effect on the final passing hereof.

**Consolidated into Thunder Bay Municipal Code**  
 See Chapter 896, By-law 231-1996  
 Passed on November 12, 1996.

Enacted and Passed this 22nd day of February, A.D. 1993, as witnessed by the Seal of the Corporation and the hands of its proper Officers.



*R. M. Waddington*  
 ACTING Mayor

*A. O. Hill*  
 City Clerk

Read a First time this 22nd day of February, A.D. 1993.  
 Read a Second time this 22nd day of February, A.D. 1993.  
 Read a Third time and finally passed this 22nd day of February, A.D. 1993.



SCHEDULE ... "A" ... to  
By-Law Number ... 45. 19. 93 ...

APPLICATION FOR PERMIT TO HOLD A FIREWORKS DISPLAY

Date of Application: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

Date of display: \_\_\_\_\_ 19 \_\_\_\_\_ Time: \_\_\_\_\_

Exact location of display and name of landowner: \_\_\_\_\_

\_\_\_\_\_

Full name, date of birth, qualification and experience of the applicant and of the person or persons by whom or under whose supervision the display will be conducted: \_\_\_\_\_

\_\_\_\_\_

Number and kind of fireworks to be discharged: \_\_\_\_\_

\_\_\_\_\_

Manner and place of storage of fireworks prior to display: \_\_\_\_\_

\_\_\_\_\_

Other: \_\_\_\_\_

\_\_\_\_\_

I certify that the information contained in this application is true and correct and that permission for the holding of the display has been obtained from the landowner.

\_\_\_\_\_  
Signature of Applicant

FOR OFFICE USE ONLY:

The undersigned has no objection to this application.

The undersigned recommends denial of this application.

Date: \_\_\_\_\_ 19 \_\_\_\_\_ . \_\_\_\_\_  
Chief of Police

Comments of any other City or other Officials, if any.

\_\_\_\_\_  
(indicate City or other office)

Date: \_\_\_\_\_ 19 \_\_\_\_\_ . \_\_\_\_\_



PERMIT TO HOLD A FIREWORKS DISPLAY

This permit authorizes \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

to hold a

HIGH-HAZARD (which may be combined with low-hazard)  
fireworks display

LOW-HAZARD fireworks display only  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_,  
in accordance with the Application for Permit dated \_\_\_\_\_.

The setting off of the fireworks shall comply with  
the provisions of By-law Number \_\_\_\_\_ of The Corporation  
of the City of Thunder Bay and with the Explosives Act of  
Canada and the Regulations thereunder.

This permit is non-transferable.

Dated at Thunder Bay, Ontario, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

THE CORPORATION OF THE CITY OF  
THUNDER BAY

\_\_\_\_\_  
Fire Chief

NOTE: Subsection 5(3) of By-law Number \_\_\_\_\_ requires  
that this permit be produced on the request of the  
Fire Chief, any Police Officer or any By-law  
Enforcement Officer of the City of Thunder Bay.