

BY-LAW NO. 40-04

OF THE

CORPORATION OF THE CITY OF CAMBRIDGE

Being a by-law of the Corporation of the City of Cambridge to provide for regulating the sale, setting off and holding of fireworks displays and to repeal By-law 55-84.

WHEREAS the Municipal Act, 2001, S.O., 2001, c.25, S.121 provides that a municipality may prohibit and regulate the sale of fireworks and the setting off of fireworks;

AND WHEREAS a by-law pursuant to the Municipal Act, 2001, S.O. 2001, c. 25 may prohibit the sale and setting off of fireworks unless a permit is obtained and conditions may be imposed for obtaining, continued to hold and renewing the permit including requiring the submission of plans.

AND WHEREAS the Council of the Corporation of the City of Cambridge deems it necessary to prohibit and regulate the sale of fireworks and the setting off of fireworks within the municipality.

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF CAMBRIDGE ENACTS AS FOLLOWS:-

DEFINITIONS

1. That in this by-law:
 - a) "Fireworks" shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, sparklers, or other fireworks of like construction and any fireworks containing an explosive or flammable compound, or any tablets or any other device containing an explosive substance, except that the term "fireworks" shall not include toy pistols, toy canes, or toy guns or other devices in which paper caps manufactured in accordance with the Department of Mines and Technical Surveys, Explosives Division regulations for packing and shipping of toy paper caps are used and toy paper caps manufactured as provided therein, the sale and use of which shall be permitted at all times. Each package containing toy paper caps offered for retail sale shall be labeled to indicate the maximum explosive content per cap.
2. No person shall sell by retail or supply any fireworks
 - a) To any person apparently under the age of eighteen years.
 - b) To any person except on Canada Day and on the day fixed by proclamation of the Governor-General for the observation of Victoria Day and during the preceding ten (10) days prior to the said days.
 - c) Of a type the setting off of which is prohibited by the provisions of this by-law.
3. No person shall set off or allow to be set off any fireworks of the types known as Skyrockets or Torpedoes.

4. No person shall set off or allow to be set off any firework in such a place or in such a manner as might create danger to any person or property or to cause or allow any unsafe act or omission at the time and place of the setting off of any fireworks and, without restricting the generality of the foregoing:
 - a) No person under the age of eighteen (18) years shall set off any fireworks except under the direction, supervision, and control of a parent or other responsible person over that age.
 - b) No person being a parent or guardian of any child under the age of eighteen (18) years shall allow him or her to set off any fireworks except when such parent or guardian or some other responsible person is in direct supervision and control.
 - c) No person shall set off any firework in or into any public highway, street, lane, square or other public place, provided that this shall not be deemed to prohibit a fireworks display in a public park or other public place in accordance with a permit issued under the provisions of this by-law.
 - d) No person shall set off any firework in or into any building, doorway, automobile or other place where such setting off might create danger to any person or property.
5. No person shall set off any fireworks on any day except Canada Day and Victoria Day and two days preceding and two days following the said days unless such person has first obtained a permit pursuant to paragraph 6 of this by-law except in the event that inclement weather prevents the setting off of fireworks on these days in which case any person may set off fireworks on any day within seven days after Canada Day or Victoria Day
6. Public Fireworks Displays
 - i) No person shall hold any public fireworks display without first having obtained a permit to do so signed by the Chief Administrative Officer of the City of Cambridge.
 - ii) Every applicant for a permit to hold a public fireworks display shall be made in writing and delivered to the Clerk of the City of Cambridge. The application shall contain such material as the Chief Administrative Officer may require and the Chief Administrative Officer after due consideration of the material filed may grant or refuse the permit.
 - iii) Every fireworks display shall (a) be held only at the time and place specified in the permit, (b) be conducted in a manner consistent with all proper safety proceedings, (c) be conducted under the direct supervision of the person to whom the permit was issued or some other fit and competent person whose name and address is furnished to the said Clerk in writing at the time of the application for a permit, (d) be conducted at a safe distance from the nearest building, highway, railway, overhead wire, or combustible material, (e) be held and continued only while the proper precautions are being observed to keep spectators at a safe distance and while all other suitable precautions are being observed, including the having of suitable fire extinguishers and means of extinguishing fires.

7. Before any permit for a fireworks display shall be issued the person making application for such permit shall furnish proof of financial responsibility to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of such person or any agent or employee of such person in such amount and character as the Chief Administrative Officer may from time to time determine.
8. The manufacture, storage, transportation and sale of fireworks shall conform to the federal "Explosives Act" and Explosives Regulations".
9. The handling and discharge of fireworks shall conform to the "Manual of Display Fireworks", as published by the Department of Energy, Mines and Resources, and in conformance with the latest amendments.
10. The persons holding such displays shall remove all fireworks and debris immediately after such display.
11. Provided that nothing in this by-law shall be deemed to apply to the lawful use or sale of truck flares and other similar devices or the use of fireworks by railroads or motor transport agencies for signal purposes or illumination, or the sale or use of blank cartridges for a show or theatre, or for signal or ceremonial purposes in athletics, or for use by military organizations.

OFFENCE

12. THAT any person who contravenes any provision of this by-law is upon conviction, guilty of an offence and is liable to any penalty as provided for by the Provincial Offences Act.

SHORT TITLE

13. This by-law may be cited as "The Fireworks By-law".

BY-LAW REPEAL

14. THAT City of Cambridge By-law No. 55-84 is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME,

ENACTED AND PASSED, THIS 9TH DAY OF FEBRUARY, A.D., 2004.

"Doug Craig"

MAYOR

"David Calder"

CLERK