

THE CORPORATION OF THE TOWN OF LINCOLN

BY-LAW NO. 07-77

A BY-LAW TO PROHIBIT AND REGULATE THE SALE
AND USE OF FIREWORKS AND PYROTECHNIC
SPECIAL EFFECTS WITHIN THE TOWN OF LINCOLN.

WHEREAS Section 121 of the *Municipal Act*, S.O. 2001, c.25, as amended, authorizes a municipality to pass by-laws to prohibit and regulate the sale of fireworks and the setting off of fireworks, including requirements that a permit be obtained from the municipality for the sale or setting off of such fireworks and imposing conditions on such permits;

AND WHEREAS Section 120 of the *Municipal Act*, S.O. 2001, c.25, as amended, authorizes a municipality to pass by-laws to prohibit and regulate the storage, keeping and transportation of explosives and other dangerous materials, including requirements that a permit be obtained from the municipality for the storage of explosives and imposing conditions on such permits;

AND WHEREAS Section 7.1 of the *Fire Protection and Prevention Act*, S.O. 1997, c.4, as amended, provides that the council of a municipality may pass by-laws regulating fire prevention, including the spreading of fires;

AND WHEREAS the Council of the Town of Lincoln deems it expedient and necessary for the safety and well being of the community to prohibit and regulate the sale and use of fireworks and pyrotechnic special effects within the Town of Lincoln;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF LINCOLN HEREBY ENACTS AS FOLLOWS:

DEFINITIONS

1. In this by-law:

- (a) "**Act**" means the *Explosives Act*, Revised Statutes of Canada 1985, Chapter E-17, and the Regulations enacted thereunder, as amended from time to time.
- (b) "**Authority Having Jurisdiction**" means a person certified under the Act by the Chief Inspector of Explosives to approve firework and pyrotechnic special effect displays and events within the municipality.
- (c) "**discharge**" means to fire, ignite, discharge, light, explode or set off, or to cause or permit to be fired, ignited, discharged, lit, exploded or set off.
- (d) "**Display Fireworks**" means high-hazard fireworks for recreation that are classed under Class 7, Division 2, Subdivision 2 under the Act, and include but are not limited to rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, mines, batteries, illuminations, set pieces, pigeons, and firecrackers, but do not include prohibited fireworks, consumer fireworks, safety flares, marine rockets, and other distress signals.
- (e) "**Consumer Fireworks**" means low-hazard fireworks generally used for recreation that are classed under Class 7, Division 2, Subdivision 1 under the Act, and include but are not limited to firework showers, fountains, golden rain, lawn lights, pin wheels, roman candles, volcanoes, sparklers, Christmas crackers and caps for toy guns, but do not include firecrackers, prohibited fireworks, display fireworks, safety flares, marine rockets, and other distress signals.

- (f) "**Fire Chief**" means the chief of the fire department of the Town of Lincoln, or a person designated to act on his or her behalf.
- (g) "**firecracker**" means a device containing an explosive composition that is designed to explode to produce a sound effect after being ignited without subsequent display or simultaneous visible effect, and includes those devices commonly known as Chinese firecrackers, but does not include paper caps containing not more than twenty-five one-hundredths of a grain of explosive on average per cap, or devices for use with such caps, safety flares, marine rockets, and other distress signals.
- (h) "**Fireworks Supervisor**" means a person certified under the Act to purchase Display Fireworks and authorized under the Act to supervise the discharge of Display Fireworks.
- (i) "**magazine**" means a magazine as defined in the Act.
- (j) "**motor vehicle**" means a motor vehicle as defined in the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended.
- (k) "**prohibited fireworks**" means fireworks included on the most recent list of prohibited fireworks as published from time to time by the Explosives Branch of the Department of Natural Resources (Canada) or its successor, including but not limited to devices known as cigarette loads, exploding matches, sparking matches, ammunition for miniature tie clip, cufflink or keychain pistols, auto alarms or jokers, cherry bombs, M-80's, silver salutes and flash crackers, throw down and step on torpedoes, crackling balls, exploding golf balls, stink bombs, smoke bombs, tear gas pens and launchers, party poppers and table bombs, table rockets, fake firecrackers, and other similar trick devices or practical joke devices.
- (l) "**public fireworks display**" means an exhibition of fireworks in an outdoor assembly or open air occupancy to which the public is invited, attends, may attend, or is admitted with or without a fee being charged.
- (m) "**Pyrotechnic Special Effects Fireworks**" means high-hazard fireworks that are classed under Class 7, Division 2, Subdivision 5 under the Act that are used to produce special pyrotechnic effects for indoor or outdoor performances and include but are not limited to black powder bombs, bullet effects, flash powder, air bursts, smoke compositions, gerbs, lances, and wheels.
- (n) "**Pyrotechnician**" means a person who is certified under the Act in one or more of the four classes of certification, including Theatrical User, Assistant, Pyrotechnician, and Special Effects Pyrotechnician, and is qualified to purchase and supervise the display of Pyrotechnic Special Effects Fireworks under the Act.
- (o) "**sell**" means retail sale for the purpose of consumption or use and not for resale, and includes offer for sale, cause or permit to be sold, and to possess for the purpose of sale.
- (p) "**shop**" means a building or part of a building, booth, stall, or place where goods are displayed and offered for sale.
- (q) "**Town**" means the Corporation of the Town of Lincoln.

PROHIBITED FIREWORKS AND FIRECRACKERS

- 2. (a) No person shall sell prohibited fireworks.

- (b) No person shall discharge prohibited fireworks.
- (c) No person shall sell firecrackers except as permitted under the Act to a duly authorized Fireworks Supervisor.
- (d) No person shall sell firecrackers except where such firecrackers are kept and maintained in a magazine licensed under the Act.
- (e) No person shall discharge firecrackers except by a duly authorized Fireworks Supervisor at a specific occasion for which a Public Fireworks Display Permit has been issued in accordance with this by-law, and for which specific approval has been given by the Fire Chief for the use of firecrackers.

SALE OF CONSUMER FIREWORKS

- 3. (a) No person shall sell Consumer Fireworks unless a Consumer Fireworks Sales Permit has been obtained from the Fire Chief in accordance with this by-law.
- (b) A person applying for a Consumer Fireworks Sales Permit shall pay the prescribed application fee as set forth in Schedule "A" attached hereto and forming part of this by-law, and as may be amended from time to time by the applicable fees and charges by-law of the Town.
- (c) A person applying for a Consumer Fireworks Sales Permit to sell consumer fireworks on property that is not owned by the applicant, or from a trailer shall provide to the Fire Chief the written permission of the owner of the property, or the owner of the land on which the trailer is to be located, together with the application.
- (d) A Consumer Fireworks Sales Permit shall be valid only for the calendar year in which it is issued.
- (e) The Fire Chief may revoke a Consumer Fireworks Sales Permit where:
 - (i) the person to whom the permit is issued fails to comply with all provisions and conditions to which the permit is subject in accordance with this by-law;
 - (ii) the application for the Consumer Fireworks Sales Permit contains false or misleading information.
- (f) A Consumer Fireworks Sales Permit granted for the sale of consumer fireworks from a shop or trailer is valid only for the sale location specified in that permit.
- (g) No person shall sell Consumer Fireworks from an outdoor stand, tent, unenclosed trailer, motor vehicle, or residential dwelling.
- (h) A person shall only sell fireworks that are included on the most recent List of Authorized Explosives as published from time to time by the Explosives Branch of the Department of Natural Resources (Canada) or its successor.
- (i) No person shall store Consumer Fireworks except as permitted under the Act.
- (j) No person shall exhibit or display Consumer Fireworks unless the fireworks on display are separated into individual lots that do not

exceed 25 kilograms in gross weight, and such separation between lots shall be sufficient to prevent fire from spreading rapidly from one lot to the next by:

- (i) maintaining a minimum aisle width of 1.1 metres between lots;
 - (ii) maintaining a partition, constructed of 6-millimetre plywood or other suitable material, that extends a minimum of 15 centimetres above the height of the lot or to the display shelf above; or
 - (iii) maintaining sufficient separation between lots by such other suitable method or means; and
 - (iv) ensuring that no more than ten percent (10%) of the area of any display shelf on which Consumer Fireworks are displayed contain holes or other openings.
- (k) No person shall exhibit or display Consumer Fireworks that are accessible to the public unless the Consumer Fireworks are in approved packaging.
 - (l) No person shall exhibit or display Consumer Fireworks that are not in approved packaging unless the Consumer Fireworks are inaccessible to the public and are only displayed in a glass or Plexiglas case or other suitable receptacle.
 - (m) No person shall exhibit or display Consumer Fireworks that are exposed, or may be exposed, to the rays of the sun or to excess heat, or that are within close proximity to flammable goods.
 - (n) No person shall exhibit or display Consumer Fireworks on a display board or in a shop window unless the display consists of mock samples only and does not contain any explosive composition.
 - (o) No person who sells Consumer Fireworks shall, at any time, keep or permit the keeping of Consumer Fireworks unless the location or shop is designated as a no smoking area, has been posted with "No Smoking" signs, and is equipped with the appropriate number and class of fire extinguishers as may be required by the Fire Chief.
 - (p) No person who sells Consumer Fireworks shall display or exhibit Consumer Fireworks to the public at any time unless the location or shop is attended by the vendor or an employee thereof.
 - (q) No person shall display Consumer Fireworks in an indoors shop or location, or in a trailer unless there are a minimum of two (2) unobstructed, clearly identified exits to ensure that employees and the public can quickly evacuate in the event of a fire.
 - (r) No person shall sell Consumer Fireworks except:
 - (i) on Victoria Day, or each of the seven (7) days immediately preceding Victoria Day;
 - (ii) on Canada Day, or each of the seven (7) days immediately preceding Canada Day;
 - (iii) for the purpose of resale, and not for the purpose of retail sale, consumption or use, and where the Consumer

Fireworks are kept and maintained in a magazine licensed under the Act;

- (iv) at such other times and such other dates as permitted by Council by by-law.
- (s) No person shall sell or otherwise distribute Consumer Fireworks to any person who is under eighteen (18) years of age.

USE OF CONSUMER FIREWORKS

- 4. (a) No person shall discharge Consumer Fireworks except:
 - (i) between dusk and midnight on Victoria Day or each of the two (2) days immediately preceding or seven (7) days immediately following Victoria Day;
 - (ii) between dusk and midnight on Canada Day or each of the two (2) days immediately preceding or seven (7) days immediately following Canada Day;
 - (iii) for a public display of Consumer Fireworks for which a Public Fireworks Display Permit has been obtained, at the times and date specified in the permit;
 - (iv) at such other times and such other dates as permitted by Council by by-law.
- (b) No person shall discharge Consumer Fireworks in such a place or in such a manner as to create a danger or constitute a nuisance to any person or property, or to do, or allow to be done, any unsafe act or omission at the time and place of the discharge of any Consumer Fireworks.
- (c) No person shall discharge Consumer Fireworks in, into, onto, or from any building, doorway, or motor vehicle.
- (d) Notwithstanding subsection 4(c), no person shall discharge Consumer Fireworks from the roof of a building except as permitted under the Act by a person holding a valid Fireworks Supervisor Level 2 certificate issued by the Chief Inspector of Explosives, at a specific occasion for which a Public Fireworks Display Permit has been issued in accordance with this by-law, and for which approval has been given by the Fire Chief for the discharge of Consumer Fireworks from the roof of a building.
- (e) No person shall discharge Consumer Fireworks in or onto any highway, street, land, square, public park, or other public place, provided that this shall not be deemed to prohibit a public fireworks display in accordance with the provisions of this by-law.
- (f) No person under eighteen (18) years of age shall discharge Consumer Fireworks except under the direct supervision of, and control of, a person eighteen (18) years of age or older.
- (g) No person being the parent or guardian of a child under eighteen years of age shall allow the child to discharge Consumer Fireworks, except when such parent or guardian or some other responsible person eighteen (18) years of age or older is in direct supervision and control.

- (h) A person may discharge or hold a display of Consumer Fireworks on any land belonging to him or her or on any other privately owned land, where the owner thereof has given permission for such a display or discharge of fireworks, and where all other conditions and provisions of this by-law have been complied with.

PUBLIC FIREWOKS DISPLAY

- 5. (a) No person or group of persons shall hold a public fireworks display using Display Fireworks without first having obtained a Public Fireworks Display Permit issued by the Fire Chief.
- (b) No person or group of persons shall hold a public fireworks display using Consumer Fireworks for which a Public Fireworks Display Permit is required under subsection 4(a) without first having obtained a Public Fireworks Display Permit issued by the Fire Chief.
- (c) No person or group of persons shall hold a public fireworks display on or above lands or property owned by the Town without the written permission of the Director of Community Services, or his or her designate.
- (d) No person other than a Fireworks Supervisor may make application for a Public Fireworks Display Permit to hold a public fireworks display of Display Fireworks.
- (e) A person who has obtained a Public Fireworks Display Permit for a public fireworks display shall comply with all conditions and requirements as set out in this by-law.
- (f) A Public Fireworks Display Permit is valid only for the specific event for which the application was made.
- (g) No person shall hold a public fireworks display at a date, time, or location other than that specified in the Public Fireworks Display Permit.
- (h) Every application for a Public Fireworks Display Permit shall be made to the Fire Chief not less than ten (10) days before the setting off or holding of the public fireworks display.
- (i) Notwithstanding subsection 5(h), the Fire Chief may, at his or her sole discretion, accept an application for a Public Fireworks Display Permit made less than ten (10) days before the setting off or holding of the public fireworks display if the applicant has previously submitted an application for the specific location for which the public fireworks display is proposed, and where no substantial changes have been made to the site plan or to the information contained therein.
- (j) Every application for a Public Fireworks Display Permit shall be made in writing and shall contain such information as the Fire Chief may require, including:
 - (i) the date, time, duration, location and purpose of the proposed public fireworks display;
 - (ii) the name, address, and telephone number of the applicant, and of the property owner on which the public fireworks display will be held;

- (iii) the name, address, and telephone number of the Fireworks Supervisor if Display Fireworks will be used;
 - (iv) the location, duration, and manner in which the fireworks will be stored;
 - (v) the types of fireworks to be used and the method and means to be used to discharge the fireworks;
 - (vi) the manner and means of restraining unauthorized persons from attending near the location where the fireworks are being discharged;
 - (vii) the manner and means in which unused fireworks will be disposed of;
 - (viii) the manner and means in which fire extinguishing equipment will be provided;
 - (ix) such other information as the Fire Chief may require.
- (k) Unless the Fire Chief is in possession of a previously submitted site plan which contains current, accurate and complete information for the specific location for which the public fireworks display is proposed, every application for a Public Fireworks Display Permit shall include a site plan depicting the layout and proposed set up of the public fireworks display area, including:
- (i) the plan scale and a clearly indicated North arrow;
 - (ii) locations of existing structures, public and private access roads, and parking areas;
 - (iii) use of adjacent properties, such as agricultural, woodlands, commercial, residential or other uses;
 - (iv) locations of spectator viewing areas and fireworks discharge areas, and the distance from each discharge area to structures, access roads, parking areas, viewing areas, and adjacent properties;
 - (v) such other information as the Fire Chief may require.
- (l) Every application for a Public Fireworks Display Permit shall include permission in writing from the property owner consenting to the use of the lands for the purpose of a public fireworks display, and the written permission from the owner, lessee or agent of any neighbouring lands on which debris could reasonably be anticipated to fall.
- (m) Every application for a Public Fireworks Display Permit using Display Fireworks shall include proof that the applicant is duly authorized under the Act as a Fireworks Supervisor by providing a copy of the applicant's valid Fireworks Supervisor Certificate.
- (n) Every application for a Public Fireworks Display Permit shall include payment of the prescribed application fee as set forth in Schedule "A" attached hereto and forming part of this by-law, and as may be amended from time to time by the applicable fees and charges by-law of the Town.

- (o) The applicant for a Public Fireworks Display Permit shall indemnify and save harmless the Town from any and all claims, demands, causes of action, loss, costs or damages that the Town may suffer, incur or be liable for resulting from the performance or omission of the applicant as set out in this by-law with or without negligence on the part of the applicant, the applicant's employees, directors, contractors, or agents. Every application for a Public Fireworks Display Permit shall include an Indemnification Agreement signed by a person duly authorized to bind the applicant.
- (p) The applicant for a Public Fireworks Display Permit shall provide and maintain general liability insurance subject to limits of not less than Five Million Dollars (\$5,000,000.00) inclusive per occurrence for bodily injury, death and damage to property including loss of use thereof. Such insurance shall be in the name of the applicant and shall name The Corporation of the Town of Lincoln as an additional insured thereunder. Every application for a Public Fireworks Display Permit shall include proof of such insurance.
- (q) The location or site of the public fireworks display may be inspected, and shall be approved, by the Fire Chief and the Authority Having Jurisdiction.
- (r) The Fire Chief may not issue a Public Fireworks Display Permit in accordance with this By-law, or may revoke an issued permit where:
 - (i) the application for the Public Fireworks Display Permit is incomplete, or contains false or misleading information;
 - (ii) the applicant is not a Fireworks Supervisor for a display in which the use of Display Fireworks is proposed;
 - (iii) the prescribed Public Fireworks Display Permit fee has not been paid;
 - (iv) the Fire Chief has reasonable grounds for belief that the holding of the public fireworks display will result in a contravention of this or another by-law, the Act or other legislation, or will pose a fire hazard, or will pose a risk of accident, injury or damage or other safety risk to the public.

DISPLAY FIREWORKS

- 6. (a) No person shall discharge any Display Fireworks:
 - (i) without first having obtained a Public Fireworks Display Permit issued in accordance with this by-law and signed by the Fire Chief;
 - (ii) without first having approved an application for the purchase of Display Fireworks in accordance with the Act and signed by the Authority Having Jurisdiction;
 - (iii) except at the times, date, and place specified in the Public Fireworks Display Permit;
 - (iv) except in compliance with the conditions and provisions of this by-law, the Act, and all other applicable legislation;
 - (v) when wind, weather, or other conditions at the time and place of the public fireworks display would pose, or may

reasonably be foreseen to pose, a fire hazard or other safety risk to the public.

- (b) The person holding the Public Fireworks Display Permit issued for a public fireworks display using Display Fireworks shall:
 - (i) provide and maintain fully operational fire extinguishing equipment ready for immediate use at all times while Display Fireworks are being discharged;
 - (ii) be present at all times during the public fireworks display and shall supervise the discharge of all Display Fireworks;
 - (iii) ensure that all unused fireworks and all fireworks debris are removed and disposed of in an appropriate manner.
- (c) No person shall sell Display Fireworks:
 - (i) except in accordance with the Act;
 - (ii) unless a Display Fireworks Sales Permit has been obtained from the Fire Chief in accordance with this by-law;
 - (iii) unless the Display Fireworks are included on the most recent List of Authorized Explosives as published from time to time by the Explosives Branch of the Department of Natural Resources (Canada) or its successor;
 - (iv) unless the Display Fireworks are kept and maintained in a magazine licensed under the Act;
 - (v) to any person under eighteen (18) years of age and unless that person is duly authorized under the Act as a Fireworks Supervisor.
- (d) A person applying for a Display Fireworks Sales Permit shall pay the prescribed application fee as set forth in Schedule "A" attached hereto and forming part of this by-law, and as may be amended from time to time by the applicable fees and charges by-law of the Town.
- (e) A Display Fireworks Sales Permit shall be valid only for the calendar year in which it is issued.
- (f) The Fire Chief may revoke a Display Fireworks Sales Permit where:
 - (i) the person to whom the permit is issued fails to comply with all provisions and conditions to which the permit is subject in accordance with this by-law;
 - (ii) the application for the Display Fireworks Sales Permit contains false or misleading information.
- (g) No person shall store Display Fireworks except as permitted under the Act.

PYROTECHNIC SPECIAL EFFECTS FIREWORKS

- 7. (a) No person or group of persons shall discharge or hold a display of Pyrotechnic Special Effects Fireworks without first having obtained a Pyrotechnic Special Effects Permit issued by the Fire Chief.

- (b) No person other than a Pyrotechnician may make application for a Pyrotechnic Special Effects Permit to hold a display of Pyrotechnic Special Effects Fireworks.
- (c) Every application for a Pyrotechnic Special Effects Permit shall be made to the Fire Chief not less than ten (10) days before the discharge or holding of the display of Pyrotechnic Special Effects Fireworks.
- (d) Every application for a Pyrotechnic Special Effects Permit shall be made in writing and shall contain such information as the Fire Chief may require, including:
 - (i) the date, time, location, and description of the event for which the use of Pyrotechnic Special Effects Fireworks is proposed;
 - (ii) the name, address and telephone number of the applicant, and the sponsoring organization or business if applicable;
 - (iii) a site plan of the facility depicting the room capacity, the stage, the locations of all Pyrotechnic Special Effects Fireworks and all fireworks storage areas, the location of the audience, and the locations of all exits, unless the Fire Chief is in possession of a previously submitted site plan which contains current, accurate and complete information for the specific location for which the display of Pyrotechnic Special Effects Fireworks is proposed;
 - (iv) a list of all Pyrotechnic Special Effects Fireworks to be used;
 - (v) the height, range of effect, fallout, sequence of firing, and duration of the Pyrotechnic Special Effects Fireworks display;
 - (vi) the names of all persons working directly under the supervision of the Pyrotechnician, who have as a minimum classification been certified as a Theatrical User or an Assistant under the Act, and will be on site during the event to handle and discharge the Pyrotechnic Special Effects Fireworks;
 - (vii) a description of fire emergency procedures;
 - (viii) such other information as the Fire Chief may require.
- (e) Every application for a Pyrotechnic Special Effects Permit shall include permission in writing from the property owner consenting to the use of the property for the purpose of the display of Pyrotechnic Special Effects Fireworks.
- (f) Every application for a Pyrotechnic Special Effects Permit shall include proof that the applicant is authorized under the Act as a Pyrotechnician by providing a copy of the applicant's valid Pyrotechnician certificate.
- (g) Every application for a Pyrotechnic Special Effects Permit shall include payment of the prescribed application fee as set forth in Schedule "A" attached hereto and forming part of this by-law, and as may be amended from time to time by the applicable fees and charges by-law of the Town.

- (h) The applicant for a Pyrotechnic Special Effects Permit shall indemnify and save harmless the Town from any and all claims, demands, causes of action, loss, costs or damages that the Town may suffer, incur or be liable for resulting from the performance or omission of the applicant as set out in this by-law with or without negligence on the part of the applicant, the applicant's employees, directors, contractors, or agents. Every application for a Pyrotechnic Special Effects Permit shall include an Indemnification Agreement signed by a person duly authorized to bind the applicant.
- (i) The applicant for a Pyrotechnic Special Effects Permit shall provide and maintain general liability insurance subject to limits of not less than Five Million Dollars (\$5,000,000.00) inclusive per occurrence for bodily injury, death and damage to property including loss of use thereof. Such insurance shall be in the name of the applicant and shall name The Corporation of the Town of Lincoln as an additional insured thereunder. Every application for a Pyrotechnic Special Effects Permit shall include proof of such insurance.
- (j) The location or site of the display of Pyrotechnic Special Effects Fireworks may be inspected, and shall be approved, by the Fire Chief and the Authority Having Jurisdiction.
- (k) The Fire Chief may not issue a Pyrotechnic Special Effects Permit in accordance with this by-law, or may revoke an issued permit where:
 - (i) the application for the Pyrotechnic Special Effects Permit is incomplete, or contains false or misleading information;
 - (ii) the applicant is not a Pyrotechnician under the Act;
 - (iii) the prescribed Pyrotechnic Special Effects Permit fee has not been paid;
 - (iv) the Fire Chief has reasonable grounds for belief that the discharge of Pyrotechnic Special Effects Fireworks will result in a contravention of this or another by-law, the Act or other legislation, or will pose a fire hazard, or will pose a risk of accident, injury or damage or other safety risk to the public.
- (l) A Pyrotechnic Special Effects Permit shall be valid only for the specific event for which the application was made.
- (m) A person who has obtained a Pyrotechnic Special Effects Permit for a display of Pyrotechnic Special Effects Fireworks shall:
 - (i) comply with all conditions and requirements as set out in this by-law, the Act, and all other applicable legislation;
 - (ii) only discharge or hold a display of Pyrotechnic Special Effects Fireworks at the date, times, and location specified in the Pyrotechnic Special Effects Permit;
 - (iii) provide and maintain fully operational fire extinguishing equipment ready for immediate use at all times while the Pyrotechnic Special Effects Fireworks are being discharged;
 - (iv) be present at all times during the display and shall supervise the discharge of all Pyrotechnic Special Effects Fireworks;

- (v) ensure that all unused fireworks and all fireworks debris are removed and disposed of in an appropriate manner.
- (n) No person shall store Pyrotechnic Special Effects Fireworks except as permitted under the Act.

PENALTY

- 8. Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable in accordance with the provisions of the *Provincial Offences Act*, R.S.O. 1990, c.P.33 as amended.

GENERAL

- 9. The Fire Chief shall be responsible for the administration and enforcement of this by-law and is hereby authorized to issue permits as set forth in this by-law.
- 10. Any fee paid for a permit application in accordance with this by-law shall not be refundable where the permit is not approved by the Fire Chief, or where an issued permit is revoked under the provisions of this by-law.
- 11. Any permit issued under this by-law is not transferable to any person.
- 12. Every person to whom a permit has been issued under this by-law shall produce the permit forthwith upon demand by any person authorized to enforce this by-law.
- 13. Every person to whom a permit has been issued under this by-law shall, forthwith upon demand, permit any person authorized to enforce the provisions of this by-law to inspect any site or place where fireworks are sold, kept or exhibited for sale, stored, or discharged, and to inspect any fireworks or any associated equipment.
- 14. Should any section or part thereof of this by-law be declared invalid by a court of competent jurisdiction, such section or part thereof shall be construed as being severed from this by-law and the remainder of the by-law shall continue in full force and effect.
- 15. By-law No. 70-47 of the Corporation of the Town of Lincoln be and is hereby repealed.
- 16. This by-law shall come into force and effect on the day on which it is passed.

BY-LAW read a FIRST time this 1st day of October, 2007.

BY-LAW read a SECOND time this 1st day of October, 2007.

BY-LAW read a THIRD time and FINALLY PASSED this 1st day of October, 2007.



MAYOR: BILL HODGSON



CLERK: WILLIAM J. KOLASA

SCHEDULE "A" TO BY-LAW NO. 07-77

PERMIT APPLICATION FEES

| <u>Description</u> | <u>Fee</u> | <u>Unit of Measure</u> |
|--|------------|------------------------|
| Consumer Fireworks Sales Permit application | \$50.00 | per calendar year |
| Display Fireworks Sales Permit application | \$50.00 | per calendar year |
| Public Fireworks Display Permit application | \$150.00 | per event |
| Pyrotechnic Special Effects Permit application | \$150.00 | per event |

Note:

All applications fees are due upon receipt of the permit application, and are exclusive of Goods and Services Tax (GST) and Provincial Sales Tax (PST) where applicable.