

TOWN OF EATONIA

BYLAW NO. 9/21

A BYLAW TO REGULATE THE USE OF FIREWORKS  
WITHIN THE TOWN BOUNDARIES

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A bylaw of the Town of Eatonia to regulate the use and sale of fireworks.

The Council of the Town of Eatonia, in the Province of Saskatchewan, enacts as follows:

**SECTION I – SHORT TITLE**

- 1) This bylaw may be cited as “The Fireworks Bylaw”.

**SECTION II – DEFINITIONS**

- 2) In this Bylaw the following words and phrases have the respective meaning as given herein:
  - a) “**Administrator**” shall mean the Administrator of the Municipality;
  - b) “**Adult**” shall mean an individual over the age of majority;
  - c) “**Council**” shall mean the Council of the Town of Eatonia;
  - d) “**Designated Officer**” shall mean an employee or representative of the Municipality, a member of the Royal Canadian Mounted Police, a Bylaw Enforcement Officer, Fire Chief or Administrator;
  - e) “**Discharge**” shall mean to set off, fire, detonate, ignite, light, or cause to be exploded;
  - f) “**Display Supervisor**” shall mean an individual possessing a valid Fireworks Operator Certificate issued by the Explosives Regulatory Division of Natural Resources Canada;
  - g) “**Fire Chief**” shall mean the person who is appointed to be head of the Eatonia Fire Brigade or designate;
  - h) “**Fire Department**” shall mean the Eatonia Volunteer Fire Department;
  - i) “**Fireworks**” shall mean manufactured goods intended to be used for pyrotechnic effect that are classified by the *Canada Explosives Regulations* as low hazard fireworks for recreation;
  - j) “**Fireworks Vendor**” shall mean an individual or corporation having the intent to sell, trade or give away fireworks;
  - k) “**High-Hazard Fireworks**” shall mean those classified as Type S.2 explosives under the Explosives Regulations 2013, as amended or repealed and replaced from time to time;
  - l) “**Low-Hazard Fireworks**” shall mean those classified as Type S.1 explosives under the Explosives Regulations 2013, as amended or repealed and replaced from time to time. These include, but are not limited to showers, fountains, Roman candles, lawn lights, and sparklers, but do not include firecrackers, Christmas crackers, sparklers, starter guns, caps for toy guns containing not more than 25 one-hundredths of a grain of explosive per cap, or non-aerial fireworks, including flares, ground spinners, strobe pots, and ground whistles;
  - m) “**Minor**” shall mean a person under the age of majority;
  - n) “**Municipality**” shall mean the Town of Eatonia;

- o) **“Person”** shall mean a corporation, partnership or party, and the personal or other legal representatives of a person to whom the context can apply according to this Bylaw;
- p) **“Public Fireworks Display”** shall mean the discharging of High-Hazard Fireworks for public recreation and entertainment;
- q) **“Regulations”** shall mean the *Explosives Regulations 2013*, as amended or repealed and replaced from time to time;
- r) **“Sale”** shall mean the act of selling, the exchange of goods or services for money or other valuable considerations;

### **SECTION III – PROVISIONS FOR ALL FIREWORKS**

- 3.1 No person shall discharge any fireworks in a manner that would create a danger or nuisance, or otherwise detract from the comfort, health, or safety of another person or property.
- 3.2 No person shall discharge any fireworks in a manner that would create a fire, grass fire, or running fire. All attempts must be made to limit fire susceptibility in the environment and surroundings.
- 3.3 Fireworks shall be aimed such that they discharge into the air in a vertical direction.
- 3.4 Fireworks shall not be discharged when wind speeds exceed 32 km/h (20 mph).
- 3.5 Persons who store, handle, or discharge fireworks shall use reasonable care to ensure that those fireworks are not accessible to any minor.
- 3.6 The handling, sale, storage, discharge and disposal of fireworks shall comply with the Regulations.
- 3.7 All packages containing fireworks must be clearly and conspicuously identified as such, i.e. FIREWORKS.

### **SECTION IV – SALE OF FIREWORKS**

- 4.1 No person shall sell, trade, or give fireworks to a minor.
- 4.2 All persons wishing to sell, trade, or give fireworks must possess and display a valid municipal business license.
- 4.3 Fireworks vendors shall not permit any employee to sell fireworks without first instructing such employee on this Bylaw.
- 4.4 Fireworks vendors shall only sell, trade, or give High-Hazard Fireworks to Display Supervisors as set out in the Regulations, Sections 415-420
- 4.5 No fireworks vendors shall operate within the municipality unless:
  - a) Fireworks to be sold are included in the most recent list of authorized explosives as published by the Explosives Regulatory Division of Natural Resources Canada, or their successors.
  - b) Fireworks for sale are displayed such that they comply with the Regulations, Sections 338-350.
- 4.6 Fireworks to be sold must not exceed 25 kilograms each in gross weight.
- 4.7 Fireworks vendors must display and make available to purchasers of fireworks a manufacturers brochure outlining the safe handling of fireworks, and a copy of this Bylaw.

- 4.8 During a fire ban, fireworks vendors shall inform customers of 5.7 of this Bylaw and post notice of the fire ban at the point of sale.

#### **SECTION V – USE OF FIREWORKS – LOW HAZARD FIREWORKS**

- 5.1 No person shall discharge any fireworks between the hours of 11:00 p.m. and 8:00 a.m. without prior written approval from the Administrator.
- 5.2 No person shall set off any fireworks into, on, or onto a street or other public place except as part of a Public Fireworks Display.
- 5.3 No parent or guardian of a minor shall permit the minor to discharge any fireworks except when under the direct supervision of the parent or guardian.
- 5.4 An adult may discharge Low-Hazard Fireworks on any land belonging to them, or on any other privately-owned land where the owner thereof has given written permission for such discharge of fireworks.
- 5.5 No person shall discharge fireworks in the Municipality within 100 meters of:
- a) Any place where explosive, flammable, or combustible liquids or substances are manufactured or stored;
  - b) Any hospital, nursing home, retirement home, or home for the aged;
  - c) Any childcare facility or school, unless written consent of the owner of such childcare facility or school, or an agent or representative of such owner is obtained.
- 5.6 All fireworks shall be discharged in the Municipality at a distance from any building, tent, trailer, canvas shelter, or motor home as recommended by the fireworks manufacturer.
- 5.7 No person shall discharge fireworks during a fire ban.
- 5.8 Persons who discharge fireworks shall:
- a) Provide and maintain fully operational fire extinguishing equipment ready for immediate use;
  - b) Ensure that such fire extinguishing equipment is present at all times and for such a reasonable period of time thereafter, at the location or site where the discharging of fireworks has taken place;
  - c) Possess knowledge of the operating procedures of such fire extinguishing equipment and be capable of employing such fire extinguishing equipment.

#### **SECTION VI – USE OF FIREWORKS – HIGH-HAZARD FIREWORKS AND PUBLIC FIREWORKS DISPLAY**

- 6.1 No person shall hold a public fireworks display without first obtaining a written permission from the Administrator.
- 6.2 Written permission from the Administrator is given at their absolute discretion and subject to the *Explosives Act and Regulations*.
- 6.3 The Administrator may attach any terms or conditions to their written permission that they deem appropriate.
- 6.4 Written permission to hold a public fireworks display must be sought at least 14 days before the date on which it is desired to hold the public fireworks display, or earlier with the discretion of the Administrator.
- 6.5 Written permission to hold a public fireworks display shall only be issued to a Display Supervisor.

- 6.6 Requests for written permission to the Administrator must include:
- a) A description of the type and kind of fireworks which may be discharged;
  - b) The discharge techniques to be used;
  - c) The manner and means of restraining unauthorized individuals from attending too near the discharge location;
  - d) How unused fireworks are to be disposed of;
  - e) A description of the site to be used for the public fireworks display, sufficient to identify and locate the site upon the property where the discharge is proposed;
  - f) Written proof from the owner of the land that authorization has been granted to use those lands for the public fireworks display;
  - g) The name of the Display Supervisor, the number and expiry date of their Fireworks Operator Certificate, and the name of the sponsoring organization, if applicable;
  - h) The date and time of the proposed public fireworks display and an alternative date and time in the event of inclement weather.
- 6.7 A public fireworks display shall be held at the time and location set out in the written Permission.
- 6.8 Written permissions are not transferable.
- 6.9 Public fireworks displays shall only be permitted when the point at which the fireworks are to be discharged is at least 60 meters from the nearest permanent building, public highway or railway, or 15 meters from the nearest above-ground telephone line, tree or other overhead construction.
- 6.10 The Display Supervisor named in the written permission for a public firework display shall procure and provide to the Administrator at least seven days prior to the scheduled date in the written permission, a Certificate of Insurance which shall name the Municipality as insured under the Display Supervisor's insurance policy. The certificate of Insurance shall indicate that the Display Supervisor, or a company on their behalf, has at least \$5,000,000.00 of public liability insurance.
- 6.11 A public fireworks display shall only be held if conducted under the direct supervision of a Display Supervisor.
- 6.12 Before, during, and following a public firework display, the Display Supervisor named in the written permission shall:
- a) Provide and maintain fully operational fire extinguishing equipment ready for immediate use, and shall be present at all times and for a reasonable period thereafter, at the location of the public fireworks display;
  - b) Possess knowledge of the operating procedures of such fire extinguishing equipment and be capable of employing such fire extinguishing equipment;
  - c) Produce the written permission on demand for any Designated Officer;
  - d) Permit the inspection of the fireworks and any site where the fireworks may be stored or discharged together with all associated equipment;
  - e) After the public fireworks display, all unused fireworks and debris shall be removed and disposed of by the Display Supervisor in compliance with the Regulations, section 442, and the site must be returned to such condition as prior to the public fireworks display.
- 6.13 If the Administrator, as a result of the existence of hazardous fire conditions or failure by the applicant to secure adequate public liability insurance, deems it advisable, the Administrator may cancel or suspend any written permission granted pursuant to this Bylaw.
- 6.14 A Display Supervisor denied written permission by the Administrator may appeal the refusal to Council, so long as such appeal is made in writing and directed to the municipal office within seven days of rejection by the Administrator.

## **SECTION VII – ENFORCEMENT AND PENALTIES**

- 7.1 Any persons who possess or discharge fireworks contrary to the provisions of this Bylaw commits an offence and shall, when requested, surrender all fireworks in their possession to a Designated Officer, who shall be authorized to receive and hold all such fireworks in the interest of public safety and as evidence of the commission of the offence.
- 7.2 Any costs incurred as a result of the seizure or disposal of fireworks by a Designated Officer shall be borne by the person in possession of the fireworks at the time of the seizure or property owner at time of forfeiture.
- 7.3 On reasonable and probable grounds, a Designated Officer may enter and inspect any place in which fireworks are stored, transported or discharged and may open and inspect any room, container, vehicle, or package that the Designated Officer has reasonable and probable grounds to believe contains fireworks in contravention of this Bylaw or the Regulations.
- 7.4 Any person who obstructs, interferes with or hinders a Designated Officer in the performance of their duties is guilty of an offence pursuant to this Bylaw.
- 7.5 All disputes arising as a result of the administration of this Bylaw shall be referred to Council, and Council shall be the final authority in all cases.
- 7.6 Any and all emergency response costs incurred while mitigating fires resulting from the discharge of fireworks shall be charged to the persons responsible for discharging the fireworks.
- 7.7 Any person contravening any of the provisions of this Bylaw or fails to comply therewith or with any notice given thereunder is considered guilty of an offence and is liable to the penalties as hereinafter provided. Said penalties shall be listed on Schedule 'A", being the Offence and Penalty Listing as attached to and forming a part of this Bylaw.
- 7.8 A person contravening any provisions of this Bylaw with four or more offences shall be guilty of an offence and liable on summary conviction to the penalties provided in the General Penalty Bylaw of the Municipality.
- 7.9 When a conviction under this Bylaw becomes final, any fireworks seized as a result of 7.1 shall be forfeited to the Municipality.

## **SECTION VIII – PAYMENT OF NOTICES OF VIOLATION**

- 8.1 Where any person has committed or is alleged to have committed a breach of any of the provisions of this Bylaw, a ticket, summons, or notice may be served on such person by a Designated Officer. Such person served with a ticket or notice may pay same at the Eatonia Municipality Administration Office between the hours of 9:00 a.m. and 5:00 p.m., excepting Saturdays, Sundays and public holidays, provided that payment must be made within a period of ten (10) days from the service of the said ticket or notice. If payment is made within such time and accepted, then that person shall not be liable to prosecution for the offense.
- 8.2 Service of a ticket, notice or summons pursuant to this Bylaw may be made by:
  - a) by personally delivering the ticket, notice or summons to the person committing the breach of the provision of this Bylaw: or
  - b) by mailing such ticket, notice or summons to the last known address of the person committing the breach of the provision of this Bylaw.
- 8.3 A person to whom a Notice of Violation is being issued pursuant to this Section, shall upon request, provide their name and address. Any person who fails to provide this information is guilty of an offence and liable on summary conviction to be assessed a fine as outlined in the most current Town of Eatonia General Penalties Bylaw.

8.3 If the person given such ticket, summons, or notice fails to pay the specified ticket, summons, or notice within ten (10) days of issue date of ticket, summons, or notice, the dollar amount shall increase as set out in Schedule "A".

### SECTION IX – REPEAL AND COMING INTO FORCE

9.1 Bylaw No. 11/13 and all amendments are hereby repealed.

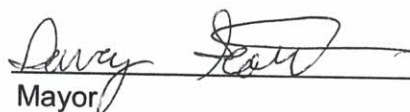
9.1 This Bylaw shall come into force and be in effect on the final passing thereof.

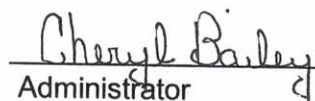
Given 1<sup>st</sup> reading this 14<sup>th</sup> day of September, 2021

Given 2<sup>nd</sup> reading this 14<sup>th</sup> day of September, 2021

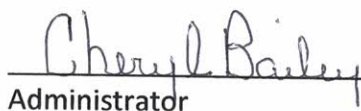
Given 3<sup>rd</sup> reading and hereby adopted this 14<sup>th</sup> day of September, 2021



  
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Mayor

  
\_\_\_\_\_  
Administrator

Certified a true copy of  
Bylaw No. 9/21 adopted  
by resolution of Council  
on the 14<sup>th</sup> day of  
September, 2021.

  
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Administrator



**TOWN OF EATONIA  
SCHEDULE "A"  
OFFENCE AND PENALTY LISTING  
FORMING PART OF BYLAW NO. 9/21**

<b>OFFENCE</b>	<b>PENALTY SUM (FINE)</b>	
	<b>If Payment is Made Within a Period of Ten (10) Calendar Days</b>	<b>If Payment is Made After a Period of Ten (10) Calendar Days</b>
First Offence Resulting from a Contravention of Bylaw No. 9/21	\$100.00	\$200.00
Second Offence Resulting from a Contravention of Bylaw No. 9/21	\$150.00	\$300.00
Third Offence Resulting from a Contravention of Bylaw No. 9/21	\$200.00	\$400.00