

**THE CITY OF THOMPSON
BY-LAW 1684-2003**

**BEING A BY-LAW OF THE CITY OF THOMPSON TO REGULATE THE
SALE AND USE OF FIREWORKS WITHIN THE CITY OF THOMPSON**

WHEREAS subsection 232(1)(J) of the Municipal Act, S.M. 1996, c. 58, provides inter-alia, authority for the municipality to pass by-laws for regulating the sale and use of fire crackers and other fireworks;

NOW THEREFORE the Council of the City of Thompson in regular session duly assembled, enacts as follows:

1. DEFINITIONS:

- (A) **Unless otherwise provided, or unless the context otherwise requires, words and expressions in this by-law have the same meaning as the same words and expressions in the Act and in the Code.**
- (B) **In this by-law, words importing the singular number only shall include the plural and vice versa, and words importing gender shall include all genders.**
- (C) **In this by-law:**
 - (1) **“ACT” means the Municipal Act of Manitoba S.M. 1996 c. 58 and any amendments thereto.**
 - (2) **“AUTHORITY HAVING JURISDICTION” means the Fire Chief, Acting Fire Chief, Deputy Fire Chief, or the responsible municipal, provincial or federal officials with legal authority for controlling the subject referred to including, without restricting the generality thereof, municipal Fire Prevention Officers and Fire Inspectors.**
 - (3) **“CITY” means the City of Thompson or the area contained within the boundaries thereof.**
 - (4) **“CODE” means the Manitoba Fire Code being Regulation No. 212/92 of the Fire Prevention Act, C.C.S.M. c. F80 and any amendments thereto**

- (5) **“COUNCIL”** means the Council of the municipality.
- (6) **“FIRE INSPECTOR”** means a person appointed by the Fire Chief, from time to time, to carry out fire inspections under the provisions of this by-law.
- (7) **“INSPECTOR”** means Fire Inspector or any other person or agency employed by or acting for the municipality who is partially or wholly responsible for fire safety within the municipality.
- (8) **“FIRE CHIEF”** means the Fire Chief for the municipality and any person acting or authorized to act on his behalf.
- (9) **“FIREWORKS”** means any article defined as “fireworks” pursuant to The Explosives Act (Canada) or regulations thereto and without limiting the generality of the foregoing shall also include High Hazard Fireworks and Low Hazard Fireworks as defined hereafter.
- (10) **“HIGH HAZARD FIREWORKS”** means any fireworks such as rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, mines and fire crackers as defined in subsection 7.2.2 of The Explosives Act (Canada) as High Hazard Fireworks for Recreation.
- (11) **“LOW HAZARD FIREWORKS”** means any fireworks such as fireworks showers, fountains, golden rain, lawn light, pinwheel, Roman candles, and volcanoes, as defined in subsection 7.2.1 of The Explosives Act (Canada) as Low Hazard Fireworks for Recreation.
- (12) **“MUNICIPALITY”** means the City of Thompson and the area contained within its boundaries.
- (12) **“PERSON”** means an individual, club, organization, firm or corporation.

2. SALE AND USE OF FIREWORKS:

- (A) No person shall display for sale, sell or offer for sale, fireworks within the City.
- (B) No person shall set off fireworks within the city except under the provisions of the Explosives Act (Canada). Any person setting off fireworks shall be a licensed Fireworks Supervisor pursuant to said Act and shall hold a permit from the Fire Chief for each separate event in which he sets off fireworks.
- (C) The Fire Chief may, upon written application therefore made to him, grant to a service club or other responsible organization, permission to purchase and fire or set off fireworks provided the following requirements are satisfied:
 - (1) That the fireworks shall be fired or set off only in an organized display in conformance with subsection (B) hereof and for which all precautions have been taken for the protection of the public, the persons involved in the display and all public and private property.
 - (2) That the display is in connection with an event or celebration, which is of public interest and will be enhanced by such organized display of fireworks.
- (D) Notwithstanding any other provisions in this by-law, a Fire Inspector is hereby authorized to remove or cause to be removed fireworks that have been sold or are offered for sale or which are being fired or set off, in contravention of the provisions of this by-law or the terms of any permit issued, to a disposal area designated by Council for the purpose of being destroyed or otherwise disposed of, and to destroy and dispose of same.

3. RIGHT OF APPEAL:

An applicant denied a permit pursuant to section 2 hereof by the Fire Chief, may appeal the refusal to Council so long as such appeal is made in writing and directed to the municipal office within seven (7) days of a refusal by the Fire Chief.

4. OFFENCE AND PENALTY:

Any person who contravenes, or disobeys, or refuses, or neglects to obey any provision of this by-law is guilty of an offence and liable, on summary conviction, to a fine not exceeding One Thousand Dollars, (\$1000.00), or to imprisonment for a term not exceeding six months or to both.

5. This by-law will come into force and effect on day following the date of third reading.

6. The proper officers shall be and they are hereby authorized to execute and deliver, under the corporate seal of the City of Thompson, the above by-law.

READ A FIRST TIME THIS 30th DAY OF JUNE 2003 A.D.

READ A SECOND TIME THIS 28th DAY OF JULY 2003 A.D.

READ A THIRD TIME THIS 28th DAY OF JULY 2003 A.D.

THE CITY OF THOMPSON

PER: *[Signature]*
MAYOR

APPROVED AND ADOPTED THIS 28 DAY OF JULY 2003 A.D.

PER: *[Signature]*
CITY CLERK