

**Office Consolidation  
By-law 92-160**

Being a by-law to regulate the setting off of fireworks and the sale of fireworks and to repeal By-laws 89-108, 67-12 and 2386

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Passed by Council on June 22, 1992

Amendments:

<b>Amending By-law</b>	<b>Date Passed</b>	<b>Amendment Details</b>
93-50	April 13, 1993	Section 8(1), 8(2)(a)(b)(c), 8(3) new Allows a registered charity, service organization or registered business to apply for an exemption from 1(1)(b).
96-23	January 29, 1996	Section 2(3) new Permit Fee

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## **Office Consolidation**

### **THE CORPORATION OF THE MUNICIPALITY OF CLARINGTON**

#### **By-law 92-160 as amended**

Being a by-law to regulate the setting off of fireworks and the sale of fireworks and to repeal By-laws 89-108, 67-12 and 2386

WHEREAS it is deemed necessary in the interest of safety and quietude to regulate the setting off and sale of fireworks in the Town of Newcastle;

AND WHEREAS the Council of the Corporation of the Town of Newcastle deems it necessary to repeal By-law 2386, By-law 67-12 and By-law 89-108;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NEWCASTLE, PURSUANT TO THE PROVISIONS OF SECTION 210, PARAGRAPHS 37 AND 38 OF THE MUNICIPAL ACT, R.S.O., 1990, CHAPTER M.45 HEREBY ENACTS AS FOLLOWS:

1. (1) No Person shall sell, permit or suffer to be sold any fireworks to any person within the Town of Newcastle;
  - (a) at any time other than during the five (5) day period immediately preceding the day set by Statute for the observance of Victoria Day, on Victoria Day and the five (5) day period immediately preceding the day set by Statute for the observance of Canada Day , and on Canada Day;
  - (b) on any land, or from or in any vehicle, trailer or building other than a lawful retail store provided that fireworks for sale in a retail store shall not be displayed in a window of the store which faces a highway except that an imitation or facsimile of fireworks for sale in the retail store which imitation or facsimile does not contain an explosive or an explosive agent may be displayed in any window in such store; or
  - (c) to a person who is not at least eighteen (18) years of age.
- (2) Notwithstanding paragraph 1(1)(a) but subject to paragraphs 1(1)(b) and (c), section 2 and section 3, on application therefore the Council may permit a person to sell fireworks in a lawful retail store in the Town of Newcastle at a time or times which are in addition to the days and periods referred to in paragraph 1(1)(a).

2.
  - (1) Subject to subsection 2(2), no person shall set off, cause, permit or suffer to be set off by any person fireworks within the Town of Newcastle at any time other than during the five (5) day period immediately preceding and the five (5) day period immediately following the day set by Statute for the observance of Victoria Day, on Victoria Day, the five (5) day period immediately preceding and the five (5) day period immediately following the day set by Statute for the observance of Canada Day, and on Canada Day, and then only on land owned by or leased to the person who sets off, causes, permits or suffers any person to set off the fireworks in question.
  - (2) On application therefore, the Council may issue a permit to a person or persons specifying the location where fireworks may be set off and it shall be lawful for fireworks to be set off in accordance with the permit that has been so issued. A permit issued by Council under this subsection 2(2) shall specify the land where fireworks may be set off and shall require that all fireworks that may be lawfully set off under such permit, shall be set off my or under the supervision of a person or persons at least twenty-one (21) years of age.
  - (3) The fee for a permit issued under Section 2(2) shall be \$50.00.
3. Notwithstanding any other provision of this By-law:
  - (i) no person shall set off fireworks on any highway within the Town of Newcastle at any time; and
  - (ii) no person(s) shall set off fireworks within the Town of Newcastle on any day between the hours of 11:30 p.m. and 8:00 a.m. on the next following day.
4. By-law 2386 (Bowmanville), By-law 67-12 (Bowmanville) and By-law 89-108 are hereby repealed.
5. It is declared that if any section, paragraph or clause or portion or portions of nay of them contained in this By-law should be held by a Court of competent jurisdiction to be invalid in whole or in part, the validity other sections, paragraphs, clauses or portions of any of them contained in this By-law shall not be affected thereby, the intention of Council being that all other sections, paragraphs and clauses and portions of any of them contained in this By-law are to be considered to be valid and enforceable.
6. Any person who contravenes any provision of this By-law is guilty of an offence.
7. The provisions of this By-law shall be in effect from the date of the final passing thereof.

8. (1) A registered charity, service organization or registered business may make application in writing to the By-law Enforcement Division for an exemption from the provisions of subsection 1(1)(b) permitting the sale of fireworks from a trailer.
- (2) On application thereto the applicant shall submit the following:
  - (a) a Fire Safety Plan approved by the Chief Fire Official; such Plan shall include the exact location of the trailer, all setbacks from building and roads and other such safety measures as required; and
  - (b) a letter of permission from the property owner; and
  - (c) a clearance from the Planning Department stating that the subject property use complies with all zoning requirements.
- (3) The application shall be made at least sixty days prior to the scheduled start of sales.