

The Corporation of the Town of Essex

By-Law Number 2011

Being a by-law to prohibit and regulate the sale of fireworks and the setting off of fireworks in the Town of Essex

WHEREAS Section 121 of the *Municipal Act, 2001, S.O. 2001 c.25* as amended provides that a local municipality may prohibit and regulate the sale of fireworks and the setting off of fireworks and to prohibit such activities unless a permit is obtained from the municipality for those activities and may impose conditions;

AND WHEREAS Section 130 of the *Municipal Act, 2001, S.O. 2001 c.25* as amended provides that a municipality may regulate matters for purposes related to the health, safety and well-being of the inhabitants of the municipality;

AND WHEREAS the Council of the Corporation of the Town of Essex deems it necessary for the safety and well-being of the community to prohibit and regulate the setting off of fireworks and for requiring permits within the geographic limits of the Town of Essex;

NOW THEREFORE be it resolved that the Council of the Corporation of the Town of Essex enacts as follows:

1.0 DEFINITIONS

- 1.1 **“competent person”** means a person who is at least 18 years of age and is fully aware of applicable legislative requirements at all levels of Government, with regards to the discharging of fireworks.
- 1.2 **“Council”** means the Council of the Corporation of the Town of Essex.
- 1.3 **“display fireworks” or “high powered fireworks”** means an outdoor high hazard, recreational firework that is classed as a subdivision 2 of Division 2 of Class 7 Fireworks under the *Explosives Act*, for which a permit shall be required and includes rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, bombardos, waterfalls, fountains, batteries, illumination, set pieces and pigeons but does not include fireworks.
- 1.4 **“dusk”** means the state or period of partial darkness between day and night at which time the sun has set.
- 1.5 **“Explosives Act”** means the *Explosives Act, Revised Statutes of Canada, 1985, Chapter E-17 and the Regulations* enacted thereunder as amended from time to time or Act and Regulations enacted in substitution therefore.
- 1.6 **“family fireworks”** means an outdoor, low hazard, recreational firework that is classed as a subdivision 1 of Division 2 of Class 7 Fireworks under the *Explosives Act* and includes fireworks showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, volcanoes and sparklers, but does not include Christmas crackers and caps for toy guns containing not in excess of twenty-five one-hundredths of a grain of explosive used per cap.
- 1.7 **“firecracker”** means a pyrotechnic device that explodes when ignited and does not make any subsequent display or visible effect after the explosion and includes those devices commonly known as Chinese firecrackers. For the purpose of this By-Law, Christmas crackers and caps used in cap pistols, shall not be deemed as “firecrackers”.

- 1.8 **“fireworks”** means display fireworks, pyrotechnic special effects fireworks and family fireworks but does not include sparklers.
- 1.9 **“Fire Chief”** means the Fire Chief of the Essex Fire and Rescue Service or designate.
- 1.10 **“Fire Department”** means the Essex Fire and Rescue Service.
- 1.11 **“flying lanterns”** also known as sky lanterns is a lantern with a paper shell and wire frame that holds a heat or fuel source at the base of the lantern that is ignited. Once released, there is no control over where the lanterns travel or where they land.
- 1.12 **“motor vehicle”** means motor vehicle as defined in the *Highway Traffic Act, R.S.O. 1990 c.H.8* as amended.
- 1.13 **“minor”** means a person who is under 18 years of age.
- 1.14 **“Municipal Law Enforcement Officer”** means a Town By-Law Enforcement Officer or other law enforcement officer appointed by the Council of the Corporation of the Town of Essex, Ontario Provincial Police, or a Provincial Offences Officer.
- 1.15 **“Noise By-Law”** means any by-law enacted by Council to prohibit and regulate noise in the Town of Essex.
- 1.16 **“permit”** means an application for Display Fireworks Permit.
- 1.17 **“person”** includes a partnership, a corporation and a natural individual; where a person is a minor “person” includes the parent or guardian of the minor.
- 1.18 **“Police Officer”** means a person appointed as police officer of the Ontario Provincial Police or any other police force having jurisdiction within the Town.
- 1.19 **“pyrotechnician”** means a person who is certified under the *Explosives Act* as a Theatrical User, an Assistant, a Pyrotechnician or a Special Effects Pyrotechnician and is qualified to purchase and supervise the display of pyrotechnic special effect fireworks under the *Explosives Act*.
- 1.20 **“Pyrotechnic Special Effect Firework”** means a high hazard firework that is classed as a subdivision 5 of Division 2 of Class 7 Firework under the *Explosives Act* for which a permit shall be required and that is used to produce a special pyrotechnic effect for indoor or outdoor performances and includes black powder bombs, bullet effect, flash powder, air bursts, smoke compositions, bergs, lances and wheels.
- 1.21 **“Retail Business Holidays Act”** means the *Retail Business Holidays Act, R.S.O. 1990, Chapter R.30*, as amended, and any regulations enacted thereunder as amended from time to time or Act and Regulations enacted in substitution therefore.
- 1.22 **“sale”** includes all attempts or offers to sell or cause to permit to sell or invitations to purchase, whether by express act or implication.
- 1.23 **“Town”** means the Corporation of the Town of Essex or the geographical limits of the Town of Essex, as the context suggests.

2.0 SALE OF FIREWORKS

- 2.1 No person shall display, offer for sale, or sell fireworks within the Town, except on the dates mentioned hereafter:

- a) 10 days before and on the third Monday of May, being Victoria Day
 - b) 10 days before and on July 1, being Canada Day
 - c) 10 days before and on July 4, being Independence Day (U.S.A.)
 - d) 10 days before and on the first Monday of August, being Civic Holiday
 - e) 10 days before and on the first Monday of September, being Labour Day
 - f) 10 days before and on December 31, being New Year's Eve
- 2.2 For greater certainty, only those persons authorized to undertake retail sales pursuant to section 4 of the *Retail Business Holidays Act* and any by-law enacted by the Town in accordance with the *Retail Business Holidays Act* may sell fireworks on the authorized days noted in section 2.1 of this By-Law.
- 2.3 Subject to section 2.1 herein, no person shall display, offer for retail sale, or sell fireworks in the Town unless:
- a) the fireworks are displayed in a package, glass case or other suitable receptacle away from inflammable goods;
 - b) the fireworks are displayed in a place where they are not exposed to the rays of the sun or to excess heat;
 - c) the fireworks are displayed inside of a building and a minimum of 3 metres from any window;
 - d) the fireworks are displayed in or near an area where smoking or igniting of any smoking or other substance or device is prohibited; and
 - e) the fireworks are displayed in or near any areas where cooking or heating of food and beverage or other substance is prohibited.
- 2.4 No person who offers for sale or sells fireworks shall fail to post the location where the fireworks are kept as a "No Smoking Area".
- 2.5 No person shall sell fireworks or cause or permit fireworks to be sold to a person who is not a competent person.
- 2.6 Notwithstanding the provisions of this Section, no person shall conduct retail sales of family fireworks from detached storage units or tractor/trailer units outside of a building, unless the units are located:
- a) at least 6 metres from any combustible material;
 - b) at least 6 metres from any building or other temporary retail outlet;
 - c) at least 3 metres from any vehicle parking; and
 - d) with the prior approval of the Fire Chief or designate, for the location.

3.0 POSSESSION OF FIREWORKS

- 3.1 No person, other than a competent person, shall be in possession of fireworks.

4.0 FIRECRACKERS AND FLYING LATERNS

- 4.1 No person shall set off firecrackers within the Town.
- 4.2 No person shall display, offer for sale or sell firecrackers within the Town.
- 4.3 No person shall release flying lanterns (sky lanterns) within the Town.
- 4.4 No person shall display, offer for sale or sell flying lanterns within the Town.

5.0 SETTING OFF FAMILY FIREWORKS

- 5.1 No person shall set off Family Fireworks in the Town, except on the designated dates mentioned hereafter:
- a) 3 days before and on the third Monday of May, being Victoria Day
 - b) 3 days before and including July 1, being Canada Day, and 3 days after July 1 inclusive of July 4, being Independence Day (U.S.A.)
 - c) 3 days before and on the first Monday of August, being Civic Holiday
 - d) 3 days before and on the first Monday of September, being Labour Day
 - e) December 31, being New Year's Eve
- 5.2 No person shall set off Family Fireworks at any time except between dusk and 11:00 p.m. on the designated days as prescribed in this By-Law, and between dusk on New Year's Eve and 12:30 a.m. the following day.
- 5.3 For the celebration of a special event, the Fire Chief may approve in writing the setting off of Family Fireworks on a day other than the designated dates in section 5.1, subject to the provisions of this By-Law.
- 5.4 Only a competent person shall be in charge of setting off Family Fireworks.
- 5.5 No minor shall set off any fireworks, other than a sparkler where the minor is under the supervision of an adult at all times.
- 5.6 No person shall set off family fireworks in, into or on:
- a) a building;
 - b) a motor vehicle;
 - c) a highway or street; or
 - d) a park or other public place.
- 5.7 Property damage or injury as a result of family fireworks shall be the responsibility of the person setting off the fireworks.
- 5.8 Family Fireworks shall only be permitted to be set off on private property. No person shall set off Family Fireworks on any public or municipal property unless the Fire Chief has provided an approval in writing.
- 5.9 No person shall set off family fireworks without a fully operational fire extinguisher ready for emergency access in the immediate area where the fireworks are being set off.
- 5.10 No person shall set off fireworks on any land of which he or she is not the owner, without obtaining the prior written permission of the owner to do so.

6.0 STORING OF FAMILY FIREWORKS

- 6.1 No person shall store, handle or set off family fireworks in an unsafe manner or in a manner that creates a nuisance, taking into account the noise, danger from fire and explosion, and risk of death, injury and damage to property inherent in the storage, handling or use of fireworks.
- 6.2 A person who stores family fireworks shall use reasonable care to ensure that those fireworks are not accessible to a minor.

7.0 PERMITS FOR SETTING OFF HIGH POWERED / DISPLAY AND/OR PYROTECHNIC SPECIAL EFFECTS FIREWORKS

- 7.1 No person shall set off Display Fireworks unless they have applied for and been granted a permit to do so in accordance with the provisions of this By-Law.
- 7.2 No person shall set off Display Fireworks in the Town except on the designated dates mentioned hereafter:
- a) 3 days before and on the third Monday of May, being Victoria Day
 - b) 3 days before and including July 1, being Canada Day, and 3 days after July 1 inclusive of July 4, being Independence Day (U.S.A.)
 - c) 3 days before and on the first Monday of August, being Civic Holiday
 - d) 3 days before and on the first Monday of September, being Labour Day
 - e) December 31, being New Year's Eve
- 7.3 In the event that weather conditions such as rain, fog, smog or wind, on the designated holidays make it impractical and/or unsafe to set off display fireworks, the Fire Chief may further designate and permit an alternate day and time.
- 7.4 For the celebration of a special event or community event in the Town, the Fire Chief may approve in writing the setting off of Display Fireworks on a day other than the designated dates in section 7.2, subject to the provisions of this By-Law.
- 7.5 A complete application in the form and manner attached hereto as Schedule "A" to this By-Law (as may be amended from time to time), including permit fee (if applicable), to set off Display Fireworks shall be made to the Fire Chief in accordance with this By-Law at least 15 calendar days prior to the holding of the Display Fireworks and the Fire Chief may grant a permit for the setting off of Display Fireworks in a manner acceptable to the regulations and all applicable By-Laws of the Town of Essex. At the sole discretion of the Fire Chief an application to set off Display Fireworks may be accepted in an expedited manner and granted on an expedited basis sooner than 15 calendar days prior to the holding of the Display Fireworks.
- 7.6 Filed with the application shall be a statement of the safety measures being implemented and a current and up to date site plan with dimensions showing:
- a) the location of the proposed Display Fireworks;
 - b) the access to be provided for fire and emergency vehicles;
 - c) the free zone area of clear distance between the point of launch and an occupied area.
- 7.7 The Fire Chief may require any additional information of the applicant to ensure the public safety and may impose additional conditions on the issuance of a permit as they deem advisable in the particular circumstances of the application. The additional conditions that may be imposed by the Fire Chief may include a requirement that the applicant provide the appropriate notice of the upcoming Display Fireworks event.
- 7.8 If, in the opinion of the Fire Chief, it is necessary for a firefighter or firefighters to be present at the setting off of Display Fireworks, the presence of such firefighter(s) shall be a condition of the permit. The firefighter(s) shall have the right to enter any premises for the purpose of ensuring public safety and shall not be hindered or obstructed in any way whatsoever. Such firefighter(s) shall also have the authority to require any precautions for the prevention of fire which in the firefighter(s) opinion is deemed necessary before any Display Fireworks are set off pursuant to the permit issued by the Fire Chief.

- 7.9 Each permit/application shall state the name of the corporation, club, association or group to whom it is issued, the place and date at which and on which it may be held, the type and kind of Display Fireworks that will be set off, the name of the person under whose supervision it shall be held and such other information as required by the Fire Chief. Any special conditions imposed by the Fire Chief to promote health and safety of the public at the event shall also be listed on the permit.
- 7.10 A permit for setting off Display Fireworks shall only be issued by the Fire Chief to a service club, corporation, association or group.
- 7.11 A High Powered/Display Firework permit may be issued for the purpose of celebrating the holidays on the designated dates in section 7.2 or for such other event and/or day approved by the Fire Chief, subject to the following:
- a) If Display Fireworks are to be held on municipal property, further written approval of the Chief Administrative Officer and/or the Director of Community Services for the Town must be obtained prior to applying for a permit.
 - b) No permit shall be issued for a location within 150 metres of a place where explosives, gasoline or other highly flammable substances are stored.
 - c) Every applicant shall provide with the permit, proof of Liability Insurance with a minimum coverage of five million Canadian dollars (\$5,000,000.00 CAD) with The Corporation of the Town of Essex to be named as an additional insured.
 - d) Every applicant shall sign and provide with the permit an indemnification/liability agreement signed by the applicant or an individual having legal authority to bind the applicant.
 - e) The fee for a permit, if applicable, shall be as prescribed and as amended from time to time by Council.
- 7.12 No person shall set off Display Fireworks in the Town except on the day or days and times specified by the permit.
- 7.13 The permit may be suspended or revoked by the Fire Chief if the conditions of the permit are not being met or it would be unsafe to allow the Display Fireworks.
- 7.14 No person shall set off Display Fireworks or advertise that a Display Fireworks event is to be held in the Town without a permit issued by the Fire Chief.
- 7.15 Every person to whom a permit is issued under this section shall:
- a) provide and maintain approved fully operational fire extinguishing equipment ready for immediate use throughout the time while the Display Fireworks is being set off or displayed and for a reasonable period thereafter, at the location or site of the setting off of fireworks;
 - b) produce the permit on demand by the Fire Department or to any police officer, or any person authorized to enforce this By-Law; and
 - c) permit the inspection of any site where the Display Fireworks may be stored, set off or displayed and the fireworks themselves together with all associated equipment, by the Fire Department or anyone authorized to enforce this By-Law, forthwith, upon demand.

- 7.16 Every person to whom a permit is used under this section, shall, immediately after the conclusion of the setting off or holding of a Display Fireworks, carry out a site inspection and shall:
- a) remove all unused or partly used fireworks from the site;
 - b) gather together and remove all debris remaining after using or partial use of the Display Fireworks; and
 - c) return the site to the condition it was prior to the setting off or holding of the display.

8.0 SETTING OFF DISPLAY FIREWORKS

- 8.1 No person shall set off Display Fireworks in the Town without first receiving a Permit from the Fire Chief.
- 8.2 No person shall set off Display Fireworks without the supervision of a person who is qualified for such purpose to the satisfaction of the Fire Chief.
- 8.3 Every person who sets off Display Fireworks shall take all steps reasonably necessary, as would a reasonable and prudent person, to ensure no harm to persons or property damage.
- 8.4 Conditions set out in the permit as well as legislative requirements at all levels of Government shall be adhered to.
- 8.5 Property damage or injury as a result of Display Fireworks shall be the responsibility of the person setting off the fireworks.

9.0 SETTING OFF PYROTECHNIC SPECIAL EFFECTS FIREWORKS

- 9.1 No person shall hold a display of Pyrotechnic Special Effect Fireworks in the Town without having first obtained a permit to do so issued by the Fire Chief.
- 9.2 No person shall set off any Pyrotechnic Special Effect Fireworks in the Town without having first obtained a permit to do so issued by the Fire Chief authorizing the pyrotechnic special effect fireworks.
- 9.3 A complete application in the form and manner attached hereto as Schedule "A" to this By-Law (as may be amended from time to time), including permit fee prescribed by Council and amended from time to time, if applicable, shall be made to the Fire Chief in accordance with this By-Law at least 30 calendar days prior to the display of Pyrotechnic Special Effect Fireworks. The requirements of this By-Law relating to permits shall also apply as applicable to Pyrotechnic Special Effect Fireworks. The Fire Chief may require any additional information of the applicant to ensure the public safety and may impose additional conditions on the issuance of a permit as they deem advisable in the particular circumstances of the application. The additional conditions that may be imposed by the Fire Chief may include a requirement that the applicant provide the appropriate notice of the upcoming Pyrotechnic Special Effect Fireworks event.
- 9.4 No person shall set off Pyrotechnic Special Effect Fireworks without the supervision of a pyrotechnician.
- 9.5 If, in the opinion of the Fire Chief, it is necessary for a firefighter to firefighter(s) to be present at the setting off of any Pyrotechnic Special Effect Fireworks, the presence of such firefighter(s) shall be a condition of the permit. The firefighter(s) shall have the right to enter any premises for the purpose of ensuring public safety and shall not be hindered or obstructed in any way whatsoever. Such firefighter(s) shall also have the authority to require any precautions for the prevention of fire

which in the firefighter(s) opinion is deemed necessary before any Pyrotechnic Special Effect Fireworks are set off pursuant to the permit issued by the Fire Chief.

10.0 EXEMPTION FOR FAMILY FIREWORKS

- 10.1 The act of setting off of Family Fireworks on private property by the owner, tenant or authorized person on the designated dates in section 5.1 for their own personal display shall not be subject to the permit requirements and regulations applicable to Display and Pyrotechnic Special Effects Fireworks.

11.0 VALIDITY AND SEVERABILITY

- 11.1 If a court of competent jurisdiction declares any provision, or any part of a provision, of this By-Law to be invalid, or to be of no force and effect, the validity of the remainder of this By-Law shall not be affected and shall remain in full force.

12.0 ENFORCEMENT

- 12.1 This By-Law may be enforced by a Municipal Law Enforcement Officer or Police Officer, as defined in this By-Law.
- 12.2 No person shall obstruct or attempt to obstruct any person having authority for the enforcement of this By-Law.

13.0 CONFLICT WITH OTHER BY-LAWS

- 13.1 Nothing in this By-Law shall exempt any person from complying with the requirements of any by-law in force from obtaining any license, permission, permit, authority or approval required under any by-law or legislation.
- 13.2 Further and notwithstanding anything to the contrary, compliance with the provisions of this By-Law shall be deemed to not be a contravention of the provisions of the Noise By-Law relating to the displaying and/or setting off of fireworks as defined by this By-Law.

14.0 OFFENCES AND PENALTIES PROVISION

- 14.1 Every person who contravenes any of the provisions of this By-Law is guilty of an offence and, upon conviction, is liable to fine as provided for under the *Provincial Offences Act, R.S.O. 1990, c. P.33*, as amended, and pursuant to Part 1 of the *Provincial Offences Act* and Schedule "B" attached hereto and part of this By-Law.

15.0 REPEAL

- 15.1 Upon the passage of this By-Law and issued Order approving the applicable set fines thereto, By-Law 124 and all amendments thereto, shall be repealed.
- 15.2 Every act taken pursuant to the predecessor to this By-Law shall, as necessary, be deemed to have been taken pursuant to this By-Law and every such act may be carried to its conclusion pursuant to the authority granted by this By-Law.
- 15.3 If an act has been validly commenced pursuant to the predecessor to this By-Law and authority for such act does not exist pursuant to this By-Law then such act may be continued to its conclusion and the portions of the predecessor to this By-Law necessary to permit such act to be concluded shall be deemed to remain in effect for the purposes of bringing such act to a conclusion.

16.0 ENACTMENT

- 16.1 The short title of this By-Law shall be the "Fireworks By-Law".
- 16.2 This By-Law shall come into full force and effect upon the final passing thereof.

Read a first and a second time and provisionally adopted on July 5, 2021

Mayor

Clerk

Read a third time and finally passed on July 19, 2021

Mayor

Clerk



By-Law 2011 Schedule "A" Application for Fireworks Display

Applicant Information

Organization Name:

Contact Name:

Contact Position:

Address:

City:

Postal Code:

Email:

Phone:

Event Information

Name of Event:

Description of Event:

Date of Event

From:

To:

Time of Event

From:

To:

Location:

Number of Event Participants:

Insurance Information

Proof of Liability Insurance with a minimum coverage of five million Canadian dollars (\$5,000,000) with the Corporation of the Town of Essex named as an additional insured must be attached to this application.

Total Amount of Liability Insurance Obtained for Event:

Name of Insurance Company:

Name of Insurance Agent:

Acknowledgement of Fireworks Supervisor or Pyrotechnician

*By typing by name below (eSignature) or by signing my name on the line, I certify that I have completed a course for fireworks supervisors / I am a certified pyrotechnician (if pyrotechnic special effect fireworks are to be used), and that I have read, understand and will be guided by the principles and safety rules of the fireworks manual, **all applicable municipal by-laws**, as well as by the specific instructions of the fireworks manufacturer governing a particular firework, and any specific additional requirements set by the Fire Chief or designate.*

Name of Fireworks Supervisor:

Address:

City:

Postal Code:

Email:

Phone:

Fireworks Supervisor Card Number:

Expiry:

Additional Application Requirements to be Attached

- ☐ Site Plan Map (detailing location, emergency vehicle access, free zone distance)
- ☐ Indemnification/Liability Agreement Signed
- ☐ Written Approval from CAO or Director, Community Services if held on municipal property

Approval (for Municipal Office Use Only)

☐ The applicant has successfully completed the required course(s) to supervise a fireworks event and has complied with all local regulations, including the requirements set out in the municipal by-law. The applicant is hereby authorized to hold a fireworks event according to the event details listed above.

Authorizing Signature:

Position Title:

Date:

THE CORPORATION OF THE TOWN OF ESSEX
SCHEDULE "B" TO BY-LAW NUMBER 2011
PART 1 PROVINCIAL OFFENCES ACT

By-Law Number 2011: To prohibit and regulate the sale and setting off of fireworks

Item	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1.	Set off firecrackers within the Town	Section 4.1	\$500.00
2.	Release flying lanterns (sky lanterns) within the Town	Section 4.3	\$500.00
3.	Set off Display Fireworks without an issued permit	Section 7.1	\$500.00
4.	Hold a display of Pyrotechnic Special Effect Fireworks without an issued permit	Section 9.1	\$500.00
5.	Set off Pyrotechnic Special Effect Fireworks without an issued permit	Section 9.2	\$500.00
6.	Set off Display Fireworks without the supervision of a qualified person	Section 8.2	\$350.00
7.	Set off Pyrotechnic Special Effect Fireworks without the supervision of a pyrotechnician	Section 9.4	\$350.00
8.	Display, offer for sale, or sell fireworks in the Town not on a designated date	Section 2.1	\$100.00
9.	Display, offer for sale, or sell fireworks in the Town with an improper fireworks display	Section 2.3	\$100.00
10.	Fail to post the location where the fireworks are kept as "No Smoking Area"	Section 2.4	\$100.00
11.	Sell fireworks or cause or permit fireworks to be sold to a person who is not a competent person	Section 2.5	\$100.00
12.	Sell Family Fireworks from detached storage unit or tractor/trailer unit with an improper fireworks display	Section 2.6 a) b) c)	\$100.00
13.	Sell Family Fireworks from detached storage unit or tractor/trailer unit without Fire Chief approval	Section 2.6 d)	\$100.00
14.	Possess fireworks without being a competent person	Section 3.1	\$100.00
15.	Display, offer for sale, or sell firecrackers	Section 4.2	\$100.00
16.	Display, offer for sale, or sell flying lanterns	Section 4.4	\$100.00
17.	Set off Family Fireworks not on a designated date	Section 5.1	\$100.00
18.	Set off Family Fireworks not within the designated times	Section 5.2	\$100.00
19.	Set of fireworks when a minor	Section 5.5	\$100.00
20.	Use of a sparkler when a minor without the supervision of an adult	Section 5.5	\$100.00
21.	Set off Family Fireworks in, into or on a building	Section 5.6 a)	\$100.00
22.	Set off Family Fireworks in, into or on a motor vehicle	Section 5.6 b)	\$100.00
23.	Set off Family Fireworks in, into or on a highway or street	Section 5.6 c)	\$100.00
24.	Set off Family Fireworks in, into or on a park or other public place	Section 5.6 d)	\$100.00

THE CORPORATION OF THE TOWN OF ESSEX
SCHEDULE “B” TO BY-LAW NUMBER 2011
PART 1 PROVINCIAL OFFENCES ACT

By-Law Number 2011: To prohibit and regulate the sale and setting off of fireworks

Item	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
25.	Set off Family Fireworks on public or municipal property without Fire Chief approval	Section 5.8	\$100.00
26.	Set off Family Fireworks without a fully operational fire extinguisher in the immediate area	Section 5.9	\$100.00
27.	Set off Family Fireworks on land of which he or she is not the owner, without written permission	Section 5.10	\$100.00
28.	Store, handle, or set off Family Fireworks in an unsafe manner	Section 6.1	\$100.00
29.	Store, handle, or set off Family Fireworks in a manner that creates a nuisance	Section 6.1	\$100.00
30.	Fail to use reasonable care to ensure fireworks are not accessible to minors	Section 6.2	\$100.00
31.	Set off Display Fireworks not on the date and time specified on the permit	Section 7.12	\$100.00
32.	Advertise a Display Fireworks event without an issued permit	Section 7.14	\$100.00
33.	Fail to provide and maintain a fully operational fire extinguisher during a Display Fireworks event	Section 7.15 a)	\$100.00
34.	Fail to produce the permit to authorized personnel	Section 7.15 b)	\$100.00
35.	Fail to permit the inspection of a site where Display Fireworks are stored, set off, or displayed or associated equipment	Section 7.15 c)	\$100.00
36.	Fail to remove unused or partly used fireworks from Display Fireworks site	Section 7.16 a)	\$100.00
37.	Fail to gather and remove all debris after use or partial use of Display Fireworks	Section 7.16 b)	\$100.00
38.	Fail to return the site to prior condition after setting off Display Fireworks	Section 7.16 c)	\$100.00
39.	Obstruct or attempt to obstruct any person having enforcement authority	Section 12.2	\$100.00

Note: The general penalty provision for the offences indication above is Section 14.1 of By-Law Number 2011, a certified copy of which has been filed.