

**LICENSING BY-LAW
BY-LAW NUMBER 2002-151**

SCHEDULE 11

FIREWORKS

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RESPECTING THE SALE AND SETTING OFF OF FIREWORKS.

DEFINITIONS

11.1 In this By-law – Schedule 11

- a) **“Fireworks”** shall mean fireworks that are designed to produce colourful effects, with sound added as a secondary function in some instances, and shall include “Firecrackers” being those that produce noise only.
- b) **“Town Clerk”** means the Clerk of the Town of Newmarket or his/her designate.
- c) **“Town”** means the Town of Newmarket in the Regional Municipality of York.

11.2 No person shall within the Corporate limits of the Town of Newmarket, sell or retail firecrackers.

11.3 No person shall set off any firecracker or firecrackers within the Corporate limits of the said Town.

11.4 No person shall sell fireworks in the Town without displaying in his shop or place of business at a point adjacent to the fireworks being sold the regulations contained in Clauses 11.6, 11.7, 11.8, 11.9 and 11.13 of this By-law.

11.5 In any event, no person shall sell or retail in the Town any fireworks on any day or days during the except on Victoria Day and Canada Day and except on the seven (7) days immediately before Victoria Day and on the seven (7) days immediately preceding Canada Day provided that the foregoing shall not prevent the sale on any day for the purposes of a fireworks display to a person who is the holder of a permit for such display pursuant to the terms of this By-law.

11.6 No person shall sell or retail in the Town any fireworks to anyone under the age of eighteen (18) years.

11.7 No person shall set off any fireworks on any part of an improved public highway.

11.8 Except at a fireworks display held pursuant to a permit issued under this By-law, no person shall set off any fireworks within the Town except on Victoria Day or Canada Day or on the day immediately preceding or on the day immediately after Victoria Day or Canada or any special day established by Council.

11.9 No person shall hold a fireworks display in the Town except under a permit issued therefore under this By-law in compliance with the conditions set forth in this said By-law.

11.10 The following conditions shall apply to the holding of a fireworks display under a permit issued under this By-law:

- a) this display shall be held by or under the auspices of an established club, association or group of persons;
- b) the display shall be held for the purpose of marking, celebrating or commemorating functions of general interest to the citizens of Newmarket or days or events of civic, national or international significance, or for the purpose of marking, celebrating or commemorating functions, days or events of special significance to persons of a particular racial extraction;
- c) the display shall be held at the place and on the date set forth in the permit;
- d) the display shall be under the supervision of a responsible person not less than 21 years of age;
- e) if the display is to be held in a public park, the approval of the Committee of the Town Council responsible for the operation of such park, shall first be obtained;
- f) the persons present at the display other than those engaged in the conduct or supervision thereof shall be kept back at least 150 feet from the place at which the fireworks are being discharged;
- g) no display shall be held within 500 feet of a nursing home, public hospital, home for the aged, any premises or place where explosives, gasoline or other highly inflammable substances are manufactured, sold or stored, or within 500 feet of a church or a public, separate secondary or other school, unless the consent of the owner of such church or school or an agent or representative of such owner is obtained.

11.11 The Chief of the Fire Department or the Fire Prevention Officer of the Town shall issue permits for displays of fireworks on the conditions set forth in the above section, and each such permit shall state the name of the club, association or group to whom the same is issued, the purpose of the display, the place and date at which and on which the same may be held, and the name of the person under whose supervision the same shall be held.

11.12 It is hereby declared for greater certainty that for purposes of the By-law the setting off of fireworks on Victoria Day or Canada Day or the day immediately preceding or on the day immediately after Victoria Day or Canada Day on land appurtenant to a private residence by the owner or tenant of such residence or a person authorized by him so to do shall not be deemed to be a fireworks display; and the sale or setting off of pyrotechnical signalling devices for marine, military or railway purposes shall not be deemed to be respectively the sale or setting off of fireworks.

11.13 Every person who contravenes a provision of this By-law is guilty of an offence and upon conviction is liable to a fine not exceeding two thousand dollars (\$2,005.00 includes costs).