



TOWN OF WINNIPEG BEACH
BY-LAW # 11/2018

BEING A BY-LAW TO REGULATE THE USE OF FIREWORKS WITHIN THE TOWN OF WINNIPEG BEACH

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

NOW THEREFORE the Council of the Town of Winnipeg Beach in regular session duly assembled enacts as follows:

1. **DEFINITIONS:**

- (A) Unless otherwise provided, or unless the context otherwise requires, words and expressions of 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) "TOWN" means the Town of Winnipeg Beach 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) "CONSUMER FIREWORKS" are low hazard fireworks sold to the general public for use.
 - (6) "COUNCIL" means the Council of the municipality.
 - (7) "DISPLAY FIREWORKS" are high hazard fireworks primarily intended for commercial displays.
 - (8) "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.
 - (9) "INSPECTOR" means Fire Inspector or any other person or agency employed by or acting for the municipality who is partially or wholly responsible for the fire safety within the municipality.

- (10) "FIRE CHIEF" means the Fire Chief for the municipality and any person acting or authorized to act on his behalf.
- (11) "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 or Low Hazard Fireworks as defined hereafter.
- (12) "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.
- (13) "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.
- (14) "MUNICIPALITY" means the Town of Winnipeg Beach and the area contained within its boundaries.
- (15) "PERSON" means an individual, club, organization, firm or corporation.

2. **USE OF FIREWORKS:**

- (A) Consumer fireworks will be permitted providing the fireworks are held on privately owned land, the person is 18 years of age or older or under the direct supervision of and control of a person 18 years of age or over. No person shall discharge any consumer fireworks in such a manner as might create danger or constitute a nuisance to any person or property, or to do or cause or allow any unsafe act or omission at the time and place for the discharging of fireworks. No person shall discharge any consumer fireworks in or into any building, doorway, or automobile. No person shall discharge any consumer fireworks in or on or into any park, highway, street, lane or other public place, unless under a display fireworks permit to do so issued by the Fire Chief.
- (B) Consumer fireworks may only be set off until 11:00 p.m. on Victoria Day and Canada Day, and on December 31st (New Year's Eve) until 12:30 a.m. on January 1st of any given year.
- (C) No person shall set off display fireworks within the Town except under the provisions of The Explosives Act (Canada) and in conjunction with an event organized by the Town of Winnipeg Beach.
- (D) Notwithstanding any other provisions in this by-law, the authority having jurisdiction is hereby authorized to remove or cause to be removed fireworks that are being fired or set off, in contravention of the provisions of this by-law 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 **OFFENCE AND PENALTY:**

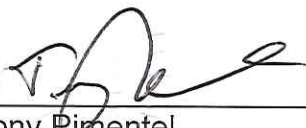
Any person who contravenes, or disobeys, or refuses, or neglects to obey any provision of this by-law is guilty of an offence and liable, on summary conviction, to a fine as follows:

- 1st Offence Two Hundred and Fifty Dollars (\$250.00)
- 2nd Offence Five Hundred Dollars (\$500.00)
- 3rd Offence One Thousand Dollars (\$1000.00), or imprisonment for a term not exceeding six months or to both.

- 4 This by-law will come into force and effect on the day following the date of third reading.
5. The proper officers shall be and they are hereby authorized to execute and deliver, under the corporate seal of the Town of Winnipeg Beach, the above by-law.
6. That By-Law 04/2009 be and is hereby rescinded.

NOW THEREFORE BE IT AND IT IS HEREBY ENACTED as a by-law of the Town of Winnipeg Beach as follows:

DONE AND PASSED as a By-Law of the Town of Winnipeg Beach in the Province of Manitoba this 21st day of November, 2018 A.D.



Tony Rimentel
Mayor



Kathy Magnusson
Chief Administrative Officer

Read a first time on the 10th day of October, 2018 (Resolution 236/2018).
Read a second time on the 24th day of October, 2018 (Resolution 255/2018).
Read a third time the 21st day of November, 2018 (Resolution 267/2018).

