

THE CORPORATION OF THE TOWN OF COCHRANE

BY-LAW NUMBER 164-2002

BEING A BY-LAW TO PROHIBIT OR
REGULATE THE SETTING OFF, SALE OF,
OR DISPLAY OF FIREWORKS WITHIN THE
TOWN OF COCHRANE

WHEREAS authority is granted under the Municipal Act, R.S.O. 1990, Chapter M.45, Section 210, paragraph 37, to regulate the sale of fireworks or any class thereof and to prohibit the sale of fireworks or any class thereof on any days during the year specified in the by-law;

AND WHEREAS authority is also granted under the Municipal Act, R.S.O., 1990, Chapter M.45, Section 210, paragraph 38, to regulate or prohibit the setting off of fireworks or any class thereof in the municipality or in any defined area or areas thereof and for requiring a permit for the holding of fireworks displays and prescribing the conditions under which fireworks displays may be held under such permit;

AND WHEREAS as a result of the municipal restructuring which became effective on January 1, 2000, it is deemed expedient by the Municipal Council of the Corporation of the Town of Cochrane to enact a By-Law to prohibit the setting off of and sale of fireworks within the Town of Cochrane to ensure that the residents of the Town of Cochrane live in an environment which is safe from the dangers and hazards posed by the use of fireworks and firecrackers;

NOW THEREFORE the Municipal Council of the Corporation of the Town of Cochrane enacts as follows:

Definition

1. In this By-Law:
 - (a) "Fireworks" shall include firecrackers, Roman candles, sky rockets, torpedoes, thunder flashes, pyrotechnics of all kinds and any explosive device ignited or detonated for the purpose of visual or sound sensation. "Fireworks" shall also include any Fireworks defined by the Regulations or pursuant to any other legislation.
 - (b) "Fireworks Display" shall be defined as a publicized event staged for and open to the general public during which time fireworks are detonated or exploded as a public spectacle for entertainment purposes.

Prohibiting - Setting off Fireworks

2. No person, shall within the limits of the Town of Cochrane, and on any day of the year, set off fireworks as defined in this By-Law.

Prohibition - Sale or Keeping for Sale of Fireworks

3. No person, firm, company or corporation shall sell, offer to sell, or store or keep for sale, any fireworks as defined in this By-Law, within the Corporation of the Town of Cochrane.

Display of Fireworks

4. No person, firm, company or corporation shall hold, or purchase fireworks for the purpose of holding a fireworks display without first having obtained a Fireworks Display Permit for the holding of the fireworks display.

5. Every such Fireworks Display Permit shall be obtained by application in writing to the Corporation of the Town of Cochrane setting out the names and addresses of all Applicants and all persons responsible for holding the fireworks display, the date and place of the proposed fireworks display and complete details as to the means of purchasing the fireworks, the fireworks to be purchased, and the format of the firework's display or other events related to the firework's display's.
6. Any such applicant shall, if required, provide any all further and necessary information, particulars and details so requested by the Corporation of the Town of Cochrane or by the Fire Chief who shall review all Applications and assist in the processing of Fireworks Display Permits under this By-Law.
7. No person, firm, company or corporation issued a Firework's Display Permit under this By-Law shall hold such firework's display authorized by the permit unless under the direct supervision of the Fire Chief or any number of deputies appointed by the Fire Chief for that specific Display, or any other qualified fireworks supervisor approved by the Municipality.

Penalty

8. Every, person, firm, corporation or company who contravenes any of the provisions of this By-Law is guilty of an offence and upon conviction is liable to a fine of not more than FIVE THOUSAND (\$5,000.00) DOLLARS as provided for in the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

General

9. If any of the provisions of this By-Law is declared invalid for any reason by a Court of competent jurisdiction, the remainder of the by-law shall continue in force.
10. Where any of the requirements of this By-Law is at variance with any other By-Law of this Municipality or with any Provincial or Federal enactment applying to this Municipality, the more restrictive shall apply.
11. This By-law shall come into full force and effect upon the passing thereof.
12. By-Law Number 2305-87 of the former Town of Cochrane is hereby repealed.

READ a first and second time this 14th day of January, 2002

MAYOR

CLERK

READ a third time and finally passed this 14th day of January, 2002.

MAYOR

CLERK

THE CORPORATION OF THE TOWN OF COCHRANE

SCHEDULE "A"

TO BY-LAW NUMBER 164-2002

Part I Provincial Offences Act

ITEM	COLUMN 1 (Short Form Wording)	COLUMN 2 (Defining Offences)	COLUMN 3 (Set Fines) (Includes Costs)
1	Set off fireworks	Section 2	\$200
2	Sell or keep for sale – fireworks	Section 3	\$200
3	Display fireworks – no permit	Section 4	\$200

Note: The penalty for the offences indicated above is Section 8 of By-Law Number 164-2002, a certified copy of which has been filed.