



TOWN OF TRENTON BY-LAW NO.2022-01 FIREWORKS

Title: This by-law shall be known and cited as the Fireworks By-law for the Town of Trenton.

Definitions

1. In this By-law, unless the context otherwise requires:

“**consumer fireworks**” means low hazard fireworks generally used for recreational purposes such as showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, volcanoes, sparklers, caps for toy guns and Christmas crackers;

“**discharge**” means to fire, ignite, explode or set off or cause to be fired, ignited, exploded or set off;

“**display fireworks**” means high hazard fireworks generally used for community celebrations such as bombshells, aerial shells, large wheels and bombardos;

“**firecrackers**” means a class of fireworks which when ignited explodes with little or no visual effect after the explosion, but does not include caps for toy guns or Christmas crackers;

“**Fire Chief**” means the Fire Chief of the Town of Trenton Volunteer Fire Department;

“**Officer**” means a By-law Enforcement Officer, Police Officer, Fire Chief or Designate.

“**owner**” has the same meaning as in the Municipal Government Act;

“**Town**” means the Town of Trenton

Authority & Application

2. Pursuant to Section 172 of the Municipal Government Act (S.N.S. 1998, c. 18).

3. Nothing in this By-law shall exempt any person from obtaining any license, permission, permit, authority, or approval required under any other By-law or regulation of the Municipality or any applicable statute or regulation of the Province of Nova Scotia or Canada. If this By-law conflicts with any other applicable statute or regulation, the more restrictive statute shall apply.

Purpose

4. This By-law is intended to regulate the discharge of fireworks within the Town to ensure the well-being of the public and to protect the peace and tranquility of a residential area.

Firecrackers

5. No person shall discharge any firecrackers within the Town.

Consumer Fireworks

6. No person shall discharge consumer fireworks within the Town except on the following days:
 - a) New Year's Eve – December 31
 - b) Canada Day – July 01
 - c) Trenton FunFest - During the Town's festival weekend, consumer fireworks are permitted to be discharged on Friday and Saturday evenings only.
 - d) Halloween – October 31
- 6.1 Consumer fireworks must be discharged and concluded prior to 11:00PM on permitted days only with the exception of Section 6(a), consumer fireworks must be discharged and concluded prior to 12:30am on New Year's Day (January 01).
- 6.2 Consumer Fireworks displays must last no longer than five (5) minutes in length.
- 6.3 A person eighteen (18) years of age or older may hold a display of consumer fireworks on any land belonging to him or her or on any other privately owned land where the owner thereof has given permission for such display or discharge of fireworks.
- 6.4 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 any fireworks.
- 6.5 No person shall discharge any consumer fireworks in or into any building, doorway, or automobile.
- 6.6 No person shall discharge any consumer fireworks in or on or into any highway, street, lane, square or other public place.
- 6.7 No person under the age of eighteen (18) years shall discharge any consumer fireworks except under the direct supervision and control of a person eighteen (18) years of age or over.

- 6.8 No person being the parent or guardian of any person under the age of eighteen (18) years shall allow the person to discharge any consumer fireworks except when such parent or guardian or some other responsible person of eighteen (18) years of age or over is in direct supervision and control.

Display Fireworks

7. No person shall hold a display of or discharge display fireworks at any time without submitting a permit application and receiving approval from the Fire Chief;
- 7.1 Every application for a permit pursuant to Section 6 shall be made to the Fire Chief a minimum of thirty (30) days prior to the event where the proposed discharge of display fireworks is to occur.
- 7.2 Every application for a permit shall include:
- 7.2.1 A description of the event including,
- a. the date and time of the proposed discharge of display fireworks;
 - b. the type and kind of display fireworks that may be discharged;
 - c. the discharge techniques to be used;
 - d. the manner and means of restraining unauthorized persons from attending too near the discharge site;
 - e. the manner in which unused display fireworks are to be disposed of; and
 - f. the number of persons authorized to handle and discharge the display fireworks;
- 7.2.2 a site plan providing a description of the discharge site to be used for the discharging of the display fireworks;
- 7.2.3 a description of the fire emergency procedures;
- 7.2.4 the name and address of the applicant and the sponsoring organization, if applicable;
- 7.2.5 proof of certification of the applicant as a Fireworks Supervisor;
- 7.2.6 proof of the consent of the owner of the property to the discharge of display fireworks in writing;
- 7.2.7 a processing fee of \$50.00; and
- 7.2.8 proof of insurance and indemnification in accordance with Sections 7.7 and 13.
- 7.3 The Fire Chief may impose other such conditions for approval as they consider necessary to ensure the safety of the public.
- 7.4 Setting off display fireworks must be in accordance with recognized safety procedures including, but not limited to:
- a) Keeping spectators at a safe distance;

- b) Protecting private and public property;
- c) Ensuring suitable fire extinguishing equipment is always available.

- 7.5 The person(s) responsible for the setting off any fireworks must ensure that all unused fireworks and debris be removed and safely disposed of immediately following the event.
- 7.6 Only persons who hold a valid Fireworks Supervisor Certificate or equivalent thereof as issued by Natural Resources Canada are eligible to be given approval to discharge Display Fireworks.
- 7.7 The applicant shall provide and maintain Commercial General Liability insurance subject to limits of not less than five million dollars (\$5,000,000.00) inclusive per occurrence for bodily injury, death and damage to property including loss of use thereof. Such insurance shall be in the name of the applicant and shall name the Town of Trenton as an additional insured thereunder. Such insurance shall include permission to conduct displays of pyrotechnic special effects fireworks or display fireworks. Such insurance policy shall contain an endorsement to provide the Town with (30) days prior written notice of cancellation or of a material change that would diminish coverage, and a Certificate of Insurance evidencing such insurance coverage shall be provided to the Town prior to the issuance of a permit.
- 7.8 No displays are permitted without the attendance of the Trenton Volunteer Fire Department (TVFD). The applicant must ensure the TVFD has been notified of the approval and is available to be on site during the display. Any fees or costs associated with the attendance of the TVFD are the responsibility of the applicant and must be paid prior to the display.

Provincial Burn Restrictions

8. When a Provincial burn ban is in place, all consumer and display fireworks are banned, and any exemptions or permit approvals for this period are not valid.
- 8.1 During the wildfire-risk season (March through October), Provincial Burn Restrictions are updated daily at 2:00PM. Burn restrictions can be monitored by visiting their website at: <https://novascotia.ca/burnsafe> or their toll-free phone number: 1-855-564-2876 (BURN).

Exemption

9. Notwithstanding anything contained in this By-law, any person may make application to the Town to be granted an exemption from any of the provisions of this By-law with respect to the discharge of fireworks and the Town's Chief Administrative Officer may refuse to grant any exemption or may grant the exemption upon such terms and conditions as they consider relevant for the health, well-being, safety and protection of persons, the safety and protection

of property, avoidance of nuisance, and the Town's obligations pursuant to the Nova Scotia Human Rights Act.

9.1 In deciding whether to grant the exemption, the CAO shall give the applicant and any person opposed to the application an opportunity to be heard and may consider such other matters as they deem appropriate.

9.2 A breach by the applicant of any of the terms or conditions of any exemption granted by the CAO shall render the exemption invalid.

Right of Entry

10. An Officer may, at any time, enter onto any land or premises to determine whether this By-law is being complied with;

11. Every owner shall permit the Officer to inspect any land or premises for the purpose of determining compliance with this By-law.

12. No action in trespass or nuisance may be brought against a member of a Fire Department for the doing of any act or the carrying out of any operation necessarily incidental to the exercise of any duty or power pursuant to this By-law.

Indemnification

13. The applicant shall indemnify and save harmless the Town from all claims, demands, causes of action, loss, costs, or damages that the Town may suffer, incur or be liable for resulting from the performance of the applicant as set out in the by-law, whether with or without negligence on the part of the applicant, or the applicant's employees, directors, contractors, and agents.

Offences and Penalties

14. Notwithstanding any other By-law of the Town, any person who contravenes any provision of this By-law is punishable on summary conviction by a fine of not less than \$100.00 and not more than \$5,000, and in default of payment to imprisonment of not more than thirty (30) days for each offence.

Repeal

15. The sections of By-law No.18 Public Safety related to the use of fireworks in the Town of Trenton (s.7-8) are hereby repealed upon the effective date of this By-law.

Date of First Reading:	<u>March 08, 2022</u>
Date of Advertisement of Notice of Intent to Consider:	<u>March 09, 2022</u>
Date of Second Reading:	<u>April 12, 2022</u>
Date of Advertisement of By-law Passage and Approval:	<u>April 20, 2022</u>
Date of Mailing Certified Copy to Dept. of Municipal Affairs:	<u>April 13, 2022</u>
I certify that this Fireworks By-law 2022-01 was adopted by Council and published as indicated above.	
<u>Alanna MacDonald</u> Chief Administrative Officer	<u>April 13, 2022</u> Date