

**Town of Osler
BYLAW NO. 2011-06**

**A BYLAW OF THE TOWN OF OSLER
TO REGULATE FIREWORKS WITHIN TOWN BOUNDARIES**

A Bylaw of the Town of Osler to regulate the use and sale of firecrackers and fireworks.

The Council of the Town of Osler, in the Province of Saskatchewan, enacts as follows:

PART I - SHORT TITLE

1. This Bylaw may be cited the Fireworks Bylaw.

PART II - DEFINITIONS

2. In this Bylaw:

“APPROVED”, means approved by Administration of the Town of Osler or a designated Officer.

“COUNCIL”, means the Municipal Council of the Town of Osler.

“EXPLOSIVE”, means gunpowder, nitroglycerine, gun cotton, dynamite, blasting gelatin, gelignite, fulminate or mercury, or other metals, coloured fire and every other substance used or manufactured to produce a violent effect by explosion, or a pyrotechnic effect, and shall include fireworks, fuses, rockets, percussion caps, detonators, cartridges, and ammunition.

“FIRE CHIEF”, means the person who is appointed to be head of the Town of Osler Fire Department or designate;

“FIRE DEPARTMENT”, means the Town of Osler Volunteer Fire Department.

“FIRE CRACKER”, means a small fireworks with entwined fuses used solely as noise makers, not for pyrotechnic effects or have little or no pyrotechnic effect and without limitation includes bottle rockets, screechers, screecharoos, humaroos, supersonic bang, butterfly thunder and air bombs and items similarly named or are in the same noise producing category.

“FIREWORKS”, means manufactured goods intended to be used for pyrotechnic effect that are classified by the Canada Explosives Regulations as low hazard fireworks for recreation.

“MINOR”, means a person under the age of majority.

“OCCUPANT”, means an owner, tenant, lessee, agent, licensee and any other person who has the right of access to, and control of any land, building or premises to which this Bylaw applies.

“OFFICER”, means any person appointed by the Town of Osler or the Osler Fire Chief to exercise the powers vested under this Bylaw or the Fire Services Act. An **Officer** includes members of the Fire Department appointed from time to time to the positions of Deputy Fire Chief or Captain.

Town of Osler
BYLAW NO. 2011-06

“**PEACE OFFICER**”, means a person employed by the Town of Osler as a Bylaw Enforcement Officer, or any person carrying out the duties of an RCMP Officer for the Town of Osler.

“**PERSON**”, includes a corporation, partnership or party, and the personal or other legal representatives of a person to whom the context can apply according to this Bylaw.

“**POSSESSION** ”, a person has anything in possession when he has it in his personal possession or knowingly, has it in the actual possession or custody or another person, or, has it in any place, whether or not that place belongs to or is occupied by him, for the use or benefit of himself or of another person; and, where one of two or more persons, with the knowledge and consent of the rest, has anything in his custody or possession, it shall be deemed to be in the custody and possession of each and all of them.

“**SALE**”, the act of selling, the exchange of goods or services for money or other valuable considerations.

PART III - GENERAL

3. A person, defined as a **Peace Officer** pursuant to this Bylaw, is empowered to exercise the powers conferred by this Bylaw, and further, the Fire Chief and appointed **Officers** of the Fire Department are empowered to exercise the powers conferred by this Bylaw and the powers conferred by the Saskatchewan Fire Code Regulations.

4. The throwing, propelling, ejecting, lighting, firing, exploding, setting off, discharging or possession of firecrackers or other fireworks of every nature or kind is hereby prohibited in the Town of Osler except as herein provided.

5. A **Peace Officer** may seize firecrackers and other fireworks being held in violation of this Bylaw.

6. Notwithstanding any clause in this Bylaw, a Special Fireworks Permit allowing a display of fireworks or firecrackers on the terms and conditions set out in the Special Fireworks Permit in the form attached hereto as Schedule “A”, or to like effect, may be purchased from the Town of Osler for a fee of \$20.00.

7. The Town of Osler will not issue a permit pursuant to subsection 6 to a Special Fireworks Permit display unless a registered owner of the property is the person seeking the permit or the person seeking the permit has written consent from the registered owner of the property to seek such a permit.

8. Notwithstanding any clause contained in this Bylaw, the Town of Osler may issue a permit to a person or organization to detonate or explode fireworks or firecrackers for religious or ceremonial purposes with strict conditions as the Town deems necessary.

9. If the Town, as a result of the existence of hazardous fire conditions, deems it advisable, the Town may cancel or suspend for such time as is specified in the order, any Permits issued pursuant to this Bylaw, or may attach to any or all such Permits such conditions and restrictions as may be appropriate.

Town of Osler
BYLAW NO. 2011-06

10. All Permits issued pursuant to this Bylaw shall be subject to such conditions, restrictions, and provisions as the Town may consider necessary or expedient to incorporate therein.
11. An owner or occupier of real property shall remove any item or reduce any condition from a building or yard which may be deemed to be a fire hazard or increases the danger of fire.
12. Fireworks will not be permitted on residential lots without express written permission from the Council of the Town of Osler.
12. All disputes arising as a result of the administration of the provisions of this Bylaw shall be referred to the Council and Council shall be the final authority in all cases.
13. Any and all costs that are incurred while mitigating fires resulting from the misuse of fireworks will be charged to the person or persons responsible for discharging the fireworks or firecrackers.
14. The cost of mitigating fires will be assessed at the rate of \$300.00 per hour for every fire truck and \$30.00 per hour for every fire fighter.

PART IV - FIREWORKS AND MINORS

16. Sale or furnishing of fireworks shall be in accordance with rules set out by the Province of Saskatchewan or the Saskatchewan Fire Code Regulations.
17. No minor shall be in possession, ignite or explode fireworks or fire crackers.

PART V - FIREWORKS DISPLAYS

18. All public fireworks and firecracker displays must be performed under permit issued under this Bylaw and abide by conditions contained in this Bylaw (see Schedule A).
19. Public display of fireworks and firecrackers shall be permitted only when the point at which the fireworks and firecrackers are to be fired is at least 60 metres from the nearest permanent building, public highway or railway, or other means of travel, or 15 metres from the nearest above ground telephone or telegraph line, tree or other overhead obstruction.
20. The audience at a public display of fireworks and firecrackers shall be restrained behind lines at least 45 metres from the point at which the fireworks and firecrackers are discharged and only persons in active charge of the display shall be allowed inside these lines.
21. All fireworks that fire a projectile must be directed in such a manner that the projectile goes into the air in a vertical direction.
22. In circumstances where fireworks are to be fired beside a lake or large body of water, the fireworks may be directed in such a manner that the falling residue from the deflagration will fall into the body of water.

Town of Osler
BYLAW NO. 2011-06

23. Any fireworks and firecrackers that remain unfired after the display is concluded shall be immediately disposed of in a safe manner.
24. No public display of fireworks and firecrackers shall be held during a wind storm unless at the discretion of the Fire Chief.
25. No public display of fireworks and firecrackers shall be held when the outside temperature is 30 degrees C or higher and/or if the humidity is 30% or less. The Fire Chief may also cancel any permits in times where the fire danger rating is extreme.
26. The persons in charge of the firing of fireworks and firecrackers in a public display shall be at least twenty-one (21) years of age, and competent for the task.
27. There shall be at all times at least two (2) operators of the display constantly on duty during the discharge.

PART VI - PENALTIES

28. Every person who violates any of the provisions of this Bylaw or who permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects to do or refrain from doing anything required to be done by any of the provisions of this Bylaw, shall be guilty of an offence and shall be liable to a fine of not more than \$1,000.00 the penalties being enforced and the fines and costs being recoverable upon summary conviction.

PART VII - SEVERABILITY

29. If any section, subsection or clause of the Bylaw is declared or held to be invalid by a court of competent jurisdiction, then that invalid portion shall be severed and the remainder of this Bylaw shall be deemed to have been enacted and adopted without the invalid and severed section, subsection or clause.

READ a first time this 23rd day of August, 2011

READ a second time this 27th day of September, 2011

READ a third time and adopted this 27th day of September, 2011

SEAL

Mayor

Chief Administrative Officer

**Town of Osler
BYLAW NO. 2011-06**

SCHEDULE "A"

APPLICATION FOR A SPECIAL PERMIT FOR EXPLODING OF FIREWORKS

APPLICATION is hereby made in accordance with the provisions of "Town of Osler Fireworks Bylaw No. 2011-06" by:

ORGANIZATION INFORMATION

Please print

Group or Organization: _____

Contact: _____

Signing Authority: _____

Address: _____

Telephone: _____ Cell: _____

For a special permit to explode fireworks on: the _____ day of _____, 20__ from _____ am/pm to _____ am/pm at (location) _____

Name of Fireworks Supervisor: _____ Telephone: _____

Address: _____

Signature of Property Owner

Signature of Fireworks Supervisor (if not owner)

THE TOWN OF OSLER SPECIAL PERMIT

PERMISSION is hereby granted in accordance with the provisions of "Town of Osler Fireworks Bylaw" to:

Name of Organization: _____

Address & Telephone Number: _____

For the exploding of fireworks on the ___ day of _____, 20__ from ___ am/pm to _____ a.m./p.m at (location) _____

Issued at the Town of Osler, Saskatchewan, this ___ day of _____, 20__.

Signature of Designated Officer

The Town of Osler accepts no responsibility for liability or costs incurred as a result of authorizing this permit.

THIS PERMIT IS NOT TRANSFERABLE