

**TOWN OF BEAUSEJOUR**  
**BY-LAW NO. 1662/11**

BEING A BY-LAW OF THE TOWN OF BEAUSEJOUR TO PROHIBIT THE SALE AND FIRING OR SETTING OFF OF FIREBALLS, SQUIBS AND FIRECRACKERS AND TO REGULATE THE SETTING OFF AND THE STORAGE OF FIREWORKS WITHIN THE TOWN.

WHEREAS Section 232(1)(j) of *The Municipal Act* states in part as follows:

- 232(1) A Council may pass by-laws for municipal purposes respecting the following matters:
- (j) the sale and use of firecrackers and other fireworks, the use of rifles, guns, and other firearms and the use of bows & arrows and other devices.

AND WHEREAS it is desirable and in the best interests of the Town of Beausejour to prohibit the sales and firing or setting off of fireballs, squibs and firecrackers and to regulate the setting off of fireworks within the Town.

NOW THEREFORE THE TOWN OF BEAUSEJOUR, in Council assembled, enacts as follows:

1. In this By-Law,
  - (a) **“Firecracker”** means any article of the class of fireworks that is designed and prepared to be set off for the primary purpose of producing an explosion or audible sound and, without limitation of the generality of the foregoing, includes the articles commonly known and described as firecrackers, fire balls and squibs.
  - (b) **“Fireworks”** means any article of the class of fireworks that is designed and prepared for the purpose of producing a visual show or effect, whether or not preceded by, accompanied with or followed by an explosion or audible sound and, without limitation of the generality of the foregoing, includes the articles commonly known and described as Roman candles, pinwheels and sparklers.
  - (c) **“Display Fireworks”** means outdoor, high-hazard recreational *fireworks* formerly defined as Class 7.2.2. in the Explosives Regulations of the Explosives Act (Canada) and designed for use by professionals. Included in this Class are such items as aerial shells, cakes, roman candles, waterfalls lances and wheels.
  - (d) **“Consumer Fireworks”** means outdoor low hazard recreational *fireworks* formerly defined as Class 7.2.1 in the Explosives Regulations of the Explosives Act (Canada) and designed for recreational use by the public. Include in this Class are such items as sparklers, fountains, wheels, volcanoes, mines and snakes.
2. No person shall store fireworks for the purpose of selling commercially in the Town of Beausejour, except where zoned Industrial “M”. Commercial sales allowed providing storage conforms with Federal regulations *“The Explosives Act (Canada)”*.

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3. No person shall sell or offer for sale at retail in the Town of Beausejour any firecracker.
4. No person shall fire or set off or cause to be fired or set off any firecracker in the Town of Beausejour.
5. No person shall sell or offer for sale in the Town of Beausejour any fireworks to anyone under eighteen years of age.
6. No person shall use, set off or allow to be used or set off any fireworks in such a place or 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 setting off of any fireworks.
7. No person shall set off any fireworks in or into any building, doorway, automobile, or other place where such setting off might create a danger or nuisance to any person or property.
8. No person shall set off any fireworks in or on or into any highway, street, lane, square or other public place; provided that this shall not be deemed to prohibit a display of fireworks in accordance with the provisions of this By-Law.
9. The setting off of Consumer Fireworks 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 Display Fireworks.
10. No person shall hold a Display Fireworks in the Town of Beausejour except under a permit issued under section 11 and in compliance with the conditions contained in sections 11 and 12.
11. The Fire Chief or his designate for the Town in which a Display Fireworks is to take place, may issue permits for Display Fireworks on the conditions set forth in section 12, and each permit shall state: the name of the club, association or group to whom the same is issued; the name and address of any executive officer or other responsible person; the place and date upon which the Display Fireworks is to be held, the name and address of each person under who conduct and supervision the display shall be held; the manner in which unused fireworks are to be disposed of and the manner and means of restraining unauthorized persons from attending too close to the location where the fireworks are to be set off.
12. The following conditions shall apply to the holding of Display Fireworks under a permit issued under section 11:
  - (a) the display shall be held by or under the auspices of a club, association or group of persons;
  - (b) the display shall be held at the place and on the date set forth in the permit;
  - (c) the display shall be under the conduct and supervision of at least one responsible person, who shall be at least eighteen years of age;
  - (d) the display shall be conducted in a manner consistent with all safety procedures and be held and continued only while all proper precautions are being observed to keep spectators at a safe distance, to protect public and private property, and suitable fire extinguishing equipment shall be at hand at all times;

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- (e) no display shall be held within 500 feet of a nursing home, 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 an elementary, secondary or other school unless the consent of the owner of such church or an elementary, secondary or other school or any agent or representative of such owner has been obtained;
  - (f) all unused fireworks and all debris shall be removed by the club, association or group of persons holding the display immediately following its conclusion and safely disposed of;
  - (g) The permit shall be in a form as provided by the Province of Manitoba
13. Any person guilty of a breach of any of the provisions of this By-Law shall be liable, on conviction thereof, to a fine not exceeding one thousand dollars in the case of an individual, or five thousand dollars in the case of a corporation.

DONE AND PASSED as a By-Law of the Town of Beausejour in the Province of Manitoba this 28 day of June, 2011 A.D.

  
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MAYOR

  
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CHIEF ADMINISTRATIVE OFFICER

Read a first time on this 14 day of June, A.D. 2011  
Read a second time on this 28 day of June, A.D. 2011  
Read a third time on this 28 day of June, A.D. 2011