

# THE CORPORATION OF THE TOWN OF KINGSVILLE

## BY-LAW 49-2013

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### **Being a by-law to amend By-law 102-2003, being a by-law regulating the sale and the setting off of fireworks within the Town of Kingsville**

**WHEREAS** the Council of The Corporation of the Town of Kingsville passed By-law 102-2003, being a by-law regulating the sale and the setting off of fireworks within the Town of Kingsville (the "By-law").

**AND WHEREAS** section 8 of the *Municipal Act, 2001*, S.O. c. 25, as amended (the "Act") provides that the powers of a municipality under the Act or any other act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues.

**AND WHEREAS** section 11 of the Act provides that a municipality may pass by-laws respecting the health, safety and well-being of persons.

**AND WHEREAS** the Council of The Corporation of the Town of Kingsville deems it necessary to amend the By-law to include the regulating of certain other devices which may impact upon the safety of the public.

### **NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:**

1. That the sections 6 and 7 of the By-law be deleted and replaced by the following sections:
  6. For the purposes of this by-law "Sky Lantern" shall mean a small hot air balloon made of paper or any other material with an opening at the bottom where a small fire may be suspended such that the lantern will rise and float in the air while ignited.
  7. No person or corporation shall offer for sale, cause or permit to be sold, sell or otherwise distribute a Sky Lantern within the Town of Kingsville.
  8. No person or corporation shall ignite a Sky Lantern within the Town of Kingsville.
  9. No person or corporation shall release an ignited Sky Lantern into the air within the Town of Kingsville.
  10. Every person who contravenes any provision of this By-law is guilty of an offence and shall, upon conviction thereof, be liable to a fine pursuant to the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended.
  11. If any portion of this By-law is found to be in conflict with any other provision of any other by-law of the Town, the provision which establishes the higher standard or greatest restriction shall prevail.

2. This by -law shall come into full force and effect upon third reading and being finally passed.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS  
12<sup>th</sup> DAY OF AUGUST, 2013.**

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**MAYOR, Nelson Santos**

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**CLERK, Ruth Orton-Pert**

# THE CORPORATION OF THE TOWN OF KINGSVILLE

## BY-LAW 102-2003

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### **Being a by-law regulating the sale and the setting off of fireworks within the Town of Kingsville**

**WHEREAS** Section 121(1) of the Municipal Act, S.O. 2001, c. 25, provides that a municipality may prohibit and regulate the sale of fireworks and the setting off of fireworks;

**AND WHEREAS** Section 121(1) of the Municipal Act, S.O. 2001, c. 25, provides that where the activities described under Section 121(1) of said Act are prohibited by by-law, a permit may be obtained from the municipality for those activities and the municipality may impose conditions for obtaining, continuing to hold and renewing the permit, including the submission of plans;

**AND WHEREAS** the Council of The Corporation of the Town of Kingsville deems it expedient to pass such a By-law.

### **NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:**

1. It shall be unlawful for any person or corporation to offer fireworks for sale within the Town of Kingsville, except for the days and dates as mentioned in this By-law;
  - a) Seven (7) days before and on the third (3rd) Monday of the month of May, being Victoria Day;
  - b) Seven (7) days before and on the 1st day of July, being Canada Day;
  - c) Seven (7) days before and on the 1st Monday of August of each year, being the Civic Holiday;
  - d) Seven (7) days before and on the 1st Monday of September of each year, being Labour Day, and;
  - e) Seven (7) days before and on December 31st of each year, being New Year's Eve Day;
2. It shall be unlawful for any person or corporation to set off any fireworks within the Town of Kingsville, except for the days and dates as mentioned in this By-law;
  - a) The 3rd Monday of the month of May, being Victoria Day;
  - b) The 1st day of July, being Canada Day;
  - c) The 1st Monday of August, being the Civic Holiday;
  - d) The 1st Monday of September, being Labour Day;
  - e) The 31st of December, being New Year's Eve Day, and;
  - a) The date of any community functions approved by the Council for the Town of Kingsville.
3. It shall be unlawful for any person or corporation to set off fireworks in any public place including, but not limited to, public parks, streets, roads, and alleys without the previous consent of the Council for The Corporation of the Town of Kingsville.
4. A permit allowing the sale and setting off of fireworks on days and dates other than those set out in this By-law may be obtained upon application to Council for The Corporation of the Town of Kingsville. Council may

- impose any conditions it deems appropriate for obtaining, continuing to hold and renewing any fireworks permit including requiring the applicant to submit plans for the review and approval of Council.
5. Any fireworks permit may be revoked or suspended by Council for The Corporation of the Town of Kingsville for any reason Council deems appropriate.
  6. Every person who contravenes any section of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.
  7. Any by-law or parts of by-laws not consistent with any of the provisions of this By-law are hereby repealed.

**READ A FIRST AND SECOND TIME THIS 27<sup>th</sup> DAY OF OCTOBER, 2003.**

**READ A THIRD AND FINAL TIME AND PASSED THIS 27<sup>th</sup> DAY OF OCTOBER, 2003.**

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**MAYOR, Patrick M. O'Neil**

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**ACTING CLERK, Linda Burling**