



Village of New Maryland
A By-law Respecting
Fireworks
By-law No. 58-2020

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**VILLAGE OF NEW MARYLAND
A BY-LAW RESPECTING FIREWORKS
BY-LAW NO. 58-2020**

WHEREAS the *Local Governance Act*, SNB 2017, c.18 (“the Act”) came into effect January 1, 2018;

AND WHEREAS under Section 195 of the Act a by-law made under the authority of the former *Municipalities Act c.M-22* of the Revised Statues, 1973, that was in force immediately before the commencement of this section, shall be deemed to have been made under this Act and is valid and continues in force until amended or repealed;

AND WHEREAS the Council for the Village of New Maryland proposes amendments to By-law No. 58;

THEREFORE BE IT ENACTED by the Council of the Village of New Maryland under the authority vested in it by the *Local Governance Act* SNB 2017, c.18 the following:

The Village of New Maryland, in accordance with Section 10 and Section 186 of the *Local Governance Act* SNB 2017, c.18 and Section 29 of the *Fire Prevention Act*, RSNB 1973, c. F-13, and regulations thereunder enacts the following Fireworks By-law:

1. TITLE

This by-law may be cited as the “Village of New Maryland Fireworks By-law”.

2. DEFINITIONS

In this by-law:

“Act” means the *Explosives Act*, Revised Statutes of Canada, 1985, Chapter E-17, and the Regulations enacted thereunder as amended from time to time or any Act or Regulation enacted in substitution therefore;

“Village” means the municipality of the Village of New Maryland;

“consumer fireworks” means outdoor low-hazard fireworks designed for recreational use;

“display fireworks” means outdoor high-hazard fireworks designed for professional use;

“special effect pyrotechnic fireworks” means outdoor high-hazard fireworks designed for professional use;

“authorized fireworks” means any fireworks that are included on the most recent list of authorized fireworks as published by the Explosives Regulatory Division of Natural Resources Canada or their successors and include ‘consumer’, ‘display’, and ‘special effect pyrotechnic’ fireworks;

“prohibited fireworks” means any fireworks that are not included on the most recent list of authorized fireworks as published by the Explosives Regulatory Division of Natural Resources Canada or their successors and includes, but is not limited to, cigarette loads or pings, exploding matches, sparkling matches, ammunition for miniature tie clip, cufflink or key chain pistols, auto alarms or jokers, cherry bombs, M-80 and silver salutes and flash crackers, throw down and step on torpedoes and crackling balls, exploding golf balls, stink bombs and smoke bombs, tear gas pens and launchers, party poppers and table bombs, table rockets and battle sky rockets, fake firecrackers and other trick devices or practical joke mechanisms; and

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

3. RESTRICTIONS

3.01 No person shall possess or discharge any authorized fireworks within the Village except in accordance with the provisions of this by-law.

3.02 No person shall possess or discharge any prohibited fireworks within the Village.

3.03 Fireworks will not be permitted to be discharged on any property in the Village other than the Bantam baseball field at Athletic Park.

4. PERMITS AND FEES

4.01 The New Maryland Fire Chief or designate is responsible for issuing permits to discharge fireworks.

4.02 Application for a permit must be made in writing to the New Maryland Fire Chief or designate 30 (thirty) calendar days in advance of the date that the fireworks will be discharged.

4.03 Permits will be issued at the discretion of the New Maryland Fire Chief or designate.

4.04 Fees and Deposits:

(a) Consumer Fireworks: The permit fee for “consumer” fireworks is \$25.00 (*twenty-five dollars*) plus a deposit fee of \$50.00 (*fifty dollars*). The deposit will be returned once clean-up at the site has been completed by the permit holder to the satisfaction of the New Maryland Fire Chief or designate.

(b) Display and Special Effect Pyrotechnic Fireworks: The permit fee for “display” and “special effects pyrotechnic” fireworks is \$100.00 (*one-hundred dollars*) plus a deposit fee of \$50.00 (*fifty dollars*). The deposit will be returned once the clean-up at the site has been completed by the permit holder to the satisfaction of the New Maryland Fire Chief or designate.

4.05 The permit holder shall be responsible to ensure compliance with all provisions of the by-law and the permit contained therein and for any damages that may arise therefrom by reason of the issuance of any such permit.

4.06 No permit granted hereunder shall be transferable.

5. USE OF FIREWORKS

5.01 No person shall point, direct, or throw fireworks at any person, animal, building or motor vehicle where such fireworks are in the process of exploding or detonating.

5.02 Any fireworks that are not discharged once the event has concluded shall be disposed of in a manner that is safe for the particular type of fireworks remaining and as per the instructions noted on the permit issued by the New Maryland Fire Chief or designate.

5.03 Fireworks will not be permitted to be discharged on any day that the provincial Department of Natural Resources prohibits outdoor burning due to extreme fire conditions.

5.04 No person shall discharge any fireworks unless such person has first obtained a permit from the New Maryland Fire Chief or designate.

6. OFFENCE AND PENALTY

6.01 A Peace Officer or By-law Enforcement Officer may seize any fireworks that are being held or discharged in violation of this by-law and may dispose of them without compensation.

6.02 Any person who fails to comply with the provisions of this by-law is guilty of an offence and is liable, upon summary conviction, to a fine of not less than \$50.00 (*fifty dollars*) and not more than \$200.00 (*two hundred dollars*) through the issuance of a Municipal By-law Infractions Notice, as set out in Schedule “A” which is attached to this by-law.

7. SEVERABILITY

If any part of this by-law shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this by-law.

8. REPEAL AND REPLACEMENT

8.01 Village of New Maryland By-law No. 58, A By-law Respecting Fireworks, enacted on September 21, 2016, and all amendments, is hereby repealed.

8.02 The repeal of By-law No. 58 shall not affect any by-law infraction, penalty, forfeiture or liability, incurred before such repeal or any proceedings for enforcing the same completed or pending at the time of repeal.

Read First Time (*by title only*): November 18, 2020

Read Second Time (*by title only*): November 18, 2020

Read Third Time (*in its entirety*): December 16, 2020

Read Final Time (*by title only and enacted*): December 16, 2020

(Sgd.) Judy Wilson-Shee
Judy Wilson-Shee
MAYOR

(Sgd.) Cynthia Geldart
Cynthia Geldart
CAO/CLERK