



Village of New Maryland
Fireworks By-law
By-law No. 58-2022

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SCHEDULE “A” – MUNICIPAL BY-LAW INFRACTION NOTICE

SCHEDULE “B” – PROHIBITED FIREWORKS

**VILLAGE OF NEW MARYLAND
FIREWORKS BY-LAW
BY-LAW NO. 58-2022**

WHEREAS the *Local Governance Act*, SNB 2017, Chapter 18 came into effect January 1, 2018;

AND WHEREAS under Section 195 of the *Local Governance Act* a by-law made under the authority of the former *Municipalities Act Chapter M-22* of the Revised Statutes, 1973, that was in force immediately before the commencement of this section, shall be deemed to have been made under the *Local Governance Act* and is valid and continues in force until amended or repealed;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, Chapter 18 the following:

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

1.0 TITLE

This by-law may be cited as the “Fireworks By-law No. 58-2022”.

2.0 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;

“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;

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

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

“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 items set out in Schedule “B” which is attached to this by-law;

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

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

3.0 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.

4.0 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: Display and Special Effect Pyrotechnic Fireworks: The permit fee for “display” and “special effects pyrotechnic” fireworks is \$100 (*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.

5.0 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 Only a licensed professional can apply for a permit from the New Maryland Fire Chief or designate.
- 5.05 Display fireworks shall be set off only by a licensed professional and consist of no larger than cakes and mines. The use of 2 (two)-, 3 (three)- and 4 (four)-inch shells or larger is prohibited.

6.0 ENFORCEMENT AND PENALTIES

- 6.01 A Peace Officer or By-law Enforcement Officer is hereby authorized to enter on any property at all reasonable times for the purpose of ascertaining whether the regulations of this by-law are being observed.
- 6.02 Any Peace Officer or By-law Enforcement Officer is hereby authorized to take such action or issue such Municipal By-law Infractions Notice as they may deem to be necessary to enforce any provisions of this by-law.
- 6.03 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.
- 6.04 Whenever a person violates any provision of this by-law, a Municipal By-law Infractions Notice in the form set out in Schedule “A” attached to this by-law, shall be served on the person presumed to be liable for the offence.
- 6.05 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 \$500.00 (*five 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.
- 6.06 In the event that the New Maryland Fire Department responds to a firework incident being conducted without a permit, or in violation of the conditions of the permit, the full costs of extinguishment, including labour costs and equipment costs as determined by the Fire Chief, may be charged to the property owner and/or permit holder.

7.0 VOLUNTARY PAYMENT OF FINES

- 7.01 Payment for the offence shall be forwarded to the Village Treasurer together with a copy of the Municipal By-law Infractions Notice.
- 7.02 If payment for the offence is not received within 10 calendar days from date of issue, further enforcement measures will be taken.
- 7.03 Payment for the offence shall constitute a full satisfaction, release and discharge of all penalties incurred by such person for such violation.
- 7.04 If payment has not been received on or before the date of charge pertaining to the offence has been laid before the Provincial Court, the person charged with the offence is, in accordance with the provisions of the *Provincial Offences Procedures Act*, liable on summary conviction to a fine of not less than \$240.00 (*two hundred forty dollars*) and not more than \$5,200 (*five thousand, two hundred dollars*).

8.0 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.

9.0 REPEAL AND TRANSITION

- 9.01 *Village of New Maryland By-law No. 58, A By-law Respecting Fireworks*, enacted on December 16, 2020, and all amendments, is repealed.
- 9.02 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; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing, or pending at the time of repeal.

Read First Time: 15 June 2022
(*By Title Only*)

Read Second Time: 15 June 2022
(*By Title Only*)

Advertised as to content on the Village
of New Maryland website in accordance
with the *Local Governance Act*,
S.N.B. 2017, Chapter 18: 04 October 2022

Read Third Time: 19 October 2022
(*By Summary*)

Read Final Time: 19 October 2022
(*By Title Only*
and ENACTED)

Judy Wilson-Shee
MAYOR

Cynthia Geldart
CAO/CLERK

SEAL:

SCHEDULE "A"

MUNICIPAL BY-LAW INFRACTIONS NOTICE

**VILLAGE OF
NEW MARYLAND**

MUNICIPAL BY-LAW INFRACTIONS/
INFRACTIONS AUX ARRÊTÉS MUNICIPAUX

NM 3351

VIOLATOR/ CONTRE- VENANT		NAME/NOM			
ADDRESS/ADRESSE					
CITY/TOWN/VILLE/VILLAGE			PROV./STATE/ÉTAT		POSTAL /CODE POSTAL
DATE OF BIRTH / DATE DE NAISSANCE Y/A M D/J			IF YOUNG OFFENDER - NAME OF PARENT OR GUARDIAN POUR UN MINEUR NOM DE PARENT OU TUTEUR		
VEHICLE INFORMATION/ INFORMATION SUR LE VEHICULE		PROV./STATE/ÉTAT		PLATE/PLAQUE	MAKE / MARQUE
OFFENCE / INFRACTION					
				BY LAW/ ARRÊTÉ	SECTION FINE AMENDE \$
PLACE OF OFFENCE/LIEU DE L'INFRACTION				PROSECUTION POURSUITE <input type="checkbox"/>	WARNING AVERTISSEMENT <input type="checkbox"/>
REMARKS/REMARQUE					
PAYMENT INSTRUCTIONS			MODALITÉS DE PAIEMENT		
PAYMENTS CAN BE MADE IN PERSON AT THE VILLAGE OFFICE, 584 NEW MARYLAND HIGHWAY, MONDAY TO FRIDAY DURING NORMAL BUSINESS HOURS EXCLUDING HOLIDAYS OR USE THE DROP OFF BOX LOCATED AT THE VILLAGE OFFICE OR MAIL BY USING THIS CONVENIENCE ENVELOPE			EN PERSONNE, À NOTRE BUREAU EN VILLE, 584 CHEMIN NEW MARYLAND, DU LUNDI AU VENDREDI PENDANT LES HEURES D'OUVERTURE, SAUF LES JOURS FÉRIÉS, OU EN LE DÉPOSANT DANS LES BOÎTES DE DÉPÔT SITUÉES À BUREAU DU VILLAGE OU PAR LA POSTE, DANS L'ENVELOPPE CI-JOINTE		
NOTE: IF PAYMENT FOR PENALTY IS NOT RECEIVED WITHIN 10 CALENDAR DAYS FROM DATE OF ISSUE, FURTHER ENFORCEMENT MEASURES WILL BE TAKEN.			NOTE: SI LE PAIEMENT N'EST PAS REÇU DANS LES 10 JOURS OUVRABLES APRÈS LA DATE DE L'INFRACTION, DE NOUVELLES MESURES DISCIPLINAIRES SERONT PRISES.		
Y/A	M	D/J	TIME/HEURE	AM	PM
				<input type="checkbox"/>	<input type="checkbox"/>
OFFICER SIGNATURE/DE L'AGENT(E)					
OFFICER'S COMMENTS/COMMENTAIRES DE L'AGENT(E)					

**APPEALS MUST BE MADE WITHIN 2 BUSINESS DAYS TO THE ISSUING AGENCY
LES APPELS DOIT ÊTRE DÉPOSÉE DANS LES DEUX JOUR OUVRABLES AUX SERVICE
CORRESPONDANTS**

☐ RCMP
☐ FIRE/INCENDIE

(506) 357-4300
(506) 450-8711

☐ BY LAW ENFORCEMENT/
APPLICATION DES ARRÊTÉS (506) 451-8508

SCHEDULE “B”

PROHIBITED FIREWORKS

- cigarette loads or plugs;
- exploding matches;
- sparkling matches;
- ammunition for miniature tie clip, cufflink or key chain pistols;
- auto alarms or jokers;
- cherry bombs, M-80, silver salutes, 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 bottle sky rockets;
- fake firecrackers; and
- other trick devices or practical joke mechanisms;