

Redo March 27th
1/8

**HAMLET OF KUGLUKTUK
KUGLUKTOM KATIMAYEEN
BY-LAW 291**

A BY-LAW of the Municipal Corporation of the Hamlet of Kugluktuk in the Nunavut Territory to regulate the display, sale, and discharge of fireworks, pursuant to the provisions of the **Hamlets Act, R.S.N.W.T., 1988 c. H-1, s.123, as amended by S.Nu.2003, c.3.**

WHEREAS the Council of the Hamlet of Kugluktuk deems it to be in the public interest to prohibit and regulate the sale of fireworks within The Hamlet of Kugluktuk;

AND WHEREAS the Council of the Hamlet of Kugluktuk deems it to be in the public interest to prohibit and regulate the discharge of fireworks within The Hamlet of Kugluktuk;

NOW THEREFORE THE COUNCIL OF THE INCORPORATED HAMLET OF KUGLUKTUK, in a regular session, duly assembled, hereby enacts as follows:

SHORT TITLE

This by-law shall be known as the **Fireworks By-Law**

1. DEFINITIONS

In this by-law:

“banger” means a type of firework that is made to explode noisily without a spectacular display of colour or lights.

“firecracker” means a type of firework that is made to explode with a sharp crack without a spectacular display of colour or lights.

“fireworks” means any and all classes of fireworks, including and without limiting the generality of the foregoing the following clauses which are included in the Federal Explosives Regulations, Natural Resources Canada:

- i. “Low-hazard” fireworks for recreation such as firework showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, volcanoes, and sparklers; and

- ii. “High-hazard” fireworks for recreation such as rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, mines, and firecrackers (also known as “display fireworks”) and includes fireworks compositions and manufactured fireworks.

“fireworks composition” shall mean any chemical compound or mechanically mixed preparation of any explosive or inflammable nature that is used for the purpose of making any manufactured fireworks and is not included in any other class of explosives, and includes any star or coloured fire composition that is not manufactured fireworks.

“manufactured fireworks” shall mean explosives of any class and any fireworks composition that is enclosed in any case or contrivance, or is otherwise manufactured or adapted for the production of pyrotechnic effects, pyrotechnic signals or sound signals.

“Hamlet” means The Hamlet of Kugluktuk.

2. GENERAL PROVISIONS

- 2.1 No person shall, within The Hamlet of Kugluktuk, sell or give to any person under the age of 18 years any type of fireworks.
- 2.2 No person shall within The Hamlet of Kugluktuk, display or sell any type of fireworks except upon the three (3) business days prior to and on the days upon which: the first day of January, the first day of July, the ninth day of July, and the week of the Frolics Festival.
- 2.3 No person shall within The Hamlet of Kugluktuk sell any type of firework without the purchaser presenting a Fireworks Display Permit.
- 2.4 No person under the age of 18 years shall set off any type of fireworks in The Hamlet of Kugluktuk
- 2.5 No person shall set off any type of fireworks in The Hamlet of Kugluktuk without a Fireworks Display Permit.
- 2.6 Notwithstanding the provisions of this By-law, The Hamlet may hold special displays of fireworks to celebrate national, or civic holidays or national celebrations provided such displays, in each case, are organized, constructed, lighted, set off or discharged under the supervision and in accordance with the direction of the By-law department.

3. FIREWORKS DISPLAY PERMIT

- 3.1 Notwithstanding the provisions of this by-law, any person aged 18 and older, group, or association, shall be entitled to obtain a permit from the Senior Administrative Officer for the holding of a fireworks display.
- 3.2 Applications for such permits shall be in writing addressed to the Senior Administrative Officer using Fireworks Display Permit Application schedule "A" attached to and forming part of this bylaw.
- 3.3 Firework displays shall be held between dusk and 11 o'clock in the evening, local time, on the day for which the permit is issued, unless the permit states that the display may be held between such other hours as are specified therein.
- 3.4 All permits granted by the Senior Administrative Officer under this By-law may be revoked when, in the Senior Administrative Officers opinion, the holder of such permit is in non-compliance with this By-law's conditions, or requirements, or the Senior Administrative Officer has public safety concerns.
- 3.5 Every person / group who discharges Fireworks shall:
 - a) Have a fully operational fire extinguisher available
 - b) Keep all persons at a safe distance from the firing zone as specified in the permit
 - c) Discharge Fireworks in an approved are as per schedule "C" attached to and forming part of this bylaw.
 - d) Notify The Hamlet By-Law Dept at least 60min prior to discharge
 - e) Immediately after the Fireworks have been discharged, inspect the site and remove all unsafe or partly used Fireworks and debris from the site, and return the site to the condition it was in before the discharge of the Fireworks; and
 - f) Ensure that all Fireworks that failed to fire or were not discharged are immediately disposed of in a safe manner.

4. PENALTY

- 4.1 Any person who contravenes any of the provisions of this By-law by:
 - I. Doing any act or thing which the person is prohibited from doing, or
 - II. Failing to do any act or thing the person is required to do, is guilty of an offence.

4.2 Any person violating any provision of this bylaw is guilty of an offence and is liable upon summary conviction to a fine as prescribed in schedule "B" attached to and forming part of this bylaw.

4.3 Where an officer believes that a person has contravened any provision of this By-law, he or she may commence proceedings by issuing a summons by means of a violation ticket in accordance with *Summary Convictions Procedures Act, RSNWT (Nu) 1988, Cs-15*.

4.4 Any person who has received notice in the form of a ticket in conformance with the *Summary Convictions Procedures Act*, may pay to The Hamlet of Kugluktuk within fourteen (14) days after receipt of such notice, the voluntary payment specified in schedule "B" in lieu of prosecution for any breach of this bylaw.

4.5 Failing to make voluntary payment and failing to appear before a court of competent jurisdiction to answer to a charge under this bylaw, the person charged of the offence appearing in the said notice shall be subject to a fine as set out in schedule "B"

5. SEVERABILITY

5.1 If any provisions of this bylaw is declared invalid because of any word, phrase, clause, sentence, paragraph, section or any documents that may form part of this by-law or an application thereof to any person or circumstance is declared invalid, the remaining provisions and the application thereof shall not be affected and shall remain in full force.

6. ENFORCMENT

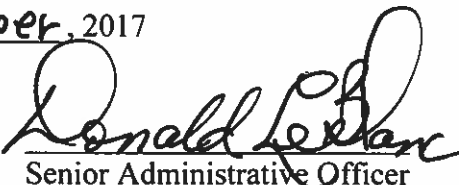
6.1 This By-law shall be enforced by The Hamlet of Kugluktuk By-law Office, the Royal Canadian Mounted Police, or such other persons as Council may designate.

This By-Law shall come into force and take affect after receiving the approval of the Minister of C&GS and third reading and passing by the Council.

Read a first time this 24 day of October, 2017

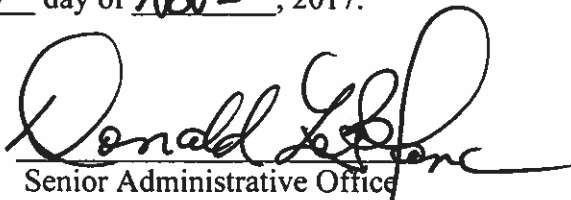
Read a second time this 24 day of October, 2017


Mayor


Senior Administrative Officer

Read a third time and finally passed this 7 day of Nov-, 2017.


Mayor


Senior Administrative Officer

SCHEDULE "A"
HAMLET OF KUGLUKTUK BY-LAW NO. 290
FIREWORKS DISPLAY PERMIT

Applicant Information:

Name: _____

Address: _____

Phone Number: _____

Event Information:

The applicant is requesting a special permit for the purchase of fireworks and fireworks display to conducted at the time and location designated below:

Name of the Event: _____

Fireworks Display Date: _____

Fireworks Display Time from _____ until _____

Fireworks Display Location: _____

Fireworks Display will consist of (description of proposed fireworks to be used, including number and type): _____

Do you have a fire extinguisher

The applicant must include and attach to this application a diagram/site map of the location where the requested fireworks display is to take place. The diagram/site map must include (1) designated ignition area (2) safe distance area & (3) where the public will be located.

Permit is hereby **GRANTED** **DENIED.**
Special conditions required by the SAO are as follows

Senior Administrative Officer

Date

You are notified that this permit is granted subject to its terms and conditions. However, this permit is also subject to the discretion of the SAO & By-Law Dept. who has the authority to suspend or cancel the display as noted. Such cancellation or suspension shall be done when it is determined by the SAO or By-Law Dept. that hazards exist as a result of the display to present a danger to persons or property as a result of the continuation of the display. On written notice from the SAO or By-Law Dept of such termination or cancellation, this permit shall be deemed void.

SCHEDULE "B"
HAMLET OF KUGLUKTUK BY-LAW NO.290

SECTION	OFFENCE	MINIMUM PENALTY	SPECIFIED PENALTY
2.1	No person shall, within The Hamlet of Kugluktuk, sell or give to any person under the age of 18 years any type of fireworks.	\$250.00	\$500.00
2.2	No person shall within The Hamlet of Kugluktuk, display or sell any type of fireworks except upon the three (3) business days prior to and on the days upon which: the first day of January, the first day of July, and the ninth day of July.	\$250.00	\$500.00
2.3	No person shall within The Hamlet of Kugluktuk sell any type of firework without the purchaser presenting a Fireworks Display Permit.	\$500.00	\$1,000.00
2.4	No person under the age of 18 years shall set off any type of fireworks in The Hamlet of Kugluktuk	\$500.00	\$1,000.00
2.5	No person shall set off any type of fireworks in The Hamlet of Kugluktuk without a Fireworks Display Permit.	\$250.00	\$500.00
3.5 (a)	Fail to have a fully operational fire extinguisher available	\$100.00	\$200.00
3.5 (b)	Fail to keep persons at a safe distance from the firing zone as specified in the permit	\$100.00	\$200.00
3.5 (c)	Fail to notify By-Law Dept at least 60min prior to discharge	\$100.00	\$200.00
3.5 (d)	Fail to return site to previous condition	\$250.00	\$500.00
3.5 (e)	Fail to dispose fireworks in a safe Manner	\$250.00	\$500.00

SCHEDULE “C”
HAMLET OF KUGLUKTUK BY-LAW NO.290
APPROVED FIREWORK DISPLAY DISCHARGE SITES

A Fireworks Display may only be discharged in The Hamlet of Kugluktuk in one of the following locations:

- a) The sea ice at least 50 meters from the nearest permanent structure
- b) Hart lake beach area.
- c) Beach West of the marine laydown area 50 meters from the nearest permanent structure
- d) New Town Cliff at least 50 meters from the nearest permanent structure
- e) Field west of Kakyak St, South of Kugluktuk Drive, 50 meters from the nearest permanent structure

All other locations must be requested to, and approved by the Senior Administrative Officer.