

SUMMER VILLAGE OF SILVER BEACH

BY-LAW NO. 268

A BY-LAW OF THE SUMMER VILLAGE OF SILVER BEACH PROHIBITING THE USE OF FIREWORKS AND TO BE KNOWN AS THE FIREWORKS BYLAW

WHEREAS Section 7 of the Municipal Government Act, R.S.A. 2000, Chapter M-26 as amended, provides that a council may pass bylaws for the safety, health and welfare and the protection of people and property; and

WHEREAS council for the Summer Village of Silver Beach, deems it expedient and in the public's interest to pass a bylaw to prohibit the use of fireworks within the Summer Village of Silver Beach

NOW THEREFORE council for the Summer Village of Silver Beach, duly assembled, enacts as follows:

Section 1: Name of Bylaw

1.1 This Bylaw may be cited as "the FireWorks Bylaw".

Section 2: Definitions

2.1 In this Bylaw:

- a) "*Summer Village*" means the Summer Village of Silver Beach
- b) "*Council*" means the council for the Summer Village of Silver Beach
- c) "*Designate*" means the Chief Administrative Officer, Mayor or Fire Chief as appointed by Summer Village bylaw
- d) "*Person*" means an individual and includes a firm, partnership, joint venture, proprietorship, corporation, association, society, and any other legal entity
- e) "*Peace Officer*" means a member of the RCMP, Bylaw Enforcement Officer or Special Constable
- f) "*Violation Ticket*" means a form approved by the Summer Village, or a form prescribed by the *Provincial Offences Procedure Act*, R.S.A 2000, Chapter P-34

Section 3: Fireworks

3.1 No person shall purchase, possess, handle, discharge, fire or set off fireworks within the Summer Village of Silver Beach.

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Section 4: Penalties

- 4.1 Any person, who fails to comply with this Bylaw, is guilty of an offence and is liable to fine(s) as follows:
- a) First offence: a fine of not more than one hundred dollars (\$100.00)
 - b) Second offence: a fine or not more than two hundred and fifty dollars (\$250.00)
 - c) Third offence: a fine of not more than five hundred dollars (500.00)
 - d) Fourth offence and offences in excess of four: the fine will be at the discretion of a Provincial Court Justice
- 4.2 A Special Constable authorized to enforce this Bylaw under Section 7 of the *Municipal Government Act*, R.S.A 2000, Chapter M-26, and who has reasonable and probable grounds to believe that a person has contravened this Bylaw, may under the authority of this Bylaw issue a Municipal tag, and where this tag is not paid by the offender a Part 2 violation ticket may be issued under the *Provincial Offences Procedure Act*, R.S.A. Chapter P-34, to that person.

Section 5: Severability

- 5.1 Should any section of this Bylaw be found to have been improperly enacted, then such section or part shall be regarded as being severable from the rest of this Bylaw and the Bylaw remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this Bylaw.

Section 6: Effective Date

- 6.1 This by-law shall take effect on the date of the third and final reading.

READ a first time this 22nd day of September, A.D. 2009

READ a second time this 22nd day of September, A.D. 2009

READ a third time **AND PASSED** this 22nd of September, A.D. 2009

SUMMER VILLAGE OF SILVER BEACH

Mayor

Chief Administrative Officer