



Municipality of the District of Argyle

Item: Fireworks Bylaw –
consideration for Council

Date: October 8, 2019

VISION

We see Argyle as home to a healthy and thriving rural population. Our municipality promotes and supports economic and social opportunities for the region and engages in the active expression of our unique Acadian heritage. We are a place of choice for rural living and are widely recognized for our warm hospitality and joie de vivre. Surrounded by fresh air and cool ocean breezes, we work and play in the great outdoors. People choose to live in Argyle because of our commitment to each other, to our community and to our neighbors. Argyle is a place we are proud to call home.

Background:

We recently received a request from a resident to send off fireworks in accordance with our (old) fireworks bylaw. In examining our current wording, it is very dated, and in the 13 years as your CAO, we have not, to my knowledge, received a request from residents to permit this activity. This means, our residents are unaware of our bylaw, as there are clearly many instances of fireworks being used for celebrations in this community.

Most of the usage, anecdotally, would be the smaller version of firecrackers often used for supper celebrations. There are two instances of larger fireworks being organized by the Village Historique and the annual Argyle Festival. Those larger fireworks display require permitting from Natural Resources Canada as a pyrotechnics operator/Fireworks Operator Certificate. While I am less than familiar with the details of that application, any Certificate at that level would supersede municipal bylaw regulations. Also, the certification belongs to an individual, and they must be present during these activities.

So it leaves administrators with the question, does Council wish to regulate some of the smaller fireworks displays that occur fairly regularly – particularly during summer camping season – on private residents' property.

Jurisdictional review:

A brief scan of local regulations shows that there is a total of one Fireworks Bylaw regulations from Clare to Barrington – and it would be ours. Clare has a noise bylaw that refers to fireworks as a potential noise nuisance for their community. Ours also makes mention of fireworks as a prohibited action. Thus, if there was a complaint made by a resident regarding the use of fireworks, we would have to investigate and warn the resident of the inappropriate use and its disturbance to the public.

We have not, to my knowledge, received a complaint regarding fireworks, I suspect because they are often short in duration when done on private property. Also, many of the neighbors are often engaged in the celebration as well (July 1...)

MGA considerations:

MGA does allow us to have bylaw regulation of this activity.

CAO's Conclusion:

I would recommend the repeal of Bylaw 15 – Fireworks as it is covered under the noise bylaw and in the case of an organized major event, we are not the primary level of government regulation and permitting.

It should be noted by Council that the repeal of a bylaw follows the same process as an amendment or creation of a bylaw – that is, it receives first reading, must be advertised, and a public hearing meeting subsequent to receive public input.

Suggested motion:

Move first reading of the repeal of Bylaw 15 – Fireworks.