

The Corporation of the Township of Springwater By-Law 2018-XXX

**A By-law to prohibit and regulate the sale of fireworks
and the setting off of fireworks**

(Fireworks By-law)

Whereas Section 121 (a) of the *Municipal Act*, 2001, S.O. 2001 c.25 provides that the Council may prohibit and regulate the sale of fireworks and the setting off of fireworks; and

Whereas Section 121 (b) of the *Municipal Act*, 2001, S.O. 2001 c.25 provides that the Council may prohibit the activities described in Section 121 (a), above, unless a permit is obtained from the municipality for those activities and may impose conditions for obtaining, continuing to hold and renewing the permit, including requiring the submission of plans; and

Whereas Council for The Corporation of The Township of Springwater deems it necessary for the safety and well-being of the community to prohibit and regulate the setting off of fireworks and for requiring permits within The Corporation of The Township of Springwater; and

Whereas the Fire Marshal's Office has issued statements about the dangers of flying lanterns; and

Whereas Council of The Township of Springwater deems it necessary for the safety and well-being of the community to prohibit and regulate the sale and use of flying lanterns within The Township of Springwater;

Now Therefore the Council of The Corporation of The Township of Springwater hereby enacts as follows:

1. Definitions

- 1.1. **Applicant:** means a person applying for a permit under this by-law.
- 1.2. **Application Form:** means an application in the form provided by the Fire Department and accompanied by the appropriate fee and required documents.
- 1.3. **Chief Fire Official:** shall mean the Fire Chief appointed by the Township Council.

- 1.4. **Council:** means the Council of the Corporation of the Township of Springwater.
- 1.5. **Designated Days:** means Victoria Day and Canada Day.
- 1.6. **Designated Period:** means Victoria Day and Canada Day and the 7 calendar days immediately preceding Victoria Day and Canada Day.
- 1.7. **Firecracker:** means any class of Fireworks that explodes when ignited and does not make any significant display or visible effect after the explosion but does not include caps for toy guns or Christmas crackers;
- 1.8. **Fireworks:** means a pyrotechnic device or a substance that is made, manufactured or used to produce an explosion or detonation and includes fireworks composition and manufactured fireworks as defined in the Explosive Regulations made pursuant to the Explosives Act, R.S.C., 1985 c.E-17 as amended and includes one single item of fireworks.
- 1.9. **Flying Lanterns:** shall mean a small hot air balloon made of treated paper or any other material, with an opening at the bottom which is propelled by an open flame generated by a small candle, fuel cell, or sparkler allowing the balloon to rise and float in the air, uncontrollably while ignited.
- 1.10. **Motor Vehicle:** means any automobile, motorcycle, motor assisted bicycle, and any other vehicle propelled or driven otherwise than by muscular power.
- 1.11. **Officer:** means Chief Fire Official, Municipal Law Enforcement Officer, Police Officer or designate.
- 1.12. **Person:** means and shall include an individual human being, an individual company, partnership, corporation or limited company.
- 1.13. **Permit:** means a formal approval by the Fire Chief.
- 1.14. **Public Fireworks Display:** means an exhibition of Fireworks in an open air assembly, occupancy to which the public is invited, attends or is admitted, with or without a fee being charged.
- 1.15. **Set Off:** means to ignite or explode or cause to ignite or explode.
- 1.16. **Site Plan:** means a drawing of a site on which all buildings and structures, streets or other landmarks are indicated.

- 1.17. **Vehicle:** means any motor vehicle, trailer, traction engine, farm tractor, road building machine, bicycle, motorized snow vehicle and any vehicle drawn, propelled or driven by any kind of power including muscular power.

2. Offences

- 2.1. No person shall set off any firecracker within the Township of Springwater.
- 2.2. No person shall set off and/or cause to set off any fireworks during a fire ban.
- 2.3. No person shall set off and/or cause to set off any fireworks except during the designated period.
- 2.4. In the event that inclement weather on the designated days of Victoria Day or Canada Day, makes it impractical to set off fireworks, the next day following Victoria Day or Canada Day shall be included as part of the designated period.
- 2.5. A Public Fireworks Display is exempt from Section 2.3 providing a valid permit as outlined in Section 3 has been obtained from the Chief Fire Official or designate of The Township of Springwater.
- 2.6. No person shall set off any fireworks in, on or onto any building, highway, sidewalk, municipal park or Township property.
- 2.7. No person shall set off any Public Fireworks Display unless they have received a permit.
- 2.8. No person shall set off fireworks after 11:00 p.m. and not before 4:30 p.m. the following day.
- 2.9. No person shall set off any fireworks within eight (8) meters of any building, tent, trailer, forested area or motor vehicle.
- 2.10. No person shall display, offer for sale, or sell fireworks within the Township of Springwater except for a designated period which includes Victoria Day and Canada Day and 7 calendar days immediately preceding Victoria Day or Canada Day.
- 2.11. No person shall sell, cause or permit to be sold any fireworks to a person who is less than 18 years old.
- 2.12. No person shall display, offer to sell or sell any firecrackers.

- 2.13. No person shall have fireworks for sale contained in any store fixture or display structure, which has a face area of more than 20 square feet and a total capacity area of more than 40 cubic feet.
- 2.14. No person shall sell or offer for sale any fireworks in any outdoor location or from any motor vehicle or vehicle, except with the express written permission of the Chief Fire Official or designate.
- 2.15. No person shall display, offer to sell or sell any flying lanterns.
- 2.16. No person shall set off any flying lanterns within the Township of Springwater.
- 2.17. No person shall improperly store fireworks as set out in the Explosive Act, R.S.O. 1985.

3. Permits for Public Fireworks Display

- 3.1. A permit may be issued by the Chief Fire Official or designate on any land if the requirements listed in section 3 are met.
- 3.2. An application package has been complemented and submitted to the Chief Fire Official or designate together with the application fee paid in full.
- 3.3. The application package shall contain at a minimum, the following requirements as found in the Natural Resources Canada (NRCAN) Fireworks Display Manual:
 - a) 3.7 Basic requirements for event approval
 - b) 3.8 Site plan, event description and special circumstances
 - c) 3.10 Display fireworks event approval form
- 3.4. Filed with the application form shall be a Certificate of Liability Insurance certifying the permit being applied for is insured against general liability and property damage claims, in the minimum amount of Five Million Dollars (\$5,000,000.00) inclusive for any one occurrence. Said policy shall name The Corporation of The Township of Springwater as an additional insured. The policy shall be endorsed to provide that the policy will not be altered, cancelled or allowed to lapse without ten (10) days' prior written notice to the Corporation.
- 3.5. The Fireworks shall only be set off on the day or days specified by the permit.
- 3.6. The application fee in Schedule 'A' attached to this by-law shall be \$50.00 for a Public Fireworks Display that **does not** include any Fireworks as

defined in Explosive Regulations made pursuant to the Explosives Act, R.S.C., 1985-c.E-17, as amended.

- 3.7. The application fee in Schedule 'A' attached to this by-law shall be \$150.00 for a Public Fireworks Display that **does** include any Fireworks as defined in Explosive Regulations made pursuant to the Explosives Act, R.S.C., 1985 c.E-17 as amended.
- 3.8. The fireworks shall only be set off by a person currently certified as a Fireworks Supervisor Level I or Level II by the Explosion Regulatory Division of the Natural Resources of Canada.
- 3.9. The permit may be suspended or revoked by the Chief Fire Official or designate if the conditions of the permit are not being met or it would be unsafe to allow the Public Fireworks Display.
- 3.10. Notwithstanding the forgoing sections, the Chief Fire Official or designate may require any additional information of the applicant to ensure the public's safety and may impose additional conditions on the issuance of a permit as they deem advisable in the particular circumstances of the application.
- 3.11. Community Recreation Associations shall be exempt from the application fee but shall comply with all other provisions outlined in this by-law.

4. Exemptions

- 4.1. It is hereby declared for greater certainty that on Victoria Day or Canada Day on land belonging to a private residence, occupied by the owner, tenant or an authorized person of the residence, that the setting off of fireworks for their own personal display shall not be deemed to be a Public Fireworks Display.
- 4.2. The display described in Section 4.1 shall not include Fireworks as defined in Explosive Regulations made pursuant to the Explosives Act, R.S.C., 1985 c.E-17 as amended.

5. Entry and Inspection

- 5.1. An Officer may at any time, enter onto land or in any building for the purpose to determine whether this by-law is being complied with.
- 5.2. Every owner shall permit the Officer to inspect any land or buildings for the purposes of determining compliance with the by-law.

- 5.3. Notwithstanding any provision of this by-law, an Officer shall not enter or remain in any room or place actually being used as a dwelling, unless:
- a) The consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and, if refused, may only be made under the authority of a warrant issued under the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
 - b) A warrant issued under the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended is obtained

6. Obstruction

- 6.1. No person shall obstruct, hinder or otherwise interfere with a Chief Fire Official or other duly appointed individual in the lawful carrying out of their duties and responsibilities under the provisions of this by-law.

7. Penalty

- 7.1. Any person who contravenes any provisions of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act.

8. Administration and Enforcement

- 8.1. This By-law shall be administered by the Chief Fire Official or designate.
- 8.2. This By-law shall be enforced by the Chief Fire Official, Municipal Law Enforcement Officer or designate.

9. Validity and Severability

- 9.1. Should any section, subsection, clause, paragraph or provision of this By-law be declared by a Court of competent jurisdiction to be invalid or illegal for any other reason, such offending section or part shall be deemed to have been severed from this By-law and the remaining sections or parts shall continue in full force and effect and shall remain valid and binding.

10. Effective Date of By-Law

- 10.1. This By-Law shall come into force and take effect on (day) (month), 20XX

**Read a First, Second and Third time and finally passed this XXX day of XXXX,
2018.**

(Original Signed By)
Bill French, Mayor

(Original Signed By)
Renée Chaperon, Clerk

Schedule 'A' to By-Law 2018-XXX

Schedule of Fees

| Activity | Fee |
|---|----------|
| Public Fireworks Display that does not include any Fireworks as set out in the Explosive Act, R.S.C 1985. | \$50.00 |
| Public Fireworks Display that does include any Fireworks as set out in the Explosive Act, R.S.C 1985 | \$150.00 |

| Short Form Wording | Section | Set Fine |
|--|----------------|-----------------|
| 1. Set off firecracker | 2.1 | \$70 |
| 2. Set off fireworks during a fire ban | 2.2 | \$70 |
| 3. Set off fireworks – not during designated period | 2.3 | \$70 |
| 4. Set off fireworks in, on or onto a building | 2.6 | \$70 |
| 5. Set off fireworks in, on or onto a highway | 2.6 | \$70 |
| 6. Set off fireworks in, on or onto a sidewalk | 2.6 | \$70 |
| 7. Set off fireworks in, on or onto a municipal park | 2.6 | \$70 |
| 8. Set off fireworks in, on or onto municipal property | 2.6 | \$70 |
| 9. Set off Public Fireworks Display – no permit | 2.7 | \$300 |
| 10. Set off any fireworks display after 11 p.m. | 2.8 | \$70 |
| 11. Set off fireworks within 8 metres of building | 2.9 | \$70 |
| 12. Set off fireworks within 8 metres of tent | 2.9 | \$70 |
| 13. Set off fireworks within 8 metres of trailer | 2.9 | \$70 |
| 14. Set off fireworks within 8 metres of a motor vehicle | 2.9 | \$70 |
| 15. Display fireworks for sale- not designated period | 2.10 | \$100 |
| 16. Offer fireworks for sale – not designated period | 2.10 | \$100 |
| 17. Sell fireworks – not designated period | 2.10 | \$100 |

| Short Form Wording | Section | Set Fine |
|---|----------------|-----------------|
| 18. Sell fireworks to person under 18 years | 2.11 | \$100 |
| 19. Permit sale of fireworks to person under 18 years | 2.11 | \$100 |
| 20. Cause sale of fireworks to person under 18 years | 2.11 | \$100 |
| 21. Display, offer to sell or sell firecracker | 2.12 | \$100 |
| 22. Fireworks sale display exceeds 20 square feet | 2.13 | \$200 |
| 23. Fireworks sale display exceeds 40 cubic feet | 2.13 | \$200 |
| 24. Display, offer to sell, or sell fireworks outdoors | 2.14 | \$200 |
| 25. Display, offer to sell or sell fireworks from vehicle | 2.14 | \$200 |
| 26. Display, offer to sell or sell any flying lantern | 2.15 | \$200 |
| 27. Set off flying lantern | 2.16 | \$70 |
| 28. Improper storage of fireworks | 2.17 | \$5,000 |
| 29. No person shall hinder or obstruct an officer | 6.1 | \$200 |

The Corporation of the Township of Springwater By-Law 20XX-XXX A By-Law Controlling the Sale and Use of Fireworks

Part 1 – Provincial Offences Act

| Item | Column 1 | Column 2 | Column 3 |
|------|--|--|----------|
| Item | Short Form Wording | Provision Creating or Defining Offence | Set Fine |
| 1 | Set off firecracker | 2.1 | \$70.00 |
| 2 | Set off fireworks during a fire ban | 2.2 | \$70.00 |
| 3 | Set off fireworks – not during | 2.3 | \$70.00 |
| 4 | Set off fireworks in, on or onto a building | 2.6 | \$70.00 |
| 5 | Set off fireworks in, on or onto a highway | 2.6 | \$70.00 |
| 6 | Set off fireworks in, on or onto a sidewalk | 2.6 | \$70.00 |
| 7 | Set off fireworks in, on or onto a municipal park | 2.6 | \$70.00 |
| 8 | Set off fireworks in, on or onto municipal property | 2.6 | \$70.00 |
| 9 | Set off Public Fireworks Display – no permit | 2.7 | \$300.00 |
| 10 | Set off any fireworks display after 11 p.m. | 2.8 | \$70.00 |
| 11 | Set off fireworks within 8 metres of building | 2.9 | \$70.00 |
| 12 | Set off fireworks within 8 metres of tent | 2.9 | \$70.00 |
| 13 | Set off fireworks within 8 metres of trailer | 2.9 | \$70.00 |
| 14 | Set off fireworks within 8 metres of a motor vehicle | 2.9 | \$70.00 |
| 15 | Display fireworks for sale – not designated period | 2.10 | \$100.00 |
| 16 | Offer fireworks for sale – not designated period | 2.10 | \$100.00 |
| 17 | Sell fireworks – not designated period | 2.10 | \$100.00 |
| 18 | Sell fireworks to person under 18 years | 2.11 | \$100.00 |
| 19 | Permit sale of fireworks to person under 18 years | 2.11 | \$100.00 |
| 20 | Cause sale of fireworks to person under 18 years | 2.11 | \$100.00 |
| 21 | Display, offer to sell or sell firecracker | 2.12 | \$100.00 |
| 22 | Fireworks sale display exceeds 20 square feet | 2.13 | \$200.00 |
| 23 | Fireworks sale display exceeds 40 cubic feet | 2.13 | \$200.00 |
| 24 | Display, offer to sell, or sell fireworks outdoors | 2.14 | \$200.00 |

| Item | Short Form Wording | Provision Creating or Defining Offence | Set Fine |
|-------------|--|---|-----------------|
| 25 | Display, offer to sell, or sell fireworks from vehicle | 2.14 | \$200.00 |
| 26 | Display, offer to sell, or sell any flying lantern | 2.15 | \$200.00 |
| 27 | Set off flying lantern | 2.16 | \$70.00 |
| 28 | Improper storage of fireworks | 2.17 | \$5,000.00 |
| 29 | Hinder an inspector | 7.1 (a) | \$200.00 |
| 30 | Disturb inspector | 7.1 (a) | \$200.00 |
| 31 | Obstruct inspector | 7.1 (a) | \$200.00 |

The penalty provision for the offences indicated above is section 7 of By-Law 20XX-XXX