

THE CORPORATION OF THE TOWNSHIP OF ADJALA-TOSORONTIO

BY-LAW 05-41

A BY-LAW TO CONTROL THE SALE, SETTING OFF AND DISPLAY OF FIREWORKS

Fireworks By-law

WHEREAS the Municipal Act, 2001, S.O. 2001, Chapter 25, Section 8, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act, that Section 8 shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

AND WHEREAS Section 11, of the *Municipal Act*, provides that a lower-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction set out therein;

AND WHEREAS Section 121 (1), of the *Municipal Act*, provides that By-laws may be passed by a local municipality prohibiting and regulating the sale of fireworks and the setting off of fireworks;

AND WHEREAS Section 121 (2), of the *Municipal Act*, provides that a By-law under subsection (1) may prohibit the activities described in that subsection 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 submissions of plans;

AND WHEREAS the Council of the Corporation of the Township of Adjala - Tosorontio deems it necessary and expedient to regulate the sale and setting off of fireworks;

NOW THEREFORE the Council of the Corporation of the Township of Adjala – Tosorontio enacts as follows:

1. **DEFINITIONS**

In this By-law the following definitions shall apply:

- a) **“Exhibition Fireworks”** shall mean pyrotechnic devices classified under the Explosives Regulations C.R.C., c. 599, as amended, as 7.2.2 fireworks which comprises high hazard fireworks generally used for recreation, such as rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, batteries, illumination, set pieces, pigeons and firecrackers.
- b) **“Family Fireworks”** shall mean pyrotechnic devices classified under the Explosives Regulations C.R.C., c. 599, as amended, as 7.2.1 fireworks which comprises low hazard fireworks generally used for recreation, such as fireworks showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, volcanoes, sparklers and Christmas crackers and caps for toy guns;
- c) **“Firecracker”** shall mean a pyrotechnic device that explodes instantaneously when ignited and does not make any subsequent display or visible effect after the explosion and shall include those devices commonly known as Chinese firecrackers but does not include paper caps containing not in excess of an average of twenty-five one-hundredths of a grain of explosive used per cap, or device for use with such caps.

- d) **“Supervisor”** shall mean a person who is qualified as a fireworks supervisor in accordance with the Fireworks Manual, Explosives Division Class 7.2.2, Energy, Mines and Resources Canada; and
- e) **“Township”** shall mean the Corporation of the Township of Adjala – Tosorontio.

2. **GENERAL REGULATIONS**

The storage, sale and handling of fireworks shall be in accordance with the Ontario Fire Code, the Federal Explosives Act R.S., 1985, c. E-17, as amended, and Explosives Regulations C.R.C., c.599, as amended, and all other applicable legislation.

3. **SALE OF FIREWORKS AND FIRECRACKERS**

- a) No person shall sell or offer for sale any firecrackers within the territorial limits of the Township.
- b) No person shall display, offer for sale, or sell family fireworks on any day or days during the year except on Victoria Day, Canada Day, and the fifteen calendar days immediately preceding each of these days.
- c) No person may sell, offer for sale, give or distribute family fireworks to any person under the age of eighteen years.
- d) Notwithstanding subsection a), b) and c) a person may sell paper caps, toy pistols, toy cannons, or toy guns wherein the explosive content of such devices is not in excess of twenty-five one-hundredths of a grain per cap.
- e) No person may sell, offer for sale, give or distribute any exhibition fireworks to any person who is not a qualified supervisor.
- f) Fireworks displayed in retail outlets shall be mock samples only, and not contain any explosive composition.
- g) Where fireworks are offered for sale, they must be displayed in such a manner that they are not accessible as a self-serve item.
- h) Where fireworks are offered for sale, they must not be located at or near a means of entrance or exit to any building or room.

4. **DISCHARGE OF FIRECRACKERS**

- a) No person shall discharge, fire, set off, or cause to be set off, any firecracker within the territorial limits of the Township of Adjala – Tosorontio.

5. **SETTING OFF OF FAMILY FIREWORKS**

- a) No person shall discharge, fire, set off, or cause to be set off any family fireworks on any day or days during the year except on Victoria Day, Canada Day, and the Five calendar days immediately preceding and/or following each of these day;
- b) A person eighteen years of age or older may set off family fireworks on any land;
 - i) belonging to him; or

- ii) any other privately owned land where the owner thereof has given permission for setting off of family fireworks.
- c) No person shall discharge, fire, set off, or cause to be set off any fireworks in such a place or in such a manner as might create danger or constitute a nuisance to any person or property, or to do, allow, or cause any unsafe act or omission at the time and place of display;
- d) No person shall discharge, fire, set off, or cause to be set off any fireworks inside of or closer than 6 metres to any building, tent, trailer, camp or shelter or motor vehicle;
- e) Notwithstanding the setting off of exhibition fireworks in accordance with provisions of this By-law, no person shall discharge, fire set off, or cause to be set off any fireworks in, on or into any public place including, but not limited to, highways, streets, lanes, squares, parks, fields, playgrounds and school grounds;
- f) No person under the age of eighteen years may discharge, fire, set off, or cause to be set off any family fireworks unless under the direct supervision and control of a person eighteen years of age or older; and
- g) No person being the parent or guardian of any child under the age of eighteen years shall permit said child to discharge, fire, set off, or cause to be set off any fireworks except when such parent or guardian or some other responsible person of at least eighteen years of age is in direct supervision and control.

6. **SETTING OFF OF EXHIBITION FIREWORKS**

- a) Exhibition fireworks are prohibited to be set off unless under the direct supervision and control of a qualified supervisor.
- b) No person or group of persons shall set off exhibition fireworks without first having obtained a permit from the Clerk.
- c) The application for a permit must be made on approved Township forms at least three weeks prior to the proposed date of display;
- d) Where an exhibition fireworks event is proposed on Township property, the applicant shall also provide at the time of application appropriate liability insurance in the amount of \$1,000,000 to protect the Township of Adjala - Tosorontio in respect of any liability for bodily injury, including death, and property damage that may result from or arise out of the holding of the fireworks event, and to indemnify the Township of Adjala - Tosorontio for damage to and destruction of Township property that may occur as a result of the fireworks event;
- e) Setting off of exhibition fireworks must be in accordance with recognized safety procedures including, but not limited to:
 - i) Keeping spectators at a safe distance;
 - ii) Protecting private and public property; and
 - iii) Ensuring suitable fire extinguishing equipment is available at all times;
- f) The person(s) responsible for the setting off of any fireworks or classes thereof must ensure that all unused fireworks and debris be removed and safely disposed of immediately following the event;

- g) No person(s), other than those responsible for holding the event, shall be at a distance closer than 100 metres from the place at which the fireworks are being set off or discharged;
 - h) No person(s) shall discharge, fire, set off, or cause to be set off any exhibition fireworks within 60 metres from the nearest buildings, highway or railroad;
 - i) No person(s) shall discharge, fire, set off, or cause to be set off any exhibition fireworks within 15 metres from any hydro line, tree or overhead obstruction;
 - j) No person(s) shall discharge, fire set off, or cause to be set off any exhibition fireworks within 300 metres of a nursing home, health lodge, public hospital, home for the aged, or any premises where explosives, gasoline or other highly flammable substances are manufactured, sold or stored;
 - k) No person(s) shall discharge, fire, set off, or cause to be set off any exhibition fireworks within 300 metres of a church or a public, separate, secondary or other school unless the consent of the owner, or representative or agent of the owner of such church or school, is obtained; and
 - l) No Exhibition fireworks event is to be held during any windstorm in which the wind reaches a velocity of more than 50 kilometres per hour.
7. **THAT** every person who contravenes any provision of this By-law is, on conviction, therefore guilty of an offence and shall be liable to a fine not exceeding \$5,000.00 pursuant to and recoverable under the Provincial Offenses Act, as amended, from time to time;
 8. **THAT** should any section, subsection, clause, paragraph or provision of this By-law, including any part of schedules be declared by a court competent jurisdiction to be ultra vires, invalid or illegal for any reason, the same shall not affect the validity of the By-law as a whole.
 9. **THAT** the provisions of this By-law shall take full force and effect with the passing hereof;
 10. **THAT**, notwithstanding anything contrary to the rules of procedure, this By-law be introduced and read a first and second time and be considered read a third time and finally passed this 18th day of July 2005.

“T Walsh”

Mayor Tom Walsh

“B Kane”

Clerk Barb Kane

