

BYLAW 52-2017

THE CORPORATION OF THE MUNICIPALITY OF CENTRAL HURON

**Being a bylaw to regulate the sale and setting off of fireworks
Within the Municipality of Central Huron**

WHEREAS Section 120 (1) of the Municipal Act, 2001, c.25, as amended, provides that a municipality may prohibit and regulate the storage of explosives and dangerous substances in the municipality;

AND WHEREAS Section 121(a) and (b) of the Municipal Act, 2001, c.25, as amended, permits a local municipality to prohibit and regulate the sale of fireworks and the setting off of fireworks; and prohibit such activities 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 Section 128 (1) of the Municipal Act, 2001 S.O. 2001 c. 25 as amended provides a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause a public nuisances.,

AND WHEREAS Section 425 (1) of the Municipal Act, 2001 S.O. 2001 c. 25 as amended permits municipalities to pass bylaws providing that a person who contravenes a bylaw of the municipality passed under this Act is guilty of an offence.

AND WHEREAS Section 7.1(1) of the Fire Protection and Prevention Act, 1997, S.O.1997, c.4, as amended, provides that a council of a municipality may pass bylaws regulating fire prevention, including the prevention of spreading fires;

AND WHEREAS the Council of the Municipality of Central Huron deems it necessary, for the safety and well-being of the community, to prohibit and regulate the sale and setting off of fireworks, and for requiring permits;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF CENTRAL HURON ENACTS AS FOLLOWS:

1.0 **DEFINITIONS:**

- 1.1 **Act** means the Municipal Act, S.O. 2001, c.25 as amended from time to time;
- 1.2 **Banger** is defined as a type of firework that is made to explode noisily without a spectacular display of color or lights;
- 1.3 **Club** means an organization formed for a specific purpose and has a written mandate and/or mission statement and bylaws, and includes a service club, a non-profit organization, a government or government agency
- 1.4 **Discharge** when used in relation to Fireworks means firing, igniting, exploding and setting off Fireworks.
- 1.5 **Display Unit** means a bin, crate, box, case or other device used to display fireworks to the public;
- 1.6 **Explosives Act** means the Explosives Act, R.S.C. 1985, c. E-17, and the regulations thereto, as may be amended from time to time.
- 1.7 **Fire Chief** means the Fire Chief of the Municipality of Central Huron or his/her Designate;

- 1.8 **Firecracker** means any class of Fireworks that explodes with a sharp crack without any spectacular display of color or lights after the explosion but does not include caps for toy guns;
- 1.9 **Fireworks** means any and all classes of fireworks including:
- a) **Family Fireworks** (low-hazard fireworks) means an outdoor exhibition of low-hazard fireworks on private property, used for recreation that are classed as Subdivision 1 of Division 2 of Class 7 fireworks under the Act and includes, but is not limited to firework showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, volcanoes, and sparklers;
 - b) **Display Fireworks** (high-hazard fireworks) means an outdoor exhibition of high-hazard fireworks to which the public is invited or admitted, with or without a fee being charged used for recreation that are classed as Subdivision 2 of Division 2 of Class 7 fireworks under the Act such as rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains and mines;
- 1.10 **Fire Department** means firefighting or fire protection services of the Municipality of Central Huron, and includes any person duly appointed to the Fire Department by Council or the Fire Chief;
- 1.11 **Fireworks Discharge Permit** means an authorization under this Bylaw to Discharge Display Fireworks or Pyrotechnic Special Effects
- 1.12 **Fireworks Sales Permit** means a Permit issued under this Bylaw to sell Consumer Fireworks.
- 1.13 **Fireworks Supervisor** means a person who is the holder of a valid Fireworks Display Supervisor Certificate issued under the authority of the Explosives Act, R.S.C.1985, c.E-17, as amended, or any Regulations made thereunder;
- 1.14 **Fireworks Vendor** means any person, organization or company that sells displays or offers fireworks for sale;
- 1.15 **Municipality** means the Corporation of the Municipality of Central Huron;
- 1.16 **Municipal Law Enforcement Officer** shall mean a Bylaw Enforcement Officer, interim or full time, as appointed by Council for the Corporation of the Municipality of Central Huron, the Ontario Provincial Police and the Fire Chief;
- 1.17 **Ontario Provincial Police** means a member of the Huron County Detachment of the Ontario Provincial Police;
- 1.18 **Person** includes a corporation and its directors and officers, and their heirs, executors, assignees and administrators or other legal representatives of an individual and their respective successors and assignees;

- 1.19 **Prohibited Fireworks** includes but is not limited to cigarette loads or pings, exploding matches, sparkling matches, ammunition for miniature tie clip, cufflink or key chain pistols, auto alarms or jokers, cherry bombs, M-80 and silver salutes and flash crackers, throw down torpedoes and crackling balls, exploding golf balls, stink bombs and smoke bombs, tear gas pens and launchers, party peppers and table bombs, table rockets and battle sky rockets, fake firecrackers and other trick devices or practical jokes as included on the most recent list of prohibited fireworks as published from time to time under the Act;
- 1.20 **Pyrotechnic Special Effects** means authorized explosives as defined under the Explosives Act, that are made, manufactured or used to produce a pyrotechnic theatrical effect in connection with a motion picture, theater or television production or as a performance, before a live audience;
- 1.21 **Site** means any area within the Municipality of Central Huron on which fireworks are displayed, sold or offered for sale;
- 1.22 **Site Plan** means a drawing of a site which includes all applicable measurements of every vending structure and the surrounding area within 150 metres of the site and on which all buildings and structures, streets or other landmarks are indicated;
- 1.23 **Sky Lantern** means a small hot air balloon made of paper, with an opening at the bottom where a small fire is suspended. They are also known as Sky Candles, Chinese Lanterns and Fire Balloons;
- 1.24 **Temporary Vendor** means any person, organization or company that sells, displays or offers for sale fireworks in or from a vending structure on a temporary basis;
- 1.25 **Vending Structure** means any building, vehicle, roadside stand or temporary structure, tent or air-supported structure or other conveyance in or from which fireworks are displayed, sold or offered for sale within the Municipality of Central Huron.

2.0 **DISCHARGE OF PROHIBITED FIREWORKS**

- 2.1 No person shall discharge any prohibited fireworks within the Municipality of Central Huron.

3.0 **SALE OF FIREWORKS**

- 3.1 Nothing in this Bylaw shall be construed as to prohibit the sale of fireworks by a club, association or not for profit organization with the required permit.
- 3.2 No person shall within the Municipality, display, offer for sale or sell any type of firework except fourteen days (14) prior to and on the days celebrated or an alternate rain date as approved by the Fire Chief for the Municipality of Central Huron as follows:
New Year's Eve (December 31st),
Victoria Day (3rd Monday of May),
Canada Day (July 1st),
Civic Holiday (August), and
Labor Day (1st Monday of September)
- 3.3 No person shall sell any fireworks in the Municipality of Central Huron to anyone under the age of eighteen (18) years of age.
- 3.4 No person shall sell any prohibited fireworks.
- 3.5 No person shall display or sell fireworks outside of a building.

- 3.6 Where fireworks are offered for sale, they must not be located at or near a means of entrance or exit to any building.
- 3.7 No person shall display or store any live fireworks in a place where they are exposed to the rays of the sun or to excess heat
- 3.8 No person shall display for sale within the Municipality any type of fireworks in any manner other than is the manufacturer's original packaging, a glass case or other suitable receptacle, away from any other flammable goods.
- 3.9 No person shall, within the Municipality, display or sell fireworks from vehicles or other means located on parking lots or residential property unless approved by the Municipality's Fire Chief.

4.0 **PROVISIONS FOR ALL FIREWORKS**

- 4.1 No person shall discharge fireworks into, or on any highway, street, land, square, public park or other public place, without previously obtaining a permit for such purpose.
- 4.2 No person shall discharge any fireworks on property where the owner has not provided permission for the discharge of such fireworks;
- 4.3 No person shall set off fireworks in the Municipality of Central Huron within one hundred (100) metres of:
 - a) Any woodlands;
 - b) Any place where explosives, gasoline or other highly flammable substances are manufactured, sold or stored;
 - c) Any hospital, nursing home, retirement home or home for the aged;
 - d) Any church, childcare facility or public, separate, secondary or other school unless consent of the owner of such church, childcare facility or school or an agent or representative of such owner is obtained;
- 4.4 No person shall set off any fireworks within the Municipality of Central Huron at any time except on the days observed as Victoria Day, Canada Day, Civic Holiday, Labour Day, New Year's Eve and the day immediately before Victoria Day and Canada Day;
- 4.5 No person shall set off any fireworks within six (6) metres of any building, tent, trailer, canvas shelter or motor home.
- 4.6 No person shall set off or purchase fireworks unless eighteen (18) years of age.
- 4.7 No minor shall set off any fireworks, other than a sparkler where the minor is under the supervision of an adult at all times.
- 4.8 No person shall set off fireworks except on designated days and between 8:00 pm. and 11:00 p.m. local time, with the exception of New Year's Eve from sunset to 1:00 a.m. New Year's Day (January 1).

- 4.9 No person shall discharge fireworks in a manner that creates or may create a nuisance or that creates or may create an unsafe condition, danger from fire or from risk of accident, injury or damage at or in respect of any place, location or site.
- 4.10 No person shall discharge any type of fireworks during an Open Air Burning Ban, issued by the Fire Chief.
- 4.11 No person shall ignite and/or release a Sky Lantern within the Municipality of Central Huron.
- 4.12 No person shall set off firecrackers or bangers in the Municipality of Central Huron.

5.0 PROVISIONS FOR DISPLAY FIREWORKS OR PYROTECHNIC EFFECTS

- 5.1 No person shall hold a display fireworks and/or Pyrotechnic Special Effects display; in the Municipality except under a Fireworks Discharge Permit issued under this Bylaw and in compliance with the conditions set forth in this Bylaw.
- 5.2 The permit must be on-site at the exhibition/event and must be produced upon request at the exhibition/event
- 5.3 Display fireworks shall be held by or under the auspices of a club.
- 5.4 Display fireworks shall be held at the place and on the date set forth within the permit.
- 5.5 No person shall hold a display fireworks unless it is under the supervision of a Display Supervisor who must not be less than 18 years of age, holds a Display Supervisor Certificate issued under the authority of the Explosives Act, R.S.C. 1985, c.E-17, and who must be approved by the Fire Chief.
- 5.6 No person shall hold a display fireworks unless the proper precautions are being observed to keep spectators at a minimum of 30 metres from the area where fireworks are to be discharged.
- 5.7 Every club applying for a permit to hold display fireworks and/or Pyrotechnic Special Effects shall produce proof of liability insurance in the amount not less than Five Million Dollars (\$5,000,000.00) with the Municipality of Central Huron named as an additional insured.
- 5.8 A letter of authorization from the owner of the property on which the Display Fireworks and/or Pyrotechnic Special Effects will be discharged consenting to the display;
- 5.9 In addition to the requirements set out in this Bylaw, all Persons applying for or holding a Fireworks Discharge Permit to Discharge Display Fireworks and/or Pyrotechnic Special Effects shall comply at all times with the Explosives Act.

6.0 PERMIT INFORMATION

- 6.1 The Fire Chief may issue a Permit for Display Fireworks and/or Pyrotechnic Special Effects subject to the conditions set forth in this Bylaw and each such permit shall contain the following information:
 - a) Name of the person, club, association or group to whom the permit is issued;

- b) Name and address of the Display Supervisor;
- c) Place and date upon which the display is to be held;
- d) Type of display fireworks being discharged;
- e) Manner in which the unused fireworks and debris are to be disposed;
- f) Manner and means of keeping unauthorized persons from the discharge area.
- g) Site plan.

7.0 OFFENCES AND PENALTIES

- 7.1 Every person who contravenes any of the provisions of this Bylaw is guilty of an offence.
- 7.2 Every person who is convicted of an offence under this Bylaw is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, and c.33.
- 7.3 All penalties imposed by a judicial official are recoverable under the provisions of the *Provincial Offences Act*, R.S.O. 1990, c.33 together with such costs and expenses as are imposed thereunder.

8.0 SEVERABILITY

- 8.1 If a court of competent jurisdiction should declare any section or part of a section of this bylaw to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the bylaw and it is hereby declared that the remainder of the bylaw shall be valid and shall remain in force.

9.0 ENFORCEMENT

- 9.1 This Bylaw shall be enforced by a Municipal Law Enforcement Officer, the Fire Chief or his/her designate or the Ontario Provincial Police.

10.0 REPEAL SECTION

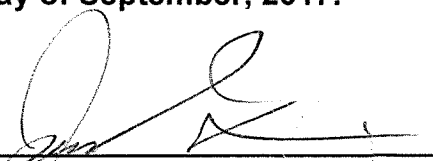
- 10.1 All previous bylaws regulating the sale and setting off of fireworks in the Municipality of Central Huron or its predecessor municipalities are hereby repealed.

11.0 This bylaw shall come into effect on its passing.

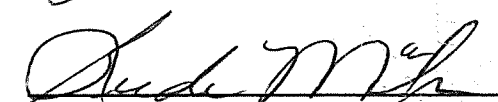
12.0 The short title of this bylaw shall be the "Fireworks By-law"

Read a first and second time this 18th day of September, 2017.

Read a third time and finally passed this 18th day of September, 2017.



Mayor James Ginn



Clerk Brenda MacIsaac



PERMIT APPLICATION

Fireworks Permit No. ____ 20 ____
(To Fireworks Bylaw No. 2017)

Name: _____

(MUST be a registered owner of the property)

Address: _____

(Legal Description is required where a 911 or Civic address does not exist)

Phone Number: _____

(Contact Number to be used during firework events)

Email Address: _____

Date of Event: _____ **Type of Display:** _____

Subject to the following terms and conditions:

- ❖ The permittee shall keep the permit at the site of the fireworks show conducted under the permit.
- ❖ The person in charge of the shooting of fireworks conducted under the permit shall produce and show the permit to any officer whenever requested by that officer.
- ❖ The discharge of consumer fireworks is limited to between sunset and 11:00 p.m. each day with the exception of December 31st where the times shall be between sunset and 1:00 a.m. January 1st.
- ❖ The discharge of consumer fireworks into, inside of, or on any building, accessory building, structure, or motor vehicle is prohibited.
- ❖ The discharge of consumer fireworks during an imposed burn ban or in a restricted
- ❖ fireworks into, inside of, or on any building, accessory building, structure, or motor vehicle is prohibited.
- ❖ The discharge of consumer fireworks during an imposed burn ban or in a restricted fire zone is prohibited.
- ❖ Proof of Liability as required under Section 5.7 of Fireworks Bylaw -2017 must accompany this application.

COST OF ACTION:

If the Municipality of Central Huron Fire Department is called to respond to a fire resulting from the shooting of fireworks, the person lighting the fireworks and the owner of the property on which the fireworks were lit, shall forthwith pay, upon demand, the costs incurred by the Municipality of Central Huron Fire Department including the personnel, equipment and apparatus necessary to extinguish any fire resulting from the shooting of fireworks contrary to this bylaw or contrary to any permit issued under this bylaw.

Recovery of costs incurred by the Municipality to execute a fire protection agreement, retain the services of private contractors, rent special equipment, preserve property or evidence or in order to eliminate an emergency risk or risk of an emergency situation as stipulated in the User Fees Bylaw in effect.

INDEMNITY

A copy of Fireworks Bylaw – 2017 accompanies this application - please read entire bylaw regulating fireworks, prior to signing.

In consideration of the Corporation of the Municipality of Central Huron issuing a permit for the setting off of fireworks, I undertake to indemnify the Corporation of the Municipality of Central Huron against any liability incurred by it for any costs or expenses in controlling or extinguishing any fire contemplated by this permit and against all losses, costs, charges and expenses which the Corporation of the Municipality of Central Huron may incur in consequences thereof.

OFFICE USE ONLY

Application Date Received: _____

Approved Permit Issue Date: _____

Approved by: _____ Approval Signature: _____

Date of Event: _____ Expiry Date: _____

Every person who contravenes any of the provisions of Fireworks Bylaw - 2017 is guilty of an offence and liable to a fine as provided for in the Provincial Offences Act.