

**Being a By-law regulating the sale and setting off of fireworks**

**WHEREAS** Section 121, Subsection (a) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a local municipality may prohibit and regulate the sale of fireworks and the setting off of fireworks;

**AND WHEREAS** Section 121, Subsection (b) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may prohibit the sale of fireworks and the setting off of fireworks 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.

**NOW THEREFORE** the Council for The Corporation of the Township of Tiny hereby ENACTS AS FOLLOWS:

**TITLE**

This bylaw shall be known and may be cited as the "Fireworks By-law." In the text of the by-law, it is referred to as "this by-law."

**1. DEFINITIONS**

In this by-law:

- 1.1 "Chief Fire Official" means Assistant to the Fire Marshal who is the Municipal Fire Chief or a member or members of the fire department appointed by the Municipal Fire Chief under Subsection 1.1.8. of the Ontario Fire Code, 1997.
- 1.2 "Consumer Fireworks" means outdoor low hazard fireworks generally used for recreational purposes such as showers, fountains, golden rain, Roman candles, volcanoes, sparklers, and caps for toy guns.
- 1.3 "Display Fireworks" means high hazard fireworks generally used for community celebrations such as bombshells, aerial shells, large wheels, and bombardons.
- 1.4 "Firecracker" means a class of fireworks which when ignited explodes with little or no visual effect, but does not include caps for toy guns or Christmas crackers.
- 1.5 "Officer" means a Municipal Law Enforcement Officer, Police Officer, Chief Fire Official or designate.
- 1.6 "Owner" means any person, firm or corporation having control over any portion of the building or property under consideration and includes the persons in the building or property.
- 1.7 "Township" means the Corporation of the Township of Tiny.

**2. General**

- 2.1 No person shall set off any fireworks when a fire ban is in effect.

**3. Consumer Fireworks**

- 3.1 No person shall hold a display of or set off consumer fireworks on any day or days during the year except on Victoria Day, Canada Day and the five days immediately

preceding and/or following each of these days, or on New Year's Eve and New Year's Day.

- 3.2 Notwithstanding Section 3.1, a person may hold a display of or set off consumer fireworks on any day or days during the year where approval has first been obtained from the Chief Fire Official.
- 3.3 No person shall set off any fireworks except between dusk and 11:00 p.m. unless as permitted in Section 3.4.
- 3.4 Notwithstanding Section 3.3, no person shall set off any fireworks except between dusk on New Year's Eve and 1:00 a.m. of the following day.
- 3.5 No person shall sell or supply any consumer fireworks to anyone under the age of eighteen (18) years of age.
- 3.6 No person shall set off any consumer fireworks in a manner that might create a danger to any person or property; and for greater clarity setting off consumer fireworks not in compliance with manufacturer's specifications shall be deemed to be one whereon the setting of fireworks might create a danger.
- 3.7 No person shall set off any consumer fireworks in, on or into any building, structure, or automobile.
- 3.8 No person shall set off any consumer fireworks on or into any highway, street, lane, boulevard, roundabout, or private roadway.
- 3.9 No person shall set off any consumer fireworks on or into any land used for school purposes.
- 3.10 No person shall set off any consumer fireworks on or into any park, parkette, trail, linear park, land used for storm water management, square, other public place or any land owned by the Township or any of their boards or agencies, without first having obtained permission from the Chief Fire Official, Manager of Public Works, or designate and the Recreation Co-ordinator, or designate.
- 3.11 No person shall set off any consumer fireworks without limiting the generality of the foregoing, on any land whatsoever, except on land belonging to the person setting off the fireworks, or on other privately owned land where the consent of the owner has been obtained.

4. **Firecrackers**

- 4.1 No person shall sell, offer for sale, buy or offer to buy firecrackers.
- 4.2 No person shall set off any firecrackers.

5. **Display Fireworks/Pyrotechnic Special Effects**

- 5.1 No person shall hold a display of or set off Display Fireworks/Pyrotechnic Special Effects on any day or days without approval from the Chief Fire Official.

- 5.2 Only persons who hold a valid certificate, for such, issued by the Explosives Regulatory Division of Natural Resources Canada are eligible to request approval to display or set off Display Fireworks/Pyrotechnic Special Effects.
- 5.3 Application for approval shall be submitted no less than ten (10) working days (Saturdays, Sundays, Statutory Holidays and days on which the Township's Municipal Office is closed are excluded) prior to the proposed event and shall include the following information.
- (a) A site plan drawn to approximate scale showing direction of firing, spectator viewing area, separation distances, positioning of ramps and mortars, significant ground features, public rights of ways, buildings and/or structures, overhead obstructions, parking areas, etc.
  - (b) A statement of intent describing the event including the time schedule of events, attendance estimates, details on the type, size and number of fireworks to be used, firing procedures, emergency response procedures.
  - (c) Written permission from the owner where the display is to be held and any neighbouring land on which debris might fall.
- 5.4 The Chief Fire Official has absolute discretion in granting approval except in any buildings within the Township where any display or setting off of fireworks shall be expressly prohibited and may solicit additional information from the applicant to complete an accurate assessment of the request.
- 5.5 The Fire Chief may impose conditions for approval as he/she considers necessary to ensure the safety of the public.

## **6. ENTRY AND INSPECTION**

- 6.1 An Officer may at any time, enter onto land to determine whether this bylaw is being complied with.
- 6.2 Every owner shall permit the Officer to inspect any land for the purposes of determining compliance with this by-law.
- 6.3 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, as amended.
  - (b) a warrant issued under the Provincial Offences Act, R.S.O.1990, as amended is obtained.

## **7. OBSTRUCTION**

- 7.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this bylaw.

7.2 Any person who has been alleged to have contravened any of the provisions of this bylaw, shall identify themselves to the Officer upon request, failure to do so shall be deemed to have obstructed or hindered the Officer in the execution of his duties.

**8. FEES**

8.1 The cost for obtaining a permit shall be as set out in the Township's Fee Schedule By-law, as amended.

8.2 Upon the Fire Department attending to extinguish a fire that is as result of the setting off of fireworks not in accordance with any section of this by-law, the owner may be responsible to pay fees as set out in the Township's Fee Schedule By-law, as amended.

**9. PENALTY**

9.1 Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Municipal Act, 2001, S.O. 2001, c. 25, as amended.

**10. ADMINISTRATION AND ENFORCEMENT**

10.1 An Officer is hereby vested with the authority of enforcing the provisions of this by-law.

10.2 Any permit issued under this by-law may be revoked if in the opinion of the Chief Fire Official, or his designate, or the Municipal Law Enforcement Officer the user is in contravention of this by-law.

**11. VALIDITY AND SEVERABILITY**

11.1 Every provision of this by-law is declared to be severable from the remainder and if any provision of this by-law shall be declared invalid by a court of competent jurisdiction such declaration shall not affect the validity of the remainder.


**12. EFFECTIVE DATE**


12.1 This by-law shall come into full force and take effect on the date of passing.

BY-LAW READ A FIRST AND SECOND TIME THIS <sup>25<sup>th</sup></sup> DAY OF June , 2007.

READ A THIRD TIME AND FINALLY PASSED THIS <sup>25<sup>th</sup></sup> DAY OF June , 2007.

THE CORPORATION OF THE TOWNSHIP OF TINY

  
PEGGY BRECKENRIDGE, MAYOR

  
A. RUTH COURSEY,  
CHIEF ADMINISTRATIVE OFFICER/CLERK