

The Corporation of the Township of North Huron

By-law No. 61-2009

A by-law to establish regulations pursuant to the sale and discharge of fireworks for the Township of North Huron

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# The Corporation of the Township of North Huron

## By-law No. 61-2009

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### Sale and Discharge of Fireworks By-law

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WHEREAS pursuant to paragraphs 37, 38, and 49 of Section 210 of the Municipal Act, R.S.O. 2001, c.M.45, as amended, councils of local municipalities are authorized to pass by-laws for the following:

37. For regulating the sale of fireworks or any class thereof and for prohibiting the sale of fireworks or any class thereof on any days during the year specified in the by-law.

38. For prohibiting or regulating the setting off of fireworks or any class or classes thereof in the municipality or in any defined areas or areas thereof and for requiring a permit for the holding of fireworks displays and prescribing the conditions under which fireworks displays may be held under such permit.

49. For making such other regulations for preventing fires and spread of fires as the council considers necessary.

NOW THEREFORE the Council of the Municipality of Township of North Huron enacts as follows:

#### 1. Definitions in this by-law

- a) **“Act”** means the Explosives Act, Revised Statutes of Canada, 1985, Chapter E-17, and the Regulations enacted thereunder as amended from time to time or any Act and Regulations enacted in substitution therefore;
- b) **“Authorized Persons”** means as the context requires a) in the case of Display Fireworks those persons working under the direct supervision of the fireworks supervisor, who have been as a minimum, certified as an apprentice as required by the Explosives Regulatory Division of Natural Resources Canada, and b) in the case of Pyrotechnic Special Effects Fireworks, those persons working under the direct supervision of the pyrotechnician, who have been as a minimum, certified as a theatrical user as required by the Explosives Regulatory Division of Natural Resources Canada.
- c) **“Firecrackers”** means a pyrotechnic device that explodes instantaneously when ignited and does not make any subsequent display or visible effect after the explosion, and includes 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) **“Consumer Firework”** means an outdoor, low hazard, recreational firework that is classed as a subdivision 1 of Division 2 of Class 7 Fireworks under the Act and includes fireworks showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, and volcanoes, but does not include sparklers, Christmas crackers, and caps for toy guns containing not in excess of twenty-five one-hundredths of a grain of explosive used per cap;
- e) **“Display Firework”** means an outdoor, high hazard, recreational firework that is classed as a subdivision 2 of Division 2 of Class 7 Fireworks under the Act, and includes rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, bombardos, waterfalls, fountains, batteries, illumination, set pieces and pigeons but does not include firecrackers;
- f) **“Display of Display Fireworks”** means a display of display fireworks which may include consumer fireworks;

- g) **“Prohibited Firework”** includes but is not limited to cigarette loads or plugs, 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 cracking balls, exploding golf balls, stink bombs and smoke bombs, tear gas pens and launchers, party poppers and table bombs, table rockets and bottle 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;
- h) **“Firework Supervisor”** means a person who is an approved purchaser of display fireworks and who is qualified under the Act to supervise the discharge of display fireworks;
- i) **“Discharge”** means to fire, ignite, explode or set off or cause to be fired, ignited, exploded or set off and the words “discharged” and “discharging” have a similar meaning;
- j) **“FPPA”** means the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, and the Regulations enacted thereunder as amended from time to time or any Act and Regulations enacted in substitution therefore;
- k) **“Fire Chief”** shall mean the Fire Chief of the Fire Department of North Huron or authorized designates;
- l) **“By-law Enforcement Officer”** shall mean the By-law Enforcement Officer of the Municipality of the Township of North Huron.

### Sale of Fireworks and Firecrackers

2. It shall be unlawful for any person or corporation to offer fireworks for sale within the Township of North Huron, except for the days and dates as mentioned in this By-law;
  - a) Seven (7) days before and on the third (3<sup>rd</sup>) Monday of the month of May, being Victoria Day;
  - b) Seven (7) days before and on the 1<sup>st</sup> day of July, being Canada Day;
  - c) Seven (7) days before and on the 1<sup>st</sup> Monday of August of each year, being the Civic Holiday;
  - d) Seven (7) days before and on the 1<sup>st</sup> Monday of September of each year, being Labour Day, and;
  - e) Seven (7) days before and on December 31<sup>st</sup> of each year, being New Year’s Eve Day;
3. No person shall sell or possess any firecrackers.
4. No person shall sell any prohibited fireworks.
5. No person shall sell or give to any person under the age of 18 years any type of consumer or display fireworks.
6. No person shall sell consumer fireworks in a building unless the provisions of the Ontario Fire Code and all other applicable Acts and Regulations are complied with.
7. No person shall display for sale any consumer fireworks in lots that exceed 22.68 kilograms gross with (50 pounds gross weight).

### Discharge of Consumer Fireworks

8. It shall be unlawful for any person or corporation to set off any fireworks within the Township of North Huron, except for the days and dates as mentioned in this By-law;

- a) The 3<sup>rd</sup> Monday of the month May, being Victoria Day;
  - b) The 1<sup>st</sup> day of July, being Canada Day;
  - c) The 1<sup>st</sup> Monday of August, being the Civic Holiday;
  - d) The 1<sup>st</sup> Monday of September, being Labour Day;
  - e) The 31<sup>st</sup> of December, being New Year's Eve Day, and;
  - f) The date of any community functions approved by the Council for the Township of North Huron.
9. A person eighteen (18) years of age or older may hold a display of consumer fireworks on any land belonging to him or her or on any other privately owned land where the owner thereof has given permission for such display or discharge of fireworks.
10. No person under the age of eighteen (18) years shall discharge any consumer fireworks except under the direct supervision of and control of a person eighteen (18) years of age or over.
11. No person being the parent or guardian of any person under the age of eighteen (18) years shall allow the person to discharge any consumer fireworks except when such parent or guardian or some other responsible person of eighteen (18) years of age or over is in direct supervision and control.
12. No person shall discharge any consumer fireworks in or into any building, doorway, or automobile.
13. It shall be unlawful for any person or corporation to set off fireworks in any public place including, but not limited to, public parks, streets, roads, and alleys, nor permit debris to fall upon such sites with the previous consent of the Council for the Corporation of the Township of North Huron.

#### Discharge of Display Fireworks

14. No person or group of persons shall hold or discharge a display of display fireworks without first having obtained a permit to do so issued by the Council for the Corporation of the Township of North Huron;
15. Every application for a permit shall be made to the Council of the Corporation of the Township of North Huron a minimum of twenty-one (21) calendar days prior to the event when the proposed discharge of display fireworks is to occur.;
16. Every application for a permit shall be submitted by the Fireworks Supervisor and shall include:
- a. A description of the event including
    - i. The date and time of the proposed discharge of display fireworks;
    - ii. The type and kind of display fireworks that may be discharged;
    - iii. The discharge techniques to be used;
    - iv. The manner and means of restraining unauthorized persons from attending too near the discharge site;
    - v. The manner in which unused display fireworks are to be disposed of, and;
    - vi. The number of Authorized Persons on site during the event to handle and discharge the display fireworks;
  - b. A site plan providing a description of the discharge site to be used for the discharging of the fireworks;

- c. A description of the fire emergency procedures;
- d. The name and address of the applicant (Fireworks Supervisor) and the sponsoring organization, if applicable;
- e. Proof of certification of the applicant as a Fireworks Supervisor;
- f. Proof of consent of the owner of the property to the discharge of display fireworks in writing;
- g. A permit fees as set out in the applicable North Huron fees and services by-law;
- h. Proof of insurance and indemnification in accordance with Sections 16 and 17;
- i. An applicant for a permit is, subject to the provisions of this by-law, entitled to be issued the permit, except where:
  - i. The application is incomplete;
  - ii. The applicant is not a Fireworks Supervisor; or
  - iii. There are reasonable grounds for belief that the holding of the display fireworks will result in a breach of this or another by-law, the FPPA or the Act.

### Insurance and Indemnification

17. The applicant for a permit shall provide and maintain Commercial General Liability insurance subject to limits of not less than Five Million Dollars (\$5,000,000.00) inclusive per occurrence for bodily injury, death and damage to property including loss of use thereof. Such insurance shall be in the name of the applicant and shall name The Corporation of the Township of North Huron as an additional insured thereunder. Such insurance shall include coverage for displays of pyrotechnic special effects fireworks, consumer fireworks or display fireworks. Such insurance policy shall contain an endorsement to provide the Township of North Huron within thirty (30) calendar days prior written notice of cancellation or of a material change that would diminish coverage, and a standard Certificate of Insurance evidencing such insurance coverage shall be provided to the Municipality prior to the issuance of a permit.
18. The applicant for a permit shall indemnify and save harmless the Township of North Huron from any and all claims, demands, causes of action, loss, costs or damages that the Township of North Huron may suffer, incur or be liable for resulting from the performance of the applicant as set out in the by-law whether with or without negligence on the part of the applicant, the applicant's employees, directors, contractors and agents.

### Permits

19. A permit allowing the sale and setting off of fireworks on days and dates other than those set out in this By-law may be obtained upon application to Council for The Corporation of the Township of North Huron. Council may impose any conditions it deems appropriate for obtaining, continuing to hold and renewing any firework permit including requiring the applicant to submit plans for the review and approval of Council.
20. Any fireworks permit may be revoked or suspended by Council for The Corporation of the Township of North Huron for any reason Council deems appropriate.
21. Notwithstanding the provision of the by-law in relation to day and time, the Fire Chief may suspend the use of fireworks on "legal" days when a no burn order has been issued.

22. No person under the influences of drugs or alcohol shall set off any firework(s).

#### Offence and Penalties

23. Every person who contravenes any section 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, R.S.O. 1990, c. P.33, as amended.

24. This by-law shall come into force and effect upon its enactment.

Read a first, second and third time and finally passed this 19<sup>th</sup> day of October, 2009.

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Reeve Neil G. Vincent

CORPORATE SEAL

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Clerk Kriss Snell