

THE CORPORATION OF THE TOWNSHIP OF ESSA

BY-LAW 2020 – 59

A By-Law to regulate the use of Fireworks within the Township of Essa.

WHEREAS subsection 121(1) of the *Municipal Act*, 2001, S.O. 2001 c.25 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 subsection 121(2) of the Act provides that Council may prohibit the activities described in Section 121 (1), 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 submission of plans; and

WHEREAS Council of the Corporation of the Township of Essa deems it necessary and expedient to regulate the sale and setting off of fireworks;

NOW THEREFORE Council of the Corporation of the Township of Essa hereby enacts as follows:

1. SHORT TITLE

This By-law shall be known as the "Fireworks By-law".

2. DEFINITIONS

- 2.1 "*Designated Days*" shall mean Victoria Day and Canada Day and the 2 calendar days immediately preceding and following, between dusk to 11:00 p.m.
- 2.2 "*Designated Period*" shall mean Victoria Day and Canada Day and the 15 calendar days immediately preceding Victoria Day and Canada Day.
- 2.3 "*Exhibition Fireworks*" shall mean pyrotechnic devices classified under the Explosive 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.
- 2.4 "*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 caps for toy guns.
- 2.5 "*Firecracker*" shall mean 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.
- 2.6 "*Fireworks*" shall mean a pyrotechnics 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. E-15, s.1 as amended and includes one single item of fireworks.

- 2.7 "Officer" shall mean a Municipal Law Enforcement Officer, Fire Chief, Deputy Fire Chief or a Police Officer.
- 2.8 "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.
- 2.9 "Vehicle" shall mean 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.

3. OFFENCES

It is an offence for any person to:

- 3.1 Sell, offer for sale, display or discharge *firecrackers* within the limits of the Township.
- 3.2 Discharge *fireworks*:
 - a) On days that are not designated; and
 - b) At times not designated.
- 3.3 Discharge *fireworks* in, on or onto a building, highway, sidewalk, municipal park or municipal property.
- 3.4 Discharge *Exhibition Fireworks* without a permit.
- 3.5 Discharge *Family Fireworks* within eight (8) metres of a building, tent, trailer or motor vehicle.
- 3.6 Display, offer for sale, or sell *fireworks* within the Township of Essa except during the *designated period*.
- 3.7 Sell or permit to be sold *fireworks* to a person who is less than 18 years old.
- 3.8 Sell or offer for sale any type of *fireworks* at an outdoor location or from any motor vehicle or vehicle, except with the express written permission of the Fire Chief.
- 3.9 Discharge fireworks during a burn ban unless express written consent has been obtained from the Fire Chief and/or Deputy Fire Chief.

4. SALE AND POSSESSION OF FIREWORKS

- 4.1 Where *fireworks* are offered for sale by any person, the person who is causing, offering or permitting the sale or distribution of consumer fireworks shall ensure that:
 - 4.1.1 The *fireworks* are included on the most recent list of authorized explosives

as published from time to time by the Explosives Branch of the Department of Natural Resources (Canada), or its successor;

- 4.1.2 The *fireworks* are displayed in individual lots that do not exceed 25 kilograms in gross weight;
 - 4.1.3 The *fireworks* are displayed in a sealed package, and locked in a secure cabinet away from any inflammable materials or goods and clearly marked as fireworks; and
 - 4.1.4 The *fireworks* must be displayed in accordance with the *Explosives Act*, R.S.C. 1985 c. E17, wherein the information respecting the manufacturing, storage and use of fireworks is set out.
- 4.2 *Fireworks* shall not be sold, offered for sale, caused or permitted to be sold, from an outdoor stand, tent, unenclosed trailer, or motor vehicle.

5. FAMILY FIREWORKS (Consumer Fireworks)

- 5.1 A Fireworks Permit is not required to be obtained for the discharge of *family fireworks* on designated days, in accordance with this By-law.
- 5.2 No person shall discharge, fire, set off, or cause to be set off any *family fireworks* on any day or days throughout the year except on the *Designated Days* as set forth in this By-law.
 - 5.2.1 Exceptions – Designated Days

Family Fireworks may be discharged on Designated Days only, those being:

 - (a) Victoria Day;
 - (b) Canada Day
 - (c) Two (2) calendar days immediately prior to and following the designated days listed in (a) and (b).
- 5.3 *Family Fireworks* shall only be set off between the hours of dusk and 11:00 p.m.
- 5.4 A person eighteen years of age or older may set off family fireworks on any land;
 - 5.4.1 Belonging to him; or
 - 5.4.2 Any other privately owned land where the owner thereof has given permission for the setting off of family fireworks.
- 5.5 *Family Fireworks* shall only be discharged in accordance with the manufacturer's specifications, and the person discharging or setting off the *Family Fireworks* shall be responsible for reviewing the manufacturer's specifications and instructions prior to such discharge.
- 5.6 No person shall discharge, fire, set off, or cause *family fireworks* to be set off in such manner that might create danger or constitute a nuisance to any person or property, or to do, allow, or to cause any unsafe act or omission at the time and place of display.

- 5.7 No person shall discharge, fire, set off, or cause to be set off any *fireworks* inside of or closer than 8 metres to any building, tent, trailer, shelter or motor vehicle.
- 5.8 No person shall discharge, fire, set off or cause to be set off any *fireworks* on municipally owned property.
- 5.9 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.
- 5.10 No person under the age of eighteen (18) years shall 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
- 5.11 No person being the parent or guardian of any child under the age of eighteen (18) years shall permit said child to discharge, fire, set off or caused to be set off any *fireworks* except when such parent or guardian or some other responsible person of at least eighteen (18) years of age is in direct supervision and control.

6. EXHIBITION FIREWORKS (Display and Pyrotechnic Fireworks)

- 6.1 No person or group of persons shall set off or discharge *Exhibition Fireworks* without first having obtained a *Fireworks Permit* from the Fire Chief and/or Deputy Fire Chief.
- 6.2 *Exhibition Fireworks* are prohibited to be set off unless under the direct supervision and control of a qualified *Supervisor*, and only during designated days between the hours of dusk and 11:00 p.m.
- 6.3 The application for a fireworks permit must be made on approved Township forms at least three weeks prior to the proposed date of display.
- 6.4 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 Two Million Dollars (\$2,000,000.00) to protect the Township of Essa 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 Essa for damage to and destruction of Township property that may occur as a result of the fireworks event.
- 6.5 Setting off of *Exhibition Fireworks* must be in accordance with recognized safety procedure including, but not limited to:
 - 6.5.1 Keeping spectators at a safe distance;
 - 6.5.2 Protecting private and public property; and
 - 6.5.3 Ensuring suitable fire extinguishing equipment is available at all times.
- 6.6 The person(s) responsible for the setting off of any *Exhibition Fireworks* or classes thereof must ensure that all unused fireworks and debris is removed and safely disposed of immediately following the event.

- 6.7 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.
- 6.8 No person(s) shall discharge fire, set off, or cause to be set off any *Exhibition Fireworks* within 60 metres from a building, highway or railroad.
- 6.9 No person(s) shall discharge, fire, set off, or cause to be set off any *Exhibition Fireworks* within 15 metres of any hydro line, tree or overhead obstruction.
- 6.10 No person(s) shall discharge, fire, set off or cause to be set off any *Exhibition Fireworks* within 300 metres of a nursing home, home for aged, public hospital, hospice or clinic or any premises where explosives, gasoline or other highly flammable substances are manufactured, sold or stored.
- 6.11 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.
- 6.12 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. PERMITS FOR EXHIBITION FIREWORKS DISPLAY

- 7.1 A Fireworks Permit is required to be obtained from the Fire Chief for *Exhibition Fireworks Displays* at a minimum three (3) weeks prior to the event.
- 7.2 The application for a Fireworks Permit is required to be completed and submitted to the Fire Chief together with the application fee paid in full.
- 7.3 Filed with the Fireworks Permit application form shall be current and up to date site plan with dimension showing:
 - 7.3.1 The location of the proposed *Exhibition Fireworks Display*.
 - 7.3.2 The access to be provided for fire and emergency vehicles.
 - 7.3.3 The free zone area of clear distance between the point of launch and an occupied area.
- 7.4 Filed with the Fireworks Permit application form shall be a statement of the safety measures being implemented.
- 7.5 Filed with the Fireworks Permit application form shall be a Certificate of Liability Insurance certifying the application being applied for is insured against general liability and property damage claims, in the minimum amount of Two Million Dollars (\$2,000,000.00) inclusive for any one occurrence. Said policy should name the Corporation of the Township of Essa as an additional insured. Said 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 Township.
- 7.6 The *Exhibition Fireworks Display* shall only be set off on the day or days specified by the permit.

- 7.7 The application fee shall be \$35.00 for an *Exhibition Fireworks Display*.
- 7.8 The permit may be suspended or revoked by the Fire Chief or Deputy Fire Chief if conditions of the permit are not being met or it would be unsafe to allow Exhibition Fireworks Display.

8. ENTRY AND INSPECTION

- 8.1 An Officer may at any time enter onto land or in any building for the purpose of determining whether this By-law is being complied with.
- 8.2 Every owner shall permit the Officer to inspect any land or buildings for the purposes of determining compliance with this By-law.
- 8.3 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.

9. ENFORCEMENT AND PENALTIES

- 9.1 This By-law shall be enforced by a Municipal Law Enforcement Officer, Fire Chief and Deputy Fire Chief as duly appointed by the Township of Essa, and Police Officers.
- 9.2 An Officer may order any person believed to be contravening or have contravened any provision of this By-law:
- 9.2.1 To immediately desist from the activity constituting or contributing to such contravention; or
 - 9.2.2 To immediately remove from the property anything involved in contravention; or
 - 9.2.3 To leave the property immediately.
- 9.3 An Officer may order any person engaging in an activity that requires a Fireworks Permit under this By-law to provide the original copy of the permit for inspection.
- 9.4 Every person shall comply with an Order given by an Officer under the authority of Section 9.2.
- 9.5 No person shall willfully obstruct, hinder or otherwise interfere, nor attempt to obstruct, hinder or interfere with a Municipal Law Enforcement Officer, Fire Chief or Deputy Fire Chief, or the OPP in the performance of their duties or the exercise of their rights, functions, powers or authority under this By-law.

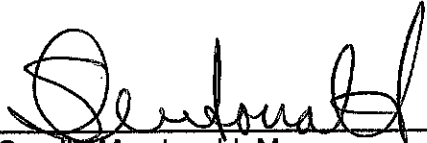
9.6 Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine and such other penalties as provided for in the *Provincial Offences Act*.

10. EFFECTIVE DATE

This By-law shall come into force and take effect upon passing.

11. Schedules "A" and "B" as attached form part of this By-law

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED on this the 16th day of September, 2020.



Sandie Macdonald, Mayor



Lisa Lehr, Clerk

BY-LAW 2020-59

SCHEDULE A

5786 Simcoe County Rd. #21
Utopia , Essa Township, ON
L0M 1T0



Telephone: (705) 424-9770
Fax: (705) 424-2367
Web: www.essatownship.on.ca

EXHIBITION FIREWORKS DISPLAY EVENT

Permit Application

Date of Display: _____

Time of Display: _____

Name and Address of Responsible Parties:	Telephone Number
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____

Location of Display: _____

Written Permission Attached: _____

Type and Kind of Fireworks: _____

Method of Fireworks Disposal: _____

Fireworks Supervisor Contact: _____

Card # of Supervisor: _____

Liability Insurance Company: _____

Policy No.: _____

Copy of Certificate attached: _____

The following safety precautions must be observed during the Fireworks event:

- a) *Display to be held at least 100 metres away from audience (area to be roped off);*
- b) *Display to be held at least 60 metres from nearest buildings, highway and railroad;*
- c) *Display to be at least 15 metres away from hydro line, tree or overhead obstruction;*
- d) *No fireworks event is to be held during any windstorm in which the wind reaches a velocity of more than 50 km/hr; and*
- e) *Other than listed above:* _____

The applicant acknowledges having read the Fireworks By-law and agrees that the Corporation of the Township of Essa assumes no responsibility for loss of property or personal damage resulting from the aforementioned Fireworks event and hereby agrees to indemnify and hold harmless the Township from any and all claims whatsoever arising therefrom.

Date :

Signature of Person Requesting Permit:

Date :

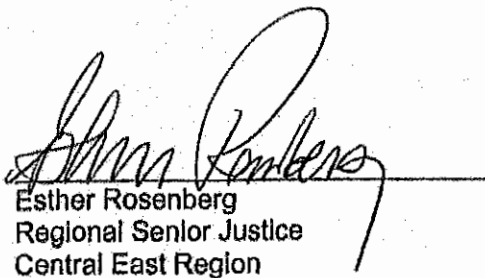
Approved By:

PROVINCIAL OFFENCES ACT

Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the attached schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By Law 2020-59, for the Township of Essa, attached hereto is the set fine for that offence. This Order is to take effect September 17, 2020

DATED at Newmarket this 17th
day of September, 2020


Esther Rosenberg
Regional Senior Justice
Central East Region

TOWNSHIP OF ESSA
Fireworks By-law 2020 – 59

SCHEDULE B

Part I Provincial Offences Act
Set Fine Schedule

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1.	Sell, offer for sale, display or discharge firecrackers.	Section 3.1	\$200.00
2.	Discharge fireworks on days not designated.	Section 3.2 (a)	\$200.00
3.	Discharge fireworks at times not designated.	Section 3.2 (b)	\$200.00
4.	Discharge fireworks in, on, or onto a building, highway, sidewalk, municipal park or municipal property.	Section 3.3	\$200.00
5.	Discharge Exhibition Fireworks without a permit.	Section 3.4	\$200.00
6.	Discharge Family Fireworks within eight (8) metres of a building, tent, trailer or motor vehicle.	Section 3.5	\$200.00
7.	Display, offer for sale or sell fireworks during undesignated period.	Section 3.6	\$100.00
8.	Sell or permit to be sold fireworks to a person less than eighteen (18) years old.	Section 3.7	\$100.00
9.	Sell or offer for sale fireworks at an outdoor location or vehicle without permit.	Section 3.8	\$200.00
10.	Discharge fireworks during a burn ban without permit.	Section 3.9	\$200.00
11.	Discharge family fireworks so as to create danger or nuisance to a person or property.	Section 5.6	\$100.00
12.	Discharge fireworks by a person under the age of eighteen (18) years.	Section 5.10	\$100.00
13.	Discharge Exhibition Fireworks without a permit.	Section 6.1	\$200.00
14.	Discharge Exhibition Fireworks within 60 metres of a building, highway or railroad.	Section 6.8	\$100.00
15.	Discharge Exhibition Fireworks within 15 metres of a hydro line, tree or overhead obstruction	Section 6.9	\$100.00
16.	Obstruct, hinder or interfere with an Officer.	Section 9.5	\$200.00

The penalty provision for the offences indicated above is Section 9.6 of By-law 2020-59, a certified copy of which has been filed and Section 61 of the *Provincial Offences Act*, R.S.O. 1990, c. P. 33.