

THE CORPORATION OF LOYALIST TOWNSHIP

BY-LAW NO 2015-046

Being a By-law to Regulate “Discharge of Fireworks”

WHEREAS Section 121 (1) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, authorizes a municipality to prohibit and regulate the sale of fireworks and the setting off of fireworks;

AND WHEREAS Section 121 (2) of the *Municipal Act, 2001* authorizes a municipality to require a permit for the sale and setting off of fireworks, and to prescribe the conditions for obtaining, continuing to hold and renewing the permit, including requiring the submission of plans;

AND WHEREAS The Corporation of Loyalist Township deems it advisable to enact such a By-Law;

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

DEFINITIONS

1. In this by-law,

- (a) “Provincial Offences Officer” means a person appointed by the Corporation of Loyalist Township to enforce its by-laws;
- (b) “display” means the setting off or firing of a series of display fireworks in succession, as a special event, for the purpose of putting on a show for the public, or for a segment of the public, whether or not an admission fee is charged;
- (c) “display fireworks” means a manufactured pyrotechnic device producing spectacular effects of light or sound which are of a nature not classed as shop goods under the Explosives Act, R.S.C. 1985, c E-17;
- (d) “display permit” means a permit issued by the Fire Chief pursuant to this by-law to permit the conduct of a display;

(e) "family fireworks" means a pyrotechnic device that is available to any consumer over the age of 18 without a permit.

2. No person shall sell by retail or supply any fireworks

(a) to any person apparently under the age of eighteen years.

(b) of a type, the setting off of which is prohibited by the provision of this by-law.

3. Subject to the provisions of section 4 of the By-law, no person shall set off or allow to be set off any firework in such a place or in such a manner as might create danger to any person or property or to cause or allow any unsafe act or omission at the time and place of the setting off of any fireworks and, without restricting the generality of the foregoing:

(a) No person under the age of eighteen (18) years shall set off any fireworks except under the direction, supervision and control of a parent or other responsible person over that age.

(b) No person being a parent or guardian of any child under the age of eighteen (18) years shall allow him or her to set off any fireworks except when such parent or guardian or some other responsible person is in direct supervision and control.

(c) No person shall set off any firework in or into any public highway, street, lane, square or other public place, provided that this shall not be deemed to prohibit a fireworks display in a public park or other public place in accordance with a permit issued under the provision of this by-law.

(d) No person shall set off any firework in or into any building, doorway, automobile or other place where such setting off might create danger to any person or property.

4. No person shall set off any family fireworks on any day except Canada Day and Victoria Day and two consecutive days preceding and two days following the said days unless such person has first obtained a permit pursuant to the paragraph 6 of this by-law except in the event that inclement weather prevents the setting off of fireworks on these days in which case any person may set off fireworks on the day immediately following Canada Day and Victoria Day.

5. Display Fireworks

- (a) No person shall hold any public fireworks display without first having obtained a permit to do so signed by the Fire Chief of the Corporation of Loyalist Township.
 - (b) Every applicant for a permit to hold a public firework display shall be made in writing and delivered to the Fire Chief. The Fire Chief may request such information as is required to either grant or refuse the permit.
 - (c) Every Display Firework event shall (i) be held at the time and place specified in the permit, (ii) be conducted in a manner consistent with all proper safety proceedings, (iii) be conducted under the direct supervision of the person to whom the permit was issued or some other fit and competent person whose name and address is furnished to the Fire Chief in writing at the time of the application for a permit, (iv) to be conducted at a safe distance from the nearest building, highway, railway, overhead wire, or combustible material, (v) to be held and continued only while the proper precautions are being observed to keep spectators at a safe distance and while all other suitable precautions are being observed, including the having of suitable fire extinguisher and means to extinguishing fires.
6. Before any permit for a fireworks display shall be issued the person making application for such permit shall furnish proof of financial responsibility to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of such person or any agent or employee of such person in such amount and character as the Fire Chief may determine.
 7. The manufacture, storage, transportation and sale of fireworks shall conform to the federal "Explosives Act" and regulations.
 8. The handling and discharge of fireworks shall conform to the "Manual of Display Fireworks", as published by the Department of Energy, Mines and Resources, and in conformance with the latest amendments.
 9. The person holding such displays shall remove all fireworks and debris immediately after such display.
 10. Provided that nothing in this by-law shall be deemed to apply to the lawful use or sale of truck flares or other similar devices or the use of fireworks by railroad or motor transport agencies for signal purposes or illumination, or the sale or use of blank cartridges for a show or theatre, or for signal or ceremonial purposes in athletics, or for use by military organizations.

GENERAL

11. This by-law shall restrict the discharging of “family fireworks” specifically in the following areas:
 - a) Amherstview and all areas east of Country Road 6 and south of County Road 23 (Taylor Kidd Blvd.).
 - b) Bath and all portions of Concession 1 and Broken Front Concession contained between Lots 8 – 14 inclusive, lying south of Doyle Road and including the area call “Bath”.
 - c) Odessa and all areas south of the 401 highway, east of and including Creighton Drive, west of and including Shane Street and north of and including County Road 28 (Millhaven Road)

FEES AND CHARGES

- 12 All fees and charges payable under this by-law are listed in current Schedule “A” of the Loyalist Township “Miscellaneous Fees by-law” in effect at the time of the offense.
13. All fees and charges payable under this by-law are due and owing to the municipality within thirty (30) days of the date of an invoice rendered to the person liable to pay them.
14. All overdue accounts shall accrue interest at the rate of 1.25% per month (15% per annum), calculated monthly, from the due date until paid in full.
15. If a person discharges fireworks contrary to this by-law is not the owner of the property but occupies or is using the property with the owner’s consent, the owner and the person discharging fireworks shall be jointly and severally liable to pay any fees and charges imposed by this by-law.
16. All fees and charges payable under this by-law constitute a debt of the person liable for payment of them to the municipality and, in the case of owners of a property being responsible for payment of the fees and charges, the municipality may add the amount owing to the tax roll for the owner’s real property and collect them in like manner as municipal taxes.

ENFORCEMENT

17. This by-law shall be enforced by a Provincial Offenses Officer.

18. Any person who contravenes this by-law is guilty of an offence and upon conviction, shall be liable to a fine as provided for under the *Provincial Offences Act*, c.P.33, R.S.O. 1990, as amended.
19. All fees and charges payable under this by-law constitute a debt of the person liable for payment of them to the municipality and, in the case of owners of a property being responsible for payment of the fees and charges, the municipality may add the amount owing to the tax roll for the owner's real property and collect them in like manner as municipal taxes.

EFFECTIVE DATE

19. That this by-law shall come into force and take effect on the day of its passing.

ENACTED AND PASSED this 25th day of May, 2015.

Mayor

Clerk