

**THE CORPORATION OF THE
TOWNSHIP OF CENTRAL FRONTENAC**

BY- LAW 2011-34

**A BY-LAW TO PROHIBIT AND REGULATE
THE SALE OF FIREWORKS AND
THE SETTING OFF OF FIREWORKS**

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

WHEREAS Section 121.(a) of the Ontario Municipal Act, 2001. S.O. 2001 c.25 as amended provides that the Council may prohibit the activities described in Section 121.(a), 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 the submission of plans.

AND WHEREAS Council for the Corporation of the Township of Central Frontenac deems it necessary for the safety and well being of the community to prohibit and regulate the setting off of fireworks and for requiring permits within the Corporation of the Township of Central Frontenac;

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

1. DEFINITIONS

- 1.1 “Fire Chief” means the Chief of the Township of Central Frontenac Fire and Rescue Department;
- 1.2 “Firecracker” means any class of Fireworks that explodes when ignited and does not make any significant display or visible effect after the explosion but does not include caps for toy guns or Christmas crackers;
- 1.3 “Fireworks” means a pyrotechnic 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.
- 1.4 “Highway” includes a common and public highway; a street; a lane; a county road; a township road and a bridge, within the Township of Central Frontenac forming part of a highway or on, over or across which a highway passes
- 1.5 “Person” includes a partnership, sole proprietorship or corporation
- 1.6 “Public Fireworks Display” means an exhibition of Fireworks in an open air assembly, occupancy to which the public is invited, attends or admitted, with or without a fee being charged.
It is hereby declared for greater certainty that, on land belonging to a private residence, occupied by the owner, tenant or an authorized person of the residence, that the setting off of Fireworks for their own personal display shall not be deemed to be a Public Fireworks Display.

2. Prohibition

- 2.1 No person shall set off any Firecracker within the Township of Central Frontenac.
- 2.2 No person shall set off any Fireworks in, on or onto any building, highway, sidewalk, municipal park or municipal property, from any vehicle, marine vessel or floating device.
- 2.3 No person shall set off any Public Fireworks Display unless they have received a permit issued by the Fire Chief.

- 2.4 Selling Fireworks shall be dealt with pursuant to Section 5.1 of the Township of Central Frontenac Fireworks By-Law.
- 2.5 No person shall sell or cause or permit to be sold any Fireworks to a person who is less the 18 years old.
- 2.6 No person shall set off any Fireworks within fifteen (15) meters of any building, tent, trailer or motor vehicle.

3. Permits for Public Fireworks Display

- 3.1 A permit may be issued by the Fire Chief for a Public Fireworks Display on any land if the requirements listed in this section are met.
- 3.2 An application form has been completed as set out in “Schedule B” and the application fee has been paid in full.
- 3.3 Filed with the application form shall be a current and up to date site plan with dimensions showing:
- a. the location of the proposed Public Fireworks Display
 - b. the access to be provided for fire and emergency vehicles.
 - c. the free zone area for clear distance between the point of launch and an occupied area.
 - d. a copy of the supervisor card from the federal body regulating fireworks for each person so carded.
 - e. a list of those assisting with the set up and display showing their names and date of birth.
 - f. a firing list of all pyrotechnics to be used in the show including quantity of each.
 - g. the location and precautions being taken for the storage of the pyrotechnics until set up and display
- 3.4 Filed with the application form shall be a statement of the safety measures being implemented.
- 3.5 Filed with the application form shall be a Certificate of Liability Insurance certifying the permit being applied for is insured against general liability and property damage claims, in the minimum amount of Five Million Dollars (\$5,000,000.00) inclusive for any one occurrence, Said policy shall name The Corporation of the Township of Central Frontenac 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 Corporation.
- 3.6 The Fireworks shall only be set off on the day or days specified by the permit.
- 3.7 The application fee shall be as set out in “Schedule B” for a Public Fireworks Display that **does not** include any Fireworks as defined in Class 7 Division 2 Subdivision 2 of The Explosives Regulations made pursuant to the Explosives Act, R.S. c. E-15, s.1, as amended. (Schedule “D”)
- 3.8 The application fee shall be as set out in “Schedule B” for a Public Fireworks Display that **does** include any Fireworks as defined in Class 7 Division 2 Subdivision 2 of The Explosives Regulations made pursuant to the Explosives Act, R.S. c. E-15, s.1, as amended. (Schedule “D”)
- 3.9 The Fireworks shall only be set off by a person currently certified as a Fireworks Supervisor Level I or Level II by the Explosives Regulatory Division of Natural Resources Canada.
- 3.10 The permit may be suspended or revoked by the Fire Chief if the conditions of the permit are not being met or it is determined by the Fire Chief that it would be unsafe to allow the Public Fireworks display.

3.11 Notwithstanding the forgoing sections, the Fire Chief may require any additional information of the applicant to ensure the public's safety and may impose additional conditions on the issuance of a permit as he deems advisable in the particular circumstances of the application.

4. Exemption

4.1 It is hereby declared for greater certainty that, on land belonging to a private residence, occupied by the owner, tenant or an authorized person of the residence, that the setting off of Fireworks for their own personal display shall not be deemed to be a Public Fireworks Display.

4.2 Additionally, the display described in Section 3.1 shall not include any Fireworks as defined in Class 7 Division 2 Subdivision 2 of The Explosives Regulations made pursuant to the Explosives Act, R.S. c. E-15, s1, as amended. (Schedule "D")

5. Sale of Fireworks

5.1 No person shall sell at retail in the Township of Central Frontenac Class 7, Division 2, Subdivision 1 fireworks at any time during the calendar year except in accordance with the following provisions.

- (1) no person shall sell such fireworks to anyone under 18 years of age.
- (2) no person shall exhibit such fireworks in any display window except imitations of fireworks containing no explosive or chemical.
- (3) no person shall sell such fireworks on any lands except on lands designated for retail sales pursuant to the zoning by-laws of the Township of Central Frontenac.
- (4) no person shall sell such fireworks except from a supervised display not readily accessible to children.
- (5) no person shall sell such fireworks except from a building equipped with adequate safeguards against fire and
- (6) no person shall store such fireworks except in a cool dry place, remote from flammable materials and out of the reach of children.

6. Validity

6.1 Should any section, subsection, clause, paragraph or provision of this By-Law be declared by a Court of competent jurisdiction to be invalid or illegal for any other reason, such offending section or part shall be deemed to have been severed from this By-Law and the remaining sections or parts shall continue in full force and effect and shall remain valid and binding.

7. Offence and Penalty

7.1 Every person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine of not more than \$5,000.00 as provide for in the Provincial Offences Act R.S.o., 1990, P33, as amended.

7.2 In addition to any other penalty prescribed by this by-law, any "person" who contravenes any provision of this by-law is guilty of an offence and is liable to a fine or penalty for each offence established pursuant to the Provincial Offences Act and included within "Schedule C" forming part of this by-law.

Effective Date of By-Law

This By-Law rescinds By-Law 1998-21 and shall come into full force and take effect from the date of its final passing.

Read a first and second time this 14th day of June, 2011 .

Read a third time this 14th day of June, 2011 .

"SCHEDULE A"

THE CORPORATION OF THE TOWNSHIP OF CENTRAL FRONTENAC

APPLICATION FOR PERMIT TO DO A PUBLIC FIREWORKS DISPLAY

LOCATION OF PUBLIC FIREWORKS DISPLAY

Ward _____

Lot _____ Conc. _____ EHS/WHS _____ PLAN _____

Street and Number _____

OWNER OF PROPERTY WHERE DISPLAY WILL OCCUR

Name _____

Address _____

Phone: Residence _____ Business _____ Fax _____

I, _____, consent to the Display of Fireworks from my property.
(owner of property)

(Signature of owner)

VENDOR OF FIREWORKS

Name _____

Address _____

Phone: Residence _____ Business _____ Fax _____

APPLICANT FOR FIREWORKS PUBLIC DISPLAY PERMIT

I, _____, do solemnly declare that I have appointed
(head of organization holding event)

_____ as my agent for the purposes of this Fireworks Public Display application.
(name of displayer)

(Signature of head of organization)

I, _____, do solemnly declare that the information provided in this application
(name of applicant/displayer)
is true and correct.

(Signature of applicant)

(Date)

Requirements for Schedule A (to be attached to application)

- (a) the location site plan of the proposed Public Fireworks Display
- (b) the access to be provided for fire and emergency vehicles.
- (c) the free zone area for clear distance between the point of launch and an occupied area.
- (d) a copy of the supervisor card from the federal body regulating fireworks for each person so carded.
- (e) a list of those assisting with the set up and display showing their names and date of birth.
- (f) a firing list of all pyrotechnics to be used in the show including quantity of each.
- (g) the location and precautions being taken for the storage of the pyrotechnics until set up and display

“SCHEDULE B”

THE CORPORATION OF THE TOWNSHIP OF CENTRAL FRONTENAC

PERMIT FEES

1. Application fee for a Public Fireworks Display \$10.00
Which **does not** include Class 7 Division 2 Subdivision 2
Fireworks

2. Application fee for a Public Fireworks Display \$50.00
Which **does** include Class 7 Division 2 Subdivision 2
Fireworks

“SCHEDULE C”
THE CORPORATION OF THE TOWNSHIP OF CENTRAL FRONTENAC

Part 1 *Provincial Offences Act*
By-Law #2011-34, Fireworks

1.	Exhibit fireworks in a window	Sec. 5.1 (2)	\$150.00
2.	Sell fireworks on lands not zoned retail	Sec. 5.1 (3)	\$200.00
3.	Sell fireworks from a unsupervised and child accessible display	Sec. 5.1 (4)	\$150.00
4.	Store fireworks in a location which poses a fire And explosion hazard	Sec. 5.1 (5)	\$200.00
5.	Set off any firecracker within the Township	Sec. 2.1	\$100.00
6.	Set off a public fireworks display without a permit	Sec. 2.5	\$500.00
7.	Set off any fireworks on or onto any building	Sec. 2.4	\$150.00
8.	Set off any fireworks on or onto a highway	Sec. 2.4	\$150.00
9.	Set off any fireworks on or onto any sidewalk	Sec. 2.4	\$150.00
10.	Set off any fireworks on or onto any municipal park	Sec. 2.4	\$150.00
11.	Set off any fireworks on or onto any municipal property	Sec. 2.4	\$150.00
12.	Set off any fireworks from any vehicle	Sec. 2.4	\$150.00
13.	Set off any fireworks from any marine vessel	Sec. 2.4	\$150.00
14.	Set off any fireworks from any floating device	Sec. 2.4	\$150.00
15.	Set off any fireworks within fifteen (15) meters of any building	Sec. 2.9	\$200.00
16.	Set off any fireworks within fifteen (15) meters of any tent	Sec. 2.9	\$200.00
17.	Set off any fireworks within fifteen (15) meters of any trailer	Sec. 2.9	\$200.00
18.	Set off any fireworks within fifteen (15) meters of any motor vehicle	Sec. 2.9	\$200.00
19.	Sell fireworks to a person under 18 years of age	Sec. 5.1 (1)	\$500.00

“SCHEDULE D”
THE CORPORATION OF THE TOWNSHIP OF CENTRAL FRONTENAC

The Explosives Regulations Respecting C.R.C., c. 599)

Enabling Statute: Explosives Act (Federal Legislation)

Class 7 – Firework Class

14. (1) In this section,

“high hazard fireworks” means those Division 2 fireworks that, in the opinion of the Chief Inspector, present a special hazard to persons; (*pièce pyrotechnique comportant un risque élevé*)

“low hazard fireworks” means those Division 2 fireworks that, in the opinion of the Chief Inspector, are relatively innocuous in themselves and are not liable to explode violently or all at once. (*pièce pyrotechnique comportant un risque restreint*)

(2) The firework class has two Divisions, namely, Division 1 fireworks and Division 2 fireworks.

(3) Division 1 fireworks comprises fireworks composition.

(4) Division 2 fireworks comprises manufactured fireworks and has five subdivisions, namely, Subdivision 1, Subdivision 2, Subdivision 3, Subdivision 4 and Subdivision 5.

(5) Subdivision 1 of Division 2 fireworks comprises low hazard fireworks generally used for recreation, such as fireworks showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, volcanoes, sparklers, Christmas crackers and caps for toy guns.

(6) Subdivision 2 of Division 2 fireworks 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.

(7) Subdivision 3 of Division 2 fireworks comprises model rocket engines (toy propellant devices) containing a propellant the total impulse of which does not exceed 80 Newton-seconds (17.92 pound-seconds) and does not exceed a net propellant weight of 125 grams (approximately four ounces).

(8) Subdivision 4 of Division 2 fireworks comprises low hazard fireworks generally having a practical use, such as highway flares, fuses and other small distress signals.

(9) Subdivision 5 of Division 2 fireworks comprises high hazard fireworks generally having a practical use, such as large distress signals, sound, pyrotechnic and smoke signals, railway track signals, distress and line-throwing rockets, salutes, theatrical effects and wildlife control devices.