

The Corporation of the Township of North Kawartha

By-law 2021-0118

Being a by-law of the Corporation of the Township of North Kawartha to prohibit and regulate the sale and setting off fireworks.

Whereas; section 121 of the Municipal Act, Chapter 25, S.O. 2001, provides that, a local municipality may prohibit and regulate the sale of fireworks, and the setting off fireworks;

And whereas; under Section 5 (3) of the Municipal Act, a municipal power shall be exercised by by-law;

Now Therefore the Council of the Corporation of the Township of North Kawartha enacts as follows:

1.0 Definitions:

- 1.1 **Act:** means the Explosives Act, Revised Statutes of Canada, 1985, Chapter E17, and the Regulations enacted thereunder as amended from time to time or any Act and Regulations enacted in substitutions therefore
- 1.2 **Consumer Fireworks:** means an outdoor, low hazard, firework that is designed for recreational use that is classed as a Subdivision 1 of Division 2 of Class 7 fireworks under the Act, and includes items like Roman candles, sparklers, fountains, multi-shot cakes, volcanoes, mines, and snakes.
- 1.3 **Chief Building Official:** means the Chief Building Official appointed by the Municipality.
- 1.4 **Council:** means the Council of The Corporation of The Township of North Kawartha.
- 1.5 **Display Fireworks:** means an outdoor, high hazard, firework that is designed for professional use only. They include items like aerial shells, cakes, Roman candles, waterfalls, lances, and wheels. Display fireworks are strictly regulated by federal law.
- 1.6 **Fire Ban:** Temporary measures put in place by the Municipality or Ministry of Natural Resources and Forestry (MNRF) to restrict open air burning when extreme fire conditions may exist.
- 1.7 **Fireworks:** means display fireworks, Pyrotechnics special effects fireworks and consumer fireworks.
- 1.8 **Flying Lantern:** Flying Lantern is a small hot air balloon made of paper, with an opening at the bottom where a small fire is suspended. Also known as sky lanterns.
- 1.9 **Officer:** means a person appointed by Council as a Municipal Law Enforcement Officer, a Police Officer, Fire Chief or other individual appointed to enforce this By-law;
- 1.10 **Person:** means and shall include an individual human being, an individual company, partnership, corporation or limited company.
- 1.11 **Permit:** means written permission to hold a Fireworks display issued by the Municipality pursuant to this By-law and signed by the Fire Chief or designate.
- 1.12 **Premises:** means a piece of land and any buildings and structures on it, and includes a place business, road, and any other location or place.

- 1.13 Public Fireworks Display:** means an exhibition of Fireworks in an open-air assembly, occupancy to which the public is invited, attends or is admitted, with or without a fee being charged.
- 1.14 Pyrotechnics:** are high-hazard and designed for professional use. They could include items like gerbs, mines, comets, and crossette fireworks, as well as special purpose pyrotechnics made for live stage performances and the film and television industry. Pyrotechnics are strictly regulated by federal law.
- 1.15 Sell:** includes Offer for Sale, cause or permit to be sold and to possess for the purpose of sale, and the words "selling" and "sold" have a similar meaning.
- 1.16 Setting Off:** means to fire, discharge, ignite or explode, or set off or cause to be fired, ignited, exploded or set off and the words "discharged" and "discharging" have a similar meaning.
- 1.17 Township:** means the Corporation of the Township of North Kawartha or the Geographical area of the Township of North Kawartha as the context requires.
- 1.18 Vendor:** also known as a supplier, is an individual or company that sells goods or services to someone else in exchange for money.
- 1.19 Weekend:** the period from Friday through Sunday.

2.0 General Prohibitions;

- 2.1 Flying Lantern Discharge:** No Person shall ignite, release or set off into the air an ignited Flying Lantern within the Township of North Kawartha.
- 2.2 Flying Lantern Sale:** No person within the Township of North Kawartha shall offer for sale, cause or permit to be sold, or sell any Flying Lantern.
- 2.3** No person shall set off any Fireworks, cause, or permit any fireworks to be set off except as provided for in this by-law.
- 2.4** Despite Subsection 3.1, no person shall set off any Fireworks when there is a Fire Ban/restriction in effect or when open air burning is prohibited.

3.0 Setting off Fireworks

- 3.1** No person shall set off Consumer Fireworks within the Township of North Kawartha at any time except as follows;
- a) **New Year's Eve** – between 7:00 p.m. and 1:00 a.m. the following day;
 - b) **Victoria Day** – between 7:00 p.m. and 11:00 p.m. on the weekend preceding and including the statutory holiday;
 - c) **Canada Day** – between 7:00 p.m. and 11:00 p.m. on the weekend prior to Canada Day, the weekend directly following Canada Day or on July 1st;
 - d) **Civic Holiday** - between 7:00 p.m. and 11:00 p.m. on the weekend preceding and including the statutory holiday
 - e) **Labour Day** - between 7:00 p.m. and 11:00 p.m. on the weekend preceding and including the statutory holiday.
- 3.2** No person shall set off any fireworks in, on or onto any building, highway, sidewalk, Municipal park or Municipal property; unless written approval has been first obtained by Council.
- 3.3** Property damage or injury as a result of the discharge of Fireworks shall

be the responsibility of the person and/or organization setting off the Fireworks.

- 3.4 A **Display Fireworks event** is exempt from Section 3.1 providing a valid permit as outlined in Section 5 has been obtained from the Fire Chief or designate of The Corporation of The Township of North Kawartha.
- 3.5 No person shall set off any Display Fireworks unless they have received a Permit.
- 3.6 Consumer Fireworks, that take place outside of the permitted times listed in section 3.1 may be granted special permission for Religious, Cultural or an event that falls under the current special Events By-Law upon the approval from the Fire Chief or Designate.

4.0 Vendor Selling Consumer Fireworks – Posted Conspicuous Place

- 4.1 Every Vendor selling Fireworks within the Municipality must post a Notice of Regulations as provided by the Municipality in a conspicuous place upon the premises, near where the Fireworks are sold.
- 4.2 Fireworks are displayed in a place where they are not exposed to the rays of the sun or to excess heat.

5.0 Permits for Public Display Fireworks

- 5.1 Only persons who hold a valid Display Supervisor certificate, issued by the Explosives Regulatory Division (ERD) of Natural Resources Canada are eligible to apply for a permit to set off Display Fireworks or Pyrotechnics Special Effects.
- 5.2 A permit may be issued by the Fire Chief or designate on any land if the requirements listed in section 5 are met as per the Act.
- 5.3 An application package as prescribed under the Act must be submitted to the Fire Chief or designate for approval.
- 5.4 The application package shall contain at a minimum, the following requirements as found in the Natural Resources Canada (NRCAN) Fireworks display manual;
 - a) 3.7 Basic requirements for event approval
 - b) 3.8 Site plan, event description and special circumstances
 - c) 3.10 Display fireworks event approval form

The completed application must be submitted no less than fourteen (14) business days prior to the proposed event.

- 5.5 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 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 Township of North Kawartha as an additional insured thereunder.
- 5.6 Notwithstanding the foregoing sections, the Fire Chief or designate 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 they deem advisable in the particular circumstances of the application.
- 5.7 The fireworks shall only be set off by a person currently certified as a Fireworks Supervisor Level I or Level II by the Explosion Regulatory Division of the Natural Resources of Canada.

- 5.8 The fireworks shall only be set off at the place and on the date or dates specified by the Permit, and in accordance with the conditions of the Permit.
- 5.9 The Permit Holder shall ensure that all unused fireworks, and all debris, are removed.
- 5.10 The Permit may be suspended or revoked by the Fire Chief or designate if the conditions of the permit are not being met or it would be unsafe to allow the Public Fireworks Display or in the case of a Fire Ban.
- 5.11 Property damage or injury as a result of Display Fireworks shall be the sole responsibility of the person setting off the Fireworks.
- 5.12 No person shall discharge any consumer fireworks in such a manner as might create damage or constitute a nuisance to any person or property, or to do or cause to allow any unsafe act or omission at the time and place for the discharging of any fireworks.
- 5.13 No person shall discharge any consumer fireworks in or into any building, doorway or automobile.
- 5.14 No person shall discharge any consumer fireworks in or on or into any highway, street, lane, square or other public place.
- 5.15 No person under the age of eighteen (18) years shall discharge any consumer fireworks.
- 5.16 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.

6.0 Indemnification

- 6.1 The Applicant shall indemnify and save harmless the Township of North Kawartha from any and all claims, demands, cause of action, loss costs, or damages that the Township of North Kawartha 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.

7.0 Powers of Entry

- 7.1 An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with this By-law.
- 7.2 Every holder of a Display Fireworks or Pyrotechnics Special Effects Fireworks Permit shall provide his or her Permit upon being so directed by the Fire Chief or designate.
- 7.3 No person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer or other duly appointed person who is exercising a power or performing a duty under this By-law.

8.0 Administration & Enforcement provisions

- 8.1 This By-Law shall be administered by the Fire Chief or designate.
- 8.2 This By-Law shall be enforced by an "Officer" as defined herein.

9.0 Administrative Penalties

- 9.1 An Officer who finds that a person has contravened any provision of this By-law or any other by-law of the municipality may issue a penalty

addressed to that person

- 9.2 Any person who contravenes any provision of this By-law shall, upon issuance of a penalty notice pursuant to Section 9.3 shall be liable to pay to the Municipality on a first offence an educational warning with possible fines up to \$500.00, second offence fine of \$1000.00, third offence fine of \$1000.00 and suspension of setting off fireworks up to two years starting on the date the third offence at the address that all three contraventions took place.
- 9.3 The penalty notice shall be delivered personally to the owner or mailed by prepaid registered mail to the address of the owner as shown on the last revised assessment roll.
- 9.4 Every notice issued shall identify the involved property; the particulars of the contravention; the amount of the administrative penalty; Information statement advising that an administrative penalty will constitute a debt to the Municipality.

10.0 Offence & Penalty Provisions

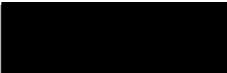
- 10.1 It is an offence for a person to contravene any provisions of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended, and to any other applicable penalty.
- 10.2 If this By-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

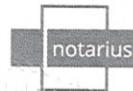
11.0 Short Title

- 11.1 This By-law may be referred to as the "Fireworks By-law".

This by-law shall come into effect on the 21st day of December 2021.

Read and Adopted in open Council on the 21st day of December 2021.

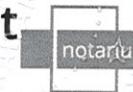

 Signed by Carolyn Amyotte (2021/12/22)
 Verify with verifio.com or Adobe Reader.



Carolyn Amyotte, Mayor

Connie Parent

Signed with ConsignO Cloud (2021/12/22)
 Verify with verifio.com or Adobe Reader.



Connie Parent, Clerk