

The Corporation of the Town of  
New Tecumseth

**By-law**

**Number 2022-047**

**"Fireworks By-law"**

A by-law to regulate and control the sale and discharge of Fireworks and to provide for the issuance for the discharge of Fireworks and to repeal by-law 93-136

**Whereas** Section 121(a) of the Municipal Act, 2001, S.O.2001 c.25 provides that a municipality may prohibit and regulate the sale of fireworks and the setting off of fireworks;

**And Whereas** Section 121(b) of the Municipal Act, 2001, S.O. 2001 c.25 provides that a municipality may prohibit the activities described in section 121(1a) 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 the submission of plans;

**And Whereas** the Council of the Town of New Tecumseth deems it necessary and expedient to regulate the sale and setting off of fireworks;

**Now Therefore** the Council of the Corporation of the Town of New Tecumseth hereby enacts as follows:

1. Definitions

1.1 "Exhibition Fireworks" shall mean special effects pyrotechnics and display fireworks classified under Parts 17 and 18 of the Explosives Regulations, 2013, SOR/2013-211, as amended, which comprise of high hazard fireworks generally used for recreation purposes, but does not include firecrackers.

1.2 "Firecrackers" shall mean a pyrotechnic device that explodes.

1.3 "Fire Chief" means the Fire Chief for the Town of New Tecumseth or member or members of the Town of New Tecumseth Fire Rescue as designated by the Fire Chief.

1.4 "Fireworks Supervisor" shall mean a person who is the holder of a valid Fireworks Operator Certificate issued under the authority of the Explosives Act, R.S.C. 1985, c. E-17, as amended, or any regulations thereto.

1.5 "Highway" includes a common and public highway and a street and a bridge forming part of a highway or on, over or across which a highway passes.

1.6 "Consumer Fireworks" shall mean fireworks classified under Part 16 of the Explosive Regulations, 2013, SOR/2013-211 which comprise of low hazard fireworks generally used for recreation purposes.

1.7 "Permit" means permission to set off, discharge, fire or to hold a display of Exhibition Fireworks (excepting only on Victoria Day, Canada Day and Diwali ) issued by the Town in accordance with the terms of this By-law and signed by the Fire Chief on a form approved from time to time by the Fire Chief and/or designate.

1.8 "Town" mean the Corporation of the Town of New Tecumseth.

1.9 "Prohibited Fireworks" means fireworks included on the most recent list of prohibited fireworks or explosives set out in the Explosives Act, R.S.C. 1985, c. E-17, as amended, and the regulations thereto and includes flying lanterns.

## 2. Prohibitions

2.1 No person shall sell, use, set off, discharge, fire, cause or permit to be sold, used, set off, discharged or fired any Firecrackers, or Prohibited Fireworks within the territorial limits of the Town.

## 3. Sale of Fireworks and Firecrackers

3.1 No person shall sell or offer for sale any Firecrackers within the territorial limits of the Town.

3.2 No person shall display, offer for sale, or sell Consumer Fireworks on any day or days during the year except on Victoria Day, Canada Day, Diwali and the fifteen calendar days immediately preceding each of these days.

3.3 No person may sell, offer for sale, give or distribute Consumer Fireworks to any person under the age of eighteen years.

3.4 Notwithstanding subsection 3.1, 3.2 and 3.3, a person may sell paper caps, toy pistols, toy cannons, or toy guns wherein the explosive content of such devices is not in excess of twenty-five one-hundredths of a grain per cap.

3.5 No person may sell, offer for sale, give or distribute any Exhibition Fireworks to any person who is not a qualified Fireworks Supervisor.

3.6 Fireworks displayed in retail outlets shall be mock samples only, and not contain any explosive composition.

3.7 Where fireworks are offered for sale, they must be displayed in such a manner that they are not accessible as a self-serve item.

3.8 Where fireworks are offered for sale, they must not be located at or near a means of entrance or exit to any building or room.

## 4. Setting Off of Consumer Fireworks

4.1 No person shall discharge, fire, set off, or cause to be set off any Consumer Fireworks on any day or days during the year except on Victoria Day, Canada Day and Diwali and the one calendar day immediately preceding and/or following each of these days unless authorized to do so with a permit.

4.2 A person eighteen years of age or older may set off Consumer Fireworks on any land:

4.2.1 belonging to them; or

4.2.2 any other privately owned land where the owner thereof has given permission for the setting off of Consumer Fireworks.

4.3 No person shall discharge, fire, set off, or cause to be set off any Consumer Fireworks in such a place or in such a manner as might create danger or constitute a nuisance to any person or property, or to do, allow, or

cause any unsafe act or omission at the time and place of display;

4.4 No person shall discharge, fire, set off, or cause to be set off any Consumer Fireworks inside of or closer than 6 metres to any building, tent, trailer, camp or shelter or motor vehicle;

4.5 Notwithstanding the setting off of Consumer Fireworks in accordance with provisions of this By-law, no person shall discharge, fire, set off, or cause to be set off any Consumer Fireworks in, on or into any public place including, but not limited to, highways, streets, lanes, squares, parks, fields, playgrounds and school grounds;

4.6 No person under the age of eighteen years may discharge, fire, set off, or cause to be set off any Consumer Fireworks unless under the direct supervision and control of a person eighteen years of age or older; and

4.7 No person being the parent or guardian of any child under the age of eighteen years shall permit said child to discharge, fire, set off, or cause to be set off any Consumer Fireworks except when such parent or guardian or some other responsible person of at least eighteen years of age is in direct supervision and control.

## 5. Setting Off Of Exhibition Fireworks

5.1 Exhibition Fireworks are prohibited to be set off unless under the direct supervision and control of a qualified Fireworks Supervisor.

5.2 No person or group of persons shall set off Exhibition Fireworks without first having obtained a permit from the Clerk.

5.3 The application for a permit must be made on approved Town forms at least two weeks prior to the proposed date of display; all associated fees shall be paid in full and in accordance with the Towns current fees and schedules by-law before the permit is issued.

5.4 Where an Exhibition Fireworks event is proposed on Town property, the applicant shall also provide, at the time of application, appropriate liability insurance in the amount of \$5,000,000 to protect the Town 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 Town for damage to and destruction of Town property that may occur as a result of the fireworks event;

5.5 Setting off of Exhibition Fireworks must be in accordance with recognized safety procedures including, but not limited to:

- 5.5.1 keeping spectators at a safe distance;
- 5.5.2 protecting private and public property; and
- 5.5.3 ensuring suitable fire extinguishing equipment is available at all times.

5.6 The person(s) responsible for the setting off of any fireworks or classes thereof must ensure that all unused fireworks and debris be removed and safely disposed of immediately following the event;

5.7 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 Exhibition Fireworks are being set off or discharged;

5.8 No person(s) shall discharge, fire, set off, or cause to be set off any Exhibition Fireworks within 60 metres from the nearest buildings, highway or

railroad;

5.9 No person(s) shall discharge, fire, set off, or cause to be set off any Exhibition Fireworks within 15 metres from any hydro line, tree or overhead obstruction;

5.10 No person shall discharge, fire, set off, or cause to be set off any Exhibition Fireworks within 300 metres of a nursing home, health lodge, public hospital, retirement residence;

5.11 No person shall discharge, fire, set off or cause to be set off any Exhibition Fireworks within 300 metres of any premises where explosives, gasoline or other highly flammable substances are manufactured, sold or stored;

5.12 No person 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; and

5.13 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.

## 6. Enforcement

6.1 The provisions of this By-law shall be enforceable by a Municipal Law Enforcement Officer or other such persons appointed by the Town and any member of the Ontario Provincial Police.

6.2 No person shall hinder or obstruct or attempt to hinder or obstruct any person who is exercising a power or performing a duty under this By-law.

6.3 Every person who contravenes this By-Law is guilty of an offence and, upon conviction, shall be liable to a fine as provided for by s.61 of the Provincial Offences Act, R.S.O. c. P.33, as amended.

## 7. Voluntary Payment

7.1 Notwithstanding all other provisions of this By-law in respect of penalties for violations, any person may, upon presentation of a violation tag issued alleging commission of such an offence under this By-law, payout of Court at the Administration Centre of the Town of New Tecumseth, in person or by mail, within fifteen (15) days from the date of said tag, a penalty of a set fine of two hundred and fifty dollars (\$250.00), and upon such payment no further proceedings shall be taken under this By-law in respect of the said offence alleged in the violation tag.

## 8. Severability

8.1 Should any section, subsection, clause, paragraph or provision of this By-law, including any part of schedules be declared by a court of competent jurisdiction to be ultra vires, invalid or illegal for any reason, the same shall not affect the validity of the By-law as a whole.

## 9. Repeal

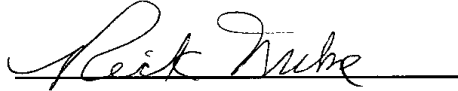
9.1 That By-law 93-136 is hereby repealed.

## 10. Force and Effect

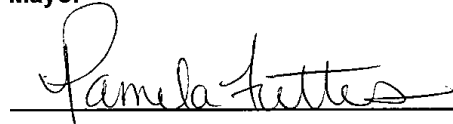
10.1 That this by-law shall be cited as the "Fireworks By-law".

10.2 This By-law shall come into force and take effect upon approval of the set fines associated with it by the Regional Chief Justice in accordance with Part 1 of the Provincial Offences Act, and Rule 6 of Regulation 200 passed pursuant to the Courts of Justice Act.

**Read a first, second and third time and finally passed this 9<sup>th</sup> day of May, 2022.**

A handwritten signature in cursive script, appearing to read "Rick Tuck", written over a horizontal line.

**Mayor**

A handwritten signature in cursive script, appearing to read "Pamela Fettes", written over a horizontal line.

**Clerk**