

The Corporation of the Township of McMurrich/Monteith

BY-LAW NUMBER 15 - 2017

Being a by law regulating the setting off of Fireworks

WHEREAS Section 121, Subsection (a) of the *Municipal Act, 2001*, S.O. 2001, c.25 as amended, provides that a local municipality may prohibit and regulate the setting off of Fireworks;

AND WHEREAS Section 121, Subsection(b) of the *Municipal Act, 2001 S.O. 2001,c25, as amended*, provides that a municipality may prohibit the setting off Fireworks unless a permit is obtained from the municipality for those activities and may impose conditions for obtaining, continuing to hold and renewing a permit, including requiring the submission of plans.

NOW THEREFORE the Council for the Township of McMurrich/Monteith hereby ENACTS AS FOLLOWS:

Title

This By-law shall be known and may be cited as the "Fireworks By-Law". In the text of the By-law, it is referred to as "this By-Law".

1. DEFINITIONS

In this By-law:

- 1.1 "Chief Fire Official" means Assistant to the Fire Marshall who is the Municipal Fire Chief, the Fire Prevention Officer or a member or members of the fire department appointed by the Municipal Fire Chief under Subsection 1.1.8 of the Ontario Fire Code,1997.
- 1.2 "Consumer Fireworks" means outdoor low hazard fireworks generally used for recreational purposes such as showers, fountains, golden rain, Roman candles, volcanoes, sparklers and caps for toy guns
- 1.3 "Display Fireworks" means high hazard fireworks generally used for community celebrations such as bombshells, aerial shells, large wheels and bombardons.
- 1.4 "Firecracker" means 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.
- 1.5 "Mini Lantern" means a small hot air balloon made of a lightweight fire-resistant material, fueled by a slow burning open flame and are also known as sky lanterns, Chinese lanterns, paper lanterns, wish lanterns, etc.
- 1.6 "Officer" means a Municipal Law Enforcement Officer, Police Officer, or Chief Fire Official or designate.
- 1.7 "Owner" means any person, firm or corporation having control over any portion of the building or property under consideration and includes the persons in the building or property.
- 1.8 "Township" means The Township of McMurrich/Monteith.

2. GENERAL

- 2.1 No person shall set off any fireworks when a fire ban is in effect.
- 2.2 No person shall use Mini Lanterns within the boundaries of The Township of McMurrich/Monteith.

3. CONSUMER FIREWORKS

- 3.1 No Person shall set off any consumer Fireworks in a manner that might create a danger to any person or property; and for greater clarity setting off consumer Fireworks not in compliance with the manufacturer's specifications shall be deemed to be one whereon the setting of Fireworks might create a danger.
- 3.2 No Person shall set off consumer Fireworks in, on or into a building, structure or automobile.
- 3.3 No person shall set off any consumer Fireworks on or into a highway, street, lane, boulevard, roundabout, or private roadway.

- 3.4 No Person shall set off consumer Fireworks on or into any land used for school purposes.
- 3.5 No person shall set off consumer Fireworks on or into any park, parkette, trail, linear park, land used for storm water management, square, other public place or any land owned by the Township or any of these boards or agencies, without first having obtained permission from the Chief Fire Official, Fire Prevention Officer or designate.
- 3.6 No Person shall set off consumer Fireworks without limiting the generality of the foregoing, on any land whatsoever, except on land belonging to a person setting off the Fireworks, or on other privately owned land where the consent of the owner has been obtained.
- 3.7 No person shall set off fireworks without a daily fire permit, seasonal fire permits are not allowed for fireworks.

4. FIRECRACKERS

- 4.1 No person shall set off any Firecrackers.

5. DISPLAY FIREWORKS/PYROTECHNIC SPECIAL EFFECTS

- 5.1 No person shall hold a display of or set off Display Fireworks/Pyrotechnic Special Effects on any day or days without the approval from the Chief Fire Official.
- 5.2 Only persons who hold a valid certificate, for such, issued by the Explosives Regulatory Division of Natural Resources Canada are eligible to request approval to display or set off Display Fireworks/Pyrotechnic Special Effects.
- 5.3 Application for approval shall be submitted no less than ten (10) working days (Saturdays, Sundays, Statutory Holidays and days on which the Township's Fire Department Office is closed are excluded) prior to the proposed event and shall include the following information:
- (a) A site plan drawn to approximate scale showing direction of firing, positioning of ramps and mortars, significant ground features, public right of ways, buildings and / or structures, overhead obstructions, parking areas etc.
 - (b) A statement of intent describing the event including the time of schedule of events, attendance estimates, details on the type, size and number of fireworks to be used, firing procedures, emergency response procedures.
 - (c) Written permission from the owner where the display is to be held and any neighbouring land on which debris might fall.
- 5.4 The Chief Fire Official has absolute discretion in granting approval except in any buildings within the Township where any display or setting off of fireworks shall be expressly prohibited and may solicit additional information from the applicant to complete an accurate assessment of the request.
- 5.5 The Fire Chief may impose conditions for approval as he/ she considers necessary to ensure the safety of the public.

6. ENTRY AND INSPECTION

- 6.1 An officer may at any time, enter onto lands to determine whether this By-law is being complied with.
- 6.2 Every owner shall permit the Officer to inspect any land for the purposes of determining compliance with this By-law.
- 6.3 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, as amended.
 - (b) A warrant is issued under the Provincial Offences Act, RSO. 1990, as amended is obtained.

7. OBSTRUCTION

- 7.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, any officer exercising a power or performing a duty under this By-law.
- 7.2 Any person who has been alleged to have contravened any of the provisions of this By-law, shall identify themselves to the Officer upon request, failure to do so shall be deemed to have obstructed or hindered the Officer in the execution of his duties

8. FEES

- 8.1 The cost of obtaining a permit shall be as set out in the Township of McMurrich/Monteith's Fee Schedule By-law, as amended.
- 8.2 Upon the Fire Department attending to extinguish a fire that is as a result of the setting off of fireworks not in accordance with any section of this By-law, the owner will be responsible to pay the fees as set out in Schedule "B" of this By-law.

9. PENALTY

9.1 Any person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine provided for in the *Municipal Act, 2001, S.O. 2001, c. 25, as amended and as provided for by s. 61 of the Provincial Offences Act, R.S.O. 1990, c. P 33*

9.2 *Every person who is guilty of an offence under this by-law may, if permitted under the Provincial Offences Act, pay a set fine and the Chief Judge of the Ontario Court (Provincial Division) shall be requested to establish, pursuant to the Provincial Offences Act, set fines in accordance with Schedule "A" of this By-law.*

10. ADMINISTRATION AND ENFORCEMENT

10.1 An Officer is hereby vested with the authority of enforcing the provisions of this By-law.

10.2 Any permit issued under this By-law may be revoked if in the opinion of the Chief Fire Official, Fire Prevention Officer or designate, or the Municipal Law Enforcement Officer the user is in contravention of this By-law.

11. VALIDITY AND SEVERABILITY

11.1 Every provision of this By-law is declared to be severable from the remainder and if in any provision of this By-law shall be declared invalid in court of competent jurisdiction such declaration shall not affect the validity of the remainder.

12. EFFECTIVE DATE

12.1 This By-law shall come into full force and take effect on the 1st day of January, 2018.

READ A FIRST & SECOND TIME this 1st day of May, 2017.

READ A THIRD TIME and PASSED this 1st day of May, 2017.

Original signed by Joanne Griffiths
Reeve

Original Signed by Cheryl Marshall
Clerk/Treasurer

The Corporation of the Township of McMurrich/Monteith

SCHEDULE "A"

Bylaw 15 - 2017: FIREWORKS BY-LAW

SET FINE AMOUNTS

Provincial Offences Act – Part 1

ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1	Set off fireworks when a fire ban is in effect	2.1	\$300.00
2	Use of Mini Lanterns within the boundaries of the Township of McMurrich/Monteith	2.2	\$300.00
3	Set off any fireworks except between dusk and 11:00 p.m.	3.1	\$300.00
4	Set off fireworks without a daily Fire Permit	3.7	\$300.00
5	Set off of Firecrackers	4.1	\$300.00
6	Hold a display of Fireworks/Pyrotechic without the Approval	5.1	\$300.00
7	Hinder or Obstruct, any Officer performing a duty under this By-law	7.1	\$300.00

The Penalty provision for the offences indicated above is Section 9

The Corporation of the Township of McMurrich/Monteith

SCHEDULE "B"

Bylaw 15 - 2017: FIREWORKS BY_LAW

EMERGENCY FIRE FIGHTING SERVICE CHARGES

1	\$300.00	For each Fire Department vehicle attending for the first hour or part thereof
2	\$300.00	For each Fire Department vehicle attending for every additional half hour or part thereof
3	\$300.00	For responding to a call where services are not required