

Corporation of the Township of

Algonquin Highlands

By-Law 2020-72

BEING A BY-LAW TO PROHIBIT AND REGULATE THE SALE
AND SETTING OFF OF FIREWORKS WITHIN THE CORPORATION OF THE
TOWNSHIP OF ALGONQUIN HIGHLANDS

WHEREAS Council acknowledges that fireworks have the potential to pollute air and water, negatively impact wildlife in the vicinity and diminish quality of life for some residents;

AND WHEREAS Council wishes to take action to mitigate the risk to human, animal and environmental health;

AND WHEREAS Section 121 (a) of the Municipal Act, 2001, S.O. 2001, c.25 provides that the Council 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. 200, c.25 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, Section 434.1 of the Municipal Act, 2001, S.O. 200, c. 25 and amendments thereto enables the Councils of local municipalities to establish a system of administrative penalties and whereas Section 434.2 establishes an administrative penalty constitutes a debt of the person which may be added to the tax roll;

NOW THEREFORE the Council of the Corporation of the Township of Algonquin Highlands hereby enacts as follows:

1.0 SHORT TITLE

1.1 The short title of this bylaw is the "Fireworks By-law".

2.0 DEFINITIONS:

In this By-law:

2.1 **Act:** means the Explosives Act, Revised Statutes of Canada, 1985, Chapter E-17, and the Regulations enacted thereunder as amended from time to time or any Act and Regulations enacted in substitutions therefore.

2.2 **Consumer Fireworks:** means an outdoor, low hazard, firework that is designed for recreational use. They include items like Roman candles, sparklers, fountains, multi-shot cakes, volcanoes, mines, and snakes.

2.3 **Council:** means the Council of The Corporation of the Township of Algonquin Highlands.

2.4 **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.

2.5 **Fire Ban:** A temporary measure put in place by Municipality or Ministry of Natural Resources and Forestry (MNRF) to restrict open air fires. This measure is put into place in order to help prevent human caused fires.

- 2.6 **Fireworks:** means Consumer Fireworks, Display Fireworks, and Pyrotechnic Special Effects Fireworks.
- 2.7 **Flying Lantern:** also known as Sky Lantern, Chinese Lantern, Kongming Lantern or Wish Lantern, means a small hot air balloon or similar device made of treated paper or any other material, with an opening at the bottom, which is propelled by an open flame generated by a small candle or fuel cell, allowing the balloon or similar device to rise and float in the air, uncontrollably, while ignited.
- 2.8 **Officer:** means a person appointed by Council as a Municipal Law Enforcement Officer, or a Police Officer, Fire Chief or other individual duly appointed to enforce this By-law.
- 2.9 **Person:** means and shall include an individual human being, an individual company, partnership, corporation or limited company.
- 2.10 **Permit:** means written permission to hold a Display Fireworks issued by the Municipality pursuant to this By-law and signed by the Fire Chief.
- 2.11 **Premises:** means a piece of land and any buildings and structures on it, and includes a place, business, road, or any other location.
- 2.12 **Pyrotechnics:** are high-hazard and designed for professional use. They 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.
- 2.13 **Setting Off:** means to fire, discharge, ignite or explode or cause to fire, discharge, ignite or explode.
- 2.14 **Vendor:** also known as a supplier, is an individual or company that sells goods or services to someone else in exchange for money.
- 2.15 **Weekend:** the period from Friday evening through Sunday evening, generally regarded as a time for leisure.

3.0 GENERAL PROHIBITIONS

- 3.1 **Flying Lantern Discharge:** No Person shall ignite, release or set off into the air an ignited Flying Lantern within the Township of Algonquin Highlands.
- 3.2 **Flying Lantern Sale:** No person within the Municipality shall offer for sale, cause or permit to be sold, or sell any Flying Lanterns.
- 3.3 No person shall set off any Fireworks or cause or permit any fireworks to be set off except as provided for in this By-law.
- 3.4 Despite Subsection 3.3, no person shall set off any Fireworks when there is a Fire Ban in effect or when open air burning is prohibited.

4.0 SETTING OFF FIREWORKS

- 4.1 No person shall set off, permit or cause to be set off Consumer Fireworks within the Township of Algonquin Highlands at any time except as follows;
- a) **New Year's Eve** – between 8:00 p.m. and 1:00 a.m. the following day;
 - b) **Victoria Day** – between 8:00 p.m. and 11:00 p.m. on the weekend preceding and including the statutory holiday;
 - c) **Canada Day** – between 8:00 p.m. and 11:00 p.m.:
 - i) When Canada Day falls on Monday or Tuesday, permitted use is on the weekend prior and on the holiday.

- ii) When Canada Day falls on Wednesday, permitted use is the holiday and the weekend prior or the weekend following.
 - iii) When Canada Day falls on Thursday, permitted use is the weekend following and on the holiday.
 - iv) When Canada Day falls on a weekend, permitted use is on the weekend it falls.
 - d) **Civic Holiday** – between 8:00 p.m. and 11:00 p.m. on the weekend preceding and including the statutory holiday.
 - e) **Labour Day** – between 8:00 p.m. and 11:00 p.m. on the weekend preceding and including the statutory holiday.
- 4.2 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 the Fire Chief.
- 4.3 Every person shall only set off fireworks in their intended manner and according to the manufacturer's instructions.
- 4.4 Property damage or injury as a result of the discharge of Fireworks shall be the responsibility of the person, property owner, and/or organization setting off the Fireworks.
- 4.5 Display Fireworks are exempt from Section 4.1 providing a valid permit as outlined in Section 6 has been obtained from the Fire Chief or designate of The Corporation of The Township of Algonquin Highlands.
- 4.6 No person shall set off, permit or cause to be set off any Display Fireworks unless they have received a Permit.
- 5.0 VENDOR SELLING CONSUMER FIREWORKS – POSTED CONSPICUOUS PLACE**
- 5.1 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.
- 6.0 PERMITS FOR DISPLAY FIREWORKS**
- 6.1 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 Pyrotechnic Special Effects.
- 6.2 A permit may be issued by the Fire Chief or designate on any land if the regulation requirements listed in section 5 of the Act are met.
- 6.3 An application package as prescribed under the Act must be submitted to the Fire Chief or designate, together with the application fee paid in full as set out in the Municipal Fees By-law as may be amended from time to time.
- 6.4 The application package shall contain at a minimum, the following requirements as found in the Natural Resources Canada (NRCAN) Fireworks Display Manual:
- a) Section 3.7 Basic requirements for event approval
 - b) Section 3.8 Site plan, event description and special circumstances
 - c) Section 3.10 Display fireworks event approval form
- 6.5 The completed application must be submitted no less than thirty (30) business days prior to the proposed event.
- 6.6 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 Algonquin Highlands, as an additional insured. The 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.

- 6.7 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.
- 6.8 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.
- 6.9 The Fireworks shall only be set off on the day or days specified by the Permit.
- 6.10 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.
- 6.11 Property damage or injury as a result of Display Fireworks shall be the responsibility of the person setting off the Fireworks.

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 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.

9.0 ADMINISTRATIVE PENALTIES

- 9.1 An Officer who finds that a person has contravened any provision of this By-law may issue a penalty notice 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, be liable to pay to the Municipality an administrative penalty in the amount of \$100.00 dollars.
- 9.3 The penalty notice shall be given to the person to whom or to which it is addressed as soon as is reasonably practicable and shall include the following information:
 - a) Particulars of the contravention, including to which property it applies;
 - b) The amount of the administrative penalty;
 - c) A statement advising that an administrative penalty will constitute a debt to the Municipality.
- 9.4 A person who has been issued a penalty notice shall pay the administrative penalty within fifteen (15) days from the date the notice was issued.
- 9.5 An administrative penalty that is deemed to be confirmed constitutes a debt to the Municipality and may be added to the tax roll of the property on which the offence occurred.

10.0 SERVICE OF DOCUMENTS

- 10.1 The Municipality may serve any document under this By-law, including but not limited to a penalty notice, personally to the person named on the notice, by registered or regular mail addressed to the person to whom the document is to be given at the person's last known address.
- 10.2 Service by registered or regular mail under subsection 10.1 shall be deemed to have been made on the fifth day after the day of mailing.
- 10.3 A person's last known address includes the address provided by the person to the Municipality as identified in the property tax file.

11.0 OFFENCE & PENALTY PROVISIONS

- 11.1 Every person who contravenes any provision of 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.
- 11.2 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.

12.0 SEVERABILITY

- 12.1 If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the By-law and it is hereby declared that the remainder of the By-law shall be valid and shall remain in force.

13.0 IMPLEMENTATION

- 13.1 This By-law shall come into full force and effect after adoption.

READ A FIRST, second and third time and finally passed, this 3rd day of September, 2020.

Mayor Carol Moffatt

Clerk Dawn Newhook

The Corporation of the Township of Algonquin Highlands

PART 1 Provincial Offences Act
By-law 2020-72 Fireworks By-law

<u>ITEM</u>	<u>COLUMN 1</u> Short Form Wording	<u>COLUMN 2</u> Provision Creating or Defining Offence	<u>COLUMN 3</u> Set Fine
1.	Ignite, release or set off an ignited Flying Lantern into the air	Section 3.1	\$500.00
2.	Sell or offer for sale Flying Lantern	Section 3.2	\$500.00
3.	Cause or permit Fireworks to be set off during a Fire Ban	Section 3.4	\$500.00
4.	Cause or permit Consumer Fireworks to be set off during prohibited days	Section 4.1	\$300.00
5.	Cause or permit Consumer Fireworks to be set off during prohibited times	Section 4.1	\$300.00
6.	Cause or permit Consumer Fireworks to be set off in an unintended manner	Section 4.3	\$300.00
7.	Cause or permit Display Fireworks to be set off without a valid Fireworks Permit	Section 4.6	\$500.00
8.	Vendor failed to post Notice of Regulations	Section 5.1	\$500.00

“NOTE: The penalty provision for the offences indicated above is section 11.1 of the By-law no. 2020-72, a certified copy of which has been filed”.