

# THE CORPORATION OF THE TOWNSHIP OF PUSLINCH

## BY-LAW NUMBER 039/14

A By-law to prohibit and regulate the sale, storage, display and setting off of Fireworks and to repeal By-law 20/2003

**WHEREAS** Section 7.1 (1) of the Fire Protection and Prevention Act, S.O. 1997, c. 4, as amended, provides authority to a Council of a municipality to pass by-laws to regulate fire prevention including the prevention of the spreading of fires; and

**WHEREAS** Section 12 (5) of the Fire Protection and Prevention Act, S.O. 1997, c. 4, as amended, provides authority to a Council of a municipality to pass by-laws that are more restrictive than the Ontario Fire Code requirements respecting the keeping and manufacturing of explosives; and

**WHEREAS** Section 120 (1) (a)(b)(c) of the Municipal Act, S. O. 2001, c. 25, as amended, provides authority to a municipality to pass a by-law to prohibit and regulate the manufacture and storage of explosives; and

**WHEREAS** Section 121 of the Municipal Act, S.O. 2001, c. 25, as amended, provides authority to a Council of a municipality to pass a by-law to prohibit and regulate the sale of fireworks and the setting off of fireworks and to prohibit these activities unless a permit is obtained and may impose conditions for obtaining, continuing to hold and renewing the permit including requiring the submission of plans; and

**WHEREAS** the Council for the Corporation of the Township of Puslinch deems it appropriate to regulate and prohibit the sale, storage, display and setting off of fireworks and pyrotechnic special effect devices;

**NOW THEREFORE** the Council of the Corporation of the Township of Puslinch enacts as follows:

### 1. DEFINITIONS

In this By-law:

“Council” means the Council for the Corporation of the Township of Puslinch;

“Building” means any structure used or intended for supporting or sheltering any use or occupancy;

“Fire Chief” means the Fire Chief for the Township and Township staff as designated by the Fire Chief for the purpose of administering this By-law.

“Fireworks” means any and all classes of fireworks which are included in the Federal Explosives Regulation, Department of Energy, Mines and Resources and includes Low Hazard Fireworks and High Hazard Fireworks;

“High Hazard Fireworks” are display firework articles designed for use by professionals and includes aerial shells, cakes, roman candles, waterfalls, lanes and wheels also referred to as display fireworks;

“Highway” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;

“Low Hazard Fireworks” are consumer firework articles designed for recreational use by the public and includes roman candles, sparklers, fountains, wheels, volcanoes, mines and snakes also referred to as consumer fireworks;

“Permit” means a Permit issued by Township staff pursuant to this By-law;

“Person” includes a corporation and their heirs, executors, administrators, or other legal representatives of a person to whom the context can apply according to law;

“Public Lands” includes any land owned or leased by the Township or the Corporation of the County of Wellington and includes a Highway;

“Officer” means a police officer, Fire Chief, municipal law enforcement officer or other person appointed by by-law to enforce the provisions of this By-law;

“Township” means the Corporation of the Township of Puslinch or the land within the geographic limit of the Corporation of the Township of Puslinch as the context requires.

## **2. GENERAL PROHIBITIONS**

- (1) No Person shall display, offer for sale or sell Fireworks without a Permit.
- (2) No Person shall set off, discharge, cause or permit to be set off or discharged Fireworks on Public Lands without a Permit.
- (3) No Person shall set off, discharge, cause or permit to be set off or discharged High Hazard Fireworks in the Township without a Permit.

## **3. PERMIT – SALE OF FIREWORKS**

- (1) Every Person making an application for a Permit for the sale of Fireworks shall submit:
  - (a) a complete application to the Township in the form provided by the Township at least thirty (30) days prior to the sale of Fireworks;
  - (b) proof of current Commercial General Liability Insurance in a minimum amount of no less than five (5) million dollars (\$5,000,000.00) for the term of the Permit with an endorsement that notice in writing at least fifteen (15) days prior to cancellation, expiration, or variation thereof will be given to the Township by the insurance underwriter;
  - (c) in the case where the Township has granted permission for the use of Public Lands, submit proof of current Commercial General Liability Insurance in a minimum amount of no less than five (5) million dollars (\$5,000,000.00) for the term of the Permit with an endorsement that notice in writing at least fifteen (15) days prior to cancellation, expiration, or variation thereof will be given to the Township by the insurance underwriter and naming the Township as an additional insured;
  - (d) written permission of the property owner, if applicable;
  - (e) any other documents as may be required to substantiate compliance with any other legislation to the satisfaction of the Township;
  - (f) the required Permit fee in accordance with the Township’s Fee By-law.
- (2) The issuing of a Permit for the sale of Fireworks shall be subject to:
  - (a) a satisfactory inspection by Township staff of the lands, Buildings to be used for the sale of Fireworks;
  - (b) terms and conditions imposed.

#### 4. PERMIT – SETTING OFF OR DISCHARGE OF HIGH HAZARD FIREWORKS

- (1) Every Person making an application for a Permit to set off or discharge High Hazard Fireworks shall submit:
  - (a) a complete application to the Township in the form provided by the Township at least thirty (30) days prior to the event;
  - (b) proof of current Commercial General Liability Insurance in a minimum amount of no less than five (5) million dollars (\$5,000,000) for the term of the Permit with an endorsement that notice in writing at least fifteen (15) days prior to cancellation, expiration, or variation thereof will be given to the Township by the insurance underwriter;
  - (c) in the case where the Township has granted permission for the use of Public Lands, submit proof of current Commercial General Liability Insurance in a minimum amount of no less than five (5) million dollars (\$5,000,000) for the term of the Permit with an endorsement that notice in writing at least fifteen (15) days prior to cancellation, expiration, or variation thereof will be given to the Township by the insurance underwriter and naming the Township as an additional insured;
  - (d) proof of a valid Fireworks Supervisors Card issued by Energy, Mines and Resources Canada;
  - (e) written permission of the property owner, if applicable;
  - (f) a site plan drawn to approximate scale outlining the following:
    - i) direction of firing;
    - ii) spectator viewing area;
    - iii) separation distances between buildings;
    - iv) position of ramps and mortar;
    - v) significant ground features;
    - vi) Buildings;
    - vii) overhead obstructions;
    - viii) parking areas; and
    - ix) ingress and egress routes to the lands
  - (g) procedures related to the setting off of High Hazard Fireworks and Emergency Response;
  - (h) a list of individuals assisting with the setting off of Fireworks on the date of the event;
  - (i) any other documents as may be required to substantiate compliance with any other legislation to the satisfaction of the Township;
  - (j) the required Permit fee in accordance with the Township's Fee By-law.
- (2) The issuing of a Permit for the setting off or discharge of Low Hazard Fireworks on Public Lands and High Hazard Fireworks shall be subject to:
  - (a) a satisfactory inspection by Township staff of the lands to be used for the setting off or discharge High Hazard Fireworks;
  - (b) terms and conditions imposed.

**5. PERMIT –SETTING OFF OR DISCHARGE OF HIGH HAZARD FIREWORKS – OTHER THAN ON A DATE SPECIFICALLY PERMITTED BY THIS BY-LAW OR FIREWORKS ON PUBLIC LANDS**

- (1) Every Person making an application for a Permit to set off or discharge High Hazard Fireworks on a date not specifically permitted by this By-law shall be subject to the application process outlined in Section 4 of this By-law.
- (2) Every Person making an application for a Permit to set off or discharge Fireworks on Public Lands shall be subject to the application process outlined in Section 4 of this By-law. Where an application is for Low Hazard Fireworks on Public Lands Section 4(1) (d) and (g) does not apply.

**6. STORAGE AND SALE OF FIREWORKS**

- (1) No Person shall display, offer for sale or sell Fireworks except on the day being observed as:

Victoria Day;  
Canada Day;  
Diwali;  
Chinese New Year

eight (8) days prior to the day being observed as Victoria Day and Canada Day.

- (2) No Person shall display, offer for sale or sell Fireworks except from lands designated under the Township's Zoning By-law as Commercial, Industrial, Institutional or Open Space.
- (3) No Person shall sell Fireworks to a person under the age of eighteen (18) years of age.
- (4) No person shall display, offer for sale, or sell Fireworks that exceed one thousand (1000) kilograms unless the wholesaler is licensed by the Explosives Division, Department of Energy, Mines and Resources.
- (5) No Person shall display, offer for sale or sell within a Building Fireworks in a lot, bin or bundle that exceeds twenty-five (25) kilograms.
- (6) No person shall store Fireworks except in a cool dry place, away from any sources of heat and any substance that could cause ignition.
- (7) No person shall permit access to Fireworks stored within a Building, unless the Building has two (2) operative doors.
- (8) No person shall display, offer for sale or sell Fireworks without posting a sign to the satisfaction of the Fire Chief at every entrance to the Building that is clearly visible with letters and symbols at least 10 cm high that indicates that any substance that can cause ignition is prohibited within six (6) meters of the Building.
- (9) No person shall possess any substance that can cause ignition within six (6) metres of Fireworks.
- (10) No person shall permit Fireworks to be displayed or offered for sale except for in an enclosed, non-combustible display unit, locked and accessible only to employees.
- (11) No person shall have a display board of Fireworks, except for a display board that contains inert articles.

- (12) No person shall permit any person other than an employee to handle any Fireworks that are not in consumer packs until the articles have been purchased.
- (13) No person shall permit Fireworks that remain unsold at the expiration of the selling period to be stored in a manner other than in a cool, dry place remote from flammable materials and inaccessible to the public.
- (14) No person shall display, store, offer for sale or sell Fireworks other than in accordance with applicable legislation.

**7. DISCHARGE OR SET OFF OF FIREWORKS**

- (1) No Person shall set off, discharge, cause or permit to be set off or discharged Fireworks in the Township at any time except on the day observed as:

Chinese New Year – as designated each year;  
 Victoria Day;  
 Canada Day;  
 Diwali; and  
 New Year's Day;

two (2) days immediately preceding or after Chinese New Year, Victoria Day, Canada Day, Diwali or New Year's Day, unless permission to do so has been granted by the Fire Chief in accordance with the provisions of this By-law.

- (2) No Person shall set off, discharge, cause or permit to be set off or discharged Fireworks in the Township on any day between 11:00 p.m. and 10:00 a.m. the following day.

- (3) In accordance with Section 7(1) and notwithstanding Section 7(2), Fireworks may be set off or discharged between 11:00 p.m. on one day and 1:00 a.m. the next day where a permit has been issued in accordance with this By-law for:

Chinese New Year – as designated each year;  
 New Year's Day

- (4) No person shall set off, discharge, cause or permit to be set off or discharged Fireworks:

- a) within fifty (50) meters of a nursing home or group home; or
- b) within fifty (50) meters of a place where explosives, gasoline or other highly flammable substances are commercially manufactured, stored or sold; and
- c) when a burning ban is in effect within the Township.

- (5) No person shall set off, discharge, cause or permit to be set off or discharged Fireworks other than those authorized pursuant to the Explosives Act, R.S.C. 1985, c. E. 17 and its regulations.

- (6) No person under the age of eighteen (18) years of age shall set off or discharge Fireworks.

- (7) No person shall set off, discharge, cause or permit to be set off or discharged Fireworks other than in accordance with any applicable legislation.

- (8) No person shall fail to remove all Fireworks and debris immediately after the conclusion of the event for the setting off or discharging of Fireworks.

**8. ENFORCEMENT AND PENALTY PROVISIONS**

- (1) The enforcement of this By-law shall be conducted by an Officer.
- (2) No person shall hinder or obstruct an Officer in the enforcement of this By-law.
- (3) Any person who is alleged to have contravened any section of this By-law shall identify themselves to an Officer upon request, failure to do so shall be deemed to have hindered or obstructed an Officer in the execution of his duties.
- (4) An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the By-law is complied with.
- (5) Every person shall comply with the terms and conditions of a Permit.
- (6) Every person who contravenes any provision of this By-law is guilty of an offence.
- (7) Every director or officer of a corporation who knowingly concurs in the contravention of any provision of this By-law by the corporation is guilty of an offence.
- (8) A person who is convicted of an offence is liable:
  - (a) on a first offence, to a fine of not less than \$250.00 and to a fine of not more than \$50,000.00; and
  - (b) on a second and each subsequent offence, to a fine of not less than \$500.00 and a fine of not more than \$100,000.00

**9. SEVERABILITY**

- (1) If a court of competent jurisdiction declares any section or part of the By-law invalid, it is the intention of Council that the remainder of the By-law shall continue in force.

**10. SINGULAR AND PLURAL USE**

- (1) In this By-law, unless the context otherwise requires words importing the singular shall include the plural and use of the masculine shall include the feminine, where applicable.

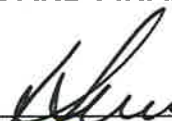
**11. REPEAL**

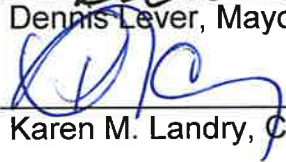
- (1) By-law 20/2003 is hereby repealed.

**12. EFFECT**

This By-law shall come into force and effect on June 2, 2014.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 21st DAY OF May, 2014.**

  
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Dennis Lever, Mayor

  
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Karen M. Landry, CAO/Clerk