



THE CORPORATION OF THE TOWNSHIP OF PUSLINCH

NOTICE OF PUBLIC MEETING

Proposed By-Law to Regulate the Use and Sale of Fireworks

You are invited to attend a Public Information Meeting on November 6, 2013, to be held by the Puslinch Fire and Rescue Services, regarding a proposed by-law to regulate the use and sale of Fireworks.

Your attendance and comments at this meeting are welcome as it is your opportunity to learn more about the proposed by-law and express any opinions that you may have.

Date: Wednesday, November 6, 2013
Time: 3:30 p.m.
Place: Municipal Complex, 7404 Wellington Road 34, Guelph, ON

Proposal:

The proposed by-law updates the Township's current Fireworks By-Law 20/2003 and the requirements related to:

- Setting off and Discharge of Fireworks
- Permit process for the sale of Fireworks
- Storage and Display of Fireworks

Additional Information:

For further information or to obtain a copy of the draft Fireworks By-Law, please contact the Township at (519)-763-1226 ext. 207

Notification:

If you wish to be notified of the adoption of the proposed Fireworks By-Law you must make a written request to the Township of Puslinch, Clerk's Department, 7404 Wellington Road 34, Guelph, ON N1H 6H9 or by email at admin@puslinch.ca.



REPORT ADM-2013-005

TO: Mayor and Members of Council

FROM: Karen Landry, CAO/Clerk

SUBJECT: Proposed By-law to regulate the use and sale of Fireworks
File No. C01/FIR

RECOMMENDATIONS

That Report ADM-2013-005 regarding a proposed By-law to regulate the use and sale of Fireworks be received; and

That Council directs staff to proceed with holding a Public Meeting on November 6, 2013, at 3:30 p.m. in the Council Chambers at the Municipal Complex; and

That staff advise any stakeholders that may have an interest in this matter of the Public Meeting.

DISCUSSION

Purpose

The purpose of this Report is to obtain direction from Council to proceed with holding a Public Meeting to obtain input from the public on the proposed By-law that prohibits and regulates the sale, storage, discharge and setting off of fireworks.

Background

The Township passed By-law 20/2003 on May 7, 2003 to prohibit and regulate the setting off of fireworks.

The Fire and Rescue Committee ("Committee") at its meeting held on May 15, 2013, discussed the need to review the Fireworks By-law to update the requirements related to the discharge and setting off of Fireworks and to establish a framework and permit process for the sale of Fireworks.

Subsequently, the Committee at its meeting held on August 14, 2013, reviewed the proposed by-law and passed Recommendation No. FIR-2013-006 requesting Council to direct staff to hold a public meeting for the purpose of seeking input on the proposed by-law.

By-law Requirements

Outlined below are three tables summarizing the requirements and obligations contained in the Township’s current and proposed by-law:

Setting off and Discharge of Fireworks

Current By-law 20/2003	Proposed By-law	Comments
Permit required for High Hazard Fireworks	Permit required for High Hazard Fireworks	No Change
Permit issued by Fire Chief or designate	Permit issued by staff except where the event is not taking place on the day being observed as Victoria Day, Canada Day or on the day immediately preceding Victoria Day or Canada Day. Any other day requires Council approval.	Addressed in section below
Permit may be issued for any time of the year	Permit may be issued for any time of year	Council approval is required for an event not taking place on the day being observed as Victoria Day, Canada Day or on the day immediately preceding Victoria Day or Canada Day.
Permit issued upon satisfying requirements in the By-law	Permit issued upon satisfying requirements in the By-law	No Change
Application to be filed seven (7) days prior to proposed event	Application to be filed thirty (30) days prior to proposed event. Application to be filed forty-five (45) days prior to proposed event where Council approval is required.	Submitting an application seven (7) days prior to the proposed event does not provide sufficient time to review the application, accompanying documents, recommend modifications where deemed appropriate and conduct a site inspection.
Fire Chief or designate may		Addressed in the

impose conditions to ensure the safety of the public		section below
Compliance with terms and conditions of the permit is required	Compliance with terms and conditions of the permit is required	No Change
<p>Complete and submit application form together with:</p> <ul style="list-style-type: none"> • Site Plan • Emergency Response Procedures • List of crew members • Valid Fireworks Card for “Display” • Liability Insurance • Written permission of the property owner 	<p>Complete and submit application form together with:</p> <ul style="list-style-type: none"> • Site Plan • Emergency Response Procedures • List of individuals assisting with the setting off of fireworks • Valid Fireworks Supervisors Card • Commercial General Liability Coverage in a minimum amount of no less than \$5,000,000 million dollars with an endorsement for notice in writing at least 15 days prior to cancellation of the policy • Where the event is taking place on Township Land the insurance policy is to name the Township as an additional insured • Written permission of the property owner • Any other documents required to substantiate compliance with other legislation • Permit fee • Subject to an inspection 	Clarification provided regarding the requirements related to insurance. Fee for obtaining a permit.
	Shall not set off or discharge Fireworks between 11:00 p.m. on one day and 10:00 a.m. the following day.	Exception for New Year’s Eve and Day.
	<p>Shall not set off or discharge:</p> <ul style="list-style-type: none"> • within 50 m of a nursing home or group home • within 50 m of a place where explosives, gasoline or other highly flammable substances are commercially manufactured, stored or sold • when a burning ban is in effect 	Added
	No person under the age of 18 years of age shall set off or discharge fireworks	Added

Sale of Fireworks

Current By-law 20/2003	Proposed By-law	Comments
No current provisions	Sale of Fireworks requires a permit	Added
	Sale of Fireworks may take place on the day being observed as Victoria Day, Canada Day and eight (8) days prior to the day being observed as Victoria Day and Canada Day	Added
	Permit issued by staff	Added
	Application to be filed thirty (30) days prior to proposed event.	Added
	Compliance with terms and conditions of the permit is required	Added
	Complete and submit application form together with: <ul style="list-style-type: none"> • Commercial General Liability Coverage in a minimum amount of no less than \$5,000,000 million dollars with an endorsement for notice in writing at least 15 days prior to cancellation of the policy • Where the sale of fireworks is taking place on Township Land the insurance policy is to name the Township as an additional insured • Written permission of the property owner • Any other documents required to substantiate compliance with other legislation • Permit fee • Subject to an inspection 	Added
	Sale can take place within a Commercial, Industrial, Institutional and Open Space Zone	Added
	Shall not sell to a person under the age of eighteen (18) years	Added

Storage and Display

Current By-law 20/2003	Proposed By-law	Comments
Within any building display fireworks within a "lot" or "bin" which exceeds 25 kg	Within any building display fireworks within a "lot", "bin" or "bundle" that exceeds 25 kg	Minor wording amendment
Display or offer for sale fireworks which exceeds 1,000 kg unless the wholesaler is licensed by Department of Energy, Mines and Resources	Display or offer for sale fireworks which exceeds 1,000 kg unless the wholesaler is licensed by Department of Energy, Mines and Resources	Minor wording amendment
Exposed to direct sunlight	Must be stored in a cool dry place, away from any sources of heat and any substance that could cause ignition	Minor wording amendment
Possess within 6 metres of Fireworks a lighted match, lighter, pipe, cigar or cigarette	Possess any substance that can cause ignition within 6 m of Fireworks	Minor wording amendment
Permit access to a building where fireworks are stored unless there are two (2) operative doors for egress	Permit access to Fireworks stored within a Building, unless the Building has two (2) operative doors	Minor wording amendment
Post signage on the building where fireworks are stored indicating that a lighted match, lighter, pipe, cigar or cigarette is prohibited within 6 m of the building	Post signage on the building where fireworks are stored indicating that any substance that can cause ignition is prohibited within 6 m of the building	Minor wording amendment
Fire extinguishers installed in accordance with the Ontario Fire Code	No person shall display, store, offer for sale or sell Fireworks other than in accordance with any applicable legislation	Minor wording amendment
	Display or offer for sale fireworks except in an enclosed, non-combustible display unit, locked and accessible only to employees	Added
	May only have a display board that has inert articles that is obtained from the distributor or the product manufacturer	Added
	Only an employee may handle fireworks that are not in consumer packs until the articles have been purchased	Added
	Shall not 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	Added

	flammable materials and inaccessible to the public	
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Surrounding Municipalities & Fees

Municipality	Permit Required for Setting off Fireworks	Fee	Permit Required for Sale of Fireworks	Fee
Guelph	Yes	No*	Yes	No*
Milton	Yes	\$200.00	Yes	\$81.00
Cambridge	Yes	\$0.00	Yes	\$78.50
Guelph-Eramosa	No	N/A	No	N/A

* Under Review

Financial Implications

The fees for obtaining a permit for the setting off and discharge of fireworks and for the sale of fireworks will be included in the Township’s Fee By-law which is reviewed on annual basis.

It is recommended that the initial fees be as follows:

Permit for Sale of Fireworks	\$100.00
Permit for the Setting off and Discharge of Fireworks	\$200.00

It is recommended that these fees initially be set as proposed based upon the estimated time for administering the process of issuing a permit, conducting an inspection and any follow up inspections and enforcement. The fee will be reviewed annually.

Applicable Legislation and Requirements

Fire Protection and Prevention Act, S.O. 1997, c. 4
Municipal Act, S.O. 2001, c. 25
Explosives Act, R.S.C. 1985, c. E-17

THE CORPORATION OF THE TOWNSHIP OF PUSLINCH

BY-LAW NUMBER

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” includes a structure;

“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 generally used for public display and includes rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, mines, firecrackers and pyrotechnics;

“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 generally used for recreation and includes firework showers, fountains, golden rain, lawn lights, pinwheels, roman candles, volcanoes and sparklers;

“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, 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
 - (f) procedures related to the setting off of High Hazard Fireworks and Emergency Response;
 - (g) a list of individuals assisting with the setting off of Fireworks on the date of the event;
 - (h) any other documents as may be required to substantiate compliance with any other legislation to the satisfaction of the Township;
 - (i) 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 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

- (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 and shall:
 - (a) submit a complete application to the Township in the form provided by the Township at least forty-five (45) days prior to the event; and
 - (b) obtain authorization from Township Council.

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; and

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 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 that is obtained from the distributor or the product manufacturer.
- (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:
Victoria Day;
Canada Day; and
on the day immediately preceding Victoria Day or Canada Day, unless permission to do so has been granted by Township Council 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) Notwithstanding Section 7(2), Fireworks may be set off or discharged between 11:00 a.m. on New Year's Eve and 1:00 a.m. on New Year's Day where a permit has been issued in accordance with this By-law.

- (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.
- (5) Every person who contravenes any provision of this By-law is guilty of an offence.
- (6) 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.

- (7) 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.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS XXXX DAY OF XXXXXXXXXX, 2013.

Dennis Lever, Mayor

Karen M. Landry, CAO/Clerk