



## **REPORT ADM-2014-012**

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TO: Mayor and Members of Council

FROM: Karen Landry, CAO/Clerk

DATE: May 12, 2014

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

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### **RECOMMENDATIONS**

That Report ADM-2014-012 regarding a proposed By-law to regulate the use and sale of Fireworks be received; and

That Council enact a By-law to regulate the use and sale of Fireworks as outlined in Schedule "A" to Report ADM-2014-012; and

That staff report back to Council on the establishment of a policy for administering requests for discharging Fireworks on Township lands.

### **DISCUSSION**

#### **Purpose**

The purpose of this Report is to recommend that Council enact a new by-law to prohibit and regulate 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.

A public meeting was held on November 6, 2013.

The Fire and Rescue Committee at its meeting held on January 15, 2014 reviewed the comments made at the public meeting and supported the responses to those comments as outlined below.

Council at its meeting held May 7, 2014 passed a resolution which directed staff to proceed with bringing forward a By-law as presented with Report ADM-2014-003 and taking into consideration additional items raised at the May 7, 2014 Council Meeting.

A copy of Report ADM-2014-003 is attached as Schedule "B" for reference purposes.

#### Comments raised at the Council Meeting

1. Clarification as to when a permit for the discharge of Fireworks is required.

A permit for the discharge of Fireworks in accordance with Section 2 is required:

- a) When they are being discharged on Public Lands for both low hazard (recreational) and high hazard (professional) Fireworks; and
- b) When high hazard (professional) Fireworks are being discharged on private lands.

The discharge of Low Hazard (recreational) Fireworks on private lands is permitted on the dates provided for in Section 7(1) of the By-law. Should an individual wish to discharge Low Hazard (recreational) Fireworks on a date other than the dates permitted in Section 7(1) they must contact the Fire Chief.

2. Clarification regarding the wording on the signage to be posted regarding substances that can ignite on the premises where the sale of Fireworks is occurring.

Section 6(8) of the By-law has been reworded to state that the signage is to be to the satisfaction of the Fire Chief.

3. Expand the dates for when the sale of Fireworks can occur to include Diwali and the Chinese New Year.

Section 6(1) of the By-law has been revised to include Diwali and the Chinese New Year.

4. Request to make application for multiple sale dates on one application and for a reduced fee.

The application form facilitates the ability to use one application form for the sale of Fireworks on multiple dates. However, insurance for each date is required and a Fire inspection for each occurrence is mandatory. As a result, staff does not recommend a discount in the application fee for each sale period. The fee being charged is to recovery a portion of the costs in administering the program.

5. Establish a policy to administer requests through staff for the discharge of Fireworks on Township lands.

Staff will develop a policy that establishes an application process together with conditions that must be met to be administered by staff and will report back to Council by July 2014.

### Implementation

It is recommended that Council adopt the By-law and that it come into force on June 2, 2014.

### **Financial Implications**

The fees for a obtaining a permit for the setting off and discharge of fireworks and for the sale of fireworks have been included in the Township's Fee By-law which is reviewed on an annual basis as follows:

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

These fees will come into effect upon the passing of a new By-law to regulate the sale and discharge of fireworks.

**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

SCHEDULE "A" TO  
REPORT ADM-2014-012

**THE CORPORATION OF THE TOWNSHIP OF PUSLINCH**

**BY-LAW NUMBER XXX-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



**REPORT ADM-2014-003**

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TO: Mayor and Members of Council

FROM: Karen Landry, CAO/Clerk

DATE: April 15, 2014

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

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**RECOMMENDATIONS**

That Report ADM-2014-003 regarding a proposed By-law to regulate the use and sale of Fireworks be received; and

That Council enact a By-law to regulate the use and sale of Fireworks as outlined in Schedule "A" to Report ADM-2014-003.

**DISCUSSION**

Purpose

The purpose of this Report is to recommend that Council enact a new by-law to prohibit and regulate 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.

A public meeting was held on November 6, 2013.

The Fire and Rescue Committee at its meeting held on January 15, 2014 reviewed the comments made at the public meeting and supported the responses to those comments as outlined below.

Comments raised at the Public Meeting

1. Concerns with ability for vendors to obtain from suppliers "dummy" or inert fireworks for display purposes.

Response

A display board for a "dummy", "mock" or "inert" firework may be used. If the firework is not a "dummy", "mock" or "inert" it must be locked in a display case.

Refer to Sections 6(10) and 6(11) of By-law

2. Clarify that fireworks can be displayed in a secure glass case even if they are not inert.

Response

A display board for a "dummy", "mock" or "inert" firework may be used. If the firework is not a "dummy", "mock" or "inert" it must be locked in a display case.

Refer to Sections 6(10) and 6(11) of By-law

3. Clarify definition of High Hazard and Low Hazard Fireworks by adding a reference of 1.3 g or 1.4 g.

The definitions of "High Hazard" and "Low Hazard" Fireworks have been amended to include reference to "display" and "consumer and recreational" for added clarification. It is not recommended that the definitions be amended to add further technical referencing as those authorized to sell "High Hazard" Fireworks must have a valid Fireworks Supervisor Card and a magazine licence and are familiar with the differences between High Hazard and Low Hazard Fireworks. Please note a Fact Sheet has been developed to assist communicating the By-law requirements.

Refer to Section 1 of By-law for the definitions.

4. Consider one permit for more than one event e.g. May 24<sup>th</sup> and July 1<sup>st</sup>

Response

That an individual obtain a permit for each event as different trailers may be used and an inspection must be conducted each time.

5. Does a resident require a permit for setting off Low Hazard Fireworks?

Response

A permit is not required for setting off Low Hazard Fireworks

6. Consider delegating approval for events not taking place on the designated dates to the Fire Chief.

Response

The By-law has been amended to have all permits approved by the Fire Chief or other staff as designated by the Fire Chief.

7. Include the definition of a Building

Response

The following definition has been amended in accordance with the Fire Protection and Prevention Act:

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

Refer to Section 1 of By-law.

8. Add the following dates to permit the discharge of Fireworks on:

- Chinese New Year (January or February – as designated each year)
- Diwali (October or November)
- New Year’s Day (January 1)

- New Year's Eve (December 31)

Response

These dates have been added to the By-law. Please note New Years' Eve is not specifically stated but is addressed through the provision that permits the setting off of fireworks two (2) days before and two (2) days after the designated date.

Refer to Sections 7 (1) and 7 (3) of the By-law.

9. Develop a fact sheet to assist with the interpretation of the technical terms of the By-law

Response

Staff have developed a Fact Sheet and it is attached as Schedule "B" to this Report.

10. Modify the By-law to permit the discharge of fireworks two (2) days before and after the designated dates instead of 1 day before.

Response

Staff have amended the by-law to extend the dates to two (2) days before and after the designated dates.

Refer to Section 7(1) of the By-law.

11. Permit Fee – Consider that the Puslinch Optimist Club is a service club

Response

The waiving of any fees will be at the discretion of Council.

Implementation

It is recommended that the By-law come into force on June 2, 2014.



**Financial Implications**

The fees for a obtaining a permit for the setting off and discharge of fireworks and for the sale of fireworks have been included in the Township's Fee By-law which is reviewed on an annual basis as follows:

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

These fees will come into effect upon the passing of a new By-law to regulate the sale and discharge of fireworks.

**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

**SCHEDULE "A"**

**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;

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"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:

**SCHEDULE "B"**  
**ADM-2014-012**

- (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 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.

**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;  
  
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.
- (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.
- (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.

**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 XXXX  
DAY OF XXXXXXXXXXXX, 2014.**

\_\_\_\_\_  
Dennis Lever, Mayor

\_\_\_\_\_  
Karen M. Landry, CAO/Clerk

## SCHEDULE "B"



### Fireworks Safety Fact Sheet Safety and Fire Prevention



#### Township of Puslinch - Fireworks By-law and Safety Fact Sheet

The safest way to enjoy fireworks while celebrating Canada Day and Victoria Day is to attend a public display hosted by a responsible organization.

The following important information will help you host a safe family or recreational fireworks display in accordance with By-law 2014-XXXXX in the Township of Puslinch.

#### What do you need to know about using Fireworks in the Township of Puslinch?

- No one shall discharge fireworks on public lands without a permit.
- No person under the age of eighteen (18) years shall discharge fireworks.
- Fireworks can only be discharged on the following days: Victoria Day, Canada Day, Diwali, Chinese New Year, New Year's Eve and New Year's Day (between 11:00 p.m. on New Year's Eve and 1:00 a.m. on New Year's Day).
- Fireworks may not be discharged between the hours of 11:00 p.m. and 10:00 a.m. (with the exception of New Year's Eve and Chinese New Year).
- Fireworks may not be discharged within fifty metres of a nursing home or group home, or a place where gasoline or other highly flammable substances are manufactured, stored or sold.
- Fireworks may not be discharged when a burn ban is in effect within the Township. Current burn ban information can be found at [www.puslinch.ca](http://www.puslinch.ca).

Please note that a permit is not required for recreational low-hazard fireworks.

**Puslinch Fire and Rescue Services** want to help you keep your fireworks celebrations safe. The following safety guidelines should be followed when using fireworks:

- Always purchase fireworks from a licensed vendor. Inspect your fireworks during daylight hours.
- Never take apart or modify fireworks in any way.
- Appoint a responsible Adult (18+) to be in charge of discharging fireworks. Carefully read and be prepared to follow package directions.
- Fireworks are to be used outdoors only. Discharge fireworks only if wind conditions do not create a safety hazard.
- Keep spectators at a safe distance of at least 25 feet away from the fireworks discharge line.
- Always have a supply of water nearby (a running hose or several buckets).
- Place fireworks in a bucket of sand and aim fireworks away from spectators.
- Wear eye protection and gloves while lighting fireworks.
- Light only one firework at a time.
- Light fireworks at an arm length, then immediately step back.
- Never lean over fireworks or attempt to pick up a "dud" for at least 30 minutes. Never light a firework in your hand or re-light a dud firework.
- Always dispose of fireworks by soaking them in water and then disposing of them in a metal trash can.
- Never give fireworks to children.
- "Firecrackers" are unsafe and illegal.

**In case of fire or an emergency, call 9-1-1**