

THE CORPORATION OF THE MUNICIPALITY OF
NORTHERN BRUCE PENINSULA

BY-LAW NO. 2014-25

BEING A BY-LAW TO REGULATE THE DISCHARGE OF FIREWORKS WITHIN THE
MUNICIPALITY OF NORTHERN BRUCE PENINSULA

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

AND WHEREAS the Council of the Corporation of the Municipality of Northern Bruce Peninsula deems it desirable and in the best interests of the municipality to regulate the location and time in which the discharge of fireworks can occur within the Municipality of Northern Bruce Peninsula and to require a permit for certain firework displays;

AND WHEREAS Section 435, 436, 437 and 438 of the Municipal Act, S.O. 2001, c.25, as amended set out additional powers and restrictions in regards to the power of entry.

NOW THEREFORE the Council of the Corporation of the Municipality of Northern Bruce Peninsula enacts as follows:

1. **DEFINITIONS:**

In this By-law:

- (a) "Burning Ban" and "Municipal Burning Ban" means the cancellation of the sale of or fire permits issued for all open air burning by the Municipality or its Fire Chief.
- (b) "Council" means the Council of the Corporation of the Municipality of Northern Bruce Peninsula.
- (c) "Competent Person" means a person who is at least eighteen (18) years of age.
- (d) "Fire Chief" means the Chief or his/her designate of the Municipality of Northern Bruce Peninsula Fire Department.
- (e) "Fireworks" shall consist of the following devices:
 - (i) "Display Fireworks" means a device or devices classed by the Canadian or Ontario Department of Energy, Mines and Resources or any similar or successor agency of government as high hazard fireworks for recreation, being of the type generally used at public gatherings.
 - (ii) "Family Fireworks" means a device or devices recognized as class 7.2.1 fireworks under the *Explosives Act*, (C.R.C., 599), and any device capable of ignition and explosion or burning for display, sold to the public without necessity for licensing by provincial or federal laws or regulations;
 - (iii) "Firecrackers" means a noise producing device which uses a chemical compound and fuse and which are designed and used primarily as noise makers. For the purpose of this by-law, Christmas crackers and caps used in cap pistols shall not be deemed to be "firecrackers".

- (f) "Municipal Fire Ban" means absolutely no Open Air burning including camp fires or cooking fires, charcoal barbeques, and the discharge of all fireworks but does not include the use of propane or naphtha gas cooking equipment equipped with a shut off mechanism. A fire ban will be ordered, when fire hazard conditions reach "EXTREME" per Natural Resources Canada and/or Bruce Peninsula National Park Indices Preparedness System Level IV = Extreme Hazard.
- (g) "Municipal Law Enforcement Officer" shall mean a by-law enforcement officer appointed by Council to enforce the provisions of this by-law.
- (h) "Municipality" means the Municipality of Northern Bruce Peninsula;
- (i) "Permit" means an application for Display Fireworks Permit or authorized Fire Permit.
- (j) "Person" includes a partnership, a corporation and a natural individual where a person is under the age of eighteen (18) years, "person" also includes any parent or guardian of the minor.

2. **SALE OF FIREWORKS**

No person shall sell fireworks or any class thereof, within the Municipality, to persons under eighteen (18) years of age.

3. **POSSESSION OF FIREWORKS**

Fireworks, when in the Municipality, shall only be possessed by a competent person.

4. **SETTING OFF FAMILY FIREWORKS**

- (a) No person shall set off Family Fireworks except on Canada Day, Victoria Day Holiday, Civic Holiday, Labour Day, Independence Day (U.S.A), Chi-Cheemaun Festival weekend, or any special day established by Council, as well as the two (2) days immediately preceding and following these days.
 - (i) Notwithstanding the foregoing provisions of this by-law, the Fire Chief or his/her designate, upon written application made at least twenty-one (21) days prior to the holding of any celebration, may grant a permit for the setting off of fireworks in a manner acceptable to the regulations and this by-law.
- (b) No person shall set off any fireworks on public land without advance approval from Council, in writing.
- (c) Only a competent person shall be in charge of setting off Family Fireworks.
- (d) No person shall set off any fireworks in a building or vehicle.
- (e) Property damage or injury caused by Family Fireworks shall be the responsibility of the person possessing or setting off the Fireworks.
- (f) **The discharge of Family Fireworks during the exception days must occur between one half hour from sunset (as determined daily by any meteorological or other authorized agency of the Canadian government publishing such information) and 11:00 p.m. of the same day.**
- (g) No person shall ignite and discharge of fireworks of any class except under the authorization of a **Fire Permit**.
- (h) No person shall ignite or discharge of Family Fireworks except at the location identified on the Fire Permit.

- (i) No person shall discharge Family Fireworks during an imposed “Burning Ban”, “Municipal Burning Ban” and/or a “Municipal Fire Ban”.

5. PERMITS FOR SETTING OFF DISPLAY FIREWORKS

- (a) Permits for setting off Display Fireworks shall be issued by the Fire Chief or his/her designate and are subject to compliance with the conditions set forth in this By-law and further conditions or restrictions as may be set out in the permit, and payment of the permit fee, as shown in Schedule ‘B’ to this By-law.
- (b) Each permit application shall state the name of the corporation, service club, association or group to whom it is to be issued, the purpose of the display, the place and date at which and on which it may be held, and the name of the person under whose supervision it shall be held. The applicant will provide a written request for consideration to the Fire Chief, who will review the application and make recommendations. A copy of the Permit Application form is attached hereto as Schedule ‘B’.
- (c) A permit may only be issued to a service club, corporation, association or group. Any special conditions imposed by the Fire Chief to promote health and safety of the public at the event shall be listed on the permit.
- (d) Every applicant shall provide with the permit application proof of liability insurance for a minimum coverage of Five Million Canadian dollars (\$5,000,000.00 CA) with the Municipality of Northern Bruce Peninsula to be named as an additional insured.
- (e) A permit may only be issued for the purpose of celebrating Victoria Day, Canada Day, Civic Holiday, Labour Day, Independence Day (U.S.A.), Chi-Cheemaun Festival weekend, or any special day established by Council.
- (f) If Display Fireworks are to be ignited upon or held on public land, the approval of Council must be obtained, in writing, prior to applying for a permit.
- (g) No permit shall be issued for a location within 150 metres of a nursing home, public hospital, home for the aged or any place where explosives, gasoline or other highly flammable substances are stored, or within 150 metres of a church or a school, unless the consent in writing of the owner of such a church or school or an agent or representatives of such owner is obtained in advance.

6. SETTING OFF DISPLAY FIREWORKS

- (a) No person shall set off Display Fireworks without a permit expressly permitting discharge or ignition of Display Fireworks being obtained from the Fire Chief or his/her designate, preceded by submission and approval in writing of a completed application.
- (b) Display Fireworks shall only be set off by a person(s) who holds a valid Fireworks Supervisor certificate or equivalent thereof, or under the supervision of a person who is qualified for such purpose, to the satisfaction of the Fire Chief or his/her designate.
- (c) Every person who sets off Display Fireworks shall take all steps reasonably necessary to ensure that no harm to persons or damage to property will result. Reasonable steps may include, but are not limited to:
 - i. keeping spectators at a safe distance;
 - ii. protecting private and public property;
 - iii. ensuring suitable fire extinguishing equipment is available at all times;
 - iv. Explosives Act and the Explosives Regulations are followed; and

- v. Ensuring that all unused fireworks and debris is removed and safely disposed of immediately following the event.
- (d) All conditions set out in a permit, as well as Legislative requirements at all levels of government, shall be adhered to by the person or persons setting off the Display Fireworks.
- (e) Property damage or injury as a result of Display Fireworks shall be the responsibility of the person or persons setting off the fireworks.
- (f) No person shall ignite or discharge Display Fireworks during an imposed "Burning Ban", "Municipal Burning Ban" and/or a "Municipal Fire Ban", unless exceptional approval is granted by the Council of the Municipality of Northern Bruce Peninsula, in writing.

7. GENERAL

The discharge of Display Fireworks or any class of Fireworks may be suspended by order, whether verbal or written, of the Fire Chief or his/her designate, if in the opinion of the Fire Chief or his/her designate, he/she deems that it poses a threat to human life or property.

8. PENALTY

- 1. Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended. The fine schedule is provided in the attached Schedule 'A'.
- 2. No person shall interfere with a By-law Enforcement Officer, Fire Chief while carrying out his/her duties of enforcing this by-law.

9. EFFECTIVE DATE

This By-law shall come into full force and effect upon its final passage.

10. REPEAL

By-law No. 2008-41 is hereby repealed.

READ A FIRST AND SECOND TIME 28TH DAY OF APRIL, 2014.

READ A THIRD TIME AND FINALLY PASSED THIS 28TH DAY OF APRIL, 2014.


MAYOR – Milt McIver


CLERK – Mary Lynn Standen

**THE CORPORATION OF THE
MUNICIPALITY OF NORTHERN BRUCE PENINSULA**

**SCHEDULE "A" BY-LAW NO. 2014-25
TO REGULATE THE DISCHARGE OF FIREWORKS
Set Fine Schedule-Part I Provincial Offences Act**

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1	Sold to persons under 18 years of age	Section 2	\$155.00
2	Fail to obtain Fire Permit for Display Fireworks	Section 6(a)	\$155.00
3	Setting off Family Fireworks during a Burning Ban, Municipal Burning Ban and/or a Municipal Fire Ban	Section 4(i)	\$355.00
4	Setting off Display Fireworks during a Burning Ban, Municipal Burning Ban and/or a Municipal Fire Ban	Section 6(f)	\$355.00

NOTE: The general penalty provisions for the offences indicated above is/are Section 8 – Penalty of By-law No. 2014-25 – a certified copy of which has been filed.

SCHEDULE 'B' TO THE MUNICIPALITY OF NORTHERN BRUCE PENINSULA

BY-LAW NO. 2014-25

APPLICATION/PERMIT FOR FIREWORKS DISPLAY

Name of Organization/Applicant: _____

Address of Organization: _____

Name of Agent: _____

Address of Agent: _____

Telephone Number: _____

Purpose of Event: _____

Location of Event: _____

Date of Event: _____

Name of Person Supervising the Setting Off of Fireworks at the Display: _____

Telephone Number: _____

Copy of Licence Attached

Pursuant to Section 4 (b) and 5 (f) of By-law No. 2014-25

Council's Written Approval Attached for Event on Public Land

Liability Insurer:

Insurance Company: _____

Policy No.: _____

Insurance Agent: _____

Insured Amount (\$5,000,000.00 minimum): \$ _____

I/we acknowledges having read the Fireworks By-law and agrees the Corporation of the Municipality of Northern Bruce Peninsula assumes no responsibility for loss of property or personal damage resulting from the aforementioned Display Fireworks event and hereby agrees to indemnify and hold harmless the Municipality for any and all claims whatsoever arising therefrom.

The Agent acknowledges that this application may contain "personal information" as defined under the *Municipal Freedom of Information and Protection of Privacy Act*, 1989 being the name, address and telephone number of the Agent. Such information is required by the Municipality of Northern Bruce Peninsula for the proper administration of this event, under the provisions of the *Fire Prevention and Protection Act*. The Agent hereby consents to any disclosure by the Municipality of such information. If you have any questions in this regard, contact the Clerk of the Municipality of Northern Bruce Peninsula, 56 Lindsay Road # 5, R.R. # 2 Lion's Head, Ontario, N0H 1W0 (519) 793-3522, extension 233.

Agent: _____

Director of Organization: _____

Special Comments: _____

Approval

Fire Chief/ Designate

Date

NOTE: When approved, this application becomes the permit.

FIREWORKS

SAFETY INSTRUCTIONS

1. No children under eighteen (18) years old are allowed to use fireworks.
2. Choose a wide, clear site away from overhead obstacles. As an example, you need a 30 m x 30 m area for firing a roman candle.
3. **DO NOT FIRE IN WINDY CONDITIONS OR WHEN IT IS RAINING.**
4. Read all instructions on the fireworks. Plan the order of firing before you begin.
5. Use a good firing base such as pails, boxes or wheelbarrows filled with earth or sand.
6. Bury those fireworks halfway that do not have a standing base unless the labeling on the fireworks indicates otherwise. Set them at a 10 degree angle, pointing away from spectators.
7. Never light a firework in your hand or hold a lighted firework in your hand, other than a sparkler.
8. Light carefully. Always light the fuse at its tip.
9. Keep water nearby. Dispose of used fireworks (including debris) in a pail of water.
10. Never try to relight a firework that did not go off. Never try to fix a firework that is defective. Wait at least 30 minutes before approaching such a firework.
11. Keep fireworks in a cool, dry, ventilated place, away from children.
12. Enjoy your fireworks, but remember safety should come first.