

**ORIGINAL**

**THE CORPORATION OF THE TOWN OF INNISFIL**

**BY-LAW NO. 041-17**

**A By-law of the Corporation of the Town of Innisfil to regulate the sale and setting off of fireworks and to repeal By-Law No. 084-16**

WHEREAS Subsection 121(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 Subsection 121(b) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may prohibit the sale of fireworks and the setting off of fireworks unless a permit is obtained from the municipality for those activities and may impose conditions for obtaining, continuing to hold and renewing the permit, including requiring the submission of plans.

NOW THEREFORE the Council for The Corporation of the Town of Innisfil hereby enacts as follows:

Title

This by-law shall be known and may be cited as the "Fireworks By-law". In the text of the by-law, it is referred to as "this by-law".

1. Definitions

In this by-law:

- 1.1 "**Chief Fire Official**" means Assistant to the Fire Marshal who is the Municipal Fire Chief under Fire Protection and Prevention Act, S.O. 1997 c.4, and applicable regulations.
- 1.2 "**Consumer Fireworks**" means outdoor low hazard fireworks generally used for recreational purposes such as showers, fountains, golden rain, Roman candles, volcanoes and sparklers.
- 1.3 "**Display Fireworks**" means high hazard fireworks generally used for community celebrations, and may include such items as bombshells, aerial shells, large wheels, and bombardons.
- 1.4 "**Firecracker**" means a class of fireworks which when ignited explodes with little or no visual effect, but does not include caps for toy guns or Christmas crackers.
- 1.5 "**Flying lantern**" means a small hot air balloon made of paper, with an opening at the bottom where a small fire is suspended.
- 1.6 "**Officer**" means a Municipal Law Enforcement Officer, Police Officer, Chief Fire Official or designate.

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- 1.7 **“Owner”** means any person, firm or corporation having control over any portion of the building or property under consideration and includes the person in the building or property.
- 1.8 **“Town”** means the Corporation of the Town of Innisfil.

2. **General**

- 2.1 No person shall set off any class of fireworks when a fire ban is in effect as determined by Chief Fire Official.

3. **Consumer Fireworks**

- 3.1 Any person wishing to hold a display or set off consumer fireworks on Victoria Day, Canada Day and the two (2) days immediately preceding and/or following each of these days, or on New Year’s Eve and New Year’s Day is exempt from obtaining a permit from the Town under the provisions of this by-law.
- 3.2 A person may hold a display or set off Consumer Fireworks on any day or days other than those days noted in Section 3.1 during the year provided a permit has been obtained from the Chief Fire Official.
- 3.2.1 No person shall set off Consumer Fireworks on any day or days other than noted in section 3.1 without a permit.**
- 3.3 With the exception noted in Section 3.4, consumer fireworks shall only be set off between dusk and 11:00 p.m.
- 3.4 New Year’s Eve celebrations involving Consumer fireworks may be set off between dusk and 1:00 a.m. of the following day.
- 3.5 Consumer fireworks shall only be sold or supplied to persons who have attained the age of eighteen (18) years or older.
- 3.6 When Consumer fireworks are discharged they shall be set off in compliance with the manufacturer’s specifications. The person discharging or setting off the Consumer Fireworks shall be responsible for reviewing the manufacturer’s specifications and instructions. Consumer Fireworks shall not be discharged or set off in a manner that might create a danger to any person or property.
- 3.7 Consumer fireworks shall not be set off in, on or into any building, structure, or automobile. No fireworks shall be ignited inside of or closer than 8m to any building, tent, trailer, camp, shelter, fence or motor vehicle.
- 3.8 No person shall set off fireworks when the surface wind speed at the time of the display exceeds 40 km/h (kilometers per hour).
- 3.9 Consumer fireworks shall not be set off on or into any public roadway, highway, street, land, boulevard, or roundabout.

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- 3.10 Consumer fireworks shall not be set off on or into any land used for school purposes without written consent from the Superintendent of the appropriate school board and/or their designate.
- 3.11 Consumer fireworks shall not be set off on or into any park, parkette, trail, linear park, land used for storm water management, square, other public place or any land owned by the Town or any of their boards or agencies without first having obtained permission in the form of a permit from the Chief Fire Official.
- 3.12 Consumer fireworks shall only be set off on land owned or leased by the person who is discharging the fireworks or on land where the written consent of the owner of the land has been obtained.

4. **Sale and Possession of Consumer Fireworks, etc.**

- 4.1 Where consumer fireworks are offered for sale by any person, the person who is causing, offering or permitting the sale or distribution of consumer fireworks shall ensure that:
  - a) the fireworks are included on the most recent list of authorized explosives as published from time to time by the Explosives Branch of the Department of Natural Resources (Canada), or its successor;
  - b) the fireworks are displayed in individual lots that do not exceed 25 kilograms in gross weight;
  - c) the fireworks are displayed in a sealed package, and locked in a secure cabinet away from any inflammable materials or goods and clearly marked as fireworks; and
  - d) the fireworks must be displayed in accordance with the *Explosives Act*, R.S.C. 1985, c. E-17, wherein the information respecting the manufacturing, storage and use of fireworks is set out.
- 4.2 Consumer fireworks shall not be offered, caused or permitted to be sold, or sold from an outdoor stand, tent, unenclosed trailer, or motor vehicle.

5. **Firecrackers**

- 5.1 The sale of firecrackers is strictly prohibited.
- 5.2 Setting off firecrackers is prohibited.

6. **Flying Lanterns**

- 6.1 Setting off flying lanterns is prohibited.

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7. **Display Fireworks / Pyrotechnic Special Effects**

- 7.1 Any person who intends to hold a display of or set off Display Fireworks / Pyrotechnic Special Effects is required to obtain a permit from the Chief Fire Official or his designate.
- 7.2 Only persons who hold a valid certificate, or such, issued by the Explosives Regulatory Division of Natural Resources Canada shall be designated to discharge the display fireworks provided proof of valid certificate is provided at time of request for approval.
- 7.3 Application for approval shall be submitted not less than seven (7) working days (Saturdays, Sundays, Statutory Holidays and days on which the Town's Municipal Office is closed are excluded) prior to the proposed event and shall include the following information:
- a) A site plan drawn to approximate scale showing the direction of the proposed firing/discharge of the display fireworks, spectator viewing area, separation distances, positioning of ramps and mortars, significant ground features, public right of ways, buildings and/or structures, overhead obstructions, parking areas, etc.
  - b) A statement of intent describing the nature of the event including the time schedule of events, attendance estimates, crowd control measures, emergency responders, details on the type, size and number of display fireworks to be used, firing procedures, emergency response procedures.
  - c) Written permission from the owner of the property where the display is to be held and any neighbouring land on which debris might fall.
  - d) Proof of insurance set at a minimum of \$5 million liability insurance provided for the event whether it is held outdoors, or in an enclosed building.

8. **Entry and Inspection**

- 8.1 An Officer may at any time, enter onto land or in any building for the purpose to determine whether this by-law is being complied with.
- 8.2 Every owner shall permit the Officer to inspect any land or buildings for the purposes of determining compliance with this by-law.
- 8.3 Notwithstanding any provision of this by-law, an Officer shall not enter or remain in any room or place actually being used as a dwelling, unless:
- a) The consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and, if refused, may only be made under the authority of a warrant issued under the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.

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- b) A warrant issued under the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended is obtained.

9. **Obstruction**

- 9.1 **No person shall obstruct, hinder, or otherwise interfere with a Municipal Law Enforcement Officer or other duly appointed individual in the lawful carrying out of their duties and responsibilities under the provisions of this by-law.**

10. **Fees**

- 10.1 The cost of obtaining a permit for the sale of fireworks or Display Fireworks shall be as set out in the Town's Fee and Charges By-law, as amended.
- 10.2 There is no permit fee to ignite Consumer Fireworks on the dates listed in article 3.1. Permit fees for Consumer fireworks that are outside the dates listed in article 3.1 shall be as set out in the Town's Fee and Charges By-law, as amended.
- 10.3 Where the Fire Department is required to attend a call to extinguish a fire that has resulted from the setting off or discharge of any fireworks, the owner shall be responsible to pay all damages or any fees as set out in the Town's Fee Schedule By-law, as amended.

11. **Penalty**

- 11.1 Any person who contravenes any of the provisions of this by-law may be charged with an offence and upon conviction shall be liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, or any amendment or successor legislation.

12. **Administration and Enforcement**

- 12.1 An Officer is hereby vested with the authority of enforcing the provisions of this by-law.
- 12.2 Any permit issued under this by-law may be revoked if in the opinion of the Chief Fire Official, or his designate, or the Municipal Law Enforcement Officer, the user is in contravention of this by-law.

13. **Validity and Severability**


- 13.1 Every provision of this by-law is declared to be severability from the remainder and if any provision of this by-law shall be declared invalid by a court of competent jurisdiction such declaration shall not affect the validity of the remainder.

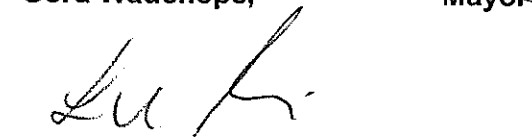
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14. **Effective Date**

14.1 This by-law shall come into full force and take effect on April 5, 2017.

**READ THIS 5<sup>TH</sup>, DAY OF APRIL, 2017.**

  
Gord Wauchope, Mayor

  
Lee Parkin, Clerk