

TOWNSHIP OF WOOLWICH

BY-LAW NUMBER 15-2015

A BY-LAW TO REGULATE THE SALE AND USE OF FIREWORKS IN THE TOWNSHIP OF WOOLWICH

WHEREAS Section 121 of the *Municipal Act*, 2001, c.25 (the "Act") as amended, provides that a municipality may prohibit and regulate the sale of fireworks and use of fireworks, and require that permits be obtained for such activities;

AND WHEREAS Section 7.1 of the *Fire Protection and Prevention Act*, 1997, S.O 1997, c. 4, as amended provides that a Council of a Municipality may pass by-laws regulating fire prevention, including the prevention of spreading fires;

AND WHEREAS the Council of the Township of Woolwich deems it advisable to regulate the sale and display of fireworks within the municipality;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WOOLWICH ENACTS AS FOLLOWS:

1. **DEFINITIONS**

In this By-law:

1.1. "Canada Day" means July 1st.

1.2. "Display" means the setting off of fireworks at any time in accordance with the provisions of this by-law.

1.2.1. "Private Display" means a Display occurring on private property which involves the setting off of Consumer Fireworks only. Private Displays are not open to the public.

1.2.2. "Public Display" means a Display occurring on Township Property, with the permission of the municipality, or on private property which is open to the public;

Or any event on private property that involves the setting off of Display Fireworks as defined in Section 1 of this by-law.

1.3. "*Explosives Regulations*" means the *Explosive Regulations*, as amended and enabled by the Explosives Act.

- 1.4. "Firecracker" includes any article containing a combustible or explosive substance, or combination of substances, prepared for, capable of, or discharged for the purposes of producing solely an explosion or audible sound and includes cannon crackers, firecrackers, mines, squibs and torpedoes but does not include a Christmas cracker or similar device.
- 1.5. "Fire Chief" means the Fire Chief of the Township of Woolwich or his designate.
- 1.6. "Fire Department" means the Fire Department of the Township of Woolwich.
- 1.7. "Fireworks" shall mean any article containing a combustible or explosive composition or any substance or combination of substances prepared for, capable of, or discharged for the purpose of producing a visual show or effect which may or may not be preceded by, accompanied with, or followed by an explosion or audible sound and includes fireballs, roman candles, skyrockets, pinwheels and sparklers and shall include:
 - 1.7.1. "Consumer Fireworks" are low hazard Fireworks generally used for recreation by the public and include items such as roman candles, sparklers, fountains, wheels, volcanoes, mines and snakes.
 - 1.7.2. "Display Fireworks" are high hazard Firework articles designed for use by professionals. These articles include items such as aerial shells, cakes, roman candles, waterfalls, laces and wheels.
- 1.8. "Fireworks Supervisor" shall mean a person holding a current certification as a Fireworks Supervisor under the authority of the *Explosives Act* and has the skill and ability to safely set up and supervise the discharge of Fireworks at a public display, as approved by the Fire Chief or his designate.
- 1.9. "Enforcement Officer" means a police officer, By-law Enforcement Officer and any other public officer engaged in the enforcement of this by-law.
- 1.10. "Person" means any individual, firm, partnership, merchant, storekeeper, corporation or company in the Township of Woolwich.
- 1.11. "Prohibited Fireworks" means any product included is Schedule "A" to this by-law, as amended from time to time as determined by the Fire Chief.
- 1.12. "Sales Period" means the timeframe during which the sales of Fireworks are permitted as outlined in Section 4 of this by-law.
- 1.13. "Township" means the Corporation of the Township of Woolwich.
- 1.14. "Victoria Day" means the Monday preceding May 25th.

2. ADMINISTRATION

- 2.1. The provisions of this by-law shall apply to all lands and premises within the boundaries of the Township.

- 2.2. In the event of any conflict between the provisions of this by-law and the provision of any other by-law, the provisions that are the most restrictive shall prevail.
- 2.3. Unless otherwise indicated, the administration of this by-law is assigned to the Municipal Clerk or designate.
- 2.4. The enforcement of this by-law is assigned to those persons appointed or authorized as Enforcement Officers within the Township.

3. FIRECRACKERS

- 3.1. No person shall at any time offer for sale or sell any firecrackers in the Township.
- 3.2. No person shall set off any firecrackers in the Township.

4. SALE OF FIREWORKS

- 4.1. No person shall sell or offer for sale any prohibited Fireworks as outlined in Schedule 'A' of this by-law and determined by the Fire Chief.
- 4.2. No person shall sell or offer for sale any Display Fireworks or Consumer Fireworks without first obtaining a Fireworks Sales Licence from the Township in accordance with the procedures set out in Section 5 of this by-law.
- 4.3. No person shall sell or offer for sale any Fireworks in the Township on any day or days during the year except on the six (6) business days immediately preceding Victoria Day, and the six (6) business days immediately preceding Canada Day, provided that nothing in this by-law shall prevent the sale on any day for the purpose of a Fireworks display to a person who is the holder of a permit for such display.
- 4.4. No person shall sell any Fireworks in the Township to anyone under eighteen (18) years of age.
- 4.5. Fireworks shall not be sold from any mobile, portable or temporary type structure except for those operations run by a service club or charitable organization, with the proceeds going to an organization or activity within the Regional Municipality or Waterloo, but with preference to those organizations or activities within the Township of Woolwich. Such service club or charitable organizations shall obtain a Fireworks Sales' License from the Township of Woolwich prior to selling any Fireworks.
- 4.6. All advertising and merchandising of Fireworks Sales as authorized by a Fireworks Sales Licence must be removed within 24 hours of the end of each Sales Period.
- 4.7. All sales of Fireworks in the Township of Woolwich must also comply with the provisions set out in the *Explosives Regulations*, as amended.

5. FIREWORKS SALES LICENCES

- 5.1. Every person applying for a Fireworks Sales Licence shall submit an application to the Township Clerk in the form prescribed by the Township, the applicable licence fee as set out in the Fees and Charges By-law, and the following information:
 - 5.1.1. A manifesto of all Fireworks to be sold and stored and their quantities;
 - 5.1.2. Proof of general liability insurance in the minimum amount of \$2,000,000 per occurrence;
 - 5.1.3. Site drawings of both the sales and storage locations which clearly indicate where all Fireworks are to be stored and/or merchandised;
 - 5.1.4. Proof of inspection by the Fire Department. A minimum of one (1) inspection per Sales Period will be required however additional inspections may be required at the Fire Chief's discretion and may be subject to an inspection fee as set out in the Fees and Charges By-law; and
 - 5.1.5. If the applicant proposes to sell any Display Fireworks, proof of an explosives licence issued by the Ministry of Natural Resources is also required.
 - 5.1.6. Written permission from the property owner allowing the sale of Fireworks to take place from the proposed location; (By-law 39-2015)
 - 5.1.7. Any other documentation deemed necessary by the Township Clerk. (By-law 39-2015)
- 5.2. Fireworks Sales Licences are non-transferrable and site specific.
 - 5.2.1. Where the operating name of the business changes, though ownership of the business remains unchanged, the licensee shall immediately notify the Township Clerk and being satisfied that there have been no other changes in the circumstances of the licenced business, the Township Clerk may issue a replacement of the original licence with the change of the operating name of the business.
 - 5.2.2. Where a currently licenced business changes location or premise, such new location or place of business shall not be deemed to be licenced. The applicant must apply for a new licence, within fifteen (15) calendar days, under the provisions of this by-law, and shall surrender to the Township Clerk the licence issued in respect of his or her previous location.

Posting of Licence

- 5.3. The Person to whom a licence is issued shall post at all times, the current licence at the place of Fireworks Sales to which the licence pertains in a prominent and visible place that it may be readily seen and read by persons entering the place of sales.

6. STORAGE

If a Fireworks Sales Licence is obtained, the licensee must ensure that all Fireworks are stored and displayed for sale in a manner that is in accordance with the regulations set out in Sections 16 through 18 of the *Explosive Regulations*, as amended.

- 6.1. The sale of Fireworks may not be compatible with all premises and firework sales shall not be permitted where a conflict of occupancy types exists, as determined by the Fire Chief.
- 6.2. The Fire Chief may require additional protective measures or inspections after initially inspecting the applicant's site and determining that a need exists to protect public or vendor safety.

7. FIREWORKS DISPLAYS

General Prohibitions

- 7.1. No person shall set off any Prohibited Fireworks in the Township.
- 7.2. No person shall hold a public Fireworks Display in the Township except under a permit issued in compliance with the conditions set forth in Sections 7 and 8 of this by-law.
- 7.3. No person shall set off any Fireworks on any street, highway or lane under the jurisdiction of the Township; or on any Township property including public parks, except with the written consent of the Township.
- 7.4. The location referred to in the preceding paragraph must be such that there can be no danger to adjacent properties or highways or persons using the same.
- 7.5. No person shall set off any Fireworks in the Township within 500 ft or 153 metres of:
 - 7.5.1. Any woodlands;
 - 7.5.2. Any places where explosives, gasoline, or other highly flammable substances are manufactured, sold or stored;
 - 7.5.3. Any hospital, nursing home, retirement home or home for the aged; or
 - 7.5.4. Any church, childcare facility or public, separate, secondary or other school unless the consent of the school or agent/ representative of such owner is obtained.
- 7.6. Notwithstanding the provisions of this by-law, the corporation of the Township of Woolwich may hold special displays of Fireworks to celebrate national or civic holidays or national celebrations, provided such Fireworks are set off by a qualified person as determined by the Fire Chief.

Consumer Fireworks

- 7.7. A Display Permit is required for the setting off of Consumer Fireworks if the event is to be a Public Display as defined in Section 1 of this by-law. Private Displays do not require a Display Permit.
- 7.8. A Display Permit is not required for any Display of Consumer Fireworks occurring on private property which is closed to the public.

Display Fireworks

- 7.9. A Display Permit is required for every Private or Public Display of Fireworks involving Display Fireworks as defined in this Section 1 of this by-law.

8. DISPLAY PERMIT

Notwithstanding the provisions of this by-law, any applicant shall be entitled to obtain a permit for the setting off of Fireworks, subject to compliance with the following:

- 8.1. Every person applying for a Fireworks Display Permit shall submit an application to the Fire Department a minimum of fourteen (14) days prior to the date of the proposed display, in the form prescribed by the Township, the applicable permit fee as set out in the Fees and Charges By-law, and the following information:
 - 8.1.1. Fireworks manifesto;
 - 8.1.2. The name, qualification and experience of the person to set off the Display;
 - 8.1.3. Site plan;
 - 8.1.4. Set-up schedule (description of safety precautions & clean-up procedures);
 - 8.1.5. Explosive Regulatory Division (ERD) certificate with number, level and expiration date;
 - 8.1.6. Dangerous Goods Shipping and Handling Certificate;
 - 8.1.7. Proof of general liability insurance in the minimum amount of \$2,000,000 per occurrence; and
 - 8.1.8. Traffic and Crowd control plans.
- 8.2. Displays of Fireworks shall be approved by the Fire Chief, who shall be responsible for the display.
- 8.3. The handling and discharge of fireworks shall conform with NRCan, "Display Fireworks Manual".

9. PENALTIES

9.1. Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33.

10. REPEAL

10.1. The Township of Woolwich By-law numbers 36-95 and 29-96 are here by repealed as of the date and time of this By-law coming into force.

10.2. This by-law shall come into force and take effect on the date of the final passing thereof.

PASSED this 10th day of February, 2015.

Sandy Shantz

Mayor

Val Hummel

Clerk

Schedule “A”

PROHIBITED FIREWORKS

COMMODITY	DESCRIPTION
Cigarette loads or plugs	Small explosive charges designed for insertion in cigarettes or cigars which will cause them to explode after the victim takes a few pulls.
Exploding matches	Resemble ordinary book matches and are designed to explode after a certain delay, usually about the time they are in position to light a cigarette.
Sparkling matches	Also resemble the normal book matches but send out a shower of sparks.
Ammunition for miniature tie clip, cufflink or key chain pistols	A violent type of blank ammunition made up for use as a novelty.
Auto alarms or jokers	Supposedly designed as burglar alarms but are really for a practical joke; when wired to the ignition system of a car they operate with a loud screeching whistle followed by copious emission of smoke and a loud explosion.
“Cherry bombs”, M-80 and silver salutes and flash crackers	Very violent firecrackers which annually cause serious injuries; they are considered far too violent and contain excessive charge of a prohibited fireworks composition.
Throw-down and step-on torpedoes and cracking balls	Small objects designed to explode on impact; some of the latter are so shaped and coloured as to look like children’s breakfast cereal or candy balls.
Exploding golf balls	Designed to explode and emits a cloud of smoke on impact.
Stink bombs and smoke bombs	Often made to resemble cherry bombs and salutes; are used for practical jokes (also prohibited from importation under Memorandum D33-1 Importation of Offensive Weapons).
Tear gas pens and launchers	Resemble a pen, may contain a mechanism activated by an explosive, and are supposedly for protection again muggers, but are more commonly used as offensive weapons or as practical jokes (also prohibited under Memorandum D33-1).
Party poppers and table bombs	Designed to project paper streamers or dispense party favours. The smaller ones are made of coloured plastic, shaped like champagne bottles.
Table rockets and bottle skyrockets	Small fireworks designed to be launched from a table or a bottle bursting in a shower of sparks or a cloud of smoke.

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Fake firecrackers and other trick devices or practical jokes	Any article which employs or stimulates an explosive or pyrotechnic for a trick or joke.
Flying Lanterns	A small paper hot-air balloon, fueled by an open flame. When released, the hot air produced by the fuel source can lift the lantern to extreme heights and allows it to drift for long distances until the fuel is depleted. These lanterns are often released in large numbers to generate an impressive visual effect.

Schedule 'B'**TOWNSHIP OF WOOLWICH****PART I Provincial Offences Act****By-law 15-2015: To regulate the sale and use of
Fireworks in the Township of Woolwich**

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1	Sell or offer Firecrackers for sale	3.1	\$250
2	Set off Firecrackers at any time	3.2	\$250
3	Sell or offer Prohibited Fireworks for sale	4.1	\$250
4	Sell or offer Fireworks for sale without a Licence	4.2	\$250
5	Sell or offer Fireworks for sale outside of the designated Sales Period	4.3	\$250
6	Sell Fireworks to a person under 18 years of age	4.4	\$250
7	Sell Fireworks from a mobile, portable or temporary structure.	4.5	\$250
8	Failure to remove Fireworks advertising and merchandising within 24 hours of the end of a Sales Period	4.6	\$250
9	Failure to store or display Fireworks in accordance with the Explosives Regulations	6	\$250
10	Set off Prohibited Fireworks at any time	7.1	\$250
11	Set off Fireworks without a Display Permit	7.2	\$250
12	Set off Fireworks on Township Property without written consent	7.3	\$250
13	Set off Fireworks within 500 ft (153 m) of any woodlands	7.5.1	\$250
14	Set off Fireworks within 500 ft (153 m) of any place where explosives, gasoline, or other highly flammable substances are manufactured, sold or stored	7.5.2	\$250
15	Set off Fireworks within 500 ft (153 m) of any hospital, nursing home, retirement home or home for the aged	7.5.3	\$250
16	Set off Fireworks within 500 ft (153 m) of any church, childcare facility or public, separate, secondary or other school without consent of the school or agent/ representative of the owner	7.5.4	\$250

NOTE: The penalty provision for the offences indicated above is Section 9 of By-law **-2015, a certified copy of which has been filed.