

**THE CORPORATION OF THE  
TOWNSHIP OF MATACHEWAN**

**BY – LAW 2018-06**

**Being a by-law to Prohibit and Regulate the sale, storage, display and discharge of fireworks or pyrotechnics.**

**Whereas** section 121 of the Municipal Act, 2001, S.O. 2001,c25, as amended, permits a municipality to pass by-laws prohibiting and regulating the sale and the setting off of fireworks;

**And Whereas** under Section 121 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, a municipality may require that a permit be obtained for the sale and setting off of fireworks, and that conditions may be prescribed by the municipality for obtaining, continuing to hold and renewing said permit;

**And Whereas** the Council for the Township of Matachewan is desirous of enacting a by-law to prohibit and regulate the sale and discharge of fireworks;

**Now Therefore** be it resolved that the Council of the Corporation of the Township of Matachewan enacts as follows:

**1. PREAMBLE AND DEFINED TERMS**

1.1. Short Title: This by-law may be referred to as the “Fireworks By-Law”.

1.2. This by-law has been enacted to establish a policy and procedures regulating the sale and use of Fireworks in the Township of Matachewan which support:

- a) public safety, and
- b) responsible use of fireworks
- c) to advance and maintain a high quality of life in the Township and to provide progressive leadership for social and recreational opportunities.

1.1 Defined Terms:

In this By-law:

- (a) “*Act*” shall mean the Explosives Act, R.S.C. 1985, c. E-17 as amended and all regulations thereto;
- (b) “*Chief Fire Official*” shall mean the Township’s Chief Fire Official, or his or her designate;
- (c) “*Council*” shall mean the Council of the Corporation of the Township of Matachewan;
- (d) “*discharge*” when used in relation to *fireworks*, including firing, igniting, exploding and setting off such articles;
- (e) “*duty of care*” everyone who has an explosive substance in his or her possession or under his or her care and control is under a legal duty to use reasonable care to prevent bodily harm and death to persons or damage property by that explosive device;
- (f) “*exhibition fireworks*” or “*commercial products*” shall mean high hazard fireworks used for public fireworks displays, also referred to as display fireworks, formerly Canadian Class 7.2.2;

- (g) “*family fireworks*” or “*consumer projects*” shall mean low hazard fireworks generally used for recreation, also referred to as consumer fireworks, formerly Canadian Class 7.2.1;
- (h) “*Fire Service*” shall mean the Town’s Voluntary Fire Department;
- (i) “*fireworks*” shall include *exhibition fireworks* or *family fireworks*;
- (j) “*Fireworks Supervisor*” shall mean a person certified by Natural Resources Canada to conduct a *fireworks* display and who is responsible for ensuring all *fireworks* are properly installed and that all appropriate safety measures have been taken;
- (k) “*Noise By-law*” shall mean the Township’s Noise By-law, as amended from time to time;
- (l) “*theatrical fireworks*”, also referred to as pyrotechnics, formerly Class 7.2.5, includes any authorized explosive that is made, manufactured, or used to produce a special pyrotechnic theatrical effect in conjunction with an indoor or outdoor performance or in front of a live audience;
- (m) “*Township*” shall mean The Corporation of the Township of Matachewan;
- (n) “*Zoning By-law*” shall mean the Township’s Zoning By-law, as amended from time to time.

## **2. APPLICATION OF BY-LAW**

- 2.1 This By-law applies to all lands and premises within the *Township*.
- 2.2 This By-law does not apply to the following low hazard fireworks having Practical use; highway safety flares, fuse and other small distress signals classed as Class 7, Division 3, Subdivision 4 of the *Act*.
- 2.3 This By-law does not apply to the storage of explosives or explosive materials and/or detonation, and/or explosives:
  - (a) created at quarries or construction sites for the purpose of creating aggregate stone, construction materials or the remove or repositioning of said materials;
  - (b) made by the Ontario Provincial Police, the Royal Canadian Mounted Police, the Canadian Military or any other public law enforcement agency.

## **3. SALE OF FIREWORKS**

- 3.1 No person shall sell, offer for sale, cause or permit to be sold, or otherwise distribute *Family Fireworks* or *Exhibition Fireworks*.

## **4. DISCHARGING OF FIREWORKS**

- 4.1 The igniting and setting off of *fireworks* as set out in the provisions of this By-law, is hereby prohibited except on
  - (a) Victoria Day and the three days immediately preceding and following Victoria Day;

(b) Canada Day and the three days immediately preceding and following Canada Day;

(c) New Year's Eve and New Year's Day, and

(d) Such day as is proclaimed by Council for the Municipality or approved by the Fire Chief or designate as suitable for celebration with *Fireworks*.

4.2 No Person shall ignite or set off any *Fireworks* on a property unless such Person is the Owner of that property or has written permission to do so by the Owner of such property.

4.3 No Person shall set off or allow to be set off any *Fireworks* in such a place or in such a manner as might create danger to any Person or damage to any property, or do or cause or allow any unsafe act or omission at the time and place of the setting off of any *Fireworks*, and without restricting the foregoing:

(a) No Person under the age of eighteen (18) years shall set off or hold in their hand any *Fireworks* except under the direct supervision and control of a parent or other responsible adult.

(b) No Person shall set off or ignite *Fireworks* under the influence of alcohol or other non-legal substances of similar affect.

(c) No Person shall possess, set off, or cause to be set off any Firecrackers, or Prohibited Fireworks.

(d) No Person shall set off *Fireworks* without having the means readily available to summon the emergency services.

(e) No Person shall ignite or set off any *Fireworks* in a cleared area that has a radius that is less than 15.24 meters/50 feet in diameter of which must be clear of any trees, shrubs, tall grasses or structures and approved by the Chief Fire Official or his/her designate.

(f) No Person shall ignite or set off any *Fireworks* on or onto any highway, street, lane, square, municipally owned property or other Public Place. This provision shall not prohibit a *Fireworks* Display in a public park or other Public Place, provided permission is obtained from the Municipality and there is compliance with all of Parts 4 and 5 of this By-Law.

(g) No Person shall set off any *Fireworks* in or into any building, doorway, automobile or other place (such as the roof of a building) where such setting off might create danger to any Person or damage to property or that may create a nuisance.

(h) No Person shall set off *Fireworks* after the hour of 11:00pm, (local time), in the case of the Municipal Fireworks display 11:30pm on July 1<sup>st</sup> Celebrations (or alternate date in the event of rain).

## **5. PERMIT FOR THE DISPLAY OF FIREWORKS – SCHEDULE “A”**

5.1 Every Person who wishes to set off any *Fireworks* shall first obtain permission from the Owner of the property and then a Permit signed by the Chief Fire Official or his/her designate.

- 5.2 Every Person who wishes to display any *Fireworks* for the public on municipal property, shall first obtain written permission from the Municipality and obtain written approval from the Chief Fire Official or his/her designate, who may set any reasonable conditions for such approval.
- 5.3 All *Fireworks* displays provided for in Sections 5.1 and 5.2 of this By-law shall be conducted in accordance with a Fireworks Display Plan approved by the Chief Fire Official or his/her designate.
- 5.4 Every application for a Permit shall be made in writing to the Chief Fire Official or his/her designate and received not less than 7 calendar days prior to setting off of the *Fireworks* Display. A Fireworks Display Plan shall accompany the application.
- 5.5 Every application for a Permit shall include the following:
- (a) the Name and contact information for which the Permit is to be issued.
  - (b) the date, time and location or site of the setting of the *Fireworks* display.
  - (c) For the setting off of *Display Fireworks*; the name, phone number, address and certification numbers of the *Display Fireworks Supervisor*, and any Authorized Persons – *Display Fireworks* participating in the event,
  - (d) the name of the sponsor or purchaser of the event, and
  - (e) a Fireworks Display Plan.
- 5.6 No Person, other than the Display Fireworks Supervisor or an Authorize Person-Display Fireworks shall set off or cause to be set off Display Fireworks for an audience.
- 5.7 It shall be a condition of the Permit that all unused *Fireworks* and all *Fireworks* debris be safely removed from the display site and fall out area and safely disposed of by the Permit holder immediately upon the conclusion of the display. No Permit holder shall fail to remove unused *Fireworks* and *Fireworks* debris from the display site.
- 5.8 The Permit for Fireworks displays shall be valid only for the date or dates set forth in the Permit.
- 5.9 The Permit holder shall supervise the setting off of all Fireworks.

## **6.0 INSURANCE**

- 6.1 Every application for a Permit to discharge *Family Fireworks* must include proof of Home Owner's Liability Insurance coverage inclusive per occurrence for bodily injury, death and damage to property, including loss of use, in the name of the applicant or the Property Owner in the minimum amount of \$1,000,000.

Every application for *Display Fireworks* or *Pyrotechnics* must include proof of Commercial General Liability Insurance coverage inclusive per

occurrence for bodily injury, death and damage to property, including loss of use, in the name of the applicant for the setting off or holding of a Display Fireworks or Pyrotechnics in the minimum amount of \$5,000,000, and shall name the Township of Matachewan as an additional insured party. Such insurance shall include coverage for Display Fireworks and/or Pyrotechnic Special Effects. The insurance policy shall include an endorsement to provide the Municipality within 30 calendar days' prior written notice of cancellation or of a material change that would diminish coverage. Evidence of such insurance coverage must be provided prior to the issuing of a Permit.

## **7. INDEMNIFICATION**

7.1 The applicant for a Permit for *Family Fireworks, Display Fireworks or Pyrotechnics* under this By-law shall indemnify and save harmless the Township of Matachewan from any claims, demands, causes of action, loss, costs or damages that the Municipality may suffer, incur or be liable for any damage or harm resulting from or in any way related to the performance of the applicant as set out in the By-law for the use, display, setting off or ignition of Fireworks or Pyrotechnics, whether with or without negligence on the part of the applicant, the applicant's employees, assistants, directors, contractors and agents.

## **8. ENFORCEMENT, OFFENCES AND PENALTIES**

8.1 Every Person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Ontario Provincial Offences Act*, R.S.O. 1990, as amended.

8.2 Any Enforcement Officer, the Chief Fire Official or his/her designate may revoke a Permit issued pursuant to this By-law or stop the discharge of Fireworks or Pyrotechnics at any time. Non-compliance with the following shall cause the Permit to be revoked:

(a) Non-compliance with the *Fire Protection and Prevention Act/Ontario Fire Code*,

(b) Non-compliance with the *Explosives Act*,

(c) Non-compliance with this By-law,

(d) Non-compliance with the conditions of the Permit,

(e) Changes in wind or other environmental conditions.

8.3 In the case of a health, fire, or safety hazard, any Enforcement Officer may compel that any hazard be removed forthwith, or the Fireworks display shut down without notice.

8.4 Schedule "B" attached hereto forms part of this By-law. **(Fines & Other Fees) to be attached.**

## **9. SEVERABILITY**

9.1 If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law will be considered to be severed from the balance of the By-law, which will continue to operate in full force.

**10. REPEAL**

That By-Law 2017-20 of the Township of Matachewan is hereby repealed.

**READ** a first and second and third time, and finally enacted and passed in open Council this 22nd day of February, 2018. Signed, sealed and numbered 2018-06.

**Signature on File**

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Cheryl Drummond  
Mayor

**Signature on File**

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Anne Kmyta  
CAO-Clerk-Treasurer

**SCHEDULE "A"**

Application for Subdivision 1 of Class 7, Division 2 Fireworks Permit  
(To Be Approved by The Corporation of the Township of Matachewan Fire Department)

Note: **Applicant Must be the Person Supervising the Firing or Setting off of Fireworks**

I, (Print Name) \_\_\_\_\_ Telephone: ( ) \_\_\_\_\_

Hereby apply for permission to fire or set off Subdivision 1 of Class 7, Division 2 Fireworks on specific days as indicated in By-Law #2018-06 Section 4.1 [New Year's Eve, New Year's Day, Victoria Day (and 3 days immediately preceding and following) or Canada Day (and 3 days immediately preceding and following)] within the municipal boundaries of the Township of Matachewan during a Family Fireworks Event or Exhibition Fireworks Event.

OR

Hereby apply for permission to fire or set off Family Fireworks or Exhibition Fireworks Event on a date other than the specific dates as indicated in the By-law 2018-06 Section 4.1.

Location: \_\_\_\_\_

Date of Display: \_\_\_\_\_ Time of Display: \_\_\_\_\_  
yyyy/mm/dd

The amount of fireworks that will be set off are as follows: \$ \_\_\_\_\_

FAMILY FIREWORKS EVENT  or EXHIBITION FIREWORKS EVENT

Safety Precautions that will be taken are as follows: \_\_\_\_\_

It is understood by the Applicant that no liability or responsibility will fall on the Township of Matachewan, any of its Departments or Employees, and that the Applicant hereby assumes all responsibility and liability, and agrees to hold the Township of Matachewan harmless.

It is understood and agreed that the applicant will be subject to personal liability for any injuries and damages, and including the complete clean up immediately after the display. Proof of home owner's liability insurance for no less than \$1,000,000.00 must accompany any application.

Date: \_\_\_\_\_ Signature of Applicant: \_\_\_\_\_  
yyyy/mm/dd

**Permit**

For Office Use Only

Date: \_\_\_\_\_ **Permission is Hereby:** [ ] Granted or [ ] Denied  
yyyy/mm/dd

Chief Fire Official: \_\_\_\_\_ **Display Plan Provided** Y - N

Firing supervisor: \_\_\_\_\_ Telephone: ( ) \_\_\_\_\_

Address: \_\_\_\_\_

Certification # \_\_\_\_\_ Proof of Age : Y - N Proof of Insurance: Y - N

This Permit is for fire and Police Department Record Purposes only.

**Permit**

For Permit Holder

Date: \_\_\_\_\_ **Permission is Hereby:** [ ] Granted or [ ] Denied  
yyyy/mm/dd

Chief Fire Official: \_\_\_\_\_ **Display Plan Provided** Y - N

Firing supervisor: \_\_\_\_\_ Telephone: ( ) \_\_\_\_\_

Address: \_\_\_\_\_

Certification # \_\_\_\_\_ Proof of Age : Y - N Proof of Insurance: Y - N

This permit is to be displayed by the permit holder during the fireworks event.

**The Corporation of the Township of Matachewan**  
**By-Law No. 2018- 06**  
**Schedule B**  
**Fines & Other Fees**  
**The Fireworks By-Law**

ITEM	COLUMN 1  SHORT FORM WORDING	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3  Set Fine
1.	Sell or offer for sale any prohibited fireworks	3.1	\$300.00
2.	Discharge fireworks while under the age of 18	4.3 (a)	\$100.00
3.	Discharge fireworks on Municipal Property	4.3 (f)	\$300.00
4.	Discharge fireworks in a prohibited location or in an area that has a radius of less than 15.24 meters or 50 feet	4.3 ( e ) & (g)	\$300.00
5.	Discharge fireworks on a prohibited (day/time)	4.1	\$200.00
6.	Discharge/use any prohibited fireworks without exemption	4.3 (c)	\$300.00
7.	Fail to safely dispose of fireworks	5.7	\$200.00
<b>NOTE: THE PENALTY PROVISION FOR THE OFFENCES INDICATED ABOVE IN SECTION 8.1 OF BY-LAW NO. 2018-06, A CERTIFIED COPY OF WHICH HAS BEEN FILED.</b>			