BY-LAW No. 2012-064

OF THE

CORPORATION OF THE TOWN OF COLLINGWOOD

Being a by-law to regulate the sale and setting off of fireworks.

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 Council enacted and passed By-law No. 2012-064 to regulate the sale and setting off of fireworks within the Town of Collingwood; (BL2015-098)

AND WHEREAS Council deems it expedient to amend By-law No. 2012-064 (Fireworks By-law) to improve public safety and reduce the risk to public and private property and to correct errors and omissions and also to delete or revise provisions in the Fireworks By-law; (BL2015-098)

NOW THEREFORE COUNCIL OF THE CORPORATION OF THE TOWN OF COLLINGWOOD ENACTS AS FOLLOWS:

1.Definitions:

In this By-law:

"Chief Fire Official" means the Fire Chief and/or his or her designate;

"Consumer Fireworks" means outdoor low hazard fireworks generally used for recreational purposes such as showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, volcanoes, sparklers and flying lanterns, as outlined in the Explosives Act, R.S.C., 1985, c. E-17; (BL2015-098)

"Display Fireworks" means high hazard fireworks generally used for community celebrations such as bombshells, aerial shells, large wheels, and bombardons, classified as Fireworks under Section 36(2)(f) as described in Explosive Regulations, 2013 (SOR/2013-211); (BL2015-098)

"Firecrackers" 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;

"Officer" means a Municipal Law Enforcement Officer, Police Officer, Chief Fire Official or Designate;

"Owner" means any person, firm or corporation having control over any portion of the building or property under consideration and includes the persons in the building or property;

"Town" means the Corporation of the Town of Collingwood.

2.General Prohibitions / Provisions:

2.1.No person shall set off any fireworks when a fire ban is in effect.

2.2.No person shall cause to display or set off any display or consumer firework on public property including public parks without the approval and having received a permit by the Chief Fire Official. The person or persons, as the case may be, to whom a permit is issued shall, prior to the holding of the fireworks display, deposit and keep deposited with the Town Clerk, an Insurance policy in an amount not less than $2,000,000.00 with respect to public liability and property damage, to protect the Corporation in respect of bodily injury including death and property damage liability that may result or arise out of the holding of the fireworks display and to indemnify the Corporation for damage to or destruction of Town of Collingwood property that may occur by reason thereof, provided that at the option of the Chief Administrative Officer and/or Mayor this provision may be waived. (BL2015-098)

2.3.No person or persons shall cause to display or set off any firework within 500 feet of a nursing home, public hospital, home for the aged, any premises or place where explosives, gasoline, or other highly flammable substances are manufactured (sold or stored), a church or a public separate secondary school or other school, unless the consent of the owner or such church or school or an agent or representative of such owner is obtained, and shall be no less than 1000 feet from any spectator area. (BL2015-098)

2.4. If the fireworks display is to be held on property other than that owned or occupied by the applicant, the consent of the owner or occupant of such property shall be first obtained, in writing and submitted with the application.

3. Sale of Consumer Fireworks and Firecrackers: (BL2015-098)

3.1. No person shall sell or offer for sale any firecrackers and/or flying lanterns within the Town of Collingwood. (BL2015-098)

3.2. No person may sell, offer for sale, give or distribute consumer fireworks to any person under eighteen (18) years of age.

3.3. The sale of consumer fireworks is prohibited except each of the fourteen (14) calendar days immediately preceding and including Victoria Day, Canada Day, and New Years Eve.

3.4. Where consumer fireworks are offered for sale, they must be displayed in such a manner that they are not accessible as a self-serve item. (BL2015-098)

3.5. Where consumer fireworks are offered for sale, they must comply with the explosives Act and the Explosives Regulations made under it. (BL2015-098)

3.6. Where consumer fireworks are offered for sale, notice as outlined in Schedule “A” must be clearly posted informing the consumer of the restrictions and set fines. (BL2015-098)

3.7. Where consumer fireworks are offered for sale, a letter from the owner of the property where the sale of Fireworks will take place shall provide written permission to allow the sale of Fireworks on the premises. (BL2015-098)

3.8. Where fireworks are offered for sale, the Collingwood Fire Department may inspect the premises to ensure the safe storage, transportation, and display of the fireworks and any other provisions which may be applicable and shall be in accordance as per the Ontario Fire Code.

4. Discharge of Firecrackers/Flying Lanterns: (BL2015-098)

4.1. No person shall discharge, fire, set off, or cause to be set off any firecrackers or flying lanterns or other prohibited article or effect within the Town of Collingwood. (BL2015-098)

5.Setting Off of Consumer Fireworks:

5.1.No person shall set off consumer fireworks on any day or days during the year except on Victoria Day, Canada Day, New Years Eve and the three days immediately preceding and/or following each of these days.

5.2.No person under the age of eighteen (18) years of age may discharge, fire, set off, or cause to be set off any consumer fireworks.

5.3.No person shall set off any consumer fireworks in a manner that might create a danger or nuisance to any person or property.

5.4.No person shall set off any consumer fireworks except between dusk and 11:00 p.m.

5.5.No person shall set off any consumer fireworks in, on or into any building, or automobile.

5.6.No person shall set off any consumer fireworks on or into any highway, street, lane, boulevard, roundabout, or private roadway.

5.7.No person shall set off any consumer fireworks on or into any land used for school purposes.

5.8.No person shall set off any consumer fireworks on or into any park, parkette trail, land used for storm water management other public place or any land owned by the Town of Collingwood without first having obtained a permit from the Chief Fire Official or designate.

5.9.No person shall set off any consumer fireworks on any land whatsoever, except on land belonging to the person setting off the fireworks, or on other privately owned land where the written consent of the owner has been obtained.

5.10.Only consumer fireworks authorized pursuant to the Explosives Act and the Explosives Regulations made under it may be displayed or set off. (BL2015-098)

6.Setting Off of Display Fireworks:

6.1.No person shall hold a display of or set off display fireworks on any day or days without approval from the Chief Fire Official.

6.2.The Chief Fire Official may impose conditions for approval as he/she considers necessary to ensure the safety of the public.

6.3. Setting off of display fireworks shall be in accordance with recognized regulations and safety procedures including, but not limited to:

a. keeping spectators at a safe distance;

b. protecting private and public property;

c. ensuring serviceable fire extinguishing equipment is available at all times; and

d. Explosives Act and the Explosives Regulations (BL2015-098)

6.4. The person(s) responsible for the setting off of any fireworks or classes thereof must ensure that all unused fireworks and debris be removed and safely disposed of immediately following the event.

6.5. Only persons who hold a valid Fireworks Supervisor certificate or equivalent thereof, issued by the Explosives Regulatory Division of Natural Resources Canada are eligible to request approval to display or set off Display Fireworks/Pyrotechnic Special Effects.

6.6. The handling and discharge of display fireworks shall conform with the Natural Resources Canada (NRCan), “Display Fireworks Manual” and Natural Resources Canada (NRCan), Pyrotechnic Special Effect Manual”

7. ~~Grant of Exemption by Council:~~

~~7.1. Application to Council~~

~~Notwithstanding anything contained in this By-law, any person may make application to Council to be granted an exemption from any of the provisions of this By-law with respect to the discharge of fireworks and Council, may refuse to grant any exemption or may grant the exemption which may contain such terms and conditions as Council sees fit.~~

~~7.2. Decision~~

~~In deciding whether to grant the exemption, Council shall give the applicant and any person opposed to the application an opportunity to be heard and may consider such other matters as it deems appropriate.~~

~~7.3. Breach~~

~~A breach by the applicant of any of the terms or conditions of any exemption granted by Council shall render the exemption null and void.~~ (BL2015-098)

8.Right of Entry

8.1.An Officer may at any time, enter onto land to determine whether this By-law is being complied with.

8.2.Every owner shall permit the Officer to inspect any land for the purpose 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, as amended;

b. a warrant issued under the Provincial Offences Act, R.S.O.1990, as amended is obtained.

9.Penalty

9.1.Any 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 Provincial Offences Act R.S.O. 1990, Chapter P33, as amended.

10.Validity and Severability

10.1.Should any section, subsection, clause, paragraph or provision of this By-law be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof, other than the Part so declared to be invalid.

11.Short Title and Administration

11.1.The short title of this By-law is the Fireworks By-law.

11.2.This By-law shall be administered by the Fire Chief Official.

12.Repeal

12.1.This by-law repeals By-law 82-26 and Schedule B of By-law 2010-064.

13.Effective Date

13.1.This By-law shall come into force and take effect immediately upon the final passing thereof.

ENACTED AND PASSED this 14th day of May, 2012.

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Mayor's Signature

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Clerk's Signature

APPENDIX 'A'

By-law No. 2012-064: Fireworks Regulations

a. No person shall set off any fireworks when a fire ban is in effect.
b. No person shall set off consumer fireworks on any day or days during the year except on Victoria Day, Canada Day and New Years Eve and the three (3) days immediately preceding and/or following each of these days.
c. No person under the age of eighteen (18) years of age may discharge, fire, set off, or cause to be set off any consumer fireworks.
d. No person shall set off any consumer fireworks in a manner that might create a danger or nuisance to any person or property.
e. No person shall set off any consumer fireworks except between dusk and 11:00 p.m.
f. Please be advised that pursuant to Town of Collingwood By-law No. 2012-064, an offence will carry a maximum fine not exceeding $10,000.00 plus the victim surcharge.