



**BY-LAW NO. 2004-0122**

A By-Law to Prohibit and/or Regulate the Sale, Storage, Display and Discharge of Fireworks and Pyrotechnic Special Effects.

**WHEREAS** Section 7.1 (1) of the Fire Protection and Prevention Act, S.O 1997, c.4 as amended, provides authority to Councils of municipalities to pass by-laws to regulate fire prevention including the prevention of the spreading of fires,

**AND WHEREAS** Section 12 (5) of the Fire Protection and Prevention Act, S.O 1997, c.4 as amended provides authority to Councils of municipalities to pass by-laws that are more restrictive than the Ontario Fire Code requirements respecting the keeping and manufacturing of explosives,

**AND WHEREAS** Section 29 of the Explosives Act states "Nothing in this Act relieves any person of the obligation to comply with the requirements of any Act of Parliament relating to explosives or the requirements of any licence law, or other law or by-law of any province or municipality, lawfully enacted in relation to explosives, especially requirements in relation to the possession, storage, handling, sale or transportation of explosives, or of any liability or punishment imposed for any contravention thereof. "

**AND WHEREAS** Section 120 (1) (a)(b)(c) of the Municipal Act, S.O. 2001, as amended, provides authority for a municipality to pass bylaw(s) to prohibit and regulate the manufacture and storage of explosives,

**AND WHEREAS** Section 121 (1) of the Municipal Act, S.O. 2001, as amended, provides authority to Councils of municipalities to pass by-laws for regulating the sale of fireworks and the setting off of fireworks,

**AND WHEREAS** Section 121 (2) of the Municipal Act, S.O. 2001 provides authority to Councils of municipalities to pass by-laws for prohibiting or regulating the setting off of fireworks or any class or classes thereof in the municipality or in any defined area or areas thereof, and for requiring a permit for the holding of fireworks displays and prescribing the conditions under which fireworks displays may be held under such permit;

**AND WHEREAS** the Council of the Corporation of the Town of Halton Hills deems it appropriate to regulate and/or prohibit the sale, storage, display and discharge of fireworks and pyrotechnic special effects devices;

**NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:**

1. Definitions

In this by-law:

**Explosives Act** means the Explosives Act, R.S.C.1985 c. E.17, and the regulations enacted hereunder as amended from time to time.

**Director** means the Director of Fire Protection and Prevention Services (Fire Chief/Chief Fire Official) or the Chief Officer of Prevention & Education, or the Chief Officer of Operations, or a Fire Safety Specialist that has completed the certification requirements of the Explosives Regulatory Division's Fireworks Supervisor, Level 1 or other person designated by the Director under Ontario Fire Code Subsection 1.1.8. or person appointed by the Fire Marshal under Ontario Fire Code Subsection 1.1.8.

**Discharge** means the setting off or firing of a Firework(s) by open flame and/or any other method.

**Exhibition Fireworks** (also known/referred to as Recreational High-Hazard Fireworks) means the effects of light or sound such as, but not restricted to barrages, bombs, bombshells, rockets, large wheels, waterfalls in addition to those classed under the Act as high hazard fireworks, but does not include firecrackers. Effects that reach above heights of 50 metres are termed high-level exhibition fireworks.

**Explosive** means any thing that is made, manufactured or used to produce an explosion or a detonation or pyrotechnic effect, and includes any thing prescribed to be an explosive by the regulations, but does not include gases, organic peroxides or any thing prescribed not to be an explosive by the regulations.

**Firecracker** means a pyrotechnic device that explodes when ignited and does not produce any visible effect after the explosion, but does not include caps for toy guns.

**Fire Safety Specialist** means staff holding the rank of Fire Safety Specialist with the Town of Halton Hills Fire Protection and Prevention Services.

**Family Fireworks** (also known as Recreational Low-Hazard Fireworks) means a pyrotechnic device producing quantities or effects of light, sound, or smoke by the combustion of explosive or flammable composition and includes firework showers, fountains, golden rain, lawn lights, pin wheels, roman candles, volcanoes, and sparklers, classes under the Act as low hazard fireworks, but does not include caps for toy guns. Effects designed to rise to heights of less than 50 metres are termed low-level family fireworks.

**Fireworks** means those devices that explode or burn to produce visual or sound effects and include the definitions as provided in Exhibition Fireworks, Family Fireworks, Pyrotechnic Special Effects and/or those defined as per the Explosives Act.

**Fireworks Supervisor** means a person certified 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.

**Fireworks Permit** means the permit required for the storage and sale of Fireworks, display of Exhibition Fireworks, display of Pyrotechnic Special Effects, or other special Fireworks displays and is issued by the Director.

**Licensed Factory** means a licensed factory as defined in the Explosives Act.

**Licensed Fireworks Magazine** means a magazine licensed for the fireworks as defined in the Explosives Act.

**Pyrotechnic Special Effects** means and includes effects that are created through the firing of pyrotechnic, propellant, and explosive materials and devices, and are used by the entertainment and film industry for indoor and outdoor performances. Examples include bullet effects, flash powders, smoke compositions, gerbs, lances and saxons.

**Town** means the Corporation of the Town of Halton Hills

2. Firecrackers Prohibited:
  - a) No person shall possess, store, sell or offer for sale a firecracker(s) in the Town.
3. Conditions for the Sale and Storage of Fireworks, Pyrotechnics, Explosive Materials and Firecrackers
  - a) No person shall store or offer for sale or sell any Firework(s) unless a permit has first been obtained from the Director.
  - b) Notwithstanding clause 3a) of this By-law, storage of small quantities of Family Fireworks for personal use purposes on private property does not require a permit.
  - c) No person shall offer for sale or sell Family Fireworks except seven (7) days prior to and including Victoria Day and Canada Day.
  - d) No person shall offer for sale or sell Fireworks to a person who is under the age of 18 years.
  - e) No person shall offer for sale or sell Exhibition Fireworks to a person who is not an approved purchaser under the Explosives Act.
  - f) No person shall store or display Fireworks in a store window unless it is a mock sample that does not contain explosive material.
  - g) No person shall display or sell Fireworks exposed to direct sunlight.
  - h) No person shall display or sell within any building, packaged fireworks exceeding twenty-five (25) kilograms (55 lbs.) each.

- i) No person shall be in possession of Fireworks exceeding 1,000 kilograms (2200 lbs.) unless licensed by the Explosives Division, Department of Energy, Mines and Resources.
  - j) No person shall have in his or her possession within six (6) metres (20 feet) of any Fireworks kept or on display for sale outside a structure, any:
    - i) lighted match;
    - ii) lighted lighter;
    - iii) lighted cigar;
    - iv) lighted pipe; or
    - v) lighted cigarette.
  - k) No person shall have in his or her possession within a building in which any Fireworks are kept or on display for sale, any:
    - i) lighted match;
    - ii) lighted lighter;
    - iii) lighted cigar;
    - iv) lighted pipe;
    - v) lighted cigarette.
  - l) No person shall keep, store or display Fireworks in any structure containing an unapproved heat source or unapproved electrical wiring.
  - m) No person shall keep, store or display Fireworks in an area that is not cool, dry, remote from flammable materials and inaccessible to the public.
  - n) No person shall use a temporary trailer or structure for the sale of Fireworks unless:
    - i) it is equipped with at least two (2) exits;
    - ii) it has at least one (1) "No Smoking" poster on each outside wall of the structure visible from at least six (6) metres (20 feet) when approaching the structure;
    - iii) it has at least one (1) portable fire extinguisher rated not less than 2A (pressurized water) adjacent to each exit;
    - iv) it is located at least nine (9) metres (30 feet) away from adjacent structures of non-combustible construction and fifteen (15) metres (50 feet) away from adjacent structures of combustible construction;
    - v) it is equipped with a heat source or electrical wiring that has been approved by Halton Hills Fire Protection and Prevention Services; and
    - vi) measures to prevent unlawful entry during hours of non-operation has been taken.
4. General Conditions of the Discharge of Fireworks and Pyrotechnic Special Effect Devices
- a) General
 

No person shall discharge or display any Fireworks within the Town at any time during the whole of the year except on the days observed as Victoria Day and Canada Day without a permit unless otherwise permitted by the provisions of this By-law.
  - b) Permit
 

No person shall discharge Fireworks not in accordance with the terms and conditions of a Fireworks Permit.
  - b) Family Fireworks
 

Notwithstanding clause 4a) of this By-law a Fireworks Permit is not required for any person aged 18 years or older who discharges Family Fireworks in accordance with the provisions of this By-law.
  - c) Exhibition Fireworks
 

No person, other than a person who has successfully completed a Fireworks Supervisor's course and who holds a valid Fireworks Supervisor Card shall discharge or cause to be discharged Exhibition Fireworks.
  - d) Pyrotechnic Special Effects
 

No person, other than a person who has successfully completed a Pyrotechnic Special Effects course and who holds a valid Pyrotechnician Certification Card shall perform or discharge or cause to be discharged off any Pyrotechnic Special Effects.

- e) Materials
  - i) No person shall use any explosive materials in a fireworks display other than those authorized pursuant to Explosives Regulations of the Department of Energy, Mines and Resources, Canada.
  - ii) Every person shall ensure that all Fireworks that remain unfired and any Fireworks that failed to fire shall immediately be disposed of in a safe manner having regard to the particular type of Fireworks remaining.
- 5. Fireworks Permit Issuance
  - a) A person or organization may apply for a Fireworks Permit. An application must be received at least fourteen (14) days prior to the event.
  - b) A person may apply for a Fireworks Permit for the display of Family Fireworks for days other than Victoria Day and Canada Day. An application must be received at least fourteen (14) days prior to the event.
  - c) The Director may impose such conditions upon the issuance of a Fireworks Permit as he considers are required to ensure the safety of the public.
  - d) The Director may require those applying for a Fireworks Permit to submit detailed fire safety plans respecting the storing, handling and discharge of Fireworks. Further, demonstrations of the procedures and products used in the proposed fireworks display may be required prior to the issuance of a Fireworks Permit.
- 6. Fireworks Permit Revoked
 

A Fireworks Permit may be revoked at any time by the Director in the event of non-compliance with the provisions of this By-law.
- 7. Display of Family Fireworks
  - a) No person under the age of 18 years shall set off any Fireworks except under the direct supervision of and control of a person 18 years of age or over.
  - b) No person shall display Family Fireworks on land except his own or other privately owned land where the consent of the owner has been obtained.
  - c) No person shall discharge any Firework(s) in such a place or in such a manner as might create a danger or nuisance to any person or property.
  - d) No person shall cause or allow any unsafe act or omission at the time and place for the discharge of any Fireworks.
  - e) No person shall discharge any Firework(s) in or into any building, doorway, structure automobile, or any other place where such setting off might create a danger or nuisance to any person or property.
  - f) No person shall discharge any Firework(s) in or on or into any highway, street, lane, square, or other public place.
- 8. Display of Exhibition Fireworks & Pyrotechnics Special Effects
  - a) No person or organization shall display Exhibition Fireworks or Pyrotechnic Special Effects without a Fireworks Permit.
  - b) No person or organization shall display Exhibition Fireworks except under and in accordance with the provisions of this By-law and the Fireworks Permit.
  - c) No person shall display or cause to be displayed Exhibition Fireworks unless under the direct supervision of the person identified on the Fireworks Permit and who is certified as a Fireworks Supervisor and/or Pyrotechnic Special Effects Technician.
  - d) Where the discharge of Exhibition Fireworks or Pyrotechnic Special Effects are to occur in a public park or on Town owned lands, the following documents shall be submitted:
    - i) the written approval of the Director of Recreation & Parks; and
    - ii) proof of an insurance policy with limits specified by the Town in respect of bodily injury including death and property damage liability that may result or arise out of the holding of the Fireworks display that indemnifies the Town for damage to or destruction of property that may occur by reason, thereof.
  - e) No person shall discharge Exhibition Fireworks or Pyrotechnic Special Effects except in a manner consistent with recognized safety procedures.
  - f) A person issued a Fireworks Permit where Exhibition Fireworks or Pyrotechnic Special Effects are being discharged shall ensure that;

- i) Persons present, other than those engaged in the discharge and supervision of Fireworks thereof, shall be kept back at least forty five (45) metres (150 feet) from the location (area?) where the Fireworks are being discharged,
  - ii) No discharge shall occur within two hundred (200) metres (650 feet) of any premise or place where explosives, gasoline or other highly inflammable substances are manufactured or stored in bulk,
  - iii) No discharge shall occur within two hundred (200) metres (650 feet) of a nursing home, public hospital, home for the aged, church, or a school unless the consent of the owner thereof or his agent or representative is obtained in writing and submitted with an application for a Fireworks Permit.
  - iv) All Fireworks and all debris is to be removed immediately after the display and is to be safely disposed of.
9. Devices Not Deemed Fireworks or Pyrotechnic Special Effects
- a) It is hereby declared for greater certainty that for purposes of this by-law the sale or discharge of pyrotechnical signalling devices for marine, military or railway purposes, or truck flares shall not be deemed to be respectively the sale or discharge of Fireworks.
  - b) This by-law does not apply to the storage of explosives or explosive materials and/or detonation and/or explosions created at quarries or construction sites for the purpose of creating aggregate stone, construction materials or the removal or repositioning of said materials.
10. Right to Enter
- If in the opinion of the Director it is necessary that a staff person(s) from the Town be present during the discharge of any Fireworks, said staff shall have the right to enter any premise for that purpose.
11. Obstruction
- No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this By-law.
12. Any person who contravenes any of the 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, as amended.
13. By-Law 1993-0166 is hereby repealed.

**BY-LAW** read and passed by the Council for the Town of Halton Hills this 22<sup>nd</sup> day of November, 2004.

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MAYOR – Rick Bonnette

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CLERK – Karen Landry