

CORPORATION OF THE TOWNSHIP OF ADMASTON/BROMLEY

BY-LAW No. 2024-23

Being a By-law regulating setting off of fireworks

WHEREAS Subsection 5(1) of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended, provides that the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS Subsection 5(3) of the said Municipal Act provides that the powers of every Council are to be exercised by by-law;

AND WHEREAS setting off of fireworks during a Fire Ban is dangerous and poses many risks to residents and property;

AND WHEREAS Prohibiting the lighting and release of flying lanterns, or sky lanterns at any time within the township of Admaston/Bromley. They have both unpredictable and uncontrolled flight patterns. They can and have landed on trees, rooftops and other combustible properties while still ignited.

AND WHEREAS Section 121, Subsection (b) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a local municipality may prohibit the sale of fireworks and the setting off of fireworks.

TITLE: This by-law shall be known and may be cited as the "Fireworks By-law."

THEREFORE the Council of the Township of Admaston/Bromley enacts as follows:

1. DEFINITIONS

In this by-law:

- 1.1 **"By-Law Enforcement Officer"** means any By-Law Enforcement company contracted or retained by the Township and can serve as a designate of the fire chief.
- 1.2 **"Chief Fire Official"** means an assistant to the Fire Marshal who is the Municipal Fire Chief, or a member or members of the Fire Department as delegated by the Municipal Fire Chief, as provided in the *Fire Protection and Prevention Act, 1997*, Part II, Article 6 (6).
- 1.3 **"Employee"** means an employee of the Township.
- 1.4 **"Fireworks"** means Consumer Fireworks and/or outdoor low hazard Fireworks generally used for recreational purposes, classified as Type F.1 fireworks under the Explosives Act, R.S.C, 1985, c. E-17, and the Regulations enacted thereunder, including firework showers, fountains, gold rain, lawn lights, pin wheels, roman candles, volcanoes.
- 1.5 **"Highway"** includes a common and public highway, street, boulevard, court, center, crescent, avenue, parkway, driveway, square, place, lane, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.
- 1.6 **"Special Effect Pyrotechnics"** means high -hazard fireworks designed for professional use, classified as Type F.3 fireworks under the Explosives Act, R.S.C, 1985, c. E-17, and the Regulations enacted thereunder, including articles such as gerbs, mines, comets, and cassettes, as well as special-purpose pyrotechnics made for live stage performances and the film and television industry.

- 1.7 **"Set Off"** includes firing, igniting, exploding or discharge as it relates to Fireworks.
- 1.8 **"Township"** means the Corporation of the Township of Admaston/Bromley.

2. REGULATIONS

- 2.1 No person shall Set Off any Fireworks when any fire ban is in effect in the Township, including municipal, regional, provincial, or federal fire bans.
- 2.2 It is the responsibility of the individual setting off the fireworks to ensure that the weather conditions are suitable for the setting off of fireworks. ie, wind conditions, moisture content in their geographical area, heat wave
- 2.3 Persons setting off fireworks should be respectful of time in regards to their surroundings. There shall be no fireworks between 1:00 a.m. and 12:00 p.m.
- 2.4 Business's that retail fireworks must obey local laws that do not permit the selling of fireworks to anyone under the age of 18.
- 2.5 No person shall Set Off any Fireworks in a manner that might create a danger to any person or property; and for greater clarity Setting Off Fireworks not in compliance with the manufacturer's specifications shall be deemed to be one whereon the Setting Off of Fireworks might create a danger.
- 2.6 No fireworks are to be set off on any property owned, or used for school purposes, without first having obtained permission and the proper officials must be notified and sign off before doing so.
- 2.7 No person shall Set Off any Fireworks on or into any beach, park, parkette, trail, linear park, land used for storm water management, square or other public place or any land owned by the Township or any of their boards or agencies, without first having obtained permission from Township Employees, specifically the Chief Fire Official, Public Works Superintendent and/or the CAO/Clerk or their designates.
- 2.7.1 Every person shall provide a copy of a General Liability insurance policy or a certificate of Insurance issued by the insurer in an amount no less than \$5,000,000.00 against bodily injury and property damage resulting from any one occurrence during the term of the use of Township property, naming The Township of Admaston/Bromley as an additional insured and containing a cross liability clause. Such insurance shall include coverage for displays of fireworks and shall provide the Township with thirty (30) calendar days prior written notice of cancellation or of material change that would diminish coverage.
- 2.8 No person shall Set Off any Fireworks on any land not belonging to the person setting off the fireworks, unless consent has been obtained from the land owner
- 2.9 The Chief Fire Official may at any time impose conditions as they consider necessary to ensure the safety of the public.

2.10 Any persons setting off fireworks on or around a body of water, must obtain permission from neighboring land owners whose property or possessions may be affected by the fallout.

3. DIRECTIVE

3.1 The Chief Fire Official or their designate, may at any time, enter onto land to determine whether this by-law is being complied with.

3.2 Every owner shall permit the Chief Fire Official or their designate to inspect any land for the purpose of determining compliance with this by-law.

3.3 Notwithstanding any provision of this by-law, the Chief Fire Official or their designate shall not enter or remain in any room or place actually being used as a dwelling.

4. OBSTRUCTION

4.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, the Chief Fire Official or their designate, exercising a power or performing a duty under this by-law.

4.2 Any person who has been alleged to have contravened any of the provisions of this by-law, shall identify themselves to the Chief Fire Official or their designate, upon request, failure to do so shall be deemed to have obstructed or hindered the Chief Fire Official or their designate, in the execution of their duties.

5. ENFORCEMENT

5.1 Every person who contravenes any of the provisions of this by-law and every Director or Officer of a Corporation, who knowingly concurs in the contravention by the Corporation, is guilty an offence under the provisions of the Municipal Act, 2001, S.O. 2001 c. 25, as amended.

5.2 Every person who contravenes the provisions of this by-law and every Director or Officer of a Corporation, who knowingly concurs in the contraventions by the corporation, is guilty of an offence and liable on conviction to a penalty where the minimum fine shall not be less than \$300 and the maximum shall not exceed \$10,000 exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.

5.3 For the purposes of continuous offences, every person who contravenes any provision of this by-law and every Director or Officer of a Corporation who knowingly concurs in the contravention of a by-law of the Township is guilty of an offence and liable on conviction to a penalty not exceeding \$100,000 exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.

5.3.1 Despite section 5.3 and the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the total of all daily fines for the offence is not limited to \$100,000.

6. VALIDITY AND SEVERABILITY

6.1 Every provision of this by-law is declared to be severable 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.

7. EFFECTIVE DATE

7.1 That this By-Law shall come into force and take effect upon the passing thereof.

READ a first and second time this 4th day of April, 2024.

READ a third time and finally passed this 4th day of April, 2024.

Mayor

CAO/Clerk

TOWNSHIP OF ADMASTON/BROMLEY

Part 1 Provincial Offences Act

By-Law No. 2024-23 Fireworks By-Law

**Schedule "A"
Schedule of Fines**

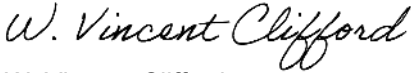
Item	Column 1 Short Form Wording	Column 2 Provision creating or defining offence	Column 3 Set fine
1	Set off any Fireworks when a Fire Ban is in effect	2.1	\$300
2	Set off Fireworks – fail to ensure suitable weather conditions	2.2	\$300
3	Set off Fireworks between 1 am and 12 pm	2.3	\$300
4	Set off Fireworks that create a danger to person or property	2.5	\$300
5	Set off Fireworks on property owned/used for school purposes.	2.6	\$300
6	Set off Fireworks on or into any beach, park, parkette, trail etc..	2.7	\$300

NOTE: Every person who contravenes any provision of the by-law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P. 33, as amended.

The fine amounts listed above have been approved by the Regional Senior Justice.

Dated: May 9, 2024

Electronic Signature:



W. Vincent Clifford
Regional Senior Justice
Ontario Court of Justice - East Region