



## THE CORPORATION OF THE TOWNSHIP OF ST. CLAIR

### BYLAW NUMBER 50 of 2020

#### A Bylaw to Regulate the Sale and Use of Fireworks and Explosives in the Township of St. Clair

**WHEREAS** Section 11 of the Municipal Act, 2001 provides broad authority for lower-tier municipalities to pass bylaws protecting the health, safety and well-being of persons;

**AND WHEREAS** the Explosives Act governs the manufacture, testing, sale, storage, transportation and importation of explosives and the use of fireworks in Canada;

**AND WHEREAS** the Council of the Corporation of the Township of St. Clair passed Bylaw No. 20 of 1994 with respect to the sale and use of fireworks on April 26, 2004;

**AND WHEREAS** the Council of the Township of St. Clair deems it necessary and expedient to rescind Bylaw No. 20 of 1994 and pass the subject by-law to govern sale and discharge of fireworks in the Township of St. Clair; and

**NOW THEREFORE** the Council for the Corporation of the Township of St. Clair hereby enacts as follows:

#### **Part 1: Preamble and Defined Terms**

##### **Short Title**

1. This Bylaw may be referred to as the "Fireworks Bylaw"

##### **Purpose**

2. This Bylaw has been enacted to establish a policy and procedures regulating the Sale and Use of Fireworks in the Township of St. Clair which support:

- a) Public safety, and
- b) Responsible use of fireworks

to advance and maintain a high quality of life in the Township and provide progressive leadership for social and recreational opportunities.

##### **Headings**

3. The division of this bylaw into parts and insertion of headings are for convenient reference only and shall not affect interpretation of the bylaw.

##### **References to Applicable Law**

4. All references to applicable law are ambulatory and apply as amended from time to time.

## Definitions

5. For the purposes of this Bylaw:

- a) "Council" means Council for the Township of St. Clair;
- b) "Explosives Act" means the *Explosive Act, R.S.C. 1985, c. E-17*;
- c) "Fire Prevention and Protection Act, 1997" means the *Fire Prevention and Protection Act, 1997, SO 1997, c 4*;
- d) "Fireworks" means any chemical compound or preparation of explosive substance manufactured for the production of pyrotechnic effects, pyrotechnic signals or sound signals and includes Low Hazard Fireworks, High Hazard Fireworks, Low Hazard Flares and High Hazard Flares and Signals as defined herein, but does not include Christmas crackers, caps for toy guns and sparklers;
- e) "Fireworks Vendor" means any Person, as defined herein, that sells or offers for sale Fireworks from a permanent or temporary location;
- f) "High Hazard Fireworks" means "display Fireworks" generally used for public recreation purposes, including rockets, serpents, shells, bombshells, skyrocket, torpedoes, Daygo bombs, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, batteries, illuminations, set pieces, pigeons, firecrackers and any other like products described in Class 7, Division 2, Subdivision 2 of the Explosives Regulations under the Explosives Act;
- g) "High Hazard Flares and Signals" means large distress signals, sound, pyrotechnic and smoke signals, railway track signals, distress and line-throwing rockets, salutes, theatrical effects, wildlife control devices and any other like products described in Class 7, Division 2, Subdivision 5 of the Explosives Regulations under the *Explosives Act*;
- h) "Low Hazard Fireworks" means and includes "Consumer Fireworks" and "Family Fireworks" generally used for personal recreation purposes which are relatively innocuous in themselves and are not liable to explode violently or all at once and shall include showers, golden rain, lawn lights, pinwheels, roman candles and volcanoes and other like products described in Class 7, Division 2, Subdivision 1 of the Explosives Regulations under the Explosives Act;
- i) "Low Hazard Flares" means highway flares, fuzees and other small distress signals having practical use and other like products described in Class 7, Division 2, Subdivision 4 of the Explosives Regulations under the Explosives Act;
- j) "Municipal Act" means the *Municipal Act, 2001, SO 2001, c 25*;
- k) "Officer" means and includes a By-law Enforcement Officer, Fire Marshal, assistant to the Fire Marshal, Fire Chief, or Deputy Fire Chief of the Township of St Clair;
- l) "Person" means and includes any person, corporation, association, or any other non-incorporated entity.
- m) "Provincial Offences Act" means the *Provincial Offences Act, RSO, 1990, c P.33*;
- n) "Township" means the Corporation of the Township of St Clair or the geographic area of the Township of St Clair as context requires;

- o) "Use Uses and Used," when referring to Fireworks, means and includes the lighting, discharge, setting off, ignition, detonation or otherwise causing the explosion, sound or pyrotechnic effect of a Firework.

### **Scope**

- 6. This Bylaw shall apply to all Persons and Fireworks Vendors and all Uses of Fireworks in the Township except the Use of Fireworks for:
  - a) occupational purposes by trained personnel following all applicable Standards, Acts and Regulations, and;
  - b) emergency warning or signaling purposes.

### **Part 2: Sale of Fireworks**

#### **General Provisions**

- 7. No Person shall sell or offer for sale High Hazard Fireworks in the Township.
- 8. No Person shall or offer for sale Low Hazard Fireworks and sparklers to any person less than 18 years of age.

#### **Premises of Fireworks Vendors**

- 9. Every Fireworks Vendor shall ensure that their premises, building or location:
  - a) is subject to inspection by an Officer,
  - b) has the required safety equipment and fire exits,
  - c) has the Fireworks Safety Guide outlined in "Schedule A" of this by-law posted where it can easily be viewed by the public, and
  - d) is situated at least 8 metres away from fuel or propane dispensing equipment.

#### **Fireworks Merchandising**

- 10. Every Fireworks Vendor shall comply with all the following provisions:
  - a) fireworks packaged as single units shall be inaccessible to the public;
  - b) bundles or lots of Fireworks shall not exceed 25 kilograms in gross weight;
  - c) all Fireworks being offered for sale or stored on site shall comply with manufacturing, packaging, and storage provisions of the *Explosives Act*.

#### **Selling Authorized Days and Times**

- 11. No person shall sell Low Hazard Fireworks on any occasion except the following:
  - a) Seven days preceding Victoria Day;
  - b) Seven days preceding Canada Day;
  - c) Seven days preceding Civic Holiday

### **Part 3: Use of Fireworks**

#### **Age Restriction**

12. No Person under the age of eighteen (18) shall be permitted to handle or Use Fireworks in the Township.

#### **Prohibited Locations**

13. No Person shall Use Fireworks in the Township in the following areas:

- a) on township or other public property at any time without the express written consent from the township or owner of the Property;
- b) within 50 metres of a retirement/senior's home or group home;
- c) within 50 metres of a place where explosives, gasoline or other highly flammable substances are commercially manufactured, stored, or sold

#### **Authorized Days and Times**

14. No Person shall Use Low Hazard Fireworks on any occasion except the following:

- a) between 19:00 (7:00 pm) and 23:00 (11:00 pm) on:
  - (i) Victoria Day and 3 calendar days before and 4 calendar days after
  - (ii) Canada Day and 3 calendar days before and 4 calendar days after
  - (iii) Civic Holiday and 3 calendar days before and 4 calendar days after

15. The St. Clair Fire Department may, at their discretion, issue a permit which allows for the Use of Low Hazard Fireworks on private property on a day or time other than those authorized by this bylaw.

16. Fireworks Permits which are issued:

- a) are subject to the fee outlined in the Fees Bylaw;
- b) are not transferrable; and
- c) may require a site inspection by St. Clair Fire Department to assess safety.

#### **High Hazard Fireworks**

17. No Person shall Use High Hazard Fireworks and High Hazard Flares and Signals in the township without:

- a) complying with all requirements of the *Explosives Act* and any other Act or Regulation;
- b) a review of the proposed Use and approval from the St Clair Fire Department; and
- c) an exemption to this by-law granted by Council by resolution or bylaw.

#### **Exemptions by Council**

18. Council may, at their discretion, provide an exemption by resolution or bylaw to any provision of this bylaw subject to any conditions Council may see fit to impose, including but not limited to, requiring liability insurance naming the Township as an additional insured.

19. Where an exemption to this by-law has been granted by Council, breach of any of the terms or conditions of the exemption may, at the discretion of an Officer, render the exemption null and void.

### **Safety Guidelines**

20. Every Person shall adhere to Fireworks Safety Guide outlined in Schedule A of this bylaw when using Fireworks in the Township.

21. Every Person shall immediately dispose of Fireworks that fail to discharge in a safe manner having regard to:

- a) the instructions or guidelines provided by the manufacturer, and
- b) proper Fireworks handling procedures, including those contained in schedule A of this bylaw.

22. No person shall Use Fireworks in the Township except in accordance with this bylaw and the Explosives Regulations of the Explosives Act.

### **Enforcement**

23. This bylaw shall be enforced by any Officer as defined in this bylaw.

24. Any Officer may enter private property at any time for the purposes of upholding the provisions of this bylaw.

### **Penalty**

25. Any person, organization or business who contravenes the provisions of this bylaw is guilty of an offence and, upon conviction, is subject to the penalty set out in the *Provincial Offences Act* or as approved in this bylaw.

## **Part 4: Conflict and Transition**

### **Conflict**

26. If a provision of this bylaw respecting the keeping and manufacturing of explosives is inconsistent with a provision of Part IV of the *Fire Prevention and Protection Act, 1997*, the provision that is the most restrictive prevails.

27. Besides section 25 above, if a provision of this bylaw is inconsistent with the *Explosives Act* or the *Municipal Act*, their Regulations or any other Act or Regulation, the provision of the Act or Regulation shall prevail.

### **Terms Severable**

28. The terms and provisions of this by-law shall be severable and should any term or provision be found by a court of competent jurisdiction to be legally unenforceable, in operative or invalid, the remainder of the bylaw shall continue to be in full force and effect.

### **Repeal**

29. Bylaw Number 20 of 1994 from the former Township of Moore is hereby repealed.

**Enactment**

30. This by-law shall come into full force and effect upon the final passing thereof and receipt of approval of short form wording under the *Provincial Offences Act*.

READ a FIRST, SECOND and THIRD and final time, and thereby passed this 21<sup>st</sup> day of September, 2020.

  
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Mayor Steve Arnold

  
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Clerk Jeff Baranek



**THE CORPORATION OF THE TOWNSHIP OF ST. CLAIR**

**SCHEDULE "A"**

**BY-LAW 50 OF 2020**

**FIREWORKS BY-LAW**

**PART 1 PROVINCIAL OFFENCES ACT  
SET FINES**

<b>ITEM</b>	<b>COLUMN 1 SHORT FORM WORDING</b>	<b>COLUMN 2 PROVISION CREATING or DEFINING OFFENCE</b>	<b>COLUMN 3 SET FINE</b>
1.	Sell or offer for sale any prohibited fireworks	Section 7	\$300.00
2.	Sell fireworks or sparklers to person under the age of 18	Section 8	\$300.00
3.	Fail to display the Fireworks Safety Guide	Section 9.c)	\$200.00
4.	Make single unit fireworks accessible to Public	Section 10.a)	\$200.00
5.	Fireworks in bundles/lots exceeding 25 kgs	Section 10.b)	\$200.00
6.	Discharge fireworks while under the age of 18	Section 12	\$100.00
7.	Discharge fireworks on Township property	Section 13.a)	\$300.00
8.	Discharge fireworks within 50 metres of a retirement/seniors home or group home	Section 13.b)	\$300.00
9.	Discharge fireworks within 50 metres of a place where explosives/gasoline/flammables are commercially manufactured/sold/stored	Section 13.c)	\$300.00
10.	Discharge fireworks on prohibited date or during prohibited time	Section 14	\$200.00
11.	Discharge/use any prohibited fireworks without exemption	Section 17.c)	\$300.00
12.	Fail to safely dispose of fireworks	Section 20	\$200.00

THE PENALTY PROVISION FOR THE OFFENCES CITED ABOVE IS SECTION 25 OF BY-LAW NUMBER 50 OF 2020. A CERTIFIED COPY OF WHICH HAS BEEN FILED.