

**THE CORPORATION OF THE
TOWN OF WASAGA BEACH**

BY-LAW #2003 – 28

**A BY-LAW TO PROHIBIT AND REGULATE
THE SALE OF FIREWORKS AND
THE SETTING OFF OF FIREWORKS**

WHEREAS Section 121. (1) of the Ontario Municipal Act, 2001, S.O. 2001 c.25 provides that the Council may prohibit and regulate the sale of fireworks and the setting off of Fireworks;

WHEREAS Section 121. (2) of the Ontario Municipal Act, 2001, S.O. 2001 c.25 provides that the Council may prohibit the activities described in Section 121. (1), above, unless a permit is obtained from the municipality for those activities and may impose conditions for obtaining, continuing to hold and renewing the permit, including requiring the submission of plans.

AND WHEREAS Council for the Corporation of the Town of Wasaga Beach deems it necessary for the safety and well being of the community to prohibit and regulate the setting off of fireworks and for requiring permits within the Corporation of the Town of Wasaga Beach;

NOW THEREFORE the Council of the Corporation of the Town of Wasaga Beach hereby enacts as follows:

1. **DEFINITIONS**

- 1.1 **“Fire Chief”** means the Chief of The Town of Wasaga Beach Fire Department;
- 1.2 **“Firecracker”** means any class of Fireworks that explodes when ignited and does not make any significant display or visible effect after the explosion but does not include caps for toy guns or Christmas crackers;
- 1.3 **“Fireworks”** means a pyrotechnic device or a substance that is made, manufactured or used to produce an explosion or detonation and includes Fireworks composition and manufactured Fireworks as defined in the Explosive Regulations made pursuant to the Explosives Act, R.S. c. E-15, s.1 as amended.
- 1.5 **“Public Fireworks Display”** means an exhibition of Fireworks in an open air assembly, occupancy to which the public is invited, attends or admitted, with or without a fee being charged.

2. **Prohibition**

- 2.1 No person shall set off any Firecracker within the Town of Wasaga Beach.
- 2.2 No person shall set off any Fireworks except on the designated days of Victoria Day and Canada Day.

- 2.3 In the event that weather conditions, such as rain, on Victoria Day or Canada Day make it impractical to set off fireworks, the next day following Victoria Day or Canada Day shall be the designated day.
- 2.4 No person shall set off any Fireworks in, on or onto any building, highway, sidewalk, municipal park or municipal property
- 2.5 No person shall set off any Public Fireworks Display unless they have received a permit issued by the Fire Chief.
- 2.6 No person shall display, offer for sale, or sell Fireworks within The Town of Wasaga Beach except on the designated days of Victoria Day or Canada Day or for a period of 5 calendar days immediately preceding Victoria Day or Canada Day.
- 2.7 Despite Section 2.6 above, the issuance of a Business Licence to sell Fireworks shall be dealt with pursuant to The Town of Wasaga Beach Business Licence By-Law #2001-28, as amended.
- 2.8 No person shall sell or cause or permit to be sold any Fireworks to a person who is less than 18 years old.
- 2.9 No person shall set off any Fireworks within eight (8) meters of any building, tent, trailer or motor vehicle.

3. **Permits for Public Fireworks Display**

- 3.1 A permit may be issued by the Fire Chief for a Public Fireworks Display on any land if the requirements listed in this section are met.
- 3.2 An application form has been completed and the application fee has been paid in full.
- 3.3 Filed with the application form shall be current and up to date site plan with dimensions showing:
 - (a) the location of the proposed Public Fireworks Display.
 - (b) the access to be provided for fire and emergency vehicles.
 - (c) the free zone area of clear distance between the point of launch and an occupied area.
- 3.4 Filed with the application form shall be a statement of the safety measures being implemented.
- 3.5 Filed with the application form shall be a Certificate of Liability Insurance certifying the permit being applied for is insured against general liability and property damage claims, in the minimum amount of Five Million Dollars (\$5,000,000.00) inclusive for any one occurrence. Said policy shall name The Corporation of The Town of Wasaga Beach as an additional insured. Said policy shall be endorsed to provide that the policy will not be altered, cancelled or allowed to lapse without ten (10) days' prior written notice to the Corporation.

- 3.6 The Fireworks shall only be set off on the day or days specified by the permit.
- 3.7 The application fee shall be \$50.00 for a Public Fireworks Display that does not include any Fireworks as defined in Class 7 Division 2 Subdivision 2 of The Explosives Regulations made pursuant to the Explosives Act, R.S. c. E-15, s.1, as amended.
- 3.8 The application fee shall be \$150.00 for a Public Fireworks Display that does include any Fireworks as defined in Class 7 Division 2 Subdivision 2 of The Explosives Regulations made pursuant to the Explosives Act, R.S. c. E-15, s.1, as amended.
- 3.9 The Fireworks shall only be set off by a person currently certified as a Fireworks Supervisor Level I or Level II by the Explosion Regulatory Division of Natural Resources Canada.
- 3.10 The permit may be suspended or revoked by the Fire Chief if the conditions of the permit are not being met or it would be unsafe to allow the Public Fireworks Display.
- 3.11 Notwithstanding the forgoing sections, the Fire Chief may require any additional information of the applicant to ensure the public's safety and may impose additional conditions on the issuance of a permit as he deems advisable in the particular circumstances of the application.

4. **Exemption**

- 4.1 It is hereby declared for greater certainty that on Victoria Day or Canada Day on land belonging to a private residence, occupied by the owner, tenant or an authorized person of the residence, that the setting off of Fireworks for their own personal display shall not be deemed to be a Public Fireworks Display.
- 4.2 Additionally, the display described in Section 4.1 shall not include any Fireworks as defined in Class 7 Division 2 Subdivision 2 of The Explosives Regulations made pursuant to the Explosives Act, R.S. c. E-15, s.1, as amended

5. **Validity**

- 5.1 Should any section, subsection, clause, paragraph or provision of this By-Law be declared by a Court of competent jurisdiction to be invalid or illegal for any other reason, such offending section or part shall be deemed to have been severed from this By-Law and the remaining sections or parts shall continue in full force and effect and shall remain valid and binding.

6. **Rescind By-Law**

- 6.1 By-Law 373, passed by Council on the 19th day of June, 1973 is hereby rescinded.

7. **Offence and Penalty**

7.1 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 of not more than \$5,000.00 as provided for in the Provincial Offences Act R.S.O. 1990, Chapter P33, as amended.

8. **Effective Date of By-Law**

This By-Law shall come into full force and take effect from the date of its final passing.

Read a first and second time _____
this 13th day of May 2003. MAYOR

CLERK-TRESURER/ADMINISTRATOR

Read a third time and finally _____
passed this 13th day MAYOR
of May 2003.

CLERK-TREASUER/ADMINISTRATOR