

BY-LAW NO. 2021-13

**THE CORPORATION OF THE
TOWNSHIP OF ARMSTRONG**

**A BY-LAW TO REGULATE THE SALE AND USE OF FIREWORKS AND
EXPLOSIVES IN THE TOWNSHIP OF ARMSTRONG**

WHEREAS Section 11 of the Municipal Act, 2001 provides broad authority for lower-tier municipalities to pass by-laws 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 Armstrong passed By-law No. 2014-11 the sale and use of fireworks on May 12, 2008;

AND WHEREAS the Council of the Township of Armstrong deems it necessary and expedient to enact an updated by-law to regulate the sale and use of fireworks and explosives in the Township of Armstrong and to repeal By-law No. 2014-11;

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ARMSTRONG HEREBY ENACTS AS FOLLOWS:

Part 1. Preamble

1.1 Short Title

This by-law may be referred to as the “Fireworks By-law”.

1.2 Purpose

This by-law has been enacted to establish a policy and procedures regulating the sale and Use of Fireworks in the Township of Armstrong 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 for social and recreational opportunities.

1.3 Headings

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

1.4 References to Applicable Law

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

Part 2 - Defined Terms

2.1 Definitions

For the purposes of this by-law:

- a) "Township" means the Corporation of the Township of Armstrong or the geographic area of the Township of Armstrong;
- b) "Council" means Council of the Township of Armstrong;
- c) "Explosives Act" means the Explosives Act, R.S.C. 1985, c. E-17;
- d) "Fire Prevention and Protection Act, 1997" means the Fire Prevention and Protection Act, 1997, SO 1997, c 4;
- e) "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;
- f) "Fireworks Vendor" means any Person, as defined herein, that sells or offers for sale Fireworks from a permanent or temporary location;
- g) "High Hazard Fireworks" means "display Fireworks" generally used for public recreation purposes, including rockets, serpents, shells, bombshells, skyrockets, torpedoes, Dayglo bombs, tourbillions, maroons, large wheels, bouquets, barrages, bombardons, 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;
- h) "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;
- i) "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;
- j) "Low Hazard Flares" means highway flares, fuses 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;
- k) "Municipal Act" means the Municipal Act, 2001, SO 2001, c 25;
- l) "Officer" means and includes a Police Officer, Township By-law Enforcement Officer, Fire Marshal, assistant to the Fire Marshal, and the Fire Chief, Fire Inspector or Fire Prevention Officer of Armstrong Fire and Emergency Services;
- m) "Person" means and includes any person, corporation, association or any other non-incorporated entity.
- n) "Provincial Offences Act" means the Provincial Offences Act, RSO, 1990, c P.33; and

- 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.

Part 3 - Scope

3.1 This by-law 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 4 - Sale of Fireworks

4.1 General Provisions

No person shall:

- a) sell or offer for sale High Hazard Fireworks in the Township.
- b) sell or offer for sale Low Hazard Fireworks and sparklers to any person less than 18 years of age.

4.2 Premises of Fireworks Vendors

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.

4.3 Fireworks Merchandising

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.

Part 5 - Use of Fireworks

5.1 Age Restriction

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

5.2 Prohibited Locations

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

- a) on roads, highways, 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 hospital, nursing 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,
- d) the district where open air burning is prohibited by the Open-Air Burning By-law.

5.3 Authorized Days and Times

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:
 - a. Victoria Day and 3 calendar days before,
 - b. Canada Day and the closest Friday and Saturday,
 - c. Civic Holiday and 3 calendar days before,
 - d. Labour Day and 3 calendar days before, and
 - e. between 19:00 (7:00 pm) on December 31 and 01:00 (1:00 am) on January 1 immediately following.

Part 6 - Permits

6.1 Armstrong Township Fire Personnel 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 by-law.

6.2 Fireworks Permits which are issued:

- a) are subject to the fee outlined in the Fees and Charges By-law,
- b) are not transferrable, and
- c) may require a site inspection by Armstrong Fire Personnel to assess safety.

Part 7 - High Hazard Fireworks

7.1 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 from Armstrong Fire Personnel, and
- c) an exemption to this by-law must be granted by Council by resolution or by-law.

Part 8 - Exemptions by Council

8.1 Council may, at their discretion, provide an exemption by resolution or by-law to any provision of this by-law 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.

8.2 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.

Part 9 - Safety Guidelines

9.1 Every Person shall adhere to Fireworks Safety Guide outlined in Schedule A of this by-law when using Fireworks in the Township.

9.2 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 by-law.

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

Part 10 - Enforcement & Penalty

- 10.1 This by-law shall be enforced by any Officer as defined in this by-law.
- 10.2 Any Officer may enter private property at any time for the purposes of upholding the provisions of this by-law.
- 10.3 Any person, organization or business who contravenes the provisions of this by-law is guilty of an offence and, upon conviction, is subject to the penalty set out in the Provincial Offences Act.
- 10.4 A person convicted of an offence under this by-law is liable to a fine of not more than \$5,000

Part 11 - Conflict and Transition

- 11.1 In the event that a provision of this by-law 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.
- 11.2 Besides section 11.1 above, in the event that a provision of this by-law 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

THAT 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 by-law shall continue to be in full force and effect.

Repeal


THAT By-law Number 2014-11 is hereby repealed.

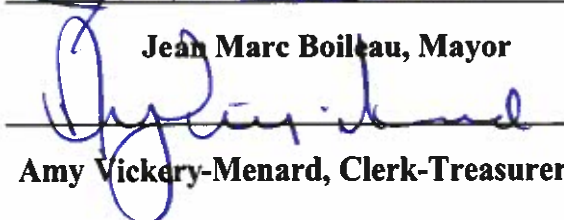
Enactment

THAT 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 TIME in Open Council and finally passed under the hands of the Mayor, Clerk and Seal of the Corporation on this 14th day of April, 2021.




 Jean Marc Boileau, Mayor


 Amy Vickery-Menard, Clerk-Treasurer

Schedule A to By-Law 2021-13

Fireworks Safety Guide

(Clearly post this guide where Fireworks are Sold and Provide with Fireworks Permits)

Use and Sale of Fireworks in the Township of Armstrong

- Vendors may not sell or offer for sale fireworks to anyone under the age of 18.
- Do not use “High Hazard” fireworks for public displays in the Township
- Do not use “Low Hazard” personal, recreational fireworks except:
 - on private property, outside the restricted Open-Air Brining District and away from a hospital, nursing home, group home, or business which sells fireworks, gas or flammable substances and
 - Between 7:00 pm and 11:00 pm approved days for celebrating Victoria Day, Canada Day, Civic Holiday or Labour Day or between 7:00 pm and 1:00 am on New Years Eve
- Anyone who uses fireworks must follow the Fireworks Safety guidelines outlined below
- All fireworks vendor’s premises are subject to inspection by an Officer of the Township to ensure conformity to the Fireworks and Explosives By-law

Fireworks Permits

If you wish to use “Low Hazard” fireworks for personal, recreational use at a time or location not allowed by the Fireworks By-law:

- Apply for a permit from Armstrong Fire Personnel.
- Fireworks permits require the payment of a fee, are not transferable and may require a safety inspection.
- The holder of a fireworks permit must comply with the provisions of the Fireworks By-law, any other by-laws and any other applicable laws or regulations.

Fireworks Safety

Before Using Fireworks

- Understand and follow all laws, regulations, by-laws, instructions and warnings.
- Store unused fireworks in a closed box away from the firework being lit.
- Do not smoke around fireworks.
- Ensure children are supervised at all times.
- Do not use fireworks when impaired on alcohol or drugs.
- Spectators must be 7.6 metres (25 feet) away from fireworks.
- All trees, buildings, vehicles and furniture must be 9.14 metres (30 feet) away from fireworks.
- Ensure the wind speed is less than 15km per hour and blowing away from spectators.
- Have a bucket of water, charged garden hose or working fire extinguisher on hand.
- Only adults (18 years or over) are permitted to handle the fireworks.

Using Fireworks

- Never try to create your own fireworks.

- Wear protective eye glasses and gloves and keep hair and clothes away from fire sources.
- To light a firework:
 - Set the firework in a large, deep bucket of sand on a hard, flat and level surface
 - Light only one firework at a time with a long-handled BBQ lighter at arm's length
 - Stand well back.
- Never lean over fireworks
- Never hold a lighted firework item in your hand
- Never point a firework toward someone else.
- Never attempt to re-light a "dud" or defective firework.

Cleanup

- Sparklers should be immersed in a bucket of sand or water to cool down after burning out, as they remain very hot for some time.
- Fireworks should be disposed of safely and properly by immersing in water and then disposing them into the garbage.

Any person who contravenes the provisions of the Fireworks By-law is guilty of an offense and upon conviction may be subject to a fine of up to \$5,000 under the Ontario Provincial Offences Act.

PART 1 - PROVINCIAL OFFENCES ACT TOWNSHIP OF ARMSTRONG**BY-LAW 2021-13****THE FIREWORKS BY-LAW**

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1	Sell or offer for sale any prohibited fireworks	4.1	\$300.00
2	Sell fireworks or sparklers to person under the age of 18	4.1	\$300.00
3	Fail to display the Fireworks Safety Guide	4.2	\$200.00
4	Display single unit fireworks accessible to the public	4.3	\$200.00
5	Display fireworks in (Bundles/Lots) exceeding 25 kilograms	4.3	\$200.00
6	Discharge fireworks while under the age of 18	5.1	\$100.00
7	Discharge fireworks on Township property, public property, roads or highway	5.2	\$300.00
8	Discharge fireworks within 50 metres of a hospital, nursing home or group home	5.2	\$300.00
9	Discharge fireworks within 50 metres of a place where (explosives/gasoline/flammable substance are commercially manufacture/stored/sold)	5.2	\$300.00
10.	Discharge fireworks within the no open air burn district	5.2	\$300.00
11.	Discharge fireworks on prohibited (day/time)	5.3	\$200.00
12.	(Discharge/use) any prohibited fireworks without exemption	Part 6 Part 7	\$300.00
13.	Fail to safely dispose of fireworks	Part 9	\$200.00