

BY-LAW NO. 2023 - XXX

THE CORPORATION OF THE CITY OF OWEN SOUND

**A BY-LAW TO REGULATE THE SALE AND DISCHARGE
OF FIREWORKS**

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,

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

WHEREAS the Council of the Corporation of the City of Owen Sound passed By-law No. 2013-89 with respect to the sale and use of fireworks on May 6, 2013; and

WHEREAS the Council of the City of Owen Sound deems it necessary and expedient to rescind By-law No. 2013-89 and pass the subject by-law to govern sale and discharge of fireworks in the City of Owen Sound; and

WHEREAS the Council of the Corporation of the City of Owen Sound passed By-law No. 2022-000 with respect to fees and charges for services, activities and City property on ;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF OWEN SOUND HEREBY ENACTS AS FOLLOWS:

Part 1. Preamble and Defined Terms

Shirt Title

- 1) This by-law may be referred to as the "Fireworks By-law".

Purpose

- 2) This by-law has been enacted to establish a policy and procedures regulating the sale and Use of Fireworks in the City of Owen Sound which support:
 - a) public safety, and
 - b) responsible use of fireworksto advance and maintain a high quality of life in the City and provide progressive leadership for social and recreational opportunities.

Headings

- 3) 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.

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 by-law:
 - a) "City" means the Corporation of the City of Owen Sound or the geographic area of the City of Owen Sound as context requires;
 - b) "Council" means Council of the City;
 - 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, 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*;
- h) "High Hazard Flares and Signals" means large distress signals, sound, pyrotechnic and smoke signals, railway track signals, distress and linethrowing 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, City By-law Enforcement Officer, Fire Inspector, Fire Marshal, assistant to the Fire Marshal, and the Fire Chief, Fire Inspector or Fire Prevention Officer of Owen Sound Fire and Emergency Services;
- m) "Person" means and includes any person, corporation, association or any other non-incorporated entity.
- n) "Occupant" shall mean a person or persons over the age of eighteen years in possession or control of a property.
- o) "Owner" includes any registered owner, occupant, resident, lessee or tenant of residential dwelling and includes any person managing any residential building on behalf of the owner.
- p) "Provincial Offences Act" means the *Provincial Offences Act, RSO, 1990, c P.33*; and
- q) "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 by-law shall apply to all Persons and Fireworks Vendors and all Uses of Fireworks in the City 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 City.
- 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, and
 - c) has the Fireworks Safety Guide outlined in "Schedule A" of this by-law posted where it can easily be viewed by the public.
 - 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*.

Part 3. Use of Fireworks**Age Restriction**

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

Prohibited Locations

- 12) No Person shall Use Fireworks in the City in the following areas:
 - a) on City or other public property at any time without the express written consent from the City or owner of the Property,
 - b) within 100 metres of a hospital, nursing home or group home,
 - c) within 100 metres of a place where explosives, gasoline or other highly flammable substances are commercially manufactured, stored or sold, or
 - d) the district where open air burning is prohibited by the Open Air Burning By-law.

Authorized Days and Times

- 13) 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,
 - ii) Canada Day and the closest Friday and Saturday,
 - iii) Civic Holiday and 3 calendar days before
 - iv) Diwali, and
 - V) Labour Day and 3 calendar days before,
 - b) between 19:00 (7:00 pm) on December 31 and 01:00 (1:00 am) on January 1 immediately following.

Permits

- 14) Owen Sound Fire and Emergency Services 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.

- 15) 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 Owen Sound Fire and Emergency Services to assess safety.

High Hazard Fireworks

- 16) No Person shall Use High Hazard Fireworks and High Hazard Flares and Signals in the City without:
- a) complying with all requirements of the *Explosives Act* and any other Act or Regulation,
 - b) When having a display of high hazard fireworks provide a certificate of insurance liability with a cross liability clause and naming the City as an additional insured,
 - c) a review of the proposed Use from Owen Sound Fire and Emergency Services, and
 - d) an exemption to this by-law granted by Council by resolution or by-law.

16.1) Notwithstanding the requirements of section 16 of this by-law, the City of Owen Sound does not require an exemption to this by-law where high hazard fireworks or high hazard flares or signals are being used for the following events:

- a. Any City of Owen Sound event
- b. Any emergency services training

Exemptions by Council

17) 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 City as an additional insured.

18) 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

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

20) 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.

21) No person shall Use Fireworks in the City except in accordance with this bylaw and the Explosives Regulations of the *Explosives Act*.

Enforcement

22) This by-law shall be enforced by any Officer as defined in this by-law.

23) Any Officer may enter private property at any time for the purposes of upholding the provisions of this by-law.

Penalty

24) Any person, owner, occupant, 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*.

Part 4. Conflict and Transition

Conflict

25) 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.

26) Besides section 25 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

27) 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

28) By-law Number 2022-050 is hereby repealed.

Enactment

29) 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*.

FINALLY PASSED this

Mayor

Brianna Bloomfield, City Clerk

By-law No. 2012 - ???
A BY-LAW TO REGULATE THE SALE AND DISCHARGE OF
FIREWORKS

License/Permit	Fee
Special Occasion permit to allow the discharge of family fireworks on private property on days other than permitted in Section 6.3 of the By-law	See City of Owen Sound Fees and Charges By-Law

Schedule A – Fireworks Safety Guide

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

For details consult Owen Sound Fire and Emergency Services or the Fireworks By-law

Use and Sale of Fireworks in the City

- 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 City
- Do not use "Low Hazard" personal, recreational fireworks except:
 - On private property, outside the restricted Open Air Brining District and 100 meters 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, Diwali, 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 City 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 Owen Sound Fire and Emergency Services
- 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

- Understand and follow all laws, regulations, by-laws, instructions and warnings.

Before Using Fireworks

- 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.

Schedule C
By-law No. 2022- ???
A BY-LAW TO REGULATE THE SALE AND DISCHARGE OF
FIREWORKS

REGULATIONS FOR THE SPECIAL OCCASION FIREWORKS PERMIT

1. This permit allows for the discharge of family fireworks on private property between the hours of 7 pm and midnight.
2. This permit is only valid for the date of one occasion noted on the permit.
3. This permit is non-transferable.
4. Holders of this permit have been granted exemption to Section 6.3 of By-law 2023-??? permitting the discharge of fireworks on a day that is not stated as permissible in Sections 6.3.1-6.3.4.
5. This permit does not exempt the holder to any other provision of the by-law.

KEEP YOUR OCCASION SAFE:

- Follow the laws and regulations regarding the use of fireworks (see below).
- Purchase your fireworks from a reliable source that sells products meeting safety standards.
- Read the instructions, cautions and warnings on each item.
- Store unused fireworks in a closed box away from the firework being lit and do not smoke around the fireworks.
- Set up outdoors in a clear, open space. The site of the discharge should be at least 30 feet from trees, buildings, vehicles, furniture.
- Light fireworks on a hard, flat and level surface in a large, deep plastic bucket of sand to insure stability.
- Check the wind and have the wind blowing away from the spectators.
- Spectators should be at least 25 feet away from display, keeping special supervision on children.
- Have a bucket, a supply of water and a working fire extinguisher on hand.
- Only adults (18 years or over) are permitted to handle the fireworks. If you are impaired (alcohol or drugs) do not handle the fireworks.
- Light only one firework item at a time. Never try to create your own fireworks.
- Wear protective eye glasses and gloves. Use a long handled BBQ lighter to light at arm's length and then stand back.
- Never lean over the fireworks and keep hair and clothes away from fire sources.
- Never attempt to re-light a "dud" or defective firework.
- Never hold a lighted firework item in your hand or pointed toward someone else.
- 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.