

CORPORATION OF THE NATION MUNICIPALITY

BY-LAW NO. 115-2021

FIREWORKS BY-LAW

DEFINITIONS

In this By-Law:

1. **"Act"** means the *Explosives Act*, Revised Statutes of Canada, 1985, Chapter E-17, and the regulations enacted thereunder as amended from time to time or any act and regulations enacted in substitution therefor;
2. **"Corporation"** shall mean the Corporation of The Nation Municipality
3. **"Consumer Fireworks"** means an outdoor, low hazard, recreational firework that is classed as a subdivision 1 of division 2 of Class 7 Fireworks under the Act and includes firework showers, fountains, golden rain, lawn lights, pinwheels, Roman candles, volcanoes, and sparklers but does not include Christmas crackers and caps for toy guns containing not in excess of twenty-five one hundredths of a grain of explosive used per cap;
4. **"Discharge"** means to fire, ignite, explode or set off or cause to be fired, ignited, exploded or set off, and the words "discharged" and "discharging" have similar meaning'
5. **"Display Fireworks"** means an outdoor, high hazard, recreational firework that is classed as a subdivision 2 of Division 2 of Class 7 Fireworks under the Act, and includes rockets, serpents, shells, bombshells, tourbillons, maroons, large wheels, bouquet, bombardos, waterfalls, fountains, batteries, illumination, set pieces and pigeons but does not include firecrackers;
6. **"Fire Chief"** means the Chief of Fire Services of the Municipality or authorized subordinates;
7. **"Firecracker"** means a pyrotechnic device that explodes when ignited and does not make any subsequent display or visible effect after the explosion, and includes those devices commonly known as Chinese firecrackers;
8. **"Fireworks"** means display fireworks, pyrotechnic special effects fireworks and consumer fireworks
9. **"Fireworks Supervisor"** means a person who is an approved purchaser of display firework and who is qualified under the Act to supervise the discharge of display fireworks;
10. **"Flying Lanterns"** also known as "Sky Lanterns", "Chinese Lanterns", "Kongming Lanterns" or "Wish Lanterns", means a small hot air balloon or similar device made of treated paper or any other material, with an opening at the bottom, which is propelled by an open flame generated by a small candle or fuel cell, allowing the balloon or similar device to rise and float in the air, uncontrollably, while ignited;
11. **"Manager of Municipal Law Enforcement"** shall mean the Manager of Municipal By-law Enforcement of the Corporation of The Nation Municipality;

12. **"Prohibited Firework"** includes but is not limited to cigarette loads or pings, exploding matches, sparking matches, ammunition for miniature tie clip, cufflink or key chain pistol, auto alarms or jokers, cherry bombs, M-80 and silver salutes and flash crackers, throw down torpedoes and crackling balls, exploding golf balls, stink bombs and smoke bombs, tear gas pens and launchers, party peppers and table bombs, table rockets and battle sky rockets, fake firecrackers and other trick devices or practical jokes as included on the most recent list of prohibited fireworks as published from time to time under the Act;
13. **"Pyrotechnician"** means a person who is certified under the Act as a Theatrical User, an Assistant, a Pyrotechnician or a Special Effects Pyrotechnician and is qualified to purchase and supervise the display of pyrotechnic special effect fireworks under the Act
14. **"Pyrotechnic Special Effect Firework"** means a high hazard firework that is classed as a subdivision 5 of Division 2 of Class 7 Firework under the Act and that is used to produce a special pyrotechnic effect for indoor or outdoor performances and includes black powder bombs, bullet effect, flash powder, air bursts, smoke compositions, gerbs, lances and wheels;
15. **"Sell"** includes offer for sale, cause or permit to be sold and to possess for the purpose of sale, and the words "selling" and "sold" have a similar meaning.
16. **"Residential Zones"** is as defined in The Nation Municipality's Zoning By-law number 2-2006. Residential zones are divided into these four groups below.
 - i. **R1:** low density residential zone;
 - ii. **R2:** medium density residential zone;
 - iii. **R3:** high density residential zone; and
 - iv. **R4:** mobile home residential zone

Interpretation

17. In this by-law:
 - i. Words importing the singular number only include more persons, parties or things of the same kind than one and the converse, and
 - ii. A word interpreted in the singular number has a corresponding meaning when used in the plural.
18. It is declared that if any section, subsection or part or parts thereof be declared by any Court of Law to be bad, illegal or ultra vires, such section, subsection or part or parts shall be deemed to be severable and all parts hereof are declared to be separated and independent and enacted as such.

Flying Lanterns

19. Flying Lantern Discharge:
 - i. No person shall ignite, release or set off into the air an ignited Flying Lantern within The Nation Municipality.
20. Flying Lantern Sale:
 - i. No person within The Nation Municipality shall offer for sale, cause or permit to be sold, or sell any Flying Lanterns.

Discharge of Firecrackers and Prohibited Fireworks

21. No person shall discharge any firecrackers within The Nation Municipality; and
22. No person shall discharge any prohibited fireworks within The Nation Municipality.

Consumer Fireworks

23. No person shall discharge consumer fireworks within The Nation Municipality, except on the following days from 8pm to 11 pm:
 - i. Victoria Day;
 - ii. The day immediately preceding Victoria Day;
 - iii. The day immediately following Victoria Day;
 - iv. St-Jean Baptiste Day
 - v. The day immediately preceding St-Jean Baptiste Day;
 - vi. The day immediate following St-Jean Baptiste Day;
 - vii. Canada Day;
 - viii. The day immediately preceding Canada Day; or
 - ix. The day immediately following Canada Day
24. No person shall discharge consumer fireworks within The Nation Municipality if any of the following applies:
 - i. The location of the discharge of fireworks is in a Residential Zone (R1, R2, R3 and R4);
 - ii. During a Fire Ban or a Partial Fire Ban;
 - iii. The location of the discharge of fireworks is outside Residential Zones (R1, R2, R3 and R4) and is within a distance of 30 metres (100 feet) from neighbouring dwellings and / or structures;
25. Subject to section 24, a person eighteen (18) years of age or older may discharge consumer fireworks on any land belonging to him or her or on any other privately owned land the owner thereof has given permission for such the discharge of consumer fireworks as permitted in this by-law.
26. No person shall discharge any consumer fireworks in such manner as might create danger or constitute a nuisance to any person or property, or to do or cause or allow any unsafe act or omission at the time and place for the discharging of any fireworks.
27. No person shall discharge any consumer fireworks in or into any building, doorway, or automobile.
28. No person shall discharge any consumer fireworks in or on or into any highway, street, lane, square or other public places.
29. No person under the age of eighteen (18) years of age shall discharge any consumer fireworks except under the direct supervision and control of a person of eighteen (18) years of age or over.
30. No person being the parent or guardian of any person under the age of eighteen (18) years of age shall allow the person to discharge any consumer fireworks except when such parent or guardian or some other responsible person of eighteen (18) years of age or over is in direct supervision and control.

Grant of Exemption of By-law

31. Notwithstanding anything contained in this By-law, any person may submit a request to the Manager of Municipal By-law Enforcement, or his delegate, to be granted an exemption from any of the provisions of this By-law, and the Manager of Municipal Law Enforcement may refuse to grant any exemption, or may grant the exemption applied for, or any exemption of lesser effect, and any exemption granted shall specify the date, time, and location of the display of consumer fireworks.
32. All requests for exemptions shall include the following information:

- i. Date and time that the consumer fireworks will be discharged;
- ii. Location of the discharge of consumer fireworks;
- iii. Name of the person that will discharge the consumer fireworks;
- iv. Description of the event or reason for the discharge of fireworks; and
- v. Confirmation that neighbours were notified of the discharge of fireworks.

Display Fireworks

33. No person or group of persons shall hold a display of display fireworks in The Nation Municipality without first having obtained a permit to do so issued by the Manager of Municipal Law Enforcement or his delegate.

Conditions to applying to permit for Display Fireworks

34. Every application for a permit shall be made to the Manager of Municipal Law Enforcement a minimum of 30 days prior to the event when the proposed discharge of display fireworks is to occur.

35. Every application for a permit shall include:

- i. A description of the event including:
 1. The date and time of the proposed discharge of display fireworks;
 2. The type and kind of display fireworks that may be discharged;
 3. The discharge techniques to be used;
 4. The manner and means of restraining unauthorized persons from attending the discharge site;
 5. The manner in which unused display fireworks are to be disposed of; and
 6. The number of persons authorized to handle and discharge the display fireworks.
- ii. A site plan providing a description of the discharge site to be used for the discharging of the display fireworks;
- iii. A description of the fire emergency procedures;
- iv. The name and address of the applicant and the sponsoring organization, if applicable;
- v. Proof of certification of the applicant as a Firework Supervisor;
- vi. Proof of the consent of the owner of the property to the discharge of display fireworks in writing;
- vii. A processing fee of 25\$;
- viii. Proof of insurance and indemnification in accordance with Sections 10 and 11; and
- ix. Such other information as required by the Fire Chief and / or the Manager of Municipal Law Enforcement.

36. An applicant for a permit is subject to the provisions of this by-law, entitled to be issued the permit, except where:

- i. The application is incomplete;
- ii. The applicant is not a Fireworks Supervisor;
- iii. The display is not being held under the auspices of an established club, association or group of persons;
- iv. There are reasonable grounds for belief that the holding of the display of fireworks will result in a breach of this by-law or the Act.

37. Manager of Municipal Law Enforcement and / or their delegates may issue permits for displays of fireworks on the conditions set forth in this by-law, and each such permit

shall state the name of the sponsoring club, association or group, the purpose of the display, the place and date at which the same may be held, and the name of the person under whose supervision the display shall be held.

38. The following conditions shall apply to the holding of a display of display fireworks under a permit issued under this by-law:

- i. The permit is valid only for the display at the place and on the date or dates set forth in the permit;
- ii. The permit holder shall supervise the display of display fireworks;
- iii. The permit holder shall discharge the display fireworks;
- iv. Every permit holder shall provide and maintain fully operational fire extinguishing equipment ready for immediate use; and
- v. The permit holder shall comply at all times with the provisions of the Act, FPPA and the Display Fireworks Manual published by Natural Resources Canada or any successor publication.

Pyrotechnic Special Effects Fireworks

39. No person or group of persons shall hold a display of pyrotechnic special effect fireworks in The Nation Municipality without first having obtained a permit to do so issued by the Manager of Municipal Law Enforcement and / or their delegates.

40. No person or group of persons shall discharge any pyrotechnic special effect fireworks in The Nation Municipality without first having obtained a permit issued by the Manager of Municipal Law Enforcement and / or their delegates authorizing the display of pyrotechnic special effect fireworks.

41. Every application for a permit shall be made to the Manager of Municipal Law Enforcement a minimum of 30 days prior to the event when the proposed discharge of pyrotechnic special effects fireworks is to occur.

42. Every application for a permit shall include:

- i. a description of the event including, a site plan of the facility and room capacity, the stage and the pyrotechnic special effect fireworks storage area;
- ii. a list of all the pyrotechnic special effect fireworks to be employed;
- iii. location of all pyrotechnic special effect fireworks;
- iv. height, range of effect, fallout and duration of the display of pyrotechnic special effect fireworks;
- v. sequence of firing;
- vi. location of the audience and all exits; and
- vii. date and time of the proposed event using pyrotechnic special effect fireworks;
- viii. description of fire emergency procedures;
- ix. name and address of the applicant and the sponsoring business or organization, if applicable;
- x. proof of certification of the applicant as a pyrotechnician;
- xi. proof of insurance and indemnification in accordance with Sections 10 and 11;
- xii. proof of consent of the owner of the property to the discharge of pyrotechnic special effect fireworks in writing if the applicant is not the owner of the property;
- xiii. a processing fee of \$25.00; and

- xiv. such other information as required by the Fire Chief.
43. An applicant for a permit is, subject to the provisions of this by-law, entitled to be issued the permit, except where:
- i. The application is incomplete;
 - ii. The applicant is not a pyrotechnician under the Act; or
 - iii. There are reasonable grounds for belief that the holding of the display of fireworks will result in a breach of this by-law, the FPPA or the Act.
44. The Manager of Municipal Law Enforcement may issue permits for displays of pyrotechnic special effect fireworks on the conditions set forth in Section 44, and each such permit shall state the name of the sponsoring business, club, association or group, the purpose of the display, the place and date at which the display may be held, and the name of the pyrotechnician under whose supervision the same shall be held.
45. The following conditions shall apply to the holding of a display of pyrotechnic special effect fireworks under a permit issued under this by-law:
- i. the permit is valid only for the display at the place and on the date or dates set forth in the permit;
 - ii. the permit holder shall supervise the display of pyrotechnic special effect fireworks;
 - iii. the permit holder shall discharge the pyrotechnic special effect fireworks;
 - iv. the permit holder shall provide and maintain fully operational fire extinguishing equipment ready for immediate use; and
 - v. the permit holder shall comply at all times with the requirements of the Act, FPPA and the Pyrotechnics Special Effects Manual published by Natural Resources Canada or any successor publication.
46. No permit holder shall discharge pyrotechnic special effect fireworks except in accordance with the conditions of the permit.
47. The permit holder holding the display of pyrotechnic special effects fireworks shall ensure that all unused fireworks and all debris be removed.

Insurance

48. The applicant shall provide and maintain Commercial General Liability insurance subject to limits of not less than five million dollars (\$5,000,000.00) inclusive per occurrence for bodily injury, death and damage to property including loss of use thereof. Such insurance shall be in the name of the applicant and shall name the Corporation of The Nation Municipality as an additional insured thereunder. Such insurance shall include permission to conduct displays of pyrotechnic special effects fireworks or display fireworks. Such insurance policy shall contain an endorsement to provide The Nation Municipality with (30) days prior written notice of cancellation or of a material change that would diminish coverage, and a Certificate of Insurance evidencing such insurance coverage shall be provided to the Nation Municipality prior to the issuance of a permit.

Indemnification

49. The applicant shall indemnify and save harmless The Nation Municipality from any and all claims, demands, causes of action, loss, costs or damages that The Nation

Municipality may suffer, incur or be liable for resulting from the performance of the applicant as set out in the by-law, whether with or without negligence on the part of the applicant, or the applicant's employees, directors, contractors and agents.

General Regulations

50. Every holder of a display fireworks permit shall produce his or her permit upon being so directed by the Fire Chief or Manager of Municipal By-law Enforcement, or any of their delegates.
51. Every holder of a pyrotechnic special effect fireworks permit shall produce his or her permit upon being so directed by the Fire Chief or Manager of Municipal By-law Enforcement, or any of their delegates.

Offences and Penalties

52. Every person who contravenes any of the provisions of this by-law is guilty of an offence.
53. Every person who is convicted of an offence under this by-law is liable to a fine as provided for in the *Provincial Offense Act*, R.S.O. 1990, Chapter p.33.

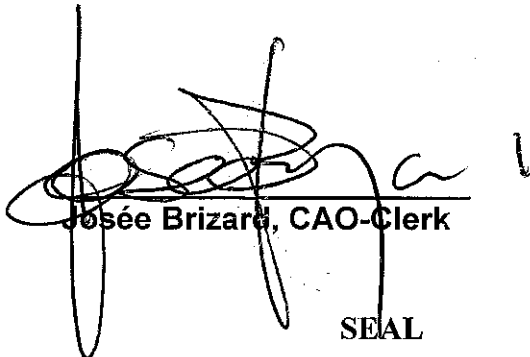
Short Title

54. This by-law may be referred to as the "Fireworks and Flying Lanterns By-Law".

READ A FIRST, SECOND AND THIRD TIME AND PASSED IN OPEN COUNCIL THIS 27TH DAY OF SEPTEMBER 2020.



François St. Amour, Mayor



Josée Brizard, CAO-Clerk

SEAL