

BY-LAW NO. 2007-186

THE CORPORATION OF THE CITY OF OWEN SOUND

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

WHEREAS it is provided by the Ontario Municipal Act, S.O. 2001 Part II General Municipal Powers, Section 11 Broad authority, lower-tier and upper-tier municipalities, the city of Owen Sound may pass by-laws protecting the health, safety and well-being of persons,

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

1. SHORT TITLE

1.1 This by-law may be cited as the "Fireworks By-law".

2. INTERPRETATION

2.1 For the purposes of this by-law the following terms shall have the corresponding meanings:

2.2 **City** means the Corporation of the City of Owen Sound;

2.3 **Council** means Council of the City;

2.4 **Person** includes a corporation, organization, association, partnership and the like;

2.5 **Fireworks** shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion deflagration or detonation and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, sparklers, or other fireworks of like construction and any fireworks containing an explosive or flammable compound, or any tablets or any device containing an explosive substance, except that the 'fireworks' term shall not include toy pistols, toy canes, or toy guns or other devices in which paper caps manufactured in accordance with the Department of Mines and Technical Surveys, Explosives Division regulations for packing and shipping of toy paper caps are used and toy paper caps manufactured as provided therein, the sale and use which shall be permitted at all times. Each package containing toy paper caps offered for retail sale shall be labeled to indicate the maximum explosive per cap.

2.6 **Low-Hazard** - "consumer fireworks" generally used for recreation such as: showers, golden rain, lawn lights, pinwheels, roman candles, volcanoes and sparklers. These are classified as F1 explosives in the Regulation

2.7 **High-Hazard** - "display fireworks" used for recreation such as rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, batteries, illumination, set pigeons, and fire crackers. They are technically called "fireworks in Subdivision 2 of Division 2" in the regulation.

2.8 **Prohibited** designation included in the Federal Explosives Regulation, Department of Energy, Mines and Resources or its successor.

- 2.9 **Display Fireworks** means "high-hazard fireworks for recreation, including fire crackers that are classed under Class 7, Division 2, Subdivision 2 under the *Explosives Act*, R.S.C. 198, c. E-17, as amended, and the *Explosives Regulations* under that Act, and includes but is not limited to the classes of fireworks known within the firework industry as rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, batteries, illuminations, set pieces and pigeons;
- 2.10 **Family Fireworks** means "low hazard fireworks" for recreation that are classed under Class 7, Division 2, Subdivision 1 of the *Explosives Act*, R.S.C. 1985, c. E-17 as the *Explosive Regulations* under that Act, and includes but is not limited to fireworks showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, volcanoes, sparklers and other similar devices, but does not include Christmas crackers and paper caps containing no more than twenty-five one-hundredths of a grain of explosive;
- 2.11 **Pyrotechnic Special Effects Fireworks** means pyrotechnics as described in the *Pyrotechnics Special Effects Manual* issued by the Explosive Regulatory Division of Natural Resources Canada;
- 2.12 **Firecrackers** means a pyrotechnic device that is designed to explode after being lighted without subsequent display or simultaneous visible effect, but does not include paper caps containing no more than twenty-five one-hundredths of a grain of explosive on average per cap, devices for use with such caps, safety flares and marine rockets, and as defined in the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4 and the regulations enacted hereunder;
- 2.13 **Fireworks Vendor** means any person, organization or company that sells, displays, or offers for sale fireworks in or from a permanent or temporary vending structure.
- 2.14 **Officer** includes a Police Officer appointed pursuant to the Police Services Act, a Municipal Law Enforcement Officer appointed pursuant to the Municipal Act or Police Services Act, a Chief Building Official appointed or constituted under the Building Code Act, a Building Inspector and Property Standards Officer as appointed under the Building Code Act, a Fire Inspector including the Fire Marshal, an assistant to the Fire Marshal, and Fire Chief for the provisions of the Fire Protection and Prevention Act.

3. EXEMPTIONS BY COUNCIL

- 3.1 Despite the provisions of this by-law, any person may apply to Council for an exemption to any provision of the bylaw to allow such person to display fireworks for a specific event set out in the conditions surrounding such application and Council may grant such exemption. Council may set out any conditions to be met as Council sees fit for any exemptions granted, including but not limited to the provision of liability insurance naming the City of Owen Sound as an additional insured.
- 3.2 Where an exemption has been granted by Council, breach of any of the terms or conditions of the exemption shall render the exemption null and void.

4. GENERAL PROHIBITIONS

- 4.1 No person shall possess, offer for sale, cause or permit to be sold, sell, discharge or dispose of any Firecrackers or any prohibited fireworks in the City.
- 4.2 No person shall sell, offer for sale, or supply any fireworks to any persons under the age of eighteen (18) years.
- 4.3 No person under the age of eighteen (18) shall possess, purchase or solicit the purchase of any fireworks, nor shall any person purchase fireworks on behalf of any persons under the age of eighteen (18).

5. STORAGE AND DISPLAY OF FIREWORKS FOR SALE

- 5.1 No person shall sell, offer for sale or display for sale any fireworks without lawful possession of a license to do so issued by the City of Owen Sound for a fee outlined in Schedule B of this By-law.
- 5.2 A license may be refused, revoked or suspended with seven (7) days notice from the City, delivered to the applicant/licensee' last known address, should any of the provisions of this by-law and its schedules be contravened, or in the opinion of Council or designated Official such refusal, suspension or revocation is in the public interest.
- 5.3 Any person who displays fireworks for sale shall post a valid municipal license in conspicuous place within the display area, and a précis of the provisions of this by-law as outlined in Schedule A.
- 5.4 No person shall sell fireworks to any person without a sign being present on the site and clearly visible to the public, stating that sale to persons under eighteen (18) years of age is prohibited.
- 5.5 No person shall display or store fireworks within any building, any lot, bin or bundle will not exceed 25kg, or be exposed to direct sunlight.
- 5.6 Where the total inventory of fireworks on site exceeds 1000kg, the vendor must obtain a license from the Explosives Division, Department of Energy, Mines and Resources.
- 5.7 All fireworks vendors shall ensure that any display unit housing fireworks for sale is enclosed, and composed of non-combustible material. All fireworks on display for sale must be secured in display unit by lock and only accessible by the vendor or employee of the fireworks vendor.
- 5.8 No person shall have in his or her possession within six (6) metres of any fireworks kept or displayed for sale any lighted match, lighted lighter, lighted cigar, pipe or cigarette or any other source of fire or ignition.
- 5.9 Every fireworks vendor shall ensure that any fireworks remaining unsold after the selling period outlined in section 5.1 of this by-law are immediately stored in a cool, dry, secured place remote from flammable materials and inaccessible to the public or children.

6. DISCHARGE OF FIREWORKS

- 6.1 No person under the age of eighteen (18) shall be permitted to discharge fireworks in the City of Owen Sound
- 6.2 No person shall light, discharge, set off or throw any fireworks or other noisy, offensive or dangerous substance or substances on City property at any time.

- 6.3 Notwithstanding section 6.1 and 6.2, it is permissible for persons over the age of eighteen (18) to discharge family fireworks on private property on the following dates, subject to the provisions of the Fire Prevention and Protection Act:
- 6.3.1 The day that is recognized as Victoria Day in Canada
- 6.3.2 The day that is recognized as Canada Day
- 6.3.3 The day that is recognized as Civic Holiday in Canada
- 6.3.4 The day that is recognized as Labour Day in Canada
- 6.4 Notwithstanding section 6.1, 6.2 and 6.3, a person shall be permitted to discharge family fireworks on private property for a specific occasion having first obtained a valid permit to do so issued by the City of Owen Sound for a fee outlined in Schedule B of this By-law. Any person who applies for such a permit shall adhere to the provisions in Schedule C of this By-law.
- 6.5 In addition to sections 6.1 and 6.2 and 6.3, no persons shall discharge fireworks between the hours of 24:00 and 19:00 (Midnight through 7 p.m.).
- 6.6 An Officer may enter private property at any time for the purposes of upholding the provisions of this by-law.

7. FIREWORKS DISPLAYS

- 7.1 No persons shall use "High-Hazard" or "Display Fireworks" within the City without;
- 7.1.1 Express consent from City Council; pursuant to the Clean Air Act and any other regulatory or local policy considerations;
- 7.1.2 A valid permit from the City of Owen Sound Fire and Emergency Services Department, or other location as designated by Council;
- 7.1.3 Holding a valid Fireworks Supervisor's Card.
- 7.2 No person shall use any fireworks or fireworks displays other than those pursuant to the Explosives Regulations of the Department of Energy, Mines and Resources.
- 7.3 Any fireworks that fail to discharge shall be immediately disposed of in a safe manner having regard to the particular type of fireworks involved.
- 7.4 Any persons in possession of unfired fireworks shall store them in a cool, dry place remote from flammable materials and inaccessible to the public and children.

8. OFFENSE

- 8.1 It is an offense for any person to contravene any provision of this by-law.

9. ENFORCEMENT AND PENALTY

- 9.1 This by-law shall be enforced by the Enforcing Officers as defined herein.
- 9.2 Any person who contravenes the provisions of the By-law is guilty of an offense and upon conviction therefor is subject to the penalty set out in the Provincial Offences Act.

10. TERMS SEVERABLE

10.1 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.


11. BY-LAWS REPEALED

11.1 By-law number 2748 is hereby repealed.

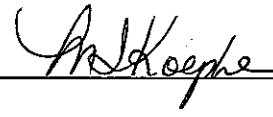
12. EFFECTIVE DATE

12.1 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 Offenses Act.

FINALLY PASSED AND ENACTED this 15th day of October, 2007.



Mayor



Clerk

Schedule A
By-law No. 2007-186
A BY-LAW TO REGULATE THE SALE AND DISCHARGE OF
FIREWORKS

TO BE POSTED CLEARLY WHEREVER FIREWORKS ARE TO BE SOLD

General Prohibitions

1. No one under 18 is permitted to buy, sell, possess or discharge fireworks of any kind in the City of Owen Sound.
2. No person may purchase, possess, sell, offer for sale, discharge or dispose of any prohibited fireworks, including high-hazard, display, pyrotechnic, and firecrackers. "Family" or "Low-Hazard" Fireworks are types that are permitted for recreational use*.

Sale of Fireworks

3. Any person who wishes to sell fireworks must first obtain a license from the City of Owen Sound.
4. Vendors may not sell or offer for sale any fireworks to anyone under the age of 18.
5. A sign indicating no sale permitted to those under 18 must be posted in a clearly visible area on the vendor's premises
6. This schedule must be posted and accompany a valid Vendor's License issued by the City of Owen Sound
7. Bundles of fireworks for display or storage may not exceed 25 kg.
8. All fireworks must be stored or displayed in an enclosed, non-combustible cabinet that is locked at all times, out of direct sunlight.
9. Fireworks stored on the premises must be stored in a cool dry place away from flammable materials and out of the reach of the public and children.
10. Any fireworks vendor's premises are subject to inspection by an Officer of the City to ensure conformity to the By-law

Discharge of Fireworks

11. No one under 18 is permitted to handle or discharge fireworks
12. No fireworks may be discharged on City property at any time
13. Fireworks may be discharged on **private property** only on the following dates:
 - Victoria Day
 - Canada Day
 - Civic Holiday
 - Labour Day
14. On the days outlined in #13, Family fireworks may only be discharged between the hours of 7pm and midnight.
15. A Special Occasions Fireworks Permit issued by the City of Owen Sound Fire Department must be obtained prior to the discharge of family fireworks on any day other than those stated above. The permit is only valid for private property on a one-occasion basis.

Any person who contravenes the provisions of this 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 Offenses Act

* Definitions may be obtained from the Owen Sound Fire and Emergency Services Department.
* In addition to this by-law all persons remain subject to the provisions of the Fire Prevention and Protection Act, the Explosives Act, Building Code Act and any other applicable regulation.

Schedule B
By-law No. 2007-186
A BY-LAW TO REGULATE THE SALE AND DISCHARGE OF
FIREWORKS

License/Permit	Fee
License to permit the sale of fireworks by a vendor possessing a valid general business license	\$25
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	\$5

Schedule C
By-law No. 2007-186
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 2007- XXX 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.

SUMMARY OF BY-LAW NO. 2007-186

General Prohibitions

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2. No person may purchase, possess, sell, offer for sale, discharge or dispose of any prohibited fireworks, including high-hazard, display, pyrotechnic, and firecrackers. "Family" or "Low-Hazard" Fireworks are types that are permitted for recreational use*.

Discharge of Fireworks

3. No one under 18 is permitted to handle or discharge fireworks
4. No fireworks may be discharged on City property at any time
5. Fireworks may be discharged on **private property** only on the following dates:
 - Victoria Day
 - Canada Day
 - Civic Holiday
 - Labour Day
6. On the days outlined in #5, Family fireworks may only be discharged between the hours of 7pm and midnight.
7. A Special Occasions Fireworks Permit issued by the City of Owen Sound Fire Department must be obtained prior to the discharge of family fireworks on any day other than those stated above. The permit is only valid for private property on a one-occasion basis.

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