

# THE CORPORATION OF THE TOWN OF LASALLE

## BY-LAW NO. 8013

### A BY-LAW TO REGULATE THE SALE AND DISCHARGE OF FIREWORKS WITHIN THE TOWN OF LASALLE

**WHEREAS** it is deemed expedient to regulate the sale and setting off of Fireworks in the Town of LaSalle;

**AND WHEREAS** s.120 of the *Municipal Act, 2001*, S.O. 2001, c.25 as amended provides that a local municipality may;

- (a) prohibit and regulate the manufacture of explosives in the municipality;
- (b) prohibit and regulate the storage of explosives and dangerous substances in the municipality;
- (c) regulate the keeping and transportation of explosives and dangerous substances in the municipality; and
- (d) may prohibit the manufacture or storage of explosives unless a Permit is obtained, and may impose conditions of obtaining or continuing to hold and renewing the Permit, including requiring the submission of plans;

**AND WHEREAS** s. 121 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended provides that a local municipality may prohibit and regulate the sale of Fireworks and the setting off of Fireworks, and further that a By-law may prohibit those activities unless a Permit is obtained for those activities and may impose conditions for obtaining, continuing to hold and renewing the Permit, including requiring the submission of plans;

**AND WHEREAS** section 7.1(1) of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, as amended provides that a council of a municipality may pass By-laws regulating fire prevention, including the prevention of spreading fires;

**THEREFORE** the Council of the Corporation of the Town of LaSalle enacts as follows:

#### DEFINITIONS

1.1 In this By-law:

"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 therefore;

"Authorized Persons" means, as the context requires, a) in the case of Display Fireworks those persons working under the direct supervision of the Fireworks Supervisor, who have been as a minimum, certified as an apprentice as required by the Explosives Regulatory Division of Natural Resources Canada, and b) in the case of Pyrotechnic Special Effects Fireworks, those persons working under the direct supervision of the Pyrotechnician, who have been as a minimum, certified as a theatrical user as required by the Explosives Regulatory Division of Natural Resources Canada;

"Chief Fire Official" means the Chief of the LaSalle Fire Service, or persons duly appointed by the Fire Chief as Chief Fire Officials;

"Consumer Firework" means an outdoor, low hazard, Recreational Firework that is classed as a type F.1 Firework under the Act, which includes Fireworks showers, fountains, golden rain, lawn lights, pin wheels, 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;

"Corporation" means The Corporation of the Town of LaSalle;

"Discharge" means to fire, ignite, explode, or set off or cause to be fired, ignited, exploded or setoff and the words "Discharged" and "Discharging" have a similar meaning;

"Display Firework" means an outdoor, high hazard, Recreational Firework that is classed as a type F.2 Firework under the Act, which includes rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, bombardos, waterfalls, fountains, batteries, illumination, set pieces and pigeons but does not include Firecrackers;

"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;

"Fireworks" means Display Fireworks, Special Effect Pyrotechnic Fireworks, and Consumer Fireworks;

"Fireworks Discharge Permit" means a Permit issued by the Chief Fire Official pursuant to this By-law to allow the Discharge of Display Fireworks or Special Effect Pyrotechnic Fireworks;

"Fireworks Sales Permit" means a Permit issued by the Chief Fire Official pursuant to this By-law to sell Consumer Fireworks from a Temporary Sales Unit;

"Fireworks Display Supervisor" means a person who is an approved purchaser of Display Fireworks and who is qualified under the Act to supervise the Discharge of Display Fireworks;

"FPPA" means the *Fire Protection and Prevention Act, 1997*, S.O. 1997, as amended, and the Regulations enacted thereunder as amended from time to time or any Act or Regulations enacted in substitution therefore;

"Permanent Sales Location" means a building or structure with a permanent foundation, on a commercially zoned property that Permits retail sales;

"Permit" means a Permit issued under this By-law by the Chief Fire Official;

"Prohibited Firework" includes but is not limited to sky lanterns (Chinese, Kongming or Wish lantern), cigarette loads or pings/ plugs, exploding matches, sparkling matches, ammunition for miniature tie clip, cufflink or key chain pistols, auto alarms or jokers, firecrackers, 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 poppers and table bombs, table rockets and battle sky rockets, fake Firecrackers and other trick devices or practical jokes, and any other devices designated as prohibited under the Act;

"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;

"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;

"Sky Lantern" (also known as a Chinese, Kongming or Wish lantern) are devices that are constructed of paper and a frame containing a fuel pack. The fuel pack is usually a petroleum or wax based fuel that when lit causes the lantern to lift into the sky;

"Special Effect Pyrotechnic Firework" means a high hazard Firework that is classed as a type F.3 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;

"Temporary Sales Unit" means a portable stand, cart, display rack, cargo container, trailer or other display unit that can be moved from one location to another and is used for the sale of Consumer Fireworks. No Temporary Sales Unit may remain in the same location for more than nine (9) days. A Temporary Sales Unit does not include a motor vehicle as defined in the Highway Traffic Act;

“Town of LaSalle” means the area of land contained within the geographical boundaries of the Town of LaSalle.

## **SALE OF CONSUMER FIREWORKS AND FIRECRACKERS**

### **PROHIBITED ACTIVITIES**

2.1 No person shall:

- (a) Sell or give away any Firecrackers in the Town of LaSalle;
- (b) possess, Sell, store or supply any Prohibited Fireworks;
- (c) sell Consumer Fireworks except on the following days:
  - (i) Victoria Day, Canada Day, the Fourth of July, Civic Holiday, Labour Day, New Year’s Eve; and
  - (ii) each of the ten days immediately preceding Victoria Day, Canada Day, the Fourth of July, Civic Holiday, Labour Day and New Year’s Eve;
- (d) within the Town of LaSalle, sell or give any person under the age of 18 years any type of Consumer Fireworks;
- (e) sell any Consumer Fireworks from a Temporary Sales Unit without making application at least 30 days in advance of the proposed sales period, and subsequently obtaining a Fireworks Sales issued by the Chief Fire Official specifically Permitting the sale of Fireworks from the location authorized on such Permit, and in compliance with conditions prescribed in the said Permit;
- (f) display for sale within the Town of LaSalle any Consumer Fireworks in any manner other than in a consumer package, glass case, or other suitable receptacle, away from any other flammable goods and in accordance with the Act;
- (g) Sell or store Consumer Fireworks from a motor vehicle;
- (h) Sell Fireworks from a dwelling, or any other building unless the provisions of the Ontario Fire Code, and all other applicable Acts and Regulations are complied with.

### **FIREWORKS SALES PERMITS**

3.1 An application in writing for a Fireworks Sale Permit to sell Consumer Fireworks from a Temporary Sales Unit shall be made to the office of the Chief Fire Official. Every application shall be accompanied by:

- a) A description of the Consumer Fireworks to be sold;
- b) Proof of commercial general liability insurance in an amount not less than \$5,000,000, naming the Town of LaSalle as an additional insured and containing a cross liability clause;
- c) An indemnification and hold harmless undertaking in favour of the Town and signed by the applicant or by an individual having the authority to bind the applicant;
- d) a site plan showing the proposed location of the Temporary Sales Unit; and
- e) such other information as the Chief Fire Official may require.

3.2 Applications for Fireworks Sales Permit shall be made no less than thirty (30) days in advance of the proposed sales period.

3.3 Separate Fireworks Sale Permits must be made for each proposed Temporary Sales Unit.

3.4 Receipt of the application for a Fireworks Sales Permit by the Town shall not represent approval of the application for the issuance of a Fireworks Sales Permit nor shall it obligate the Town to issue a Fireworks Sales Permit.

3.5 No person shall transfer or assign his or her Fireworks Sales Permit to any other person.

### **TEMPORARY SALES UNITS**

4.1 A person holding a Fireworks Sales Permit shall:

- (a) ensure that a minimum of 2 signs are posted in prominent locations on the outside of the Temporary Sales Unit indicating that persons shall not smoke or ignite any flammable material, or have in their possession any lighted match, lighter, pipe, cigar, cigarette, open flame or spark emitting device within eight (8) meters of the Temporary Sales Unit;
- (b) ensure that, with the exception of its entrance and exits, a “No Encroachment Zone” of at least eight (8) metres is established around its perimeter by means of a barrier, such as snow fence, pylons, or other material satisfactory to the Chief Fire Official to exclude the public from this area;
- (c) ensure that a fire extinguisher with a minimum rating of 3A 10BC is visible and readily available at all times;
- (d) ensure that at least 2 operational doors are available to provide means of access and egress from the Temporary Sales Unit;
- (e) ensure that no more than 15 customers are in the Temporary Sales Unit at the same time;
- (f) ensure that no Consumer Fireworks are exposed to direct sunlight;
- (g) except for consumer packages, ensure that any Fireworks handled by the customer be mock samples only and not contain explosive composition;
- (h) ensure that the Fireworks Sales Permit is posted in a conspicuous location on the Temporary Sales Unit at all times during the term of the Fireworks Sales Permit;
- (i) Permit the inspection by the Chief Fire Official of the Consumer Fireworks and any site where the Consumer Fireworks may be stored, displayed or Discharged together with all associated equipment and documentation pertaining to the storage, display or Discharge of Consumer Fireworks;
- (j) locate a Temporary Sales Unit:
  - (i) a minimum of One hundred (100) meters from:
    - 1. any public park;
    - 2. any land occupied by a hospital, nursing home, home for the aged, residential care facility, church or school; or
    - 3. any land where explosives, gasoline or other flammable substances are manufactured or stored in bulk above ground, including a gas station;
  - (ii) a minimum of eight (8) meters from any occupied parking space, combustible or flammable material or ignition source;
  - (iii) a minimum of fifteen (15) meters from any roadway;
  - (iv) a minimum of thirty (30) meters from any occupied building or residence; and
  - (v) in a location that is not restricted to Residential zoning.

## **PERMANENT SALES LOCATIONS**

- 4.2 A Fireworks Sales Permit is not required to sell Fireworks from a Permanent Sales Location.
- 4.3 Notwithstanding Subsection 4.2, no person shall fail to comply with the Act when selling, storing or displaying Fireworks from a Permanent Sales Location.

## **SALE OF DISPLAY FIREWORKS AND SPECIAL EFFECT PYROTECHNIC FIREWORKS**

- 5.1 The sale and use of Display Fireworks and Special Effect Pyrotechnic Fireworks are specifically regulated under the Act and its Regulations. The sale, storage, or possession of Display Fireworks and/or Special Effect Pyrotechnic Fireworks is prohibited in the Town of LaSalle, unless in strict compliance with all licensing and regulatory provisions of the Act and its current Regulations.

## **DISCHARGE OF CONSUMER FIREWORKS**

- 6.1 No Fireworks Discharge Permit is required to Discharge Consumer Fireworks on the following days:
- Victoria Day, Canada Day, Fourth of July, Civic Holiday, Labour Day and New Year's Eve and the recognized holiday weekend immediately preceding Victoria Day, Canada Day, Fourth of July, Civic Holiday and Labour Day.
- 6.2 The Chief Fire Official may issue a permit for the Discharge of Consumer Fireworks for special occasions, upon approval of an appropriate application and supporting documents.
- 6.3 A person eighteen (18) years of age or older may hold a display of Consumer Fireworks on any land belonging to him or her or on any other privately owned land where the legal owner thereof has given written permission for such display or Discharge of Consumer Fireworks.

## **PROHIBITED ACTIVITIES**

- 7.1 No person shall:
- a) possess or Discharge Fireworks except in accordance with this By-law;
  - b) Discharge any Prohibited Fireworks;
  - c) Discharge any Firecrackers;
  - d) Discharge Fireworks except between dusk and 11 p.m. on the holidays known as Victoria Day, Canada Day, Fourth of July, Civic Holiday, Labour Day and New Year's Eve, and on any recognized holiday weekend immediately preceding Victoria Day, Canada Day, Fourth of July, Civic Holiday, Labour Day;
  - e) Discharge Fireworks on any public property or property not legally owned by him or her without obtaining the written authorization of the legal owner;
  - f) fail to follow the manufacturer's requirements for the Discharge of Fireworks;
  - g) fail to permit the inspection by the Chief Fire Official of the Fireworks and any site where the Fireworks may be Discharged together with all associated equipment and documentation pertaining to the Discharge of Fireworks;
  - h) being under the age of 18 years, possess or Discharge Fireworks;
  - i) permit any person under the age of 18 years to Discharge Fireworks;
  - j) Discharge any Consumer Fireworks in such a 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;

- k) fail to provide and maintain ready for immediate use operational portable fire extinguishing equipment with a minimum rating of 3A 10BC, or an alternate effective means of fire extinguishment, and this equipment is to be present at all times and for a reasonable period thereafter at the site of the Discharge of Consumer Fireworks (including having the knowledge of the operational procedures associated with the said portable extinguishing equipment);
- l) Discharge any Consumer Fireworks including sparklers or volcanoes inside a restaurant or other public assembly building;
- m) Discharge any Consumer Fireworks in or into any building, doorway, or automobile;
- n) Discharge any Consumer Fireworks in or on or into any highway, street, alley, lane, or other public place, unless permitted under a Display Fireworks Permit to do so, issued by the Chief Fire Official under the provisions of subsection 8.2; or
- o) Discharge Consumer Fireworks within 300 meters of any premises or place where explosives, gasoline or other flammable substances are manufactured or stored in bulk.

### **DISCHARGE OF DISPLAY FIREWORKS**

- 8.1 No person shall discharge Display Fireworks without a permit.
- 8.2 An application in writing for a Fireworks Discharge Permit to Discharge Display Fireworks shall be made at the office of the Chief Fire Official.
- 8.3 Every application for a Permit shall be made to the Chief Fire Official a minimum of 30 days prior to the event when the proposed Discharge of Display Fireworks is to occur.
- 8.4 Discharge of Display Fireworks is prohibited on any Town of LaSalle property without first having obtained the approval of the Council of the Corporation, in addition to the issuance of a valid Fireworks Discharge Permit pursuant to the provisions of this By-law.
- 8.5 Every application for a Permit shall include:
  - (a) a description of the event including:
    - (i) the date and time of the proposed Discharge of Display Fireworks;
    - (ii) the type and kind of Display Fireworks that may be Discharged; including the height, range of effect, fallout and duration of the Display Fireworks;
    - (iii) the Discharge techniques to be used;
    - (iv) the manner and means of restraining unauthorized persons from attending too near the Discharge site;
    - (v) the manner in which unused Display Fireworks are to be disposed of; and
    - (vi) the number of Authorized Persons on site during the event to, handle and Discharge the Display Fireworks;
    - (vii) the method and location of storage of the Display Fireworks prior to set up and display.
  - (b) a site plan providing a description of the Discharge site to be used for the discharging of the Display Fireworks;
  - (c) a description of the fire emergency procedures;
  - (d) the name and address of the applicant and the sponsoring organization, if applicable;
  - (e) proof of certification of the applicant as a Fireworks Display Supervisor, (*Fireworks operator certificate*) to the appropriate designation

- (f) proof in writing of the consent of the owner of the property to the Discharge of Display Fireworks;
- (g) a non-refundable processing fee;
- (h) proof of insurance and indemnification in accordance with Sections 9 and 10; and
- (j) such other information as required by the Chief Fire Official.

## **INSURANCE**

- 9.1 The applicant for a Permit to Discharge Display Fireworks or Special Effects Pyrotechnic Fireworks 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 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 Corporation 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 Corporation prior to the issuance of a Permit.

## **INDEMNIFICATION**

- 10.1 The applicant for a Permit to Discharge Display Fireworks or Special Effects Pyrotechnic Fireworks shall indemnify and save harmless the Town of LaSalle from any and all claims, demands, causes of action, loss costs or damages that the Town of LaSalle 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, the applicant's employees, directors, contractors and agents.

## **CONDITIONS APPLYING TO PERMIT**

- 11.1 The Chief Fire Official 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.
- 11.2 The following conditions shall apply to a display of Display Fireworks under a Permit issued under this By-law:
- (a) the Permit is valid only for the display at the place and on the date or dates set forth in the Permit,
  - (b) the display is not being held within:
    - (i) One hundred (100) meters from any highway or entrance to a public park;
    - (ii) three hundred (300) meters of a nursing home, public hospital, home for the aged, any premises or place where explosives, gasoline, or other highly flammable substances are manufactured, sold or stored;
    - (iii) three hundred (300) meters of a church or a public or separate secondary school or other school unless the consent of the owner

or an agent or representative of the owner of such church or school is obtained;

(iv) five hundred (500) meters of another approved Display Fireworks display location.

- (c) the Permit holder shall supervise the display of Display Fireworks;
- (d) the Permit holder, being a Fireworks Display Supervisor, or his licensed designate shall Discharge the Display Fireworks, and any Consumer Fireworks identified, and the Fireworks Display Supervisor shall be present on site at all times during which the display is being set up, Discharged and cleaned up;
- (e) every Permit holder shall provide and maintain fully operational fire extinguishing equipment with a total minimum rating of 9A 30BC and said equipment shall be ready for immediate use at each firing site;
- (f) the Permit holder shall comply at all times with the provisions of the Act, the FPPA, and the Display Fireworks Manual published by Natural Resources Canada or any successor publication;
- (g) a demonstration of the display or portions of the display shall be conducted upon request of the Chief Fire Official;
- (h) the Permit holder shall recognize the Chief Fire Official's authority to reduce, alter, and/or cancel the display if the weather conditions are not conducive to public safety.

11.3 No person holding a permit shall Discharge Display Fireworks except in accordance with the conditions of the Permit.

11.4 Receipt of the application and/or the Fireworks Discharge Permit fee shall not represent approval of the application for the issuance of a Fireworks Discharge Permit nor shall it obligate the Town to issue a Fireworks Discharge Permit.

11.5 No person shall transfer or assign his or her Fireworks Discharge Permit to any other person.

11.6 In the event that a person attempts to transfer or transfers his or her Fireworks Discharge Permit, the Fireworks Discharge Permit is void and there shall be no return of any fee paid.

11.7 The Permit holder of the Display Fireworks Permit shall ensure that all unused Fireworks and all debris are removed within 12 hours of the completion of the display event.

#### **DISCHARGE OF SPECIAL EFFECT PYROTECHNIC FIREWORKS**

12.1 No person shall possess or Discharge any Pyrotechnic Special Effect Fireworks in the Town of LaSalle.

12.2 Notwithstanding subsection 12.1, the Chief Fire Official may, in their sole discretion, grant a Fireworks Discharge Permit for Pyrotechnic Special Effect Fireworks on a case-by-case basis with conditions attached.

12.3 No Permit holder shall Discharge Pyrotechnic Special Effect Fireworks except in accordance with the conditions of the Permit.

**GENERAL REQUIREMENTS**

- 13.1 Every holder of a Fireworks Sales Permit, or a Fireworks Discharge Permit shall produce his or her Permit upon the request of the Chief Fire Official.
- 13.2 Any Permits granted by the Chief Fire Official may be revoked whenever, in the Chief Fire Official's sole discretion, the holder of such Permit is determined to be in non-compliance with its conditions or requirements, or the Chief Fire Official has concerns for the safety of the public.
- 13.3 Where a Fireworks Sales Permit is revoked, the applicant may apply for a new Fireworks Sales Permit subject to the provisions of Section 3 for the next proposed sales period.
- 13.4 Where any Permit is revoked, the applicant is not entitled to a return of any fee paid to obtain the said Permit.

**OFFENCES AND PENALTIES**

- 14.1 Every person who contravenes any of the provisions of this By-law is guilty of an offence.
- 14.2 Every person who is convicted of an offence under this By-law is liable, upon conviction to a fine as provided for in the Provincial Offenses Act, R.S.O. 1990, c. P33.
- 14.3 If any section, subsection or part thereof be declared illegal or *ultra vires*, such section, subsection or part shall be deemed to be severable and all other parts to be separate and independent.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF LASALLE HEREBY ENACTS AS FOLLOWS:**

- 1. By-Law number 2854 is hereby repealed.
- 2. All Schedules referred to in this By-law are deemed to be part of the By-law.
- 3. The short title of this By-law shall be the "Fireworks By-law".
- 4. This By-law shall come into force and take effect on the day of the final passing thereof.

Read a first and second time, and FINALLY passed this 9<sup>th</sup> day of May, 2017.

1<sup>st</sup> Reading – May 9, 2017

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Mayor – K. Antaya

2<sup>nd</sup> Reading – May 9, 2017

3<sup>rd</sup> Reading – May 9, 2017

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Clerk – B. Andreatta