

**THE CORPORATION OF
THE TOWNSHIP OF GEORGIAN BAY**

BY-LAW 2022-009

Being a By-law to Prohibit the Setting off of
Fireworks within the of the Township of
Georgian Bay

(Fireworks By-law)

WHEREAS Council acknowledges that fireworks have the potential to pollute air and water, negatively impact animals in the vicinity and diminish quality of life for some residents; and

WHEREAS Council wishes to take action to mitigate the risk to human, animal and environmental health; and

WHEREAS Section 121 (a) of the Municipal Act, 2001, S.O. 2001, c.25 provides that the Council may prohibit and regulate the sale of fireworks and the setting off of fireworks; and

WHEREAS Section 121(b) of the Municipal Act, 2001, S.O. 2001 C.25 provides that Council may prohibit the activities described in Section 121(a), above unless a permit is obtained from the municipality for those activities and may impose conditions for obtaining, continuing to hold and renewing the permit, including submissions of plans;

WHEREAS pursuant to Section 436 of the Municipal Act, 5.0. 2001, c. 25, as amended, a municipality has the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether a by-law of the municipality passed under the Act is being complied with;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF GEORGIAN BAY ENACTS AS FOLLOWS:

1.0 Short Title

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

2.0 Definitions

In this By-law:

- 2.1 **"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, therefore.
- 2.2 **Chief Fire Official** as defined in the Ontario Fire Code O. Reg. 213/07, Article 1.4.1.2.
- 2.3 **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.
- 2.4 **Council** means the Council of The Corporation of the Township of Georgian Bay.
- 2.5 **Display Fireworks** means an outdoor, high hazard, recreational firework that is classed as a subdivision of 2 of Division 2 Class 7 Fireworks under the Act.
- 2.6 **Fireworks** as defined in the Explosive Regulations made pursuant to the Explosives Act, R.S. c. E-15, s.1 as amended and includes one single item of Fireworks.
- 2.7 **Officer** means a Police Officer, municipal law enforcement officer or other person appointed by by-law to enforce the provisions of this by-law.
- 2.8 **Person** means any human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executors, or other legal representatives of a Person to whom the context can apply, according to law.
- 2.9 **Permit** means written permission to hold a Display Fireworks issued by the Municipality pursuant to this By-law and signed by the Chief Fire Official or their designate.
- 2.10 **Premises** means land and includes the buildings and/or structures thereon.
- 2.11 **Public Fireworks Display** means an exhibition of Fireworks in an open-air assembly, occupancy to which the public is invited, attends or is admitted, with or without a fee being charged.

2.12 **Pyrotechnics** are high-hazard and designed for professional use. They include but is not limited to items like gerbs, mines, comets, andcrossette fireworks, as well as special-purpose pyrotechnics made forlive stage performances and the film and television industry.

2.13 **Setting Off** or **Set Off** means to fire, discharge, ignite, explode orrelease into the air or to cause to fire, discharge, ignite or explode or release into the air.

2.14 **Township** means the Corporation of The Township of Georgian Bay.

3.0 **General Prohibitions**

3.1 No Person shall set off, discharge, cause or permit to be set off ordischarged of any Fireworks in or into, on or onto any building, highway, sidewalk, Municipal Park or Municipal property.

4.0 **Consumer Fireworks**

4.1 No person shall set off, discharge, cause or permit to be set off or discharged consumer fireworks on any day or days during the year except on Victoria Day, Canada Day, Civic Day, Labour Day, ChristmasDay, New Years Eve, New Years Day and the two days immediately preceding and one day following each of these days.

4.2 No Person under the age of eighteen (18) years of age may set off, discharge, cause or permit to be set off or discharged any consumerfireworks.

4.3 No person shall set off, discharge, cause or permit to be set off ordischarged any consumer fireworks in a manner that may create adanger or nuisance to any person or property.

4.4 No person shall set off, discharge, cause or permit to be set off or discharged any consumer fireworks except between dusk and 11:00 p.m. or between dusk and 1:00 a.m. on New Years Eve

4.5 No person shall set off, discharge, cause or permit to be set off or discharged any consumer fireworks on any land whatsoever, except onland belonging to the person setting off the fireworks or on other privately owned land where the consent of the owner has been obtained.

- 4.6 No person shall set off, discharge, cause or permit to be set off or discharged consumer fireworks other than in accordance with applicable legislation.
- 4.7 Any person who sets off, discharges, causes or permits to be set off or discharge consumer fireworks must abide by the Township Open Air Burning By-law 2018-18 as amended from time to time and be aware of the fire danger rating for the Township.

5.0 **Display Fireworks**

- 5.1 No person shall cause or permit or hold display fireworks or set off display fireworks/pyrotechnic special effects on any day or days without obtaining a permit and approval from the Chief Fire Official.
- 5.2 Only Persons who hold a valid Display Supervisor certificate, issued by the Explosives Regulatory Division (ERD) of Natural Resources Canada are eligible to apply for a permit to Set Off Display Fireworks or Pyrotechnic Special Effects.
- 5.3 An application package as prescribed under the Act must be submitted to the Chief Fire Official or their designate a minimum of 30 days prior to the date being applied for.
- 5.4 The application package shall contain the requirements as found in the Natural Resources Canada (NRCAN) Fireworks Display Manual.
- 5.5 The Permit may be suspended or revoked by the Chief Fire Official or their designate if the conditions of the permit are not being met or it would be unsafe to allow the Public Fireworks Display.
- 5.6 The Display Fireworks shall only be Set Off on the day or days specified by the Permit.
- 5.7 Property damage or injury as a result of Display Fireworks shall be the responsibility of the Person named on the permit.

6.0 **Grant of Exemption by Council**

6.1 **Application to Council**

Notwithstanding anything contained in this By-law, any person may make an application to Council to be granted an exemption from any of the provisions of this By-law with respect to the discharge of fireworks and Council, may refuse to grant any exemption or may grant the exemption which may contain such terms and conditions as Council sees fit. Council delegates the authority to staff to provide an exemption for consumer firework exemption requests.

6.2 **Decision**

In deciding whether to grant the exemption, Council shall give the applicant and any person opposed to the application an opportunity to be heard and may consider such other matters as it deems appropriate.

6.3 **Breach**

A breach by the applicant of any of the terms or conditions of any exemption granted by Council shall render the exemption null and void.

7.0 **Administration and Enforcement**

7.1 This By-law shall be administered by the Chief Fire Official or their designate.

7.2 This By-law shall be enforced by an Officer.

8.0 **Entry and Inspection**

8.1 The Officer, Chief Fire Official or their designate(s) may at any time, enter onto a property to determine whether this by-law is being complied with.

8.2 Every Person shall permit the Officer, Chief Fire Official or their designate(s) to inspect any land for the purposes of determining compliance with this by-law.

8.3 The Officer, Chief Fire Official or their designates may enter upon lands at any reasonable time to direct or require that a matter or thing be done, and in default of that matter or thing being done,

to do such matter or thing in accordance with this by-law.

- 8.4 An Officer, Chief Fire Official or their designate who is exercising a power of entry on behalf of the Township under this by-law may be accompanied by any Person under their direction including Law Enforcement Services.

9.0 **Obstruction**

- 9.1 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this by-law.

- 9.2 Every Person who has been alleged to have contravened any of the provisions of this by-law, shall identify themselves to the Officer, the Chief Fire Official or their designates upon request, failure to do so shall be deemed to have hindered or obstructed the Officer or Chief Fire Official under section 8.1 of this by-law.

10.0 **Penalties**

- 10.1 Every Person who contravenes any provision of this by-law and every Director or Officer of a Corporation, who knowingly concurs in the contraventions by the Corporation, is guilty of an offence under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended

- 10.2 Every Person who contravenes any provision of this by-law is guilty of an offence pursuant to the provisions of the Provincial Offences Act R.S.O. 1990, Chapter P.33, as amended, and upon conviction, a Person is liable to a fine of not more than \$5,000, exclusive of costs.

- 10.3 Every Person guilty of an offence under this by-law may, if permitted under the Provincial Offences Act, pay a set fine and the Chief Judge of the Ontario Court Provincial division, shall be requested to establish set fines in accordance with Schedule "A" attached to this by-law.

11.0 **Severability**

- 11.1 If a Court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or

influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

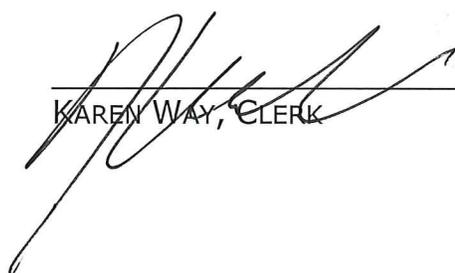
12.0 Schedules

12.1 Schedule "A" as attached forms part of this by-law.

READ AND ENACTED in Open Council on this 14th day of February, 2022.



PETER KOETSIER, MAYOR



KAREN WAY, CLERK

**THE CORPORATION OF
THE TOWNSHIP OF GEORGIAN BAY**

BY-LAW 2022-009

SCHEDULE "A"

Fireworks By-law

Part I Provincial Offences Act

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1.	Set off Fireworks in a prohibited area	3.1	\$500.00
2.	Cause the setting off of fireworks during prohibited time	4.1	\$500.00
3.	Permit the setting off of Fireworks during prohibited time	4.1	\$500.00
4.	Engage in the setting off of fireworks during the prohibited time	4.1	\$500.00
5.	Set off fireworks that create a danger or nuisance	4.3	\$500.00
6.	Set off fireworks during a prohibited time.	4.4	\$500.00
7.	Set off fireworks without property owner permission	4.5	\$500.00
8.	Cause a fireworks display without a valid permit	5.1	\$800.00
9.	Permit a firework display without a valid permit	5.1	\$800.00

NOTE: The general penalty provision for the offences listed above is Section 10.0 of By-law 2022-009, a certified copy of which has been filed.