

THE CORPORATION OF THE MUNICIPALITY OF THAMES CENTRE

BY-LAW NO. 70-2021

Being a By-law to regulate the display and the discharge of fireworks within the of the Municipality of Thames Centre.

WHEREAS Section 5(3) of the Municipal Act, 2001, provides that the powers of The Corporation of The Municipality of Thames Centre, shall be exercised by by-law;

AND WHEREAS Section 121 of the Municipal Act, 2001, authorizes a municipality to prohibit and regulate the sale of fireworks and the setting off of fireworks;

AND WHEREAS the Council of The Corporation of the Municipality of Thames Centre deems it desirable to pass a By-law to prohibit and regulate the sale of fireworks and the setting off of fireworks within the Municipality of Thames Centre;

NOW THEREFORE the Council of The Corporation of the Municipality of Thames Centre **HEREBY ENACTS AS FOLLOWS:**

1. DEFINITIONS

In this by-law:

"banger" means a type of firework that is made to explode noisily without a spectacular display of colour or lights.

"firecracker" means a type of firework that is made to explode with a sharp crack without a spectacular display of colour or lights.

"fireworks" means any and all classes of fireworks with the exclusion of sparklers, including and without limiting the generality of the foregoing the following clauses which are included in the Explosives Regulation, Natural Resources Canada:

- (i) Consumer fireworks are low-hazard and designed for recreational use. They include items like Roman candles, fountains, volcanoes, mines, and snakes.
- (ii) Display fireworks are high-hazard and designed for professional use. They include items like aerial shells, cakes, Roman candles, waterfalls, lances, and wheels.
- (iii) Special effect pyrotechnics are high-hazard and designed for professional use. They include items like gerbs, mines, comets, and crossettes, as well as special-purpose pyrotechnics made for live stage performances and the film and television industry.

"fireworks composition" shall mean any chemical compound or mechanically mixed preparation of any explosive or inflammable nature that is used for the purpose of making any manufactured fireworks and is not included in any other class of explosives, and includes any star or coloured fire composition that is not manufactured fireworks.

"manufactured fireworks" shall mean explosives of any class and any fireworks composition that is enclosed in any case or contrivance, or is otherwise manufactured or adapted for the production of pyrotechnic effects, pyrotechnic signals or sound signals.

"Municipality" means The Corporation of the Municipality of Thames Centre.

"Officer" is defined as:

- (i) Any Police Officer;
- (ii) A By-Law Enforcement Officer so designated by the Council of the Municipality of Thames Centre;

(iii) The Fire Chief.

2. GENERAL PROVISIONS

1. No person shall, within the Municipality, sell or give to any person under the age of 18 years any type of fireworks;
2. No person shall display for sale within the Municipality any type of fireworks in any manner other than in lots that do not exceed 22.68 kilograms gross weight (50 pounds gross weight);
3. No person shall display for sale within the Municipality any type of fireworks in any manner other than in a package, glass case or other suitable receptacle and away from any other flammable goods;
4. No person shall display for sale within the Municipality any type of fireworks in any manner other than in such a place that the fireworks are not exposed to the rays of the sun or to excess heat from any other source;
5. No person shall within the Municipality of Thames Centre, display or sell any type of fireworks except upon the three (3) business days prior to and on the days upon which Victoria Day and Canada Day are celebrated as holidays;
6. No person under the age of 18 years shall set off any type of fireworks in the Municipality;
7. No person shall within the Municipality discharge any type of fireworks on any day other than the days upon which Victoria Day and Canada Day are celebrated as holidays;
8. No person shall within the Municipality discharge any type of fireworks at any time other than dusk until 11 o'clock in the evening, local time;
9. Notwithstanding the provisions of this By-law, the Municipality may hold special displays of fireworks to celebrate national or civic holidays or national celebrations provided such displays, in each case, are organized, constructed, lighted, set off or discharged under the supervision and in accordance with the directions of the Fire Chief of the Municipality and a pyrotechnical expert.

3. GENERAL PROHIBITIONS

1. Notwithstanding any other provision of this by law, no person shall, within the Municipality, display, offer for sale, or sell firecrackers or bangers;
2. Notwithstanding any other provisions of this by law, no person shall let off or discharge within the Municipality firecrackers or bangers;
3. No person shall, within the Municipality, display in any store window, or display outside the perimeter of the store's exterior walls, any type of fireworks;
4. No person shall, within the Municipality, display or sell fireworks from vehicles or other means located on parking lots or residential property unless approved by the Municipality's Fire Chief;
5. No person shall discharge any fireworks on land owned by the Municipality without written consent from the Chief Administrative Officer of the municipality, the provision of liability insurance in the amount of \$5,000,000.00, and naming the Municipality as an additional insured.

4. DISPLAY – PERMIT

1. Notwithstanding the provisions of this by-law, any incorporation having a continuity of existence and organization shall be entitled to apply for a permit from the Chief of the Fire Department of the Municipality for the holding of a fireworks display, subject to compliance with the requirements set out in Sections 4.2 to 4.6 inclusive of this by-law;

2. Applications for such permits shall be in writing addressed to the Chief of the Fire Department of the Municipality and shall set out the name and address of the applicant and full particulars of its qualifications for permit;
3. The applicant shall state the day for which the permit is desired and the location where such display is to be given;
4. The location referred to in Section 4.3 of this by-law must be such that there can be no danger to adjacent properties or highways or persons using the same;
5. The fireworks display shall be held between dusk and 11 o'clock in the evening, local time, on the day for which the permit is issued unless the permit states that the display may be held between such other hours as are specified therein;
6. The name, qualification and experience of the person to discharge the display shall be given, and the person shall be a pyrotechnical expert and/or possess a certificate as a recognized fireworks supervisor;
7. If an exemption is denied by the Fire Chief, the individual, organization or association may appeal the decision to Council within ten (10) business days of the written decision provided by municipal staff. The appeal must be made in writing and addressed to the Fire Chief of the Municipality. Council shall consider the appeal, which will be accompanied by a report from the Fire Chief at a regularly scheduled meeting of Council.

5. **ENFORCEMENT**

1. Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to any penalty as provided in the Provincial Offences Act and subject to the fines noted under Schedule 2 of this By-law.
2. Subsequent violations of this by-law are subject to further penalty;
3. Pursuant to the authority established in section 429(2) of the Municipal Act, S.O. 2001, c. 25, every person who contravenes any provision of this by-law is guilty of an offence and upon conviction pursuant to Part III of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended, shall be subject to the following penalties:
 - (a) Upon a first conviction - see Schedule 2
 - (b) 2nd offence – \$1,000
4. The provisions of this by-law shall be enforced by an Officer.
6. **THAT** the Fire Chief be authorized to amend Schedule “1” of this by-law;
7. **THAT** By-law 101-2004 be repealed;
8. **THAT** this By-law shall come into force and take effect upon the final passing thereof.

READ a FIRST and SECOND time this 13th day of September, 2021.

READ a THIRD time and FINALLY PASSED this 13th day of September, 2021.



Mayor, A. Warwick



Clerk, T. Michiels

SCHEDULE “1”

THE CORPORATION OF THE MUNICIPALITY OF THAMES CENTRE
By-law 70-2021

APPLICATION FOR DISCHARGE OF FIREWORKS

DATE OF EVENT:_____ALTERNATE DATE: _____
PERMIT FOR HIGH HAZARD DISPLAY: ☐ YES ☐ NO
REQUEST FOR EXEMPTION: ☐ YES ☐ NO

TIME AND DURATION OF EVENT: _____
LOCATION OF EVENT: _____
PROOF OF PERMISSION OF PROPERTY OWNER (MUST BE ATTACHED): ☐
YES SPONSORING ORGANIZATION: _____

ADDRESS OF ORGANIZATION: _____

CONTACT NAME: _____
TELEPHONE: _____ FAX: _____
SUPERVISOR OF EVENT: _____
SUPERVISOR’S PYROTECHNICAL CERTIFICATE #: _____
(Copy of Certificate must be attached)
NUMBER OF CREW MEMBERS INCLUDING SUPERVISOR: _____

TYPE OF FIREWORKS TO BE DISCHARGED:
☐ HIGH HAZARD ☐ LOW HAZARD

DISCHARGE METHOD:
☐ ELECTRICAL / ☐ HAND FIRED / ☐ COMBINATION OF ELECTRICAL & HAND

FIRED DISPOSAL OF UNUSED FIREWORKS: _____

SECURITY/BARRIERS: _____

- SITE PLAN (MUST BE ATTACHED):
- LOCATION OF DETONATION
 - LOCATION OF AUDIENCE FOR EVENT
 - LOCATION & TYPE OF FIRE EXTINGUISHERS
 - CELL PHONE/PAY PHONE LOCATIONS
 - RADIO LOCATION

COPY OF INSURANCE CERTIFICATE (MUST BE ATTACHED): ☐ YES

SPECIAL NOTES: _____

Signature of Applicant Date

FOR OFFICE USE ONLY:

Approval Date:

Approval Officer:

Signature:

SCHEDULE “2”

THE CORPORATION OF THE MUNICIPALITY OF THAMES CENTRE
Part I Set Fine Schedule
Provincial Offences Act
By-law 70-2021: Fireworks By-law

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or Defining Offence	COLUMN 3 Set Fine
1.	Sale of fireworks to person under 18	Sect 2.1	\$ 500.00
2.	Display of fireworks over 22.68 kg	Sect 2.2	\$ 500.00
3.	Display of fireworks in inappropriate receptacle	Sect 2.3	\$ 500.00
4.	Display of fireworks near heat source	Sect 2.4	\$ 500.00
5.	Display or sale of fireworks on restricted days	Sect 2.5	\$ 500.00
6.	Discharge of fireworks by person under 18	Sect 2.6	\$ 500.00
7.	Discharge of fireworks on prohibited date	Sect 2.7	\$ 500.00
8.	Discharge of fireworks at prohibited time	Sect 2.8	\$ 500.00
9.	Display of fireworks in a prohibited manner	Sect 3.3	\$ 500.00
10.	Display or sale of fireworks in vehicle or prohibited location	Sect 3.4	\$ 500.00
11.	Discharge of fireworks on municipal property without consent	Sect 3.5	\$ 500.00

NOTE: The penalty provision(s) for the offence(s) indicated above is Section 5.1 of By-law Number 70-2021, a certified copy of which by-law has been filed.