

THE CORPORATION OF THE MUNICIPALITY OF ARRAN-ELDERSLIE

BY-LAW NO. 12-2024

Being a By-Law to Regulate the Possession, Use, Setting Off, Ignition, and/or Discharge of Fireworks Within the Municipality of Arran-Elderslie

WHEREAS subsection 121(a) of the *Municipal Act, 2001*, S.O. 2001 c.25, as amended (the “**Municipal Act, 2001**”) provides that a municipality may prohibit and regulate the sale of fireworks and the setting off of fireworks;

AND WHEREAS subsection 121(b) of the *Municipal Act, 2001* provides that a municipality may prohibit the activities described in subsection 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 requiring the submission of plans;

AND WHEREAS Council for The Corporation of the Municipality of Arran-Elderslie (the “**Municipality**”) deems it necessary for the safety and wellbeing of the community to prohibit and regulate the sale of fireworks and the setting off of fireworks within the Municipality unless a permit is obtained;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF ARRAN-ELDERSLIE ENACTS AS FOLLOWS:

1.0 SHORT TITLE

1.1 This By-law shall be known as the “**Fireworks By-law**”.

2.0 DEFINITIONS

2.1 For the purpose of this By-law, the following definitions shall apply:

“**Commercial Display Fireworks**” means high hazard fireworks generally used for community celebrations such as bombshells, aerial shells, large wheels, and bombardons;

“**Consumer Fireworks**” means outdoor low hazard fireworks generally used for recreational purposes such as showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, and volcanoes;

“**County**” means The Corporation of the County of Bruce;

“**Fire Chief**” means the fire chief of the Municipality appointed pursuant to section 6 of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, as

amended, or their designate;

"Fireworks", for the purposes of this By-law, means either Commercial Display Fireworks or Consumer Fireworks;

"Flying Lantern" means sky lanterns, kongming lanterns or Chinese lanterns and any other small hot air balloons made of paper, with an opening at the bottom where a small fire is suspended so that the lanterns can be released into the air, generally en masse, for various types of events;

"Municipal Law Enforcement Officer" means a person appointed to enforce the by-laws of the Municipality pursuant to section 15 of the *Police Services Act*, R.S.O. 1990, c. P.15, as amended;

"Municipality" means The Corporation of the Municipality of Arran-Elderslie;

"Officer" means a Municipal Law Enforcement Officer, Fire Chief or Police Officer;

"Permit" means a permit issued by the Fire Chief authorizing the setting off of Fireworks within the Municipality; and,

"Person" means an individual or corporation.

3.0 GENERAL PROVISIONS

- 3.1 No person under the age of eighteen (18) years of age may set off, or cause to be set off, any Fireworks.
- 3.2 No person shall set off, or permit to be set off, any Fireworks inside of or closer than 8 metres to any building, tent, trailer, camp, shelter or motor vehicle.
- 3.3 No person shall set off, or permit to be set off, any Fireworks on or into any highway or private roadway.
- 3.4 No person shall ignite, or release into the air, a Flying Lantern in the Municipality.
- 3.5 No person shall set off, or permit to be set off, any Fireworks during a fire ban, as declared by the Fire Chief.
- 3.6 Any Permits issued under this by-law shall be immediately suspended during a fire ban, as declared by the Fire Chief, for the duration of the fire ban.

3.7 The Fire Chief may immediately suspend or revoke any Permit issued under this by-law due to the presence of unsafe conditions, as determined by the Fire Chief.

3.8 If a person to whom a Permit is issued contravenes any of the conditions of that Permit, the Permit shall be immediately rendered null and void.

4.0 DISCHARGE OF CONSUMER FIREWORKS

4.1 No person shall set off, ignite, or discharge, or permit the setting off, igniting or discharging of, Consumer Display Fireworks without a Permit.

4.2 In order to obtain a Permit, a person shall apply to the Fire Chief at least ten (10) days in advance, in the form prescribed by the Fire Chief, and shall indicate on the prescribed form:

- (a) The purpose of the display using Consumer Display Fireworks;
- (b) The date, time and location (including a map / site plan) of the proposed usage of the Consumer Display Fireworks;
- (c) The name of the person under whose supervision the display using the Consumer Display Fireworks is to be held, if different from the person applying to obtain a Permit; and,
- (d) Such other information as the Fire Chief deems necessary.

4.3 The Fire Chief shall review all applications to obtain a Permit and can either:

- (a) Approve the issuance of a Permit;
- (b) Deny the issuance of a Permit; or,
- (c) Approve the issuance of a Permit imposing such conditions as the Fire Chief deems necessary.

5.0 DISCHARGE OF COMMERCIAL DISPLAY FIREWORKS

5.1 No person shall sell, or permit the sale of, Commercial Display Fireworks without a Permit.

5.2 No person shall possess, or permit the possession of, Commercial Display Fireworks without a Permit.

5.3 No person set off, ignite, or discharge, or permit the setting off, igniting or discharging of, Commercial Display Fireworks without a Permit.

- 5.4 Only persons who hold a valid Fireworks Operator Certificate issued by a governmental authority are eligible to apply for, and obtain, a Permit to display or set off Commercial Display Fireworks.
- 5.5 In order to obtain a Permit, a person shall apply to the Fire Chief at least ten (10) days in advance, in the form prescribed by the Fire Chief, and shall indicate on the prescribed form:
- (a) The purpose of the display using Commercial Display Fireworks;
 - (b) The date, time and location (including a map / site plan) of the proposed usage of the Commercial Display Fireworks;
 - (c) The name of the person under whose supervision the display using the Commercial Display Fireworks is to be held, if different from the person applying to obtain a Permit; and,
 - (d) Such other information as the Fire Chief deems necessary.
- 5.6 The Fire Chief shall review all applications to obtain a Permit and can either:
- (a) Approve the issuance of a Permit;
 - (b) Deny the issuance of a Permit; or,
 - (c) Approve the issuance of a Permit imposing such conditions as the Fire Chief deems necessary.
- 5.7 Every person who applies for a Permit shall provide, along with the form prescribed by the Fire Chief, proof of liability insurance for a minimum coverage of Five Million Canadian dollars (\$5,000,000.00 CA) with the Municipality named as an additional insured, to the satisfaction of the Fire Chief.

6.0 EXEMPTIONS

- 6.1 The provisions of this By-law do not apply to the Municipality and/or Bruce County.
- 6.2 Notwithstanding any other provisions of this By-law, any person may apply to Council, in the form prescribed by the Fire Chief, to be granted an exemption from any of the provisions of this By-law, which Council may:
- (a) Approve;
 - (b) Deny; or,

(c) Approve subject to such conditions as Council deems necessary.

6.3 In deciding whether or not to grant the exemption outlined in section 6.2 of this By-law, Council shall give the person applying for the Permit, as well as any person opposed to the issuance of the Permit, an opportunity to be heard before Council prior to Council granting an exemption and Council may consider such other matters as it deems appropriate.

6.4 If a person is granted an exemption by Council pursuant to section 6.2 of this By-law, and then contravenes any of the conditions of that exemption, the exemption shall be immediately rendered null and void.

7.0 ENFORCEMENT AND RIGHT OF ENTRY

7.1 This By-law may be enforced by an Officer.

7.2 An Officer may, at all reasonable times, enter upon any property to ascertain whether the provisions of this By-law are being observed or to enforce this By-law.

7.3 No person shall obstruct or hinder, or attempt to obstruct or hinder, an Officer or other authorized employee or agent of the Municipality in the exercise of a power or the performance of a duty under this By-law.

8.0 PENALTY

8.1 Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable for a fine pursuant to the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended.

9.0 SEVERABILITY

9.1 If any section, clause or provision of this By-law is for any reason declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention of Council that the remaining sections, clauses or provisions of the by-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions of this by-law shall have been declared to be invalid.

10.0 EFFECTIVE DATE

10.1 That this By-law shall come into force and effect on the date that it is passed.

READ a FIRST and SECOND time this 26th day of February, 2024.

READ a THIRD time and finally passed this 26th day of February, 2024.

Original Signed By

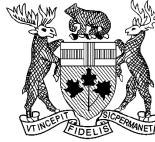
Steve Hammell, Mayor

Original Signed By

Christine Fraser-McDonald, Clerk

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
WEST REGION

80 DUNDAS STREET, 10th FLOOR, UNIT L
LONDON, ONTARIO N6A 6A8



CABINET DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DE L'OUEST

80, RUE DUNDAS, 10^e ÉTAGE, UNITÉ L
LONDON (ONTARIO) N6A 6A8

TELEPHONE/TÉLÉPHONE (519) 660-2292
FAX/TÉLÉCOPIEUR (519) 660-3138

May 1, 2024

Julie Hamilton
1925 Bruce Road 10
PO Box 70
Chesley, ON N0G 1L0

Dear Ms Hamilton

Re: Set Fines - Provincial Offences Act - Part 1 By-law 12-2024, Fireworks By-Law

Enclosed herewith is the Part 1 original Order and original schedule of set fines for the above referenced Bylaw, the Bylaw indicated in the schedules.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

Please ensure that a copy of the said documents is forwarded to the Provincial Offences Court in Owen Sound, together with a certified copy of the Bylaw.

Yours truly,

M. Edward Graham
Regional Senior Justice
Ontario Court of Justice
Encl.

/tz

ONTARIO COURT OF JUSTICE

PROVINCIAL OFFENCES ACT

PART I

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and **By-law 12-2024 of the Municipality of Arran-Elderslie** attached hereto are the set fines for those offences. This Order is to take effect May 1, 2024.

Dated at London this 1st day of May 2024.



M. Edward Graham
Regional Senior Justice
Ontario Court of Justice

THE CORPORATION OF THE MUNICIPALITY OF ARRAN-ELDERSLIE
PART I Provincial Offences Act
By-law 12-2024: Fireworks By-law
SET FINES

Item	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1	Person under 18, set off fireworks	3.1	\$300.00
2	Set off fireworks within 8 metres of a building/tent/trailer/ camp/ shelter/ motor vehicle	3.2	\$300.00
3	Set off fireworks on highway/ private roadway	3.3	\$300.00
4	Ignite/Release flying lantern	3.4	\$300.00
5	Set off fireworks while fire ban in effect	3.5	\$300.00
6	Set off, ignite and/or discharge consumer fireworks without a permit	4.1	\$300.00
7	Sell or permit the sale of commercial display fireworks without a permit	5.1	\$300.00
8	Possess or permit the possession of commercial display fireworks without a permit	5.2	\$300.00
9	Set off, ignite and/or discharge or permit thereof, commercial display fireworks without a permit	5.3	300.00
10	Hinder or obstruct or attempt to hinder or obstruct an officer	7.3	\$300.00

**NOTE: The penalty provision for the offences indicated above is Section 8.1 of
By- law 12-2024, a certified copy of which has been filed.**