

THE CORPORATION OF THE TOWNSHIP OF NORTH DUMFRIES

BY-LAW No. 3325-22

Being A By-Law to Prohibit The Sale and Use of  
Firecrackers and To Regulate the Sale and Use of Fireworks

**WHEREAS** the Municipal Act, S.O. 2001, c. 25, Section 121 (a) (b) provides that a local municipality may prohibit and regulate the sale of fireworks and the setting off of fireworks; and require a permit for the public display of fireworks;

**AND WHEREAS** it is considered advisable to prohibit the sale of and the setting off of firecrackers and to regulate the sale of, the setting off of fireworks and holding of fireworks displays;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF NORTH DUMFRIES ENACTS AS FOLLOWS:**

1. In this By-law:
  - 1.1 **"Canada Day"** means July 1st.
  - 1.2 **"Christmas Crackers"** means a device which when pulled at each end makes a popping sound and which may contain candy or other favours.
  - 1.3 **"Corporation"** means The Corporation of the Township of North Dumfries.
  - 1.4 **"Display"** means the setting off of fireworks at any time in accordance with the provisions of this by-law.
  - 1.5 **"Display Supervisor"** means a person holding a current certification as a Fireworks Supervisor under the authority of the *Explosives Act*.
  - 1.6 **"Family Fireworks"** means any firework classified in Class 7, Division 2, Subdivision 2 in the regulations under the Explosives Act (Canada), except Christmas Crackers, sparklers and caps for toy guns, and does include Fireworks showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, and volcanoes
  - 1.7 **"Fire Chief"** means the Fire Chief for the Township of North Dumfries or designate.
  - 1.8 **"Firecracker"** includes any article containing a combustible or explosive substance, or combination of substances, prepared for, capable of, or discharged for the purposes of producing solely an explosion or audible sound and includes cherry bombs, cannon crackers, firecrackers, mines, squibs and torpedoes but does not include a Christmas cracker or similar device.
  - 1.9 **"Fireworks"** means any article containing combustible or explosive composition or any substance or combination of substances, prepared for, capable of, or discharged for the purpose of producing a visual show or effect which may or may not be preceded by, accompanied with, or followed by an explosion or audible sound and includes fireballs, Roman Candles, skyrockets, pinwheels and sparklers but does not include pyrotechnical signaling devices for marine, military or railway purposes.

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- 1.10 **"Municipal Law Enforcement Officer"** means a person appointed by the Township to enforce the by-laws of the Township under s. 15 of the Police Services Act, R.S.O. 1990, c. P.15 as amended.
- 1.11 **"Public Fireworks Display"** means the setting off of fireworks by a display supervisor/designate at any time in accordance with the provisions of this by-law.
- 1.12 **"Township"** means the Township of North Dumfries
- 1.13 **"Victoria Day"** means the National Holiday which is recognized in Canada as the 2<sup>nd</sup> last Monday in May annually.
- 1.14 **"Woodlands"** means land that is located within the boundaries of the Township of North Dumfries that is at least one hectare or more in area with at least:
- a) 1,000 trees, of any size per hectare; or,
  - b) 750 trees, measuring over five centimetres in diameter, per hectare; or,
  - c) 500 trees, measuring over 12 centimetres in diameter, per hectare; or,
  - d) 250 trees, measuring over 20 centimetres in diameter, per hectare.

For the purposes of this definition of woodlands all measurements of the trees are to be taken at 1.37 metres from the ground.

### **2. Firecrackers**

- 2.1 No person, firm, partnership, merchant, storekeeper, corporation or company in the Township of North Dumfries shall at any time offer for sale or sell any firecracker in the Township.
- 2.2 No person shall set off of any firecracker within the Township of North Dumfries at any time.

### **3. Fireworks**

- 3.1 No person shall sell any fireworks in the Township of North Dumfries on any day or days during the year except on the ten (10) business days immediately preceding Victoria Day, and the ten (10) business days immediately preceding Canada Day, providing that nothing in this section shall prevent the sale on any day for the purpose of a fireworks display to a person who is the holder of a permit for such display under the provisions of this By-law.
- 3.2 No person shall sell any fireworks in the Township of North Dumfries to anyone under eighteen (18) years of age.
- 3.3 No person shall set off any fireworks on any street, highway, sidewalk or lane under the jurisdiction of the Corporation, or on any Corporation property including public parks, except with the written consent of the Corporation.
- 3.4 No person shall hold a public fireworks display in the municipality except under a permit issued under Section 5, and in compliance with the conditions set forth in the said Section 5 and Section 6 of this by-law.

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- 3.5 No person shall set off fireworks in the Township of North Dumfries within 150 metres of:
- a) any woodlands; or,
  - b) any place where explosives, gasoline or other highly flammable substances are manufactured, sold or stored; or,
  - c) any hospital, nursing home, retirement home or home for the aged; or
  - d) Any place of worship, childcare facility or public, separate, secondary or other school unless consent of the owner of such place of worship, childcare facility or school or an agent or representative of such owner is obtained.
- 3.6 No person shall set off any fireworks in an area containing dead undergrowth or dry grass.
- 3.7 No person shall exhibit any live fireworks in any window of any store or shop in the Township of North Dumfries.
- 3.8 Every person who sells or offers to sell from any premises any fireworks as permitted in this By-law shall post a copy of this By-law in a conspicuous place on such premises.
- 3.9 No person shall discharge Family Fireworks within the Township at any time except on the days observed as Victoria Day and Canada Day, unless under the authority of and in compliance with the conditions of a permit issued pursuant to section 5. Family Fireworks can be discharged one day before or one day after Victoria Day or Canada Day. All firework displays must be completed no later than 10:15 pm on the dates as set out in this provision.
- 3.10 Notwithstanding any provision of this By-law to the contrary, the Corporation may host and undertake a public display of fireworks at anytime of the year, at a location to be determined by Council, where Council has adopted by approval the convening of such an event.

### **4. Temporary Vendors**

- 4.1 No person shall Display, sell or offer for sale, or permit the sale or offering for sale, of Fireworks from a stationary trailer, roadside stand, or from any vehicle or other conveyance whatsoever unless:
- a) That person has obtained a peddler's license from the Township; and,
  - b) Acts in compliance with Section 2 and Section 3 of this by-law.
- 4.2 Every vendor shall obtain and file with the Township written permission of the owner of the land on which the trailer, roadside stand, vehicle, or other conveyance will be parked.
- 4.3 Every vendor shall provide to the Township, a site plan showing the location of the trailer, roadside stand, vehicle or other conveyance, indicating the distance from public roads, buildings on the property and parking.
- 4.4 (a) Every vendor shall ensure that the trailer, roadside stand, vehicle or other conveyance is located a safe distance from

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parking areas, public roads and railways as well as occupied buildings and dwellings which distance shall be at least the following:

- (i) twenty (20) metres to public roads and parking;
  - (ii) forty (40) metres to occupied buildings, dwellings and gas stations.
- (b) Every vendor shall use pylons or fencing to establish a perimeter around the trailer, roadside stand, vehicle or other conveyance.
- (c) No vendor shall have more than one thousand (1,000) kilograms of Fireworks present.
- 4.5 Every vendor shall ensure that at least one (1) person is posted at each entrance to the trailer set out in Section 4.1 to enforce the "No Smoking" rule and to limit the number of persons in the trailer, which shall not exceed fifteen (15).
- 4.6 Every vendor shall ensure that, any trailer, roadside stand, vehicle or other conveyance containing fireworks is secured if it is left on a site overnight

### **5. Permit - Conditions of Public Fireworks Display**

The following conditions shall apply to the holding of public fireworks display under a permit issued under Section 5.

- 5.1 A public fireworks display shall be held by or under the auspices of an organization, club, association or group of persons;
- 5.2 The public fireworks display shall be held at the place and on the date set forth in the permit;
- 5.3 No person shall hold a public fireworks display unless it is under the supervision of a Display Supervisor who must not be less than 21 years of age, holds a Fireworks Certificate issued under the authority of the *Explosives Act*, R.S.C. 1985, c. E-17, and who must be approved by the Fire Chief;
- 5.4 No person shall hold a public fireworks display unless the proper precautions are being observed to keep spectators at a safe distance from the area where fireworks are to be discharged according to the Display Site Requirements as set out in Chapter 3 of the Display Fireworks Manual 2010 Edition published by Natural Resources Canada;
- 5.5 No person shall hold a public fireworks display without providing suitable fire extinguishers and means of extinguishing fires on the site;
- 5.6 Every person, group of persons or association applying for a permit to hold a public fireworks display shall produce proof of liability insurance in the amount of not less than Two Million (\$2,000,000.00) Dollars. If the display is to be held on property owned by the Township of North Dumfries, the applicant must provide proof of liability insurance in the amount of not less than Five Million (\$5,000,000.00) Dollars with the Township of North Dumfries named as additional insured for the purposes of the fireworks display event.

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### **6. Permit Information**

- 6.1 The Fire Chief may issue a permit for display of fireworks subject to the conditions set forth in Section 4 and each such permit shall contain the following information:
- 6.1.1 state the name of the person, club, association or group to whom the same is issued;
  - 6.1.2 the name and address of the executive officer or other responsible person;
  - 6.1.3 the place and date upon which the display is to be held;
  - 6.1.4 the name and address of the Display Supervisor;
  - 6.1.5 place of storage for the fireworks before the display;
  - 6.1.6 the manner in which the fireworks are to be disposed of;
  - 6.1.7 the manner and means of restraining unauthorized persons from attending too close to the location where the display is to be held; and,
  - 6.1.8 a copy of the proof of liability insurance shall be attached to the permit.

### **7. Enforcement**

- 7.1 This by-law shall be enforced by a Municipal Law Enforcement Officer, the Fire Chief or his/her designate and/or the Waterloo Regional Police Service.
- 7.2 Every person who contravenes any of the provisions of this by-law:
- a) is guilty of an offence; and
  - b) upon conviction therefor is liable to a fine or penalty of not more than Five Thousand (\$5,000.00) Dollars for each such offence and every such penalty shall be recoverable under the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

### **8. Severability**

- 8.1 Each and every one of the foregoing provisions of the by-law is severable and if any provisions of this by-law should, for any reason, be declared invalid by any court, it is the intention and desire of this Council that each and every one of the remaining provisions shall remain in full force and effect.

### **9. Implementation**

- 9.1 That this By-law shall come into force and effect upon the adoption by Council.

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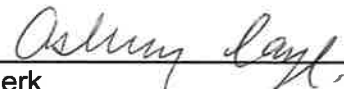
16<sup>th</sup> day of May, 2022.

  
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Mayor

  
\_\_\_\_\_  
Clerk

READ a third time and Finally Passed in the Council Chambers of the Township of North Dumfries  
this 16<sup>th</sup> day of May, 2022.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk

**Bylaw No. 3325-22 [Fireworks By-law]**

**THE CORPORATION OF THE TOWNSHIP OF NORTH DUMFRIES BY-LAW No. 3325-22**

**PART I PROVINCIAL OFFENCES ACT**

**TITLE: BY-LAW TO PROHIBIT THE SALE AND USE OF FIRECRACKERS AND  
TO REGULATE THE SALE AND USE OF FIREWORKS IN THE  
TOWNSHIP OF NORTH DUMFRIES**

	<b>COLUMN 1</b>	<b>COLUMN 2</b>	<b>COLUMN 3</b>	<b>COLUMN 4</b>
	<b>SHORT FORM WORDING</b>	<b>PROVISION CREATING OR DEFINING OFFENCE</b>	<b>SET FINE</b>	
1	Selling, or offering for sale, firecrackers	2.1	\$350.00	
2	Set off firecracker within Township	2.2	\$250.00	
3	Sell fireworks on other than prescribed days	3.1	\$350.00	
4	Sell fireworks to someone under 18 years of age	3.2	\$500.00	
5	Set off fireworks on a street/highway/lane under jurisdiction of Corporation	3.3	\$500.00	
6	Set off fireworks on Corporation property without consent of Corporation	3.3	\$500.00	
7	Holding fireworks display without permit	3.4	\$500.00	
8	Holding fireworks display not in compliance with Section 4 conditions	3.4	\$350.00	
9	Set off fireworks within 500 feet of restricted area	3.5	\$500.00	
10	Set off fireworks in area containing dead undergrowth/dry grass	3.6	\$350.00	
11	Exhibit live fireworks in window of store/shop	3.7	\$350.00	
12	Failure to post copy of by-law xxx-22 in conspicuous place	3.8	\$350.00	
13	Set off fireworks on other than prescribed days	3.9	\$500.00	

\* Note: the general penalty provision for the offences listed above is section 6.2 of bylaw 3325-22, a certified copy of which has been filed.