

# The Corporation of the City of Clarence-Rockland

## By-law 2025-26

A by-law to regulate the Sale, Display and Discharge of Fireworks within the City of Clarence-Rockland, and to repeal By-law 2022-51.

WHEREAS section 121 of the Municipal Act, S.O. 2001, Chapter 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;

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

AND WHEREAS the Council of the Corporation of the City of Clarence-Rockland deems it expedient to enact such by-law;

NOW THEREFORE the Council of the Corporation of the City of Clarence-Rockland enacts as follows:

### 1. Definitions

In this by-law,

- 1.1. *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.
- 1.2. *City* means the municipal corporation of the City of Clarence-Rockland.
- 1.3. *Consumer firework* means an outdoor, low hazard, recreational firework that is classed as a subdivision 1 of Division 2 of Class 7 Fireworks under the Act and 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.
- 1.4. *Discharge* means to fire, ignite, explode, or set off or cause to be fired, ignited, exploded, or set off and the words "discharged" and "discharging" have a similar meaning.
- 1.5. *Display firework* means an outdoor, high hazard, recreational firework that is classed as a subdivision 2 of Division 2 of Class 7

Fireworks under the Act, and includes rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, bombardos, waterfalls, fountains, batteries, illumination, set pieces and pigeons but does not include firecrackers.

- 1.6. *Fire Chief* means the Director of Construction and Protective Services/Fire Chief of the City or authorized subordinates.
- 1.7. *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.
- 1.8. *Fireworks* means display fireworks, pyrotechnic special effects fireworks and consumer fireworks.
- 1.9. *Fireworks 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.
- 1.10. *FPPA* means the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, and the Regulations enacted thereunder as amended from time to time or any Act and Regulations enacted in substitution therefore.
- 1.11. *Municipality* for the area land within the geographic limit of the City of Clarence-Rockland.
- 1.12. *Permit* means a Permit issued under this By-law by the Fire Chief.
  - 1.12.1. Fireworks Sales Permit
  - 1.12.2. Consumer Fireworks Permit
  - 1.12.3. Display Fireworks Permit
  - 1.12.4. Pyrotechnic Special Effects Fireworks Permit
- 1.13. *Prohibited firework* includes but is not limited to cigarette loads or pings, exploding matches, sparkling matches, ammunition for miniature tie clip, cufflink or key chain pistols, auto alarms or jokers, 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 peppers and table bombs, table rockets and battle sky rockets, fake firecrackers and other trick devices or practical jokes as included on the most recent list of prohibited fireworks as published from time to time under the Act.
- 1.14. *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.
- 1.15. *Pyrotechnic special effect firework* means a high hazard firework that is classed as a subdivision 5 of Division 2 of Class 7 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.

- 1.16. *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.
- 1.17. *Sky Lantern* means those devices also known as Flying, Chinese, Kongming or Wish lanterns, or other similar device constructed of paper and a frame containing a fuel pack, which fuel pack is usually a petroleum or wax-based fuel that when lit causes the lantern to rise.
- 1.18. *Temporary Sales Unit* means an enclosed portable stand, cart, display rack, cargo container or 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) consecutive days. A temporary sales unit does not include a motor vehicle as defined in the Highway Traffic Act.
- 1.19. *Urban area* means the area set out in the current Clarence-Rockland Zoning By-Law.

## 2. Interpretation

- 2.1 In this by-law words importing the singular number only include more persons, parties, or things of the same kind than one and the converse, and a word interpreted in the singular number has a corresponding meaning when used in the plural.

## 3. Prohibitions - General

- 3.1 No person shall sell, store, supply or discharge any firecrackers.
- 3.2 No person shall sell, store, supply or discharge any prohibited fireworks.
- 3.3 No person shall sell consumer fireworks to any person at any time without first obtaining:
  - 3.3.1 An appropriate business licence issued by the City of Clarence-Rockland;
  - 3.3.2 A fireworks sales permit issued by the Fire Chief.
- 3.4 Every person in charge of a store shall ensure that fireworks displayed in store windows shall be mock samples only and not contain explosive composition.
- 3.5 No person shall sell or store any consumer and/or display fireworks in a building unless the provisions of the Ontario Fire Code, the Explosives Act of Canada, this By-law and all other Regulations have been complied with.
- 3.6 No person shall sell or supply fireworks to any person under the age of eighteen (18) years.
- 3.7 No person shall sell consumer fireworks from a motor vehicle as defined in the Highway Traffic Act.
- 3.8 No person shall sell consumer fireworks from a temporary sales unit.

- 3.9 No person shall sell any Display Fireworks to any person unless the purchaser provides evidence of certification at the appropriate level by Natural Resources Canada – Explosives Regulatory Division as a Display Fireworks Supervisor.

#### 4. Sale of Fireworks – Permit Required

- 4.1. Every fireworks sale permit application shall be submitted to the Fire Chief and be accompanied by:
  - 4.1.1. The appropriate non-refundable fee as set out in City's User Fee Bylaw, as amended from time to time;
  - 4.1.2. If the applicant is a corporation, a copy of the incorporating document and a copy of the last annual information filed or, if a registered partnership, a copy of the registered declaration of partnership and a copy of the business name registration;
  - 4.1.3. A description of the Consumer Fireworks to be sold;
  - 4.1.4. Detailed storage descriptions and plans;
  - 4.1.5. Fire Safety Plan for the building (s) which may be involved in the storage of and sale of fireworks;
  - 4.1.6. proof of insurance and indemnification in accordance with Sections 8 and 9 of this By-law.
- 4.2. The Fire Chief may revoke a Fireworks Sale Permit where, in his or her sole opinion, the applicant has not complied or is not complying with the provisions of this By-law.
- 4.3. Where a fireworks sale permit is revoked, the applicant is not entitled to a return of any fee paid to obtain the fireworks sale permit.

#### 5. Storage of Fireworks

##### **Storage within Buildings:**

- 5.1. No person shall store fireworks within a building except as follows:
  - 5.1.1. The storage of fireworks within buildings shall meet the requirements of the Explosives Act. Where there is any conflict between this By-law and the Explosives Act, the more restrictive provision shall apply.
  - 5.1.2. A building may house up to 1000 kg gross weight of Consumer Fireworks provided that it is detached from a dwelling and that the building, or a dedicated portion of it is closed to public access, well-constructed, and used exclusively for Fireworks storage.
  - 5.1.3. If the building does not meet the requirements of subsection 8.1.2. of this by-law, the fireworks may be kept in a lockable

secure purposely built bin within the building, but in this case the storage limit is reduced to 100 kg gross weight. At any time when not in use, the bin shall be locked.

5.1.4. The storage facility must display warning signs marked "FIREWORKS" and "NO SMOKING".

5.1.5. At least one fire extinguisher of suitable size shall be mounted in accordance with Section 6 of the Ontario Fire Code, O. Reg. 213/97, as amended.

### **Storage within Vehicles:**

5.2. Storage of fireworks in a vehicle is prohibited.

### **Storage within Trailers**

5.3. No person shall store fireworks in any trailer in amounts exceeding 1000 kg unless the wholesaler or retailer is licensed by the Explosives Division, Natural Resources Canada

5.3.1. No person shall allow or permit an ignition source within six (6) metres of a trailer in which any fireworks are kept or displayed for sale

5.3.2. Permit access by customers to the fireworks stored within any trailer, unless the trailer has two separate operative doors and signs posted at every point of access to the trailer stating that all ignition sources are prohibited within six (6) metres of the trailer.

5.3.3. Locate any trailer containing fireworks less than twenty (20) metres from any road or parking space or less than forty (40) metres from buildings, dwellings and gas stations.

5.3.4. Permit more than ten (10) persons within the trailer at any one time.

5.3.5. Locate any portable electrical power supply and/or fuel supply less than twelve (12) metres from the trailer.

## **6. Discharge - Consumer fireworks – Permit Required – Specific Days**

6.1. No person shall discharge or cause to be discharged any consumer fireworks without first obtaining a permit from the Fire Chief and pay all associated fees as listed in the City's User Fee By-law. The application criteria shall be determined by the Fire Chief.

6.2. No person shall discharge consumer fireworks except on the following days:

6.2.1. Victoria Day, the Saturday, and Sunday immediately preceding Victoria Day;

- 6.2.2. St-Jean Baptiste Day, the Saturday or Sunday immediately preceding St-Jean Baptiste Day if falls on a Monday or Tuesday, or the Saturday or Sunday immediately following the St-Jean Baptiste Day if it falls on a Wednesday, Thursday, or Friday; and
- 6.2.3. Canada Day, the Saturday, or Sunday immediately preceding Canada Day if Canada Day falls on a Monday or Tuesday, or the Saturday or Sunday immediately following Canada Day if Canada Day falls on a Wednesday, Thursday, or Friday.
- 6.2.4. New Year's Day, the Saturday or Sunday immediately preceding New Year's Day if it falls on a Monday or Tuesday, or the Saturday or Sunday immediately following New Year's Day if it falls on a Wednesday, Thursday, or Friday.
- 6.3. No person shall 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.
- 6.4. No person shall discharge any consumer fireworks in or into any building, doorway, or automobile.
- 6.5. No person shall discharge any consumer fireworks in or on or into any highway, street, lane, square or other public place.
- 6.6. No person under the age of eighteen (18) years shall discharge any consumer fireworks except under the direct supervision of and control of a person eighteen years of age or over.
- 6.7. No person shall discharge or cause to be discharge any consumer fireworks within the limits of an urban area.
- 6.8. No person shall set off or cause to be set off any sky lanterns as defined.
- 6.9. No person shall discharge or cause to be discharge any consumer fireworks when a burn ban or a total burn ban has been issued by the Fire Chief.

## 7. Discharge - Display fireworks – Permit Required

- 7.1. No person or group of persons shall set display fireworks in the City without first having obtained a permit to do so issued by the Fire Chief.
- 7.2. Every application for a permit shall be made to the Fire Chief a minimum of 30 days prior to the event when the proposed discharge of display fireworks is to occur.
- 7.3. Every application for a permit shall include:
  - 7.3.1. a description of the event including,

- 7.3.1.1. the date and time of the proposed discharge of display fireworks,
- 7.3.1.2. the type and kind of display fireworks that may be discharged,
- 7.3.1.3. the discharge techniques to be used,
- 7.3.1.4. the manner and means of restraining unauthorized persons from attending too near the discharge site,
- 7.3.1.5. the manner in which unused display fireworks are to be disposed of, and
- 7.3.1.6. the number of persons authorized to handle and discharge the display fireworks;
- 7.3.2. a site plan providing a description of the discharge site to be used for the discharging of the display fireworks;
- 7.3.3. a description of the fire emergency procedures;
- 7.3.4. the name and address of the applicant and the sponsoring organization, if applicable;
- 7.3.5. proof of certification of the applicant as a Fireworks Supervisor;
- 7.3.6. proof of the consent of the owner of the property to the discharge of display fireworks in writing;
- 7.3.7. a processing fee as listed in the City's User Fee By-law.
- 7.3.8. proof of insurance and indemnification in accordance with Sections 8 and 9 of this By-law; and
- 7.3.9. such other information as required by the Fire Chief.
- 7.4. An applicant for a permit is, subject to the provisions of this by-law, entitled to be issued the permit, except where:
  - 7.4.1. the application is incomplete,
  - 7.4.2. the applicant is not a Fireworks Supervisor,
  - 7.4.3. the display is not being held under the auspices of an established club, association, or group of persons,
  - 7.4.4. the purpose of the display is not of civic, national, or international significance, or not of special significance for particular interest groups, or
  - 7.4.5. there are reasonable grounds for belief that the holding of the display fireworks will result in a breach of this by-law or the Act.

## 8. Insurance Requirement – Display fireworks

- 8.1. The applicant 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 City of Clarence-Rockland 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 City of Clarence-Rockland 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 City of Clarence-Rockland prior to the issuance of a permit.

## 9. Indemnification Requirement – Display firework

- 9.1. The applicant shall indemnify and save harmless the City of Clarence-Rockland from any and all claims, demands, causes of action, loss costs or damages that the City of Clarence-Rockland 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.

## 10. Conditions – Display fireworks Permit

- 10.1. The Fire Chief may issue permits for displays of fireworks on the conditions set forth in Section 7, 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.
- 10.2. The following conditions shall apply to the holding of a display of display fireworks under a permit issued under this by-law:
  - 10.2.1. the permit is valid only for the display at the place and on the date or dates set forth in the permit,
  - 10.2.2. the permit holder shall supervise the display of display fireworks,
  - 10.2.3. the permit holder shall discharge the display fireworks,
  - 10.2.4. every permit holder shall provide and maintain fully operational, fire extinguishing equipment ready for immediate use, and
  - 10.2.5. the permit holder shall comply at all times with the provisions of the Act, FPPA and the Display Fireworks Manual published by Natural Resources Canada or any successor publication.
- 10.3. No permit holder shall discharge display fireworks except in accordance with the conditions of the permit.
- 10.4. The permit holder holding the display of display fireworks shall ensure that all unused fireworks and all debris are removed.

## 11. Pyrotechnic special effects firework – Permit Required

- 11.1 No person or group of persons shall hold a display of pyrotechnic special effect fireworks in the City of Clarence-Rockland without first having obtained a permit to do so issued by the Fire Chief.
- 11.2 No person or group of persons shall discharge any pyrotechnic special effect fireworks in the City of Clarence-Rockland, without first having obtained a permit issued by the Fire Chief authorizing the display of pyrotechnic special effect fireworks.
- 11.3 Every application for a permit pursuant to Section 11.1 shall be made to the Fire Chief a minimum of 30 days prior to the event where the proposed discharge of pyrotechnic special effect fireworks is to occur.
- 11.4 Every application for a permit shall include:
  - 11.4.1 a description of the event including,
    - 11.4.1.1 a site plan of the facility and room capacity, the stage, and the pyrotechnic special effect fireworks storage area
    - 11.4.1.2 a list of all the pyrotechnic special effect fireworks to be employed,
    - 11.4.1.3 location of all pyrotechnic special effect fireworks,
    - 11.4.1.4 height, range of effect, fallout, and duration of the display of pyrotechnic special effect fireworks
    - 11.4.1.5 sequence of firing,
    - 11.4.1.6 location of the audience and all exits, and
    - 11.4.1.7 date and time of the proposed event using pyrotechnic special effect fireworks;
  - 11.4.2 a description of fire emergency procedures;
  - 11.4.3 name and address of the applicant and the sponsoring business or organization, if applicable;
  - 11.4.4 proof of certification of the applicant as a pyrotechnician;
  - 11.4.5 proof of insurance and indemnification in accordance with Sections 8 and 9 of this By-law;
  - 11.4.6 proof of consent of the owner of the property to the discharge of pyrotechnic special effect fireworks in writing if the applicant is not the owner of the property;
  - 11.4.7 a processing fee as listed in the City's User Fee By-law;
  - 11.4.8 such other information as required by the Fire Chief
- 11.5 An applicant for a permit is, subject to the provisions of this by-law, entitled to be issued the permit, except where:

- 11.5.1 the application is incomplete,
- 11.5.2 the applicant is not a pyrotechnician under the Act, or
- 11.5.3 there are reasonable grounds for belief that the holding of the display fireworks will result in a breach of this by-law, the FPPA or the Act.

## 12. Conditions applying to permit for pyrotechnic special effects fireworks

- 12.1. The Fire Chief may issue permits for displays of pyrotechnic special effect fireworks on the conditions set forth in Section 12.2 and each such permit shall state the name of the sponsoring business, club, association or group, the purpose of the display, the place and date at which the display may be held, and the name of the pyrotechnician under whose supervision the same shall be held.
- 12.2. The following conditions shall apply to the holding of a display of pyrotechnic special effect fireworks under a permit issued under this by-law:
  - 12.2.1. the permit is valid only for the display at the place and on the date or dates set forth in the permit,
  - 12.2.2. the permit holder shall supervise the display of pyrotechnic special effect fireworks,
  - 12.2.3. the permit holder shall discharge the pyrotechnic special effects fireworks,
  - 12.2.4. the permit holder shall provide and maintain fully operational, fire extinguishing equipment ready for immediate use, and
  - 12.2.5. the permit holder shall comply at all times with the requirements of the Act, FPPA and the Pyrotechnics Special Effects Manual published by Natural Resources Canada or any successor publication.
- 12.3. No permit holder shall discharge pyrotechnic special effect fireworks except in accordance with the conditions of the permit.
- 12.4. The permit holder holding the display of pyrotechnic special effect fireworks shall ensure that all unused fireworks and all debris are removed.

## 13. General Requirement

- 13.1. Every holder of a display fireworks or pyrotechnic special effect fireworks permit shall produce his or her permit upon being so directed by the Fire Chief.

## 14. Enforcement

- 14.1. The provisions of this By-law shall be enforced by the Fire Chief, or other individual duly appointed for the purpose of enforcing this By-law.
- 14.2. The Fire Chief may carry out an inspection to determine if the provisions of this Bylaw are being complied and shall have the right to enter lands pursuant to the Municipal Act, 2001.

## 15. Offences and Penalties

- 15.1. Any person who contravenes any provision of this By-law shall be liable to pay the City an Administrative Monetary Penalty, upon issuance of a penalty notice in accordance with the City of Clarence-Rockland Administrative Monetary Penalties System (AMPS) By-law, as may be amended from time to time.
- 15.2. Any person who contravenes any provisions of this by-law is guilty of an offence and upon conviction shall forfeit and pay a penalty as provided for in the Provincial Offences Act, R.S.O. 1990, Chapter P.33 and amendments thereto.
- 15.3. Each day that a person contravenes with the provisions of this By-law, may constitute a separate offence.

## 16. Severability

- 16.1. Any provision or part of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal, inoperative, or ultra vires, in whole or in part, or inoperative in particular circumstances, the balance of the By-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

## 17. Order Prohibiting

- 17.1. When a person has been convicted of an offence under the provisions of this By-law, any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act by person convicted directed towards the continuation or repetition of the offence.

18. Short Title

18.1. This By-law may be referred to as the "Fireworks By-law".

19. Amend

19.1. That Schedule A-4 of By-law 2022-33, Administrative Monetary Penalties System By-law, shall be and is hereby replaced with Schedule A-4 attached hereto.

19.2. That Schedule F of By-Law 2024-118, 2025 User Fees By-Law, shall be and is hereby replaced with Schedule F attached hereto.

20. Repeal

20.1. That By-law 2022-51, be and is hereby repealed.

21. Effective Date

21.1. This By-law shall come into effect on the date of its adoption.

Read, passed and adopted in open council this 19<sup>th</sup> day of March 2025.

Mario Zanth, Mayor

Monique Ouellet, Clerk