

THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES

BY-LAW NUMBER 2016-092

Being a By-law to Prohibit and Regulate the Setting Off of Fireworks.

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

AND WHEREAS Section 121. (b) of the Ontario Municipal Act, 2001, S.O. 2001 c.25 provides that the 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 requiring the submission of plans;

AND WHEREAS Council for the Corporation of the Township of Muskoka Lakes deems it necessary for the safety and wellbeing of the community to prohibit and regulate the setting off of fireworks and for requiring permits within the Corporation of the Township of Muskoka Lakes;

NOW THEREFORE, the Council of the Corporation of the Township of Muskoka Lakes enacts as follows:

1. Definitions:

- a. **Consumer Fireworks** (class 7.2.1/F.1 as classified in the Authorization Guidelines for Consumer and Display Fireworks in accordance with Part 3 of Explosives Regulations, 2013, SOR/2013-211), outdoor, low-hazard recreational fireworks such as showers, fountains, golden rain, Roman candles, volcanoes, sparklers and caps for toy guns.
- b. **Chief Fire Official** means the Assistant to the Fire Marshal who is the Municipal Fire Chief or a member or members of the fire department appointed by the Municipal Fire Chief under Article 1.1.1.2 of Division C of the Ontario Fire Code.
- c. **Display Fireworks** (class 7.2.2/F.2 as classified in the Authorization Guidelines for Consumer and Display Fireworks in accordance with Part 3 of Explosives Regulations, 2013, SOR/2013-211), outdoor, high-hazard recreational fireworks such as display shells, bombshells, large wheels, barrages, bombardos, waterfalls and mines.
- d. **Fireworks** as used in general terms within this by-law are considered to be either Display or Consumer Fireworks
- e. **Fireworks Permit**, a permit authorizing the firing of fireworks from the Chief Fire Official.
- f. **Flying lanterns** are also known as sky lanterns, kongming lantern or Chinese lantern. They are small hot air balloons made of paper, with an opening at the bottom where a small fire is suspended. These lanterns are then released into the air, generally on mass, for various types of events
- g. **Private Fireworks Display** means an exhibition of Consumer Fireworks or Display Fireworks on private property not open to the public.
- h. **Public Fireworks Display** means an exhibition of Consumer Fireworks or Display Fireworks in an open air assembly or occupancy, to which the public is invited, attends or is admitted, with or without a fee being charged.
- i. **Pyrotechnic Special Effects** (typically class 7.2.5/F.3), Pyrotechnic special effects are created through the firing of pyrotechnic, propellant and explosive materials and devices are used by the entertainment industry for indoor and outdoor performances. Examples are bullet effects, flash powders, smoke compositions, gerbs, lances and saxons.

2. **Prohibitions within the Township of Muskoka Lakes:**

- a. Persons under the age of 18 shall not fire any **Consumer** or **Display Fireworks**.
- b. Fireworks prohibited by the Explosives Act and its Regulations shall not be fired. These are listed below and updated from time to time:
 - i. Violent effects
 1. M-80 salutes
 2. Silver salutes
 3. Cherry bombs
 4. Flashcrackers
 - ii. Joke effects
 1. Cigarette loads or plugs
 2. Exploding golf balls
 3. Sparkling or exploding matches
 - iii. Miscellaneous effects
 1. Table rockets and bottle rockets
 2. Champagne party poppers
 3. Throw-down torpedoes, snap caps, cracker balls
 4. Sprite bombs
- c. There shall be no lighting and releasing of **Flying Lanterns**.
- d. No fireworks shall be fired when the Fire Danger Rating is High or Extreme in accordance with the Outdoor Burning By-Law.
- e. No outdoor fireworks shall be fired after 11:00 pm in accordance with the Noise By-Law.

3. **Activities Requiring a Permit**

- a. **Consumer Fireworks** being fired for a **Private Fireworks Display** may be fired on Friday and Saturday without a permit, but require a permit when being fired on Sunday through Thursday.
- b. **Consumer Fireworks** being fired for a **Public Fireworks Display** shall not be fired without a permit, at any time.
- c. **Display Fireworks** being fired for a **Public Fireworks Display** shall not be fired without a permit in accordance with the Explosives Act and its regulations and this By-Law.
- d. **Display Fireworks** being fired for a **Private Fireworks Display** shall not be fired without a permit in accordance with the Explosives Act and its regulations and this By-Law.
- e. **Pyrotechnic Special Effects** shall not be fired without a permit in accordance with the Explosives Act and its regulations and this By-Law.

4. **Permits:**

- a. A valid permit is signed and issued by the Chief Fire Official once all of the following requirements are met:
 - i. Where the individual or company responsible for the firing of the fireworks is not the land owner, written permission to conduct the fireworks or pyrotechnic special effects display shall be obtained and submitted to the Chief Fire Official;
 - ii. A site plan is provided showing the adequate clearances for the type of fireworks being fired:
 1. Clearances include the safety zones for those watching the fireworks;
 2. Clearances include the safety distances from combustibles; and
 3. Clearances factor the wind speed and direction.
 - iii. A safety plan is provided showing how incipient fires will be dealt with and any first aid measures that may be required;
 - iv. A listing of the fireworks being fired is provided;
 - v. A copy of the certification for Display Assistant, Display Supervisor, and/or Display Supervisor with Endorsements, as applicable;
 - vi. A copy of the current First Aid certificates for those involved in the firing and for those required to provide first aid measures within the safety plan;
 - vii. Insurance certificate naming the Township of Muskoka Lakes as additional insured in the amount pertaining to the Township Insurance Policy
 - viii. The permit is on hand for inspection should the Chief Fire Official or an Officer from Natural Resources Canada or the OPP request to see it.
 - ix. Any other thing required by the Explosives Act and its Regulations
- b. Fireworks shall only be fired in accordance with the permit.
- c. The permit may be suspended or revoked by the Chief Fire Official if, in the opinion of the Chief Fire Official, the conditions of the permit and/or plans are

not being met or it would be unsafe to allow the **Private Fireworks Display** or the **Public Fireworks Display**.

- d. Notwithstanding the forgoing sections, the Chief Fire Official may require any additional information of the applicant to ensure the public's safety and may impose additional conditions on the issuance of a permit as deemed advisable in the particular circumstances of the application.
 - e. A permit shall not be issued if, in the opinion of the Chief Fire Official, the above requirements have not been met.
 - f. The decision of the Chief Fire Official with respect to the completeness of a permit application or the issuance of the permit is final and not reviewable.
 - g. Permit fees shall be in accordance with the Township Fee Schedule, as amended from time to time.
5. **Exemptions:**
- a. Further to 3(a) prohibition, Consumer Fireworks may be fired on specific holidays such as Canada Day and Victoria Day on the day of the week that these days land. A grace period will be provided due to weather related delays for a total of seven (7) days. There shall also be a three (3) day grace period for Canada Day and Victoria Day so that the fireworks event may align with a weekend.
6. **Insurance:**
- a. In accordance with 4 (a)(7) of this By-Law, those obtaining a permit will provide an insurance certificate naming the Township of Muskoka Lakes as additional insured in the amount pertaining to the Township Insurance Policy
7. **Indemnification:**
- a. The Township assumes no liability for property damage or personal injury resulting from any persons setting off fireworks whether with or without a permit.
8. **Severability:**
- a. Should any section, subsection, clause, paragraph or provision of this By-Law be declared by a Court of competent jurisdiction to be invalid or illegal for any other reason, such offending section or part shall be deemed to have been severed from this By-Law and the remaining sections or parts shall continue in full force and effect and shall remain valid and binding.
9. **Offences and Penalties**
- a. Every person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine of not more than \$5,000.00 as provided for in the Provincial Offences Act R.S.O. 1990, Chapter P33, as amended.
10. **THAT** this By-law shall take effect on the date of passing.

Read a first, second and third time and finally passed this 15 day of July, 2016.

Original signed by Mayor Donald Furniss

Mayor Donald Furniss

Original signed by the Clerk, Cheryl Mortimer

Cheryl Mortimer, Clerk