

# THE CORPORATION OF THE TOWNSHIP OF SOUTHGATE

## BY-LAW 2024-040

being a by-law to regulate the sale and use of fireworks  
within the Township of Southgate

**Whereas** Sections 8 (1) and 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provide that the powers of a municipality shall be interpreted broadly so as to enable the Municipality to govern its affairs as it considers appropriate and to respond to issues; and

**Whereas** Section 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides broad authority for lower-tier municipalities to pass by-laws protecting the health, safety, and well-being of persons; and

**Whereas** Section 121 (a) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a local municipality may prohibit and regulate the sale of fireworks and the use of fireworks; and

**Whereas** the *Explosives Act*, R.S.C. 1985, c. E-17, governs the manufacturing, testing, sale, storage, transportation and importation of explosives and the use of fireworks in Canada; and

**Whereas** the Council of the Corporation of the Township of Southgate deems it necessary and expedient to regulate the sale and use of fireworks within the Township of Southgate,

**Now therefore be it resolved that** the Council of the Corporation of the Township of Southgate hereby enacts as follows:

### 1. Definitions

- 1.1 **"Corporation"** shall mean the Corporation of the Township of Southgate.
- 1.2 **"Council"** shall mean the Council of the Corporation of the Township of Southgate.
- 1.3 **"Discharge"** shall mean to fire, ignite, explode or set off or cause to be fired, ignited, exploded or set off; the words "discharged" or "discharging" have similar meaning.
- 1.4 **"Explosives Act"** shall mean the Explosives Act, R.S.C. 1985, c. E-17.
- 1.5 **"Fire Chief"** shall mean the Fire Chief Official appointed for the Corporation of the Township of Southgate and shall include a delegate or delegates thereof.

- 1.6 **"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.
- 1.7 **"Fire Prevention and Protection Act"** shall mean the Fire Prevention and Protection Act, 1997, S.O 1997, c. 4, as amended.
- 1.8 **"Fireworks"** shall include the following devices:
- a) **"Consumer Fireworks"** 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, pinwheels, 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.
  - b) **"Display Fireworks"** 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.
  - c) **"Explosives"** means anything that is made, manufactured, or used to produce an explosion a detonation or pyrotechnic effect, and includes anything prescribed to be an explosive by the regulations contained within the Explosives Act, R.S.C. 1985, c. E-17, but does not include gases, organic peroxides or anything prescribed not to be an explosive by the regulations.
- 1.9 **"Fireworks Vendor"** shall mean any Person, as defined herein, that sells or offers the sale of Fireworks from a permanent or temporary location.
- 1.10 **"Municipal Act"** shall mean the Municipal Act, 2001, S.O. 2001, c.25.
- 1.11 **"Officer"** shall mean and includes a Police Officer, Municipal By-law Enforcement Officers, Township of Southgate Fire Chief Official and Fire Prevention Officers.
- 1.12 **"Owner"** includes an assessed owner, tenant, lessee, occupant, or any person having interest, whether equitable or legal, in the land.
- 1.13 **"Person"** includes a corporation and its directors and officers, and their heirs, executors, assignees, trustee and administrators or other legal representatives of an individual and their respective successors and assignees.

- 1.14 **"Prohibited Fireworks"** 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.
- 1.15 **"Provincial Offences Act"** shall mean the Provincial Offences Act, R.S.O., 1990, c. P33.
- 1.16 **"Township"** shall mean the Corporation of the Township of Southgate.
- 1.17 **"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 similar meaning.

## **2. General Provisions**

- 2.1 No person shall discharge any fireworks within the Township except during the authorized days and times in accordance with Section 3 of this by-law.
- 2.2 No person shall discharge fireworks in a manner that might create a hazard or nuisance to any person or damage to property.
- 2.3 No person shall cause or permit the storage, use, discharge, sale or offer for sale, of any firecrackers, explosives or prohibited fireworks within the Township.
- 2.4 No person shall possess or set off any fireworks not authorized by the Explosives Regulatory Division of the Government of Canada.
- 2.5 No person shall discharge, fire, set off, or cause to be set off, any fireworks when a Fire Ban is in effect.

## **3. Authorized Days and Times**

- 3.1 No person shall discharge any fireworks on any occasion except the following:
- a) between dusk and 11:00 p.m. on Victoria Day and Canada Day and the one (1) day immediately preceding and the one (1) day immediately following both.

#### **4. Use of Consumer Fireworks**

- 4.1 No person shall discharge, fire, set off, or cause to be set off, consumer fireworks in the Township in the following areas:
  - a) On public lands owned or operated by the Township.
  - b) On any park, parkette, trail, land used for storm water management, or other public places.
  - c) On any road, street, sidewalk, boulevard, shoulder, road allowance, or highway within the Township.
  - d) Within 50 metres of a school, educational facility, daycare, childcare facility, or religious institution, without the express written permission of the owner or their legal representative.
  - e) Within 50 metres of a place where explosives, gasoline or other highly flammable substances are commercially manufactured, stored or sold.
- 4.2 No person shall use or cause or permit the use of consumer fireworks on any land except on land belonging to the person using the fireworks, or on other privately owned land where the written consent of the owner has been obtained.
- 4.3 No person shall discharge any consumer fireworks that travel or pose a hazard more than three (3) metres (10 feet), from the point of ignition or in such a manner as might create danger, cause damage, or constitute a nuisance to any person or property, or do or cause or allow any unsafe act or omission at the time and place for the discharging of any fireworks.
- 4.4 No person shall discharge any consumer fireworks in or into any building, doorway, or automobile.
- 4.5 No person shall discharge consumer fireworks without some form of ability to extinguish a fire should it be required.

#### **5. Use of Display Fireworks**

- 5.1 No person shall hold a display of or set off display fireworks except for during the authorized day and times in accordance with Section 3 of this by-law.
- 5.2 No person shall hold a display of or set off display fireworks on any day or days without a Display Fireworks permit issued by the Fire Chief.
- 5.3 The Fire Chief may impose conditions for approval as they consider necessary to ensure the safety of the public.

- 5.4 No person shall hold a display of or set off display fireworks except in accordance with the conditions of the permit.
- 5.5 All Display Fireworks Permit applications must be submitted a minimum of sixty (60) days prior to the display fireworks event.
- 5.6 All Display Fireworks Permit applications shall be accompanied by proof of liability insurance subject to limits of not less than five million dollars (\$5,000,000.00) and shall name the Township of Southgate as an additional insured thereunder shall be provided within 5 days of approval of Display Fireworks Permit.
- 5.7 Setting of display fireworks must be in accordance with recognized safety procedures including, but not limited to the following:
- a) Keeping spectators at a safe distance;
  - b) Protecting private and public property;
  - c) Ensuring suitable fire extinguishing equipment is available at all times; and
  - d) Ensuring compliance with the Explosives Act and associated regulations.
- 5.8 The fireworks shall only be set off by a person(s) currently certified as a Fireworks Supervisor Level I or II by the Explosion Regulatory Division of Natural Resources Canada.
- 5.9 The person(s) responsible for the setting off of any fireworks or classes thereof must ensure that all unused fireworks and debris be removed and safely disposed of immediately following the event.
- 5.10 The permit may be suspended or revoked by the Fire Chief if the conditions of the permit are not being met or it would be unsafe to allow the public fireworks display.
- 5.11 Notwithstanding the foregoing sections, the Fire Chief 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 they deem advisable in the particular circumstance of the application.

## **6. Sale of Fireworks**

- 6.1 No fireworks vendor shall cause or permit to sell or offer for sale firecrackers, explosives or prohibited fireworks.

As Amended  
By By-law  
2024-092

- 6.2 No fireworks vendor shall cause or permit to sell or offer for sale consumer fireworks and sparklers to any person less than 18 years of age.
- 6.3 No fireworks vendor shall display, cause, or permit to sell or offer for sale consumer fireworks except on the following:
  - a) Victoria Day and Canada Day and the seven (7) days immediately preceding both days in each year.
- 6.4 No fireworks vendor shall display or permit the sale of fireworks without a valid Sale of Fireworks permit issued by the Township.
- 6.5 Every fireworks vendor with a valid Sale of Fireworks permit issued by the Township shall ensure their permit is displayed publicly and be visible from the exterior of the building.
- 6.6 Every fireworks vendor selling consumer fireworks in the Township shall ensure the following:
  - a) That fireworks displayed shall be mock samples only and shall not contain explosive composition;
  - b) That fireworks displayed shall be kept out of the reach of children;
  - c) That single unit firework packages are inaccessible to the public;
  - d) That fireworks are not stored or displayed in direct sunlight;
  - e) That bundles or lots of fireworks shall not exceed 25 kilograms in gross weight; and
  - f) That all fireworks being offered for sale or stored on site shall comply with manufacturing, packaging, and storage provisions of the Explosives Act.
- 6.7 Every fireworks vendor shall ensure that their premises, building or location:
  - a) Is subject to inspection by an Officer;
  - b) Maintains the required safety equipment on site;
  - c) Has the required amount of fire exits for their respective site;
  - d) Has no smoking signs posted; and
  - e) Is equipped with at minimum a 2A or 10BC rated fire extinguisher.

## **7. Exemptions**

- 7.1 Consumer fireworks may be permitted outside of the authorized days and times with an exemption approved by Council and in accordance with section 4 of this by-law.
- 7.2 Display fireworks may be permitted outside of the authorized days and times with an exemption approved by Council and in accordance with section 5 of this by-law.
- 7.3 Notwithstanding sections 7.1 and 7.2 further conditions may be imposed to limit any provisions of this by-law.
- 7.4 All exemption requests must be submitted a minimum of sixty (60) days in advance of an event.
- 7.5 For the purposes of this by-law respecting the setting off of consumer fireworks on Victoria Day and Canada Day on land belonging to a private residence by the owner or tenant of such residence or a person authorized by them to do so shall not be deemed to be a public fireworks display.
- 7.6 The sale of or setting off of pyrotechnical signaling devices for marine, military, railway or highway purposes shall not be deemed to be, respectively, the sale of or setting off of fireworks.

## **8. Enforcement and Entry**

- 8.1 This by-law shall be enforced by any Officer as defined in this by-law.
- 8.2 For the purposes of ensuring compliance with this by-law, an Officer may at any time, enter any land and/or building.
- 8.3 Every owner shall permit the Officer to inspect any land and/or building for the purpose of determining compliance with this by-law.
- 8.4 Notwithstanding any provision of this by-law, an Officer shall not enter any room or place being used as a dwelling, unless:
- a) The consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and, if refused, may only be made under the authority of a warrant issued under the Provincial Offences Act, R.S.O. 1990, as amended; or
  - b) A warrant issued under the Provincial Offences Act, R.S.O. 1990, as amended, is obtained.

As Amended  
By By-law  
2024-092

## **9. Hinder/Obstruct Officer**

- 9.1 No person shall hinder or otherwise obstruct, not attempt to obstruct, either directly or indirectly, an Officer, employee and/or agent of the Township in the lawful exercise of a power or duty under this by-law.

## **10. Offences and Penalties**

- 10.1 Any person who contravenes any provision of this by-law or is party to such contravention commits an offence under the Provincial Offences Act, R.S.O. 1990, C. P.33, as amended.
- 10.2 Notwithstanding Section 10.1 of this by-law, every person who contravenes any provision of this by-law and every director or officer of a corporation who concurs in such contravention by the corporation is guilty of an offence and on conviction is liable for a fine not exceeding \$25,000.00, exclusive of costs.

## **11. Conflict**

- 11.1 In the event that a provision of this by-law is inconsistent with the Explosives Act, the Fire Prevention and Protection Act, the Municipal Act, their respective regulations, or any other Act or regulation, the provision of the Act or Regulation shall prevail.

## **12. Validity and Severability**

- 12.1 Should any section, subsection, clause, paragraph or provision of this by-law be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of this by-law as a whole or any part thereof, other than the part so declared to be invalid.

## **13. Indemnification**

- 13.1 The applicant shall indemnify and save harmless the Township of Southgate from any and all claims, demands, causes of action, loss, costs or damages that the Township of Southgate 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, or the applicant's employees, directors, contractors and agents.

## **14. Short Title and Administration**

- 14.1 This By-law may be referred to as the "Fireworks By-law".
- 14.2 This by-law shall be administered by the Chief Fire Official and the Clerk.



**15. Repeal**

15.1 By-law 2020-099 of the Corporation of the Township of Southgate is hereby repealed.

**16. Effective Date**

16.1 This by-law comes into force and takes effect on April 30, 2024.

**Read a first, second and third time and finally passed with 30<sup>th</sup> day of April, 2024.**

**Original Signed By**

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Brian Milne – Mayor

**Original Signed By**

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Lindsey Green – Clerk

# Corporation of the Township of Southgate

## Schedule C to By-law 2024-040

### Township of Southgate Fireworks By-law

#### Part 1 Provincial Offences Act

#### Short Form Wording

<b>Item</b>	<b>Short Form Wording</b>	<b>Provision Creating or Defining Offence</b>	<b>Set Fine</b>
<b>1</b>	Discharge fireworks outside authorized days and times	2.1	\$150
<b>2</b>	Discharge fireworks – create hazard or nuisance or cause damage	2.2	\$200
<b>3</b>	Storage, use, discharge, sale or offer for sale of firecrackers, explosives, or prohibited fireworks	2.3	\$300
<b>4</b>	Possess or set off unauthorized fireworks	2.4	\$300
<b>5</b>	Discharge, fire, set off, or caused to be set off any fireworks during a fire ban	2.5	\$500
<b>6</b>	Discharge, fire, set off, or cause to be set off consumer fireworks on public lands	4.1 (a)	\$150
<b>7</b>	Discharge, fire, set off, or cause to be set off consumer fireworks on any park, parkette, trail, land used for storm water management, or other public places	4.1 (b)	\$150
<b>8</b>	Discharge, fire, set off, or cause to be set off consumer fireworks on any road, street, sidewalk, boulevard, shoulder, road allowance, or highway	4.1 (c)	\$150
<b>9</b>	Discharge, fire, set off, or cause to be set off consumer fireworks within 50 metres of a school, educational facility, daycare, childcare facility, or religious institution	4.1 (d)	\$150
<b>10</b>	Discharge, fire, set off, or cause to be set off consumer fireworks within 50 metres of a place where explosives, gasoline or other highly flammable substances are commercially manufactured, stored or sold	4.1 (e)	\$200
<b>11</b>	Use, cause, permit use of consumer fireworks on land without consent of owner	4.2	\$150
<b>12</b>	Discharge consumer fireworks that travel – create danger, nuisance, cause damage	4.3	\$200
<b>13</b>	Discharge consumer fireworks in or into any building, doorway, or automobile	4.4	\$150
<b>14</b>	Discharge consumer fireworks without ability to extinguish a fire	4.5	\$150
<b>15</b>	Discharge display fireworks outside authorized days and times	5.1	\$500

<b>16</b>	Discharge display fireworks without a permit	5.2	\$500
<b>17</b>	Discharge display fireworks not in accordance with conditions of issued permit	5.4	\$500
<b>18</b>	Discharge of fireworks by uncertified person	5.8	\$200
<b>19</b>	Cause or permit to sell or offer for sale firecrackers, explosives, or prohibited fireworks	6.1	\$500
<b>20</b>	Cause or permit to sell or offer for sale fireworks and sparklers to any person less than 18 years of age	6.2	\$300
<b>21</b>	Display, cause or permit to sell or offer for sale consumer fireworks except on Victoria Day and Canada Day and the seven (7) days preceding each	6.3 (a)	\$500
<b>22</b>	Display or permit the sale of fireworks without a permit	6.4	\$500

Note: The penalty provision for the offences indicated above is Section 10 of By-law 2024-040, a certified copy of which has been filed.