



BY-LAW NO. 2013-089

**“A BY-LAW TO REGULATE THE SALE AND USE OF FIREWORKS
AND EXPLOSIVES IN THE CITY OF OWEN SOUND”**

Originally Passed and Enacted May 6, 2013

Amended By By-law:	Passed On:
Not Amended	

Consolidated Version
Revised and Verified June 27, 2013

Consolidated for Convenience Only

This is a consolidation copy of a City of Owen Sound By-law for convenience and information. While every effort is made to ensure the accuracies of these by-laws, they are not official versions or legal documents. The original by-laws should be consulted for all interpretations and applications on this subject. For more information or original signed copies of by-laws please contact the City Clerk's Department.

BY-LAW NO. 2013 - 089

THE CORPORATION OF THE CITY OF OWEN SOUND

A BY-LAW TO REGULATE THE SALE AND USE OF FIREWORKS AND EXPLOSIVES IN THE CITY OF OWEN SOUND

WHEREAS Section 11 of the *Municipal Act, 2001* provides broad authority for lower-tier municipalities to pass by-laws protecting the health, safety and well-being of persons,

WHEREAS the *Explosives Act* governs the manufacture, testing, sale, storage, transportation and importation of explosives and the use of fireworks in Canada,

WHEREAS the Council of the Corporation of the City of Owen Sound passed By-law No. 2008-060 with respect to the sale and use of fireworks on May 12, 2008; and

WHEREAS the Council of the City of Owen Sound deems it necessary and expedient to rescind By-law No. 2008-060 and pass the subject by-law to govern sale and discharge of fireworks in the City of Owen Sound; and

WHEREAS the Council of the Corporation of the City of Owen Sound passed By-law No. 2013-029 with respect to fees and charges for services, activities and City property on February 11, 2013;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF OWEN SOUND HEREBY ENACTS AS FOLLOWS:

Part 1. Preamble and Defined Terms

Short Title

- 1) This by-law may be referred to as the "Fireworks By-law".

Purpose

- 2) This by-law has been enacted to establish a policy and procedures regulating the sale and Use of Fireworks in the City of Owen Sound which support:
 - a) public safety, and
 - b) responsible use of fireworksto advance and maintain a high quality of life in the City and provide progressive leadership for social and recreational opportunities.

Headings

- 3) The division of this by-law into parts and the insertion of headings are for convenient reference only and shall not affect interpretation of the by-law.

References to Applicable Law

- 4) All references to applicable law are ambulatory and apply as amended from time to time.

Definitions

- 5) For the purposes of this by-law:
 - a) "City" means the Corporation of the City of Owen Sound or the geographic area of the City of Owen Sound as context requires;
 - b) "Council" means Council of the City;
 - c) "Explosives Act" means the *Explosives Act, R.S.C. 1985, c. E-17*;

- d) "Fire Prevention and Protection Act, 1997" means the *Fire Prevention and Protection Act, 1997*, SO 1997, c 4;
- e) "Fireworks" means any chemical compound or preparation of explosive substance manufactured for the production of pyrotechnic effects, pyrotechnic signals or sound signals and includes Low Hazard Fireworks, High Hazard Fireworks, Low Hazard Flares and High Hazard Flares and Signals as defined herein, but does not include Christmas crackers, caps for toy guns and sparklers;
- f) "Fireworks Vendor" means any Person, as defined herein, that sells or offers for sale Fireworks from a permanent or temporary location;
- g) "High Hazard Fireworks" means "display Fireworks" generally used for public recreation purposes, including rockets, serpents, shells, bombshells, skyrockets, torpedoes, Daygo bombs, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, batteries, illuminations, set pieces, pigeons, firecrackers and any other like products described in Class 7, Division 2, Subdivision 2 of the Explosives Regulations under the *Explosives Act*;
- h) "High Hazard Flares and Signals" means large distress signals, sound, pyrotechnic and smoke signals, railway track signals, distress and line-throwing rockets, salutes, theatrical effects, wildlife control devices and any other like products described in Class 7, Division 2, Subdivision 5 of the Explosives Regulations under the *Explosives Act*;
- i) "Low Hazard Fireworks" means and includes "consumer Fireworks" and "family Fireworks" generally used for personal recreation purposes which are relatively innocuous in themselves and are not liable to explode violently or all at once and shall include showers, golden rain, lawn lights, pinwheels, roman candles and volcanoes and other like products described in Class 7, Division 2, Subdivision 1 of the Explosives Regulations under the *Explosives Act*;
- j) "Low Hazard Flares" means highway flares, fusees and other small distress signals having practical use and other like products described in Class 7, Division 2, Subdivision 4 of the Explosives Regulations under the *Explosives Act*;
- k) "Municipal Act" means the *Municipal Act, 2001*, SO 2001, c 25;
- l) "Officer" means and includes a Police Officer, City By-law Enforcement Officer, Fire Inspector, Fire Marshal, assistant to the Fire Marshal, and the Fire Chief, Fire Inspector or Fire Prevention Officer of Owen Sound Fire and Emergency Services;
- m) "Person" means and includes any person, corporation, association or any other non-incorporated entity.
- n) "Provincial Offences Act" means the *Provincial Offences Act, RSO, 1990*, c P.33; and
- o) "Use, Uses and Used," when referring to Fireworks, means and includes the lighting, discharge, setting off, ignition, detonation or otherwise causing the explosion, sound or pyrotechnic effect of a Firework.

Scope

- 6) This by-law shall apply to all Persons and Fireworks Vendors and all Uses of Fireworks in the City except the Use of Fireworks for:
 - a) occupational purposes by trained personnel following all applicable Standards, Acts and Regulations, and
 - b) emergency warning or signaling purposes.

Part 2. Sale of Fireworks**General Provisions**

- 7) No Person shall sell or offer for sale High Hazard Fireworks in the City.
- 8) No Person shall or offer for sale Low Hazard Fireworks and sparklers to any person less than 18 years of age.

Premises of Fireworks Vendors

- 9) Every Fireworks Vendor shall ensure that their premises, building or location:
 - a) is subject to inspection by an Officer,
 - b) has the required safety equipment and fire exits,
 - c) has the Fireworks Safety Guide outlined in "Schedule A" of this by-law posted where it can easily be viewed by the public, and
 - d) is situated at least 8 metres away from fuel or propane dispensing equipment.

Fireworks Merchandising

- 10) Every Fireworks Vendor shall comply with all the following provisions:
 - a) fireworks packaged as single units shall be inaccessible to the public;
 - b) bundles or lots of Fireworks shall not exceed 25 kilograms in gross weight;
 - c) all Fireworks being offered for sale or stored on site shall comply with manufacturing, packaging and storage provisions of the *Explosives Act*.

Part 3. Use of Fireworks**Age Restriction**

- 11) No Person under the age of eighteen (18) shall be permitted to handle or Use Fireworks in the City.

Prohibited Locations

- 12) No Person shall Use Fireworks in the City in the following areas:
 - a) on City or other public property at any time without the express written consent from the City or owner of the Property,
 - b) within 50 metres of a hospital, nursing home or group home,
 - c) within 50 metres of a place where explosives, gasoline or other highly flammable substances are commercially manufactured, stored or sold, or
 - d) the district where open air burning is prohibited by the Open Air Burning By-law.

Authorized Days and Times

- 13) No Person shall Use Low Hazard Fireworks on any occasion except the following:
 - a) between 19:00 (7:00 pm) and 23:00 (11:00 pm) on:
 - i) Victoria Day and 3 calendar days before,
 - ii) Canada Day and the closest Friday and Saturday,
 - iii) Civic Holiday and 3 calendar days before, and
 - iv) Labour Day and 3 calendar days before,
 - b) between 19:00 (7:00 pm) on December 31 and 01:00 (1:00 am) on January 1 immediately following.

Permits

- 14) Owen Sound Fire and Emergency Services may, at their discretion, issue a permit which allows for the Use of Low Hazard Fireworks on private property on a day or time other than those authorized by this by-law.
- 15) Fireworks Permits which are issued:
 - a) are subject to the fee outlined in the Fees and Charges By-law,
 - b) are not transferrable, and
 - c) may require a site inspection by Owen Sound Fire and Emergency Services to assess safety.

High Hazard Fireworks

- 16) No Person shall Use High Hazard Fireworks and High Hazard Flares and Signals in the City without:
 - a) complying with all requirements of the *Explosives Act* and any other Act or Regulation,
 - b) a review of the proposed Use from Owen Sound Fire and Emergency Services, and
 - c) an exemption to this by-law granted by Council by resolution or by-law.

Exemptions by Council

- 17) Council may, at their discretion, provide an exemption by resolution or by-law to any provision of this by-law subject to any conditions Council may see fit to impose, including but not limited to, requiring liability insurance naming the City as an additional insured.
- 18) Where an exemption to this by-law has been granted by Council, breach of any of the terms or conditions of the exemption may, at the discretion of an Officer, render the exemption null and void.

Safety Guidelines

- 19) Every Person shall adhere to Fireworks Safety Guide outlined in Schedule A of this by-law when using Fireworks in the City.
- 20) Every Person shall immediately dispose of Fireworks that fail to discharge in a safe manner having regard to:
 - a) the instructions or guidelines provided by the manufacturer, and
 - b) proper Fireworks handling procedures, including those contained in schedule A of this by-law.
- 21) No person shall Use Fireworks in the City except in accordance with this by-law and the Explosives Regulations of the *Explosives Act*.

Enforcement

- 22) This by-law shall be enforced by any Officer as defined in this by-law.
- 23) Any Officer may enter private property at any time for the purposes of upholding the provisions of this by-law.

Penalty

- 24) Any person, organization or business who contravenes the provisions of this by-law is guilty of an offence and, upon conviction, is subject to the penalty set out in the *Provincial Offences Act*.

Part 4. Conflict and Transition**Conflict**

- 25) In the event that a provision of this by-law respecting the keeping and manufacturing of explosives is inconsistent with a provision of Part IV of the *Fire Prevention and Protection Act, 1997*, the provision that is the most restrictive prevails.
- 26) Besides section 25 above, in the event that a provision of this by-law is inconsistent with the *Explosives Act* or the *Municipal Act*, their Regulations or any other Act or Regulation, the provision of the Act or Regulation shall prevail.

Terms Severable

- 27) The terms and provisions of this by-law shall be severable and should any term or provision be found by a court of competent jurisdiction to be legally unenforceable, in operative or invalid, the remainder of the by-law shall continue to be in full force and effect.

Repeal

- 28) By-law Number 2008-060 is hereby repealed.

Enactment

- 29) This by-law shall come into full force and effect upon the final passing thereof and receipt of approval of short form wording under the *Provincial Offences Act*.

FINALLY PASSED this 6th day of May, 2013.

Signature on file

Acting Mayor Colleen Purdon

Signature on file

Kristen M. Van Alphen, City Clerk

Schedule A – Fireworks Safety Guide

Clearly post this guide where Fireworks are Sold and Provide with Fireworks Permits

For details consult Owen Sound Fire and Emergency Services or the Fireworks By-law

Use and Sale of Fireworks in the City

- Vendors may not sell or offer for sale fireworks to anyone under the age of 18.
- Do not use "High Hazard" fireworks for public displays in the City
- Do not use "Low Hazard" personal, recreational fireworks except:
 - On private property, outside the restricted Open Air Brining District and away from a hospital, nursing home, group home, or business which sells fireworks, gas or flammable substances and
 - Between 7:00 pm and 11:00 pm approved days for celebrating Victoria Day, Canada Day, Civic Holiday or Labour Day or between 7:00 pm and 1:00 am on New Years Eve
- Anyone who uses fireworks must follow the Fireworks Safety guidelines outlined below
- All fireworks vendor's premises are subject to inspection by an Officer of the City to ensure conformity to the Fireworks and Explosives By-law

Fireworks Permits

If you wish to use "Low Hazard" fireworks for personal, recreational use at a time or location not allowed by the Fireworks By-law:

- Apply for a permit from Owen Sound Fire and Emergency Services
- Fireworks permits require the payment of a fee, are not transferable and may require a safety inspection.
- The holder of a fireworks permit must comply with the provisions of the Fireworks By-law, any other by-laws and any other applicable laws or regulations.

Fireworks Safety

Before Using Fireworks

- Understand and follow all laws, regulations, by-laws, instructions and warnings.
- Store unused fireworks in a closed box away from the firework being lit.
- Do not smoke around fireworks.
- Ensure children are supervised at all times.
- Do not use fireworks when impaired on alcohol or drugs.
- Spectators must be 7.6 metres (25 feet) away from fireworks.
- All trees, buildings, vehicles and furniture must be 9.14 metres (30 feet) away from fireworks.
- Ensure the wind speed is less than 15km per hour and blowing away from spectators.
- Have a bucket of water, charged garden hose or working fire extinguisher on hand.

Using Fireworks

- Only adults (18 years or over) are permitted to handle the fireworks.
- Never try to create your own fireworks.
- Wear protective eye glasses and gloves and keep hair and clothes away from fire sources.
- To light a firework:
 - Set the firework in a large, deep bucket of sand on a hard, flat and level surface
 - Light only one firework at a time with a long handled BBQ lighter at arm's length
 - Stand well back.
- Never lean over fireworks
- Never hold a lighted firework item in your hand
- Never point a firework toward someone else.
- Never attempt to re-light a "dud" or defective firework.

Cleanup

- Sparklers should be immersed in a bucket of sand or water to cool down after burning out, as they remain very hot for some time.
- Fireworks should be disposed of safely and properly by immersing in water and then disposing them into the garbage.

Any person who contravenes the provisions of the Fireworks By-law is guilty of an offense and upon conviction may be subject to a fine of up to \$5,000 under the Ontario Provincial Offences Act.

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 Municipal By-law No. 2013-089, of the City of Owen Sound, attached hereto are the set fines for those offences. This Order is to take effect June 18, 2013.

Dated at London this 18th day of June 2013.



Kathleen E. McGowan
Regional Senior Justice
West Region

PART 1 – PROVINCIAL OFFENCES ACT

CITY OF OWEN SOUND

BY-LAW 2013-089

THE FIREWORKS BY-LAW

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1.	Sell or offer for sale any prohibited fireworks	7	\$300.00
2.	Sell fireworks or sparklers to person under the age of 18	8	\$300.00
3.	Fail to display the Fireworks Safety Guide	9 c)	\$200.00
4.	Display single unit fireworks accessible to the public	10 a)	\$200.00
5.	Display fireworks in (bundles/lots) exceeding 25 kilograms	10 b)	\$200.00
7.	Discharge fireworks while under the age of 18	11	\$100.00
8.	Discharge fireworks on City property	12 a)	\$300.00
9.	Discharge fireworks within 50 metres of a hospital, nursing home or group home	12 b)	\$300.00
10.	Discharge fireworks within 50 metres of a place where (explosives/gasoline/flammable substance are commercially (manufacture/stored/sold)	12 c)	\$300.00
11.	Discharge fireworks within the no open air burn district	12 d)	\$300.00
12.	Discharge fireworks on prohibited (day/time)	13	\$200.00
13.	(Discharge/use) any prohibited fireworks without exemption	16c)	\$300.00
14.	Fail to safely dispose of fireworks	20	\$200.00
NOTE: THE PENALTY PROVISION FOR THE OFFENCES INDICATED ABOVE IN SECTION 24 OF BY-LAW 2013-089, A CERTIFIED COPY OF WHICH HAS BEEN FILED			