

TOWNSHIP OF WILMOT BY-LAW NO. 2023-17

BY-LAW TO PROHIBIT THE SALE AND USE OF FIRECRACKERS AND TO REGULATE THE SALE AND USE OF FIREWORKS IN THE TOWNSHIP OF WILMOT

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 public fireworks displays;

THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WILMOT ENACTS AS FOLLOWS:

1. In this By-law:

- 1.1 **"Canada Day"** means July 1st;
- 1.2 **"Corporation"** means the Corporation of the Township of Wilmot;
- 1.3 **"Diwali"** (otherwise known as Deepavali) means one of the major religious festivals in Hinduism, Jainism, and Sikhism for five days from the 13th day of the dark half of the lunar month Ashvina to the second day of the light half of the lunar month Karttika. (The corresponding dates in the Gregorian calendar, usually fall in late October and November.);
- 1.4 **"Display"** means the setting off of fireworks at any time in accordance with the provisions of this by-law;
- 1.5 **"Fire Ban"** means a period of time during which the Fire Chief determines that Open Air Fires are prohibited;
- 1.6 **"Fire Chief"** means the Fire Chief for the Township of Wilmot or designate;
- 1.7 **"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;
- 1.8 **"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;
- 1.9 **"Lunar New Year"** (otherwise known as the Chinese New Year) means a holiday that marks the first new moon of the lunisolar calendar, which is the calendar traditionally used in many east Asian countries including China, Vietnam, Singapore and South Korea;

- 1.10 **"Display Supervisor"** means a person holding a current certification as a Fireworks Supervisor under the authority of the *Explosives Act*;
- 1.11 **"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;
- 1.12 **"Prohibited Fireworks"** includes, but is not limited to, Sky Lanterns, any firework utilizing a parachute, cigarette loads or plugs, exploding 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 smoke bombs, tear gas pens and launchers, party poppers and table bombs, table rockets and bottle skyrockets, Firecrackers, 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 by the Explosives Branch, Natural Resources Canada, or their successors.
- 1.13 **"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;
- 1.14 **"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 rise.
- 1.9 **"Victoria Day"** means the Monday preceding May 25th;
- 1.10 **"Woodlands"** means land that is located within the boundaries of the Township of Wilmot that is at least one hectare or more in area with at least:
- a) 1,000 trees, of any size per hectare;
 - b) 750 trees, measuring over five centimeters in diameter, per hectare; or
 - c) 500 trees, measuring over 12 centimeters in diameter, per hectare; or
 - d) 250 trees, measuring over 20 centimeters in diameter, per hectare.
- For the purposes of this definition of woodlands all measurements of the trees are to be taken at 1.37 meters from the ground.

2. Firecrackers

- 2.1 No person, firm, partnership, merchant, storekeeper, corporation or company in the Township of Wilmot 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 Wilmot at any time.

3. Fireworks

- 3.1 No person shall sell any fireworks in the Township of Wilmot 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 Wilmot to anyone under eighteen (18) years of age.
- 3.3 No person shall set off any fireworks on any street, highway or lane under the jurisdiction of the Corporation, or on any Corporation property including public parks, except with the consent of the Corporation.
- 3.4 No person shall hold public fireworks display in the municipality except under a permit issued therefor under Section 4, and in compliance with the conditions set forth in the said Section 4 and Section 5 of this by-law.
- 3.5 No person shall set off fireworks in the Township of Wilmot within 500 feet of:
- a) any woodlands;
 - b) any place where explosives, gasoline or other highly flammable substances are manufactured, sold or stored;
 - c) any hospital, nursing home, retirement home or home for the aged; or
 - d) Any church, childcare facility or public, separate, secondary or other school unless consent of the owner of such church, 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 Wilmot.
- 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 set off any fireworks within the Township of Wilmot at any time except on the days observed as Victoria Day, Canada Day, Diwali, Lunar New Year and the day immediately before and after Victoria Day, Canada Day, Diwali and the Lunar New Year.
- 3.10 No person shall set off fireworks within the Township of Wilmot if the Fire chief has invoked a fire ban, due to dry weather conditions and possible increased fire risk.
- 3.11 No person shall set off Prohibited Fireworks or Sky Lanterns at any time.

4. Permit - Conditions of Public Fireworks Display

The following conditions shall apply to the holding of public fireworks display under a permit issued under Section 3.

- 4.1 A public fireworks display shall be held by or under the auspices of a club, association or group of persons;
- 4.2 The public fireworks display shall be held at the place and on the date set forth in the permit;
- 4.3 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;

- 4.4 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;
- 4.5 No person shall hold a public fireworks display without providing suitable fire extinguishers and means of extinguishing fires on the site;
- 4.6 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 Wilmot, the applicant must provide proof of liability insurance in the amount of not less than Two Million (\$2,000,000.00) Dollars with the Township of Wilmot named as additionally insured for the purposes of the fireworks display event.

5. Permit Information

- 5.1 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:

- 5.1.1 state the name of the person, club, association or group to whom the same is issued;
- 5.1.2 the name and address of the executive officer or other responsible person;
- 5.1.3 the place and date upon which the display is to be held;
- 5.1.4 the name and address of any Display Supervisor;
- 5.1.5 place of storage for the fireworks before the display;
- 5.1.6 the manner in which the fireworks are to be disposed of;
- 5.1.7 the manner and means of restraining unauthorized persons from attending too close to the location where the display is to be held; and
- 5.1.8 a copy of the proof of liability insurance shall be attached to the permit.

6. Enforcement

- 6.1 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.
- 6.2 Every person who contravenes any of the provisions of this by-law:
 - (i) is guilty of an offence; and
 - (ii) 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.

7. Severability

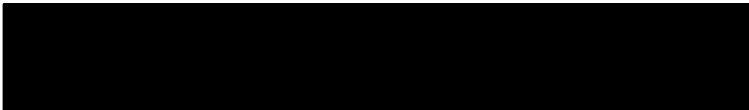
- 7.1 Each and every one of the foregoing provisions of the by-law is severable and if any provisions of this by-law should, for any reason, be declared invalid by any court, it is the intention and desire of this Council that each and every one of the remaining provisions shall remain in full force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

8. Repeal Section

- 8.1 By-law Number 2012-01 of the Township of Wilmot, and all by-laws amending the same and any other by-law inconsistent with the provisions of this by-law are hereby repealed on the date this by-law shall come into force and effect.
- 8.2 This by-law shall come into force and effect on the date the fines set out in Schedule "A" are approved by the Regional Senior justice for the West Region.

READ a first and second time this 3rd day of April, 2023.

READ a third time and finally passed this 3rd day of April, 2023.



Mayor



Clerk

THE CORPORATION OF THE TOWNSHIP OF WILMOT

BY-LAW NO. 2023-17

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 WILMOT

	COLUMN 1	COLUMN2	COLUMN 3	COLUMN 4
	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE	
1	Selling, or offering for sale, firecrackers	2.1	\$250.00	
2	Set off firecracker within Township	2.2	\$250.00	
3	Sell fireworks on other than prescribed days	3.1	\$250.00	
4	Sell fireworks to someone under 18 years of age	3.2	\$250.00	
5	Set off fireworks on a street/highway/lane under jurisdiction of Corporation	3.3	\$150.00	
6	Set off fireworks on Corporation property without consent of Corporation	3.3	\$150.00	
7	Holding fireworks display without permit	3.4	\$250.00	
8	Holding fireworks display not in compliance with Section 4 conditions	3.4	\$250.00	
9	Set off fireworks within 500 feet of restricted area	3.5	\$150.00	
10	Set off fireworks in area containing dead undergrowth/dry grass	3.6	\$150.00	
11	Exhibit live fireworks in window of store/shop	3.7	\$250.00	
12	Failure to post copy of by-law 2012-01 in conspicuous place	3.8	\$250.00	
13	Set off fireworks on other than prescribed days	3.9	\$150.00	

* Note: the general penalty provision for the offences listed above is section 6.2 of bylaw 2023-17, a certified copy of which has been filed.