

# THE CORPORATION OF THE TOWN OF WASAGA BEACH

2025-12

A By-law to prohibit and regulate the sale and use of fireworks.

**WHEREAS** Section 121 (1) of the Municipal Act, 2001, S.O. 2001 c.25 provides that the Council may prohibit and regulate the sale of fireworks and the setting off of fireworks;

**AND WHEREAS** Section 121 (2) of the Ontario Municipal Act, 2001, S.O. 2001 c.25 provides that the Council may prohibit the activities described in Section 121 (1), 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** sections 23.1 and 23.2 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorizes a municipality to delegate certain powers and duties;

**AND WHEREAS** Council for the Corporation of the Town of Wasaga Beach deems it necessary for the safety and well-being of the community to prohibit and regulate the setting off of fireworks and for requiring permits for firework public displays within the Corporation of the Town of Wasaga Beach;

**NOW THEREFORE** the Council of the *Corporation* of the Town of Wasaga Beach enacts as follows:

**1. Scope**

- 1.1. This By-law applies to the regulations and prohibitions of fireworks in the Town of Wasaga Beach.

**2. Short Title**

- 2.1. This By-law may be cited as the "Fireworks By-law".

**3. Definitions**

- 3.1. In this By-law:

3.1.1. "**Act**" means the Explosives Act, R.S.C. 1985, c. E-17 and the regulations enacted thereunder as amended from time to time or any act or regulations enacted in substitution therefor;

3.1.2. "**Administrative Penalty**" means fines or sanctions imposed as a consequence for violating By-laws and regulations for the purpose

of enforcing compliance with the By-laws and regulations of the Town of Wasaga Beach.

- 3.1.3. **“AMPS By-law”** means the Town’s Administrative Monetary Penalties By-law, as amended.
- 3.1.4. **“Consumer Fireworks”** means low-hazard fireworks that are generally used for recreation and are classified as Type F.1 explosives under the Act such as, but not limited to, roman candles, barrages, cakes, comets, mines, missiles, skyrockets, fountains, wheels, ground spinners, burning schoolhouses, and flying ghosts,
- 3.1.5. **"Display Fireworks"** means high hazard fireworks that are generally used for public display and designed for use by professionals and are classified as Type F.2 explosives under the Act, such as aerial shells, waterfalls, lances, rockets, serpents, shells, bombshells, tourbillions, maroons, bouquets, bombardos, fountains, batteries, illumination set pieces and pigeons, and large wheels;
- 3.1.6. **“Fire Chief”** means the Chief of The Town of Wasaga Beach Fire Department or designate;
- 3.1.7. **“Fireworks”** means any Prohibited Fireworks, Consumer Fireworks or Display Fireworks, but does not include sparklers;
- 3.1.8. **“Permit”** is a permit to discharge fireworks issued by the Fire Chief. Without limiting this definition, a Fireworks Permit for Display Fireworks, Consumer Fireworks, Pyrotechnics or a combination;
- 3.1.9. **“Flying Lantern”** means a sky lantern, also known as Kongming lantern or Chinese lantern, is a small hot air balloon made of paper, with an opening at the bottom where a small fire is suspended such that a lantern will rise and float while ignited;
- 3.1.10. **"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 or regulations enacted in substitution therefor;
- 3.1.11. **"Officer"** includes municipal law enforcement officers, fire inspectors, fire prevention officers, police officers, and any person appointed by Council to enforce this By-law;
- 3.1.12. **"Person"** means an individual, property owner, association, firm, partnership, corporation, trust, incorporated company, organization and includes the directors and officers of a corporation, a corporation created under the Condominium Act, 1998, S.O. 1998,

c. 19, as amended, and the trustees, agents, heirs, executors or other legal representatives of a person to whom the context can apply according to law;

3.1.13. **“Prohibited Fireworks”** means fireworks included on the most recent list of prohibited fireworks or explosives set out in the Act, including but not limited to cherry bombs, M-80’s, silver salutes and flash bombs and smoke bombs, fake firecrackers and other similar trick devices or practical joke devices;

3.1.14. **“Public Fireworks Display”** means an exhibition of Fireworks in an open air assembly, occupancy to which the public is invited, attends or admitted, with or without a fee being charged;

3.1.15. **"Pyrotechnician"** means a Person who is certified under the Act as 'pyrotechnician', 'senior pyrotechnician', 'special effects pyrotechnician' or 'special effects pyrotechnician —detonating cord' and is qualified to purchase and supervise the display of 'pyrotechnic special effects' under the Act;

3.1.16. **"Pyrotechnics"** includes high hazard fireworks used to produce a special effect in a film or television production or a performance before a live audience; explosives which may be classified as Type F.3 in the Act; fireworks accessories which may be classified as Type F.4 in the Act; black powder and hazard category PE 1 black powder substitutes which may be classified as Type P.1 in the Act; smokeless black powder and hazard category PE 3 black powder substitutes which may be classified as Type P.2 in the Act; initiation systems classified as Type I under the Act such as blasting accessories; and detonating cord classified as Type E.1 under the Act.

3.1.17. **“Town”** means the Corporation of the Town of Wasaga Beach.

#### **4. General Prohibitions**

4.1. No Person shall use, display, set off or discharge, or cause or permit to be used, set off or discharged, any Fireworks without a valid Permit;

4.2. No Person shall sell or cause or permit to be sold any Fireworks within the Town,;

4.3. No person, or shall ignite a Sky Lantern within the Town;

4.4. No person shall sell, offer for sale, buy or offer to buy a Sky Lantern;

- 4.5. No person shall set, host or permit a Pyrotechnic display without a valid permit.

## **5. Permits - Public Fireworks Display & Pyrotechnics Display**

- 5.1. A Permit may be issued by the Fire Chief for a Public Fireworks Display or Pyrotechnics display on any land if the requirements listed in this section are met.
- 5.2. An application form has been completed and the application fee paid in accordance with the Town's Fees and Charges By-law.
- 5.3. Filed with the application form shall be current and up to date site plan with dimensions showing:
  - 5.3.1. the location of the proposed Public Fireworks Display or pyrotechnics.
  - 5.3.2. the access to be provided for fire and emergency vehicles.
  - 5.3.3. the free zone area of clear distance between the point of launch and an occupied area.
- 5.4. Filed with the application form shall be a statement of the safety measures being implemented.
- 5.5. Filed with the application form shall be a Certificate of Liability Insurance certifying the permit being applied for is insured against general liability and property damage claims, in the minimum amount of Five Million Dollars (\$5,000,000.00) inclusive for any one occurrence. Said policy shall name The Corporation of The Town of Wasaga Beach as an additional insured. Said policy shall be endorsed to provide that the policy will not be altered, cancelled or allowed to lapse without ten (10) days' prior written notice to the Corporation.
- 5.6. The Fireworks shall only be set off on the day(s) specified by the Permit.
- 5.7. The Permit Holder must ensure a Display Supervisor or Pyrotechnician certified under the Act, is present.
- 5.8. The permit holder shall comply at all times with the provisions of the Act, the FPPA, the 'Display Fireworks Manual' published by Natural Resources Canada or any successor publication.
- 5.9. The Fire Chief has absolute discretion to refuse a Permit for any reason whatsoever and without limiting the generality of the discretion, a reason may include any of the provisions of this By-law, any other By-law, FPPA, the Act or Regulations, the past history of the applicant; the proposed

locale of the display; insurance; the safety measures to be taken or lack thereof; any environmental consideration; or any consideration regarding the safety of the public or property.

- 5.10. Notwithstanding the forgoing 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 he deems advisable in the particular circumstances of the application.

## **6. Revocation and General Permit Regulations**

- 6.1. The Fire Chief may revoke, without prior notice to the permit holder or any other Person, any Permit issued pursuant to this By-law if:
  - 6.1.1. the Public Firework Display or Pyrotechnics display is contrary to the provisions of this By-law; and/or any conditions upon which the Permit was issued; or any other applicable law;
  - 6.1.2. if the Permit was issued on mistaken, false or incorrect information;
  - 6.1.3. if the Fire Chief has concerns that the, use, setting off, discharge, firing or holding any display of Consumer Fireworks, Display Fireworks or Pyrotechnics poses a serious risk to public safety;
  - 6.1.4. if the Permit was issued in error; or
  - 6.1.5. if the permit holder requests in writing to the Fire Chief that Fireworks Permit be revoked.
- 6.2. Any Permit issued pursuant to this By-law is non-transferrable.
- 6.3. Every permit holder shall produce their Permit upon being so directed by the Fire Chief or Officer.
- 6.4. The issuance of any Permit by the Fire Chief shall not relieve the permit holder from compliance with any other applicable law.
- 6.5. The Town is exempt from the requirement to obtain a Permit.

## **7. Entry and Inspection**

- 7.1. An Officer may, at any time, enter onto land to determine whether this By-law is being complied with.

## **8. Obstruction**

- 8.1. No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law.
- 8.2. Any person who has been alleged to have contravened any of the provisions of this By-law, shall identify themselves to the Officer upon request, failure to do so shall be deemed to have obstructed or hindered the Officer in the execution of his duties.

## **9. Penalty**

- 9.1. Any person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, Ch. 33, as amended.
- 9.2. Every Person who is charged with an offence under this By-law by the filing of a certificate of offence under Part I of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, upon conviction is liable to a fine as provided for by the aforesaid act.
- 9.3. Every Person who is charged with an offence under this By-law by the laying of an information under Part III of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, upon conviction is liable, pursuant to the fine provisions of the Municipal Act, 2001, to a fine as follows:
  - 9.3.1. to a minimum fine of \$500 and to a maximum fine of \$100,000;
  - 9.3.2. for each day or part of a day that the offence continues, to a minimum fine of \$500 and a maximum fine of \$10,000, and the total of all daily fines for the offence is not limited to \$100,000; and
  - 9.3.3. in the case of multiple offences, for each offence included in the multiple offence, to a minimum fine of \$500 and a maximum fine of \$10,000, and the total of all fines for each included offence is not limited to \$100,000.
- 9.4. An officer may, at their discretion, issue an Administrative Penalty to a Person who has contravened this By-law, in lieu of laying a charge under the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended, for a breach of any provision of this By-law.
- 9.5. If a Person is required by a municipality to pay an Administrative Penalty in respect of a contravention of this By-law, the Person shall not be charged with an offence in respect of the same contravention.

9.6 The amount of the Administrative Penalty for a breach of a provision of this By-law, issued under this By-law, is fixed as set out in the Town's AMPS By-law as amended.

**10. Seizure**

10.1. Any Officer who observes a contravention of the provisions of this By-law may seize any Fireworks in the possession of the person or corporation who committed the contravention.

**11. Validity and Severability**

11.1. Should any provision of this By-law be declared invalid by a Court of competent jurisdiction such offending provision shall be deemed to have been severed from this By-law and the remaining sections shall continue in full force and effect and shall remain valid and binding.

**12. Repeal**

12.1. By-law #2003-85 and #2019-121 are hereby repealed.

**13. Effective Date**

13.1. This By-law shall come into force and take effect on the day it is passed.

**BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS DAY OF 10<sup>th</sup> DAY OF APRIL, 2025.**

**THE CORPORATION OF THE TOWN OF WASAGA BEACH**

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Brian Smith, Mayor

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Nicole Rubli, Clerk