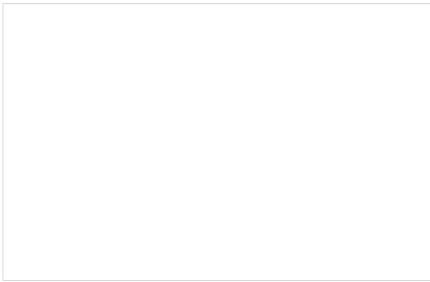




THE CORPORATION OF THE TOWNSHIP OF CENTRAL

FRONTENAC

BY-LAW #2021-27



Being a By-Law to Regulate the Setting off of Fireworks within the

Township of Central Frontenac

Whereas Council acknowledges that fireworks

have the potential to pollute air and water, negatively impact

wildlife in the vicinity and diminish quality of life including the risk

of fire hazards and the safety of residents and property;

And Whereas Council wishes to take action to

mitigate the risk to human, animal and environmental health;

And Whereas Section 121 (a) and (b) 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 unless a permit is obtained and may impose

conditions relating to said permit;

And Whereas Section 434.1 of the Municipal Act,

2001, S.O. 2001, c. 25 as amended, enables the councils of local

municipalities to establish a system of administrative penalties

And Whereas Section 434.2 provides that an

administrative penalty constitutes a debt of the person which may

be added to the tax roll;

And Whereas pursuant to Section 436 of the

Municipal Act, 2001, S.O. 2001, c. 25, as amended, a municipality

has the power to pass by-laws providing that the municipality may

enter on land at any reasonable time for the purpose of carrying

out an inspection to determine whether a by-law of the

municipality passed under the Act is being complied with;

NOW THEREFORE the Council of the

Corporation of the Township of Central Frontenac hereby enacts

as follows:

1. Definitions

In this By-law:

1. "Act" means the *Explosives Act*,

Revised Statutes of Canada, 1985, Chapter E- 17, and

the Regulations enacted thereunder as amended from

time to time or any Act and Regulations enacted in

substitutions therefore;

1.2 “By-Law Enforcement Officer”

means a Person who is appointed by Council to

enforce bylaws enacted and passed by Council and

includes the Chief Fire Official;

1.3 “Chief Fire Official” as defined in

the Ontario Fire Code O. Reg. 213/07, Article 1.4.1.2;

1.4 “Consumer Fireworks” means any

authorized F.1 explosive pursuant to the Act, being an

outdoor, low hazard, firework that is designed for

recreational personal use which includes but is not

limited to 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;

1.5 "Competent Person" means any

person over the age of 18.

1.6 "Council" means the Council of the

Township of Central Frontenac;

1.8 "Display Fireworks" means an

outdoor, high hazard, firework that is designed for

professional, licenced use only. They include items like

aerial shells, cakes, Roman candles, waterfalls, lances,

and wheels, rockets, serpents, shells, bombshells,

tourbillions, maroons, large wheels, bouquets,

bombardos, waterfalls, fountains, batteries, illumination,

set pieces and pigeons but does not include

firecrackers.

1.9 "Fireworks" as defined in the

Explosive Regulations made pursuant to the Explosives

Act, R.S. c. E-15, s.1 as amended and includes one

single item of Fireworks and for the purposes of this by-

law includes Flying lanterns;

1.10 “Flying Lanterns” means hot air

balloons made out of paper, or other material,

commonly known as Chinese lanterns, sky lanterns,

wish lanterns, Hawaii lanterns or Konming lanterns.

1.11 “Municipality” means the

Corporation of the Township of Central Frontenac;

1.12 "Person" means any individual,

association, firm, partnership, incorporated company,

corporation, agent or trustee, and the heirs, executors

or other legal representatives of a Person to whom the

context can apply, according to law;

1.13 "Permit" means written

permission to set off Display Fireworks and/or

Pyrotechnics issued by the Municipality pursuant to this

By-law and signed by the Chief Fire Official or their

designate;

1.14 "Premises" means land and

includes the buildings and/or structures thereon;

1.15 "Pyrotechnics" are high-hazard

and designed for professional use which are classified

and authorized F.3 Explosives pursuant to the Act.

They include but are not limited to items like gerbs,

mines, comets, and crossette fireworks, as well as

special-purpose pyrotechnics made for live stage

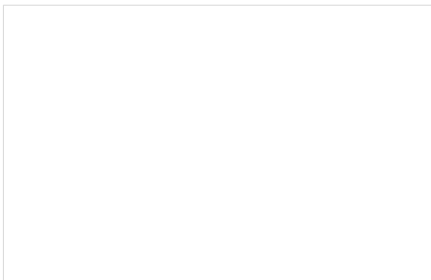
performances and the film and television industry;

1.16 "Setting Off" or "Set Off" means to

fire, discharge, ignite, explode or release into the air or

to cause to fire, discharge, ignite or explode or release

into the air;



2. General Prohibitions

2.1 No Person shall cause, permit or

engage in the Setting Off of Consumer Fireworks in the

Township of Central Frontenac at any time, except as

permitted under Section 3 of this by-law.

2.2 No Person shall Set Off any

Fireworks in or into, on or onto any building, highway,

sidewalk, Municipal Park or Municipal property unless

authorized by the Chief Fire Official.

2.3 No Person shall permit the use of

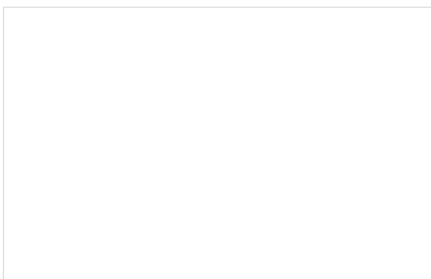
Display Fireworks or Pyrotechnics unless a valid permit

as outlined in Section 4 has been obtained from the

Chief Fire Official or their designate.

2.4 Flying Lanterns or any variations of

a flying live flame are prohibited at all times.



3. Consumer Fireworks

3.1 Consumer Fireworks within the

Municipality may only be Set Off by a Competent

Person as follows:

a) On New Year's Eve - between

8:00 p.m. and 1:00 a.m. the following day;

b) On Victoria Day - between

8:00p.m. and 11:00p.m.;

c) On Canada Day - between

8:00p.m. and 11:00p.m.;

d) On American Independence

Day – between 8:00pm and 11:00pm

e) On Labour Day - between

8:00p.m. and 11:00p.m.

3.2 Consumer Fireworks will also be

permitted three days before or after the days named in

Section 3.1 (b) – (e) inclusively subject

to the same time restrictions so noted.

3.3 If a Person wishes to Set Off

Consumer Fireworks for an event or celebration outside

of the specified times in Section 3.1 or 3.2 (i.e. birthday

party, anniversary, other cultural event or celebration

etc.), they must apply for an exemption to the Chief Fire

Official a minimum of seven (7) days prior to the event.

4. Display Fireworks and Pyrotechnics

4.1 Only Persons who hold a valid

Display Supervisor certificate, issued by the Explosives

Regulatory Division (ERD) of Natural Resources

Canada are eligible to apply for a permit to Set Off

Display Fireworks or Pyrotechnic Special Effects.

4.2 An application package as

prescribed under the Act must be submitted to the

Chief Fire Official or their designate a minimum of 30

days prior to the date being applied for.

4.3 The application package shall

contain the requirements as found in the Natural

Resources Canada (NRCAN) Fireworks Display

Manual:

4.4. The Permit may be suspended or

revoked by the Chief Fire Official or their designate if

the conditions of the permit are not being met or it

would be unsafe to allow the Display Fireworks or

Pyrotechnics to be Set Off.

4.5 The Display Fireworks or

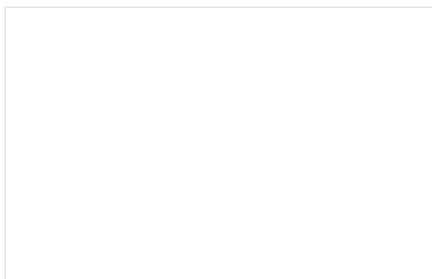
Pyrotechnics shall only be Set Off on the day or days

specified by the Permit.

4.6 Property damage or injury as a

result of Display Fireworks or Pyrotechnics shall be the

responsibility of the Person named on the permit



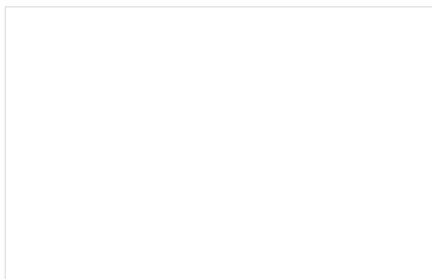
5. Administration and Enforcement

5.1 This By-law shall be administered

by the Chief Fire Official or their designate.

5.2 This By-law shall be enforced by a

By-law Enforcement Officer and/or Chief Fire Official.



6. Entry and Inspection

6.1 The By-law Enforcement Officer,

Chief Fire Official or their designate(s) may at any time,

enter onto a property to determine whether this by-law

is being complied with.

6.2 Every Person shall permit the By-

law Enforcement Officer, Chief Fire Official or their

designate(s) to inspect any land for the purposes of

determining compliance with this by-law.

6.3 The By-law Enforcement Officer,

Chief Fire Official or their designates may enter upon

lands at any reasonable time to direct or require that a

matter or thing be done, and in default of that matter or

thing being done, to do such matter or thing in

accordance with this by-law.

6.4 A By-Law Enforcement Officer or

Chief Fire Official exercising a power of entry on behalf

of the Municipality under this by-law may be

accompanied by the Ontario Provincial Police if

required at their request.

7. Obstruction

7.1 No Person shall hinder or obstruct,

or attempt to hinder or obstruct, any Person exercising

a power or performing a duty under this by-law.

7.2 Every Person who has been

alleged to have contravened any of the provisions of

this by-law, shall identify themselves to the By-law

Enforcement Officer, the Chief Fire Official or their

designates upon request; failure to do so shall be

deemed to have hindered or obstructed the By-law

Enforcement Officer or Chief Fire Official under section

8.1 of this by-law.



8. Offence

8.1 Every Person who contravenes

any provision of this by-law is guilty of an offence

pursuant to the provisions of this by-law and/or the

Provincial Offences Act R.S.O. 1990, Chapter P.33, as

amended, and upon conviction, a Person is liable to a

fine of not more than \$5,000, exclusive of costs.

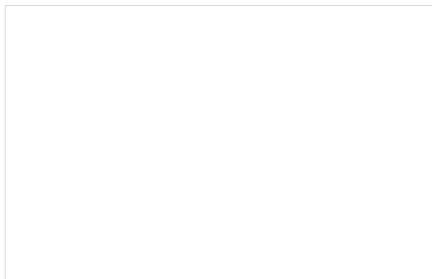
8.2 In the event that a fire is caused by

the Setting Off of Fireworks in violation of this by-law,

the Municipality shall be entitled to invoice the Person

for all costs associated with extinguishing any fire at the

rates set out in Schedule "A":



9. Administrative Penalties

9.1 A By-law Enforcement Office or

Chief Fire Official may issue an administrative penalty

notice to any Person who has contravened the

provisions of this By-Law.

9.2 The penalty notice shall be given

to the Person to whom or to which it is addressed as

soon as is reasonably practicable and shall include the

following information:

a) Particulars of the contravention,

including to which property it applies;

b) The amount of the

administrative penalty;

c) A statement advising that an

administrative penalty will constitute a debt to the

Municipality.

9.3 Any Person who contravenes any

provision of this By-law shall, upon issuance of an

administrative penalty notice pursuant to this Section,

be liable to pay to the Municipality an administrative

penalty as per Schedule "A".

9.4 A Person who has been issued a

penalty notice shall pay the administrative penalty

within fifteen (15) days from the date the notice was

issued.

9.5 An administrative penalty notice

that is deemed to be confirmed constitutes a debt to the

Municipality and may be added to the tax roll of the

property on which the offence occurred.

9.6 The Municipality shall serve any

penalty notice, personally to the Person named on the

notice, by registered or regular mail addressed to the

Person to whom the document is to be given at the

Person's last known place of abode.

9.7 Service by registered or regular

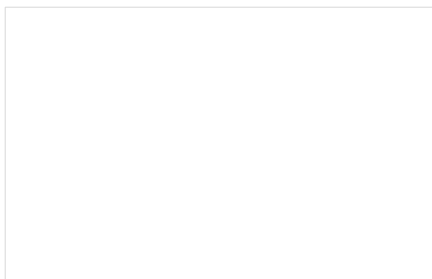
mail under subsection 9.6 shall be deemed to have

been made on the tenth day after the day of mailing.

9.8 A Person's last known address

includes the address provided by the Person to the

Municipality as identified in the property tax file.



10. Severability

10.1 If a Court of competent

jurisdiction should declare any section or part of a

section of this by-law to be invalid, such section or part

of a section shall not be construed as having

persuaded or influenced Council to pass the remainder

of the by-law and it is hereby declared that the

remainder of the by-law shall be valid and shall remain

in force.

11. Schedules

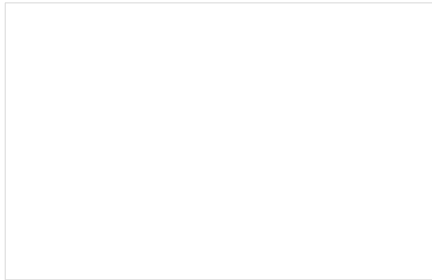
11.1 Schedule "A" and "B" as attached

forms part of this by-law.

13. Short Title

13.1 This by-law shall be known as the

“Fireworks By-law.”

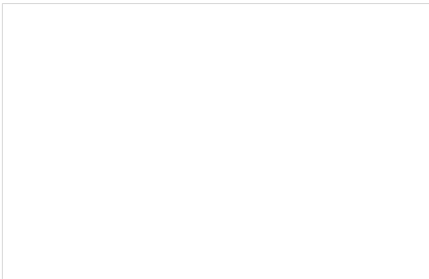


14. Effective date

14.1 This by-law shall become

effective as of the date of passage at which time By-

Law 2011-34 shall be rescinded.



READ a first, second and third time and finally passed this

27th day of April, 2021.

Frances Smith,

Mayor

Cathy

MacMunn,

CAO/Clerk

THE CORPORATION OF THE TOWNSHIP OF CENTRAL

FRONTENAC

BY-LAW NO. 2021-27

Fireworks By-law SCHEDULE "A"

Administrative Penalties (Section 9)

	Section Number	Short form offence	Amount of Penalty
2.	Section 2.1	Cause, permit or engage the setting off of Consumer Fireworks during prohibited time/day	\$50
3.	Section 2.2	Set off Fireworks in prohibited area	\$150
4.	Section 2.3 & 4.5	Permit use of Display Fireworks without a valid permit	\$300
5.	Section 2.4	Use of Flying Lanterns	\$50
6.	Section 3.1	Set off of fireworks by someone other than a Competent Person	Up to \$50
7.	Section 4.1	Non-qualified person setting off display fireworks	Up to \$500

Offences/cost recovery (Section 8.2)

The charge for the municipality to extinguish a fire due to

negligence and/or violations pursuant to section 8.3 of this by-law

shall be:

- \$425.00 per hour per Pumper,

Tanker, Squad and Utility vehicle (includes driver)

- \$25.00 per hour per firefighter

- All-Terrain Vehicle (ATV/UTV)

\$150.00 per hour (includes driver),

- Wild Fire Pumps \$100.00 per hour.

Fireworks By-law SCHEDULE "B"

Permit fees

Display Fireworks and Pyrotechnics- \$100.00 per occasion

(Includes inspection)

