

THE CORPORATION OF THE CITY OF THOROLD

BY-LAW NO. 37-2024

A BY-LAW TO REGULATE THE SALE AND SETTING OFF OF
FIREWORKS AND PYROTECHNIC SPECIAL EFFECTS WITHIN THE
CITY OF THOROLD

WHEREAS Section 120 of the Municipal Act, 2001, S.O. 2001, c.25 as amended, provides that a municipality may prohibit and regulate the manufacture of explosives in the municipality; prohibit and regulate the storage of explosives and dangerous substances in the municipality; regulate the keeping and transportation of explosives and dangerous substances in the municipality; and prohibit the manufacture or storage of explosives 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;

WHEREAS Section 121 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 setting off of fireworks and that such a by-law may prohibit the activities described therein unless a permit is obtained from the municipality for those activities and such a by-law may impose conditions for obtaining, continuing to hold and renewing the permit, including requiring the submission of plans; and

WHEREAS the Council of the Corporation of the City of Thorold deems it necessary and expedient for the abatement of nuisance, the promotion of fire prevention and for the public health and safety of its residents, to prohibit and regulate the sale and the setting off of fireworks and pyrotechnic special effects within the Corporation of the City of Thorold.

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the City of Thorold enacts as follows:

Section 1 – Definitions

- 1.1 “Act” means the Explosives Act, R.S.C. 1985, c. E-17, as amended and the regulations enacted thereunder as amended from time to time;
- 1.2 “Building” includes an edifice of structure, but does not included a trailer, or tent or motor vehicle of any kind;
- 1.3 “City” means The Corporation of the City of Thorold or the geographic area of the City of Thorold as the context requires;
- 1.4 "Consumer Firework" means an outdoor, low hazard, recreational firework that is classed as an F.1 Consumer Firework under the Act and includes fireworks, showers, golden rain, lawn lights, pin wheels, roman candles, volcanoes, mines and sparklers, but does not include Christmas crackers, fire crackers, caps for toy guns containing not in excess of 25 one-hundredths of a grain of explosive used per cap;
- 1.5 "Discharge" means to fire, ignite, explode or set off, or cause to be fired, ignited, exploded or set off, and the words "Discharged" and "Discharging" have a similar meaning;
- 1.6 "Display Firework" means an outdoor, high hazard, recreational firework that is classed as an F.2 Display Fireworks under the Act, and includes rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, bombardos, waterfalls, fountains, batteries, illuminations, set pieces and pigeons, but does not include firecrackers;

- 1.7 “Display Supervisor” means a person who is qualified under the Act to supervise the Discharge of Display Fireworks;
- 1.8 “Exhibition Fireworks” means a manufactured pyrotechnic device producing spectacular effects of light or sound classed under the Act as high hazard fireworks but does not include firecrackers;
- 1.9 “Firecracker” means a pyrotechnic that explodes instantaneously when ignited and does not produce any visible effect after the explosion, and includes those devices commonly known as Chinese firecrackers but does not include caps for toy guns containing not more than twenty-five one hundredth of a grain of explosive on average per cap, devices for use with such caps, safety flares or marine rockets and other distress signals;
- 1.10 “Fire Ban” means a prohibition on all burning, including the Discharge of fireworks, issued by the Fire Service of The Corporation of the City of Thorold;
- 1.11 “Fire Chief” means a Fire Chief appointed under Subsection 6(1) of the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended, for The Corporation of the City of Thorold, or designate
- 1.12 “Fireworks” means Display Fireworks, Pyrotechnic Special Effects Fireworks, and Consumer Fireworks;
- 1.13 “Fireworks Display” means an exhibition of fireworks in an outdoor assembly or open air occupancy to which the public is invited, attends, may attend, or is admitted with or without a fee being charged and includes private functions such as weddings, or other celebrations;
- 1.14 “Flying Lantern” means a small hot air balloon or similar device made of treated paper or any other material, with an opening at the bottom, which is propelled by an open flame generated by a small candle or fuel cell, allowing the balloon or similar device to rise and float in the air;
- 1.15 “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 and Regulations enacted in substitution therefore;
- 1.16 “Prohibited Firework” includes, but is not limited to, cigarette loads or plugs, 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 cracker balls, exploding golf balls, stink bombs and smoke bombs, tear gas pens and launchers, party peppers and table bombs, table rockets and bottle rockets, fake firecrackers, champagne party poppers, snap caps, sprite bombs, 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;
- 1.17 “Pyrotechnician” means a person who is certified under the Act as a Theatrical User, an Assistant, a Pyrotechnician or a Special Effects Pyrotechnician and is qualified to purchase and supervise the display of Pyrotechnic Special Effect Fireworks under the Act;
- 1.18 “Pyrotechnic Special Effect Firework” means a high hazard firework that is classed as an F.3 Special Effect Pyrotechnics under the Act and that is used to produce a special pyrotechnic effect for indoor or outdoor performances and includes black powder bombs, bullet effect, flash powder, air bursts, smoke compositions, gerbs, lances and wheels;

- 1.19 "Permit" means written permission to hold a fireworks display of Consumer Fireworks as approved and granted by the Fire Chief and issued under the provisions of this By-law;
- 1.20 "Tent" means a portable shelter/structure made of cloth or other pliable material, supported by one or more poles, which can be stretched tight by cords or loops, attached to pegs, driven into the ground or other measures sufficient to secure them.

Section 2 – Sale of Prohibited Fireworks and Firecrackers

The following are the regulations governing the sale of Prohibited Fireworks and Firecrackers:

- 2.1 No person shall Sell any Firecrackers.
- 2.2 No person shall Sell Prohibited any Fireworks.
- 2.3 No person shall Sell any Flying Lanterns.

Section 3 – Discharge of Fireworks and Firecrackers

The following are the regulations governing the Discharge of Prohibited Fireworks and Firecrackers:

- 3.1 No person shall Discharge Firecrackers.
- 3.2 No person shall Discharge Prohibited Fireworks.
- 3.3 No person shall Discharge a Flying Lantern.

Section 4 – Sale of Consumer Fireworks

The following are the regulations governing the sale of Consumer Fireworks:

- 4.1 No person shall sell fireworks unless all requirements of the Act, this By-law, any other federal, provincial or municipal statute or regulation and any specific requirements of the Fire Chief, or his or her designate, have been complied with.
- 4.2 Any persons wishing to Sell Consumer Fireworks shall submit a written request for Approval, identifying all required safety features specified within this section.
- 4.3 Persons wishing to Sell Consumer Fireworks, at a location or on property that is not owned by the seller, shall obtain written consent from the property owner prior to the Approval of the Fire Chief. Written consent shall be submitted to the Fire Chief.
- 4.4 No person shall Sell Consumer Fireworks except seven days prior to the holiday known as Victoria Day, on Victoria Day holiday, and two days immediately following Victoria Day holiday, and seven days prior to the holiday known as Canada Day July 1st, on Canada Day holiday July 1st, in each year, or on such other dates requested and authorized by the Fire Chief.
- 4.5 Approval to sell fireworks shall be valid only for the permitted dates, specified in Section 4(d), for the calendar year.
- 4.6 Approval to sell fireworks is valid only for the sale location specified in the request.
- 4.7 No person shall Sell Consumer Fireworks from a motor vehicle, uncovered trailer, or residential dwelling.
- 4.8 No person shall Sell Consumer Fireworks to persons under the age of 18.

- 4.9 A person shall only Sell Fireworks that are included on the most recent List of Authorized Explosives as published by the Explosives Branch of Natural Resources Canada or its successor.
- 4.10 No person shall transport Consumer Fireworks except as permitted under the Act.
- 4.11 No person shall exhibit or display Consumer Fireworks unless:
- a) the Fireworks are separated into individual lots that do not exceed 25 kilograms in gross weight; and
 - b) such separation between lots is sufficient to prevent fire from spreading rapidly from one lot to the next by a fire break which may consist of:
 - maintaining a minimum aisle width of 1.2 metres between lots;
 - 6 mm plywood partition that extends 15 cm above the height of the lot or display shelf above; or
 - any other method approved by the Fire Chief.
- 4.12 No person shall store Consumer Fireworks in areas that are not designated and approved.
- 4.13 No person shall display Consumer Fireworks that are not in consumer packs unless:
- a) the Fireworks are inaccessible to the public; and
 - b) the Fireworks are displayed in a glass or plexiglass case, or other approved means.
- 4.14 No person, other than the seller, shall handle Fireworks that are not in consumer packs, until after the time of purchase.
- 4.15 No person shall exhibit or display Consumer Fireworks that are exposed to direct sunlight, open flame, excess heat, or within close proximity of accelerants or other sources of ignition.
- 4.16 No person shall smoke within eight (8) metres of any Consumer Fireworks.
- 4.17 No person shall Sell, or offer for sale, Consumer Fireworks in a location where prominent no smoking signs are not on display.
- 4.18 No person shall Sell or display Consumer Fireworks inside a building, tent, trailer, or other enclosed location, unless there are a minimum of two (2) unobstructed, clearly identified exits to ensure that occupants can quickly evacuate in the event of a fire or emergency.
- 4.19 Tents used to Sell or display Consumer Fireworks shall conform to CAN/ULC S-109, "Standard Method for Flame Tests of Flame Resistant Fabrics and Film".
- 4.20 Each location, where Consumer Fireworks are offered for sale, shall have at least two (2) portable fire extinguishers having a minimum rating of 3A:10BC.
- 4.21 No person shall Sell or offer for sale Consumer Fireworks unless established procedures are in place and approved as per the Ontario Fire Code. Procedures shall be submitted to the Fire Chief and include the following:
- a) the location and identification of storage and handling areas;
 - b) the methods to control a fire emergency safely and efficiently;
 - c) the names, addresses, and telephone numbers of persons to be contacted in case of fire during non-operating hours; and
 - d) any other information deemed necessary by the Fire Chief.

- 4.22 The seller of Consumer Fireworks must offer the buyer either a copy of the table that describes safety instructions for using Consumer Fireworks, which is found at the end of Part 16 in the Explosives Regulations, 2013, or a document that includes the same information.
- 4.23 No person shall offer for sale, display for sale, or Sell Consumer Fireworks in a manner that contravenes the sale of Consumer Fireworks regulations.

Section 5 – Discharge of Consumer Fireworks

No person shall Discharge Consumer Fireworks except on the following days:

5.1 Victory Day, Canada Day and Celebratory holidays

- a) Victoria Day: The two (2) days immediately preceding Victoria Day, Victoria Day, and the two (2) days immediately following Victoria Day.
- b) Canada Day: The two (2) days immediately preceding Canada Day, Canada Day, and the two (2) days immediately following Canada Day.
- c) And any Celebratory holidays with prior written approval from the Fire Chief

5.2 No person shall Discharge Consumer Fireworks on the days specified in Section 5(1), except between 6:00 pm and 11:00 pm.

5.3 No person under the age of eighteen (18) years shall Discharge any Consumer Fireworks except under the direct supervision and control of a competent person twenty-one (21) years of age or over.

5.4 No parent or guardian of any person under the age of eighteen (18) years shall give, trade, or otherwise offer Consumer Fireworks, nor permit the person to Discharge any Consumer Fireworks, except when such parent or guardian or some other competent person of twenty-one (21) years of age or over, is in direct supervision and control of the Discharge.

5.5 No person shall Discharge Consumer Fireworks on a property, or at a location, without the knowledge and permission of the property owner.

5.6 No person shall Discharge Consumer Fireworks as to endanger, injure, harass, frighten, or constitute a nuisance, to any person or animal.

5.7 No person shall Discharge Consumer Fireworks in such a manner as to create a danger or fire hazard to any property.

5.8 No person shall Discharge Consumer Fireworks from, onto, or over any building, doorway, or motor vehicle.

5.9 No person shall Discharge Consumer Fireworks from, onto, or over any highway, street, laneway, sidewalk, park, or other public place.

5.10 No person shall Discharge Consumer Fireworks over any aerodrome, airstrip, helipad, railway, fuel dispensing station, fuel transfer/pumping station, fuel storage facility, or navigable waterway.

5.11 No person shall Discharge Consumer Fireworks under, or over, any utility lines or wires (hydro, telephone, cable).

5.12 No person shall Discharge Consumer Fireworks at, or near, any flammable or combustible liquids or gases.

5.13 No person shall permit Discharged Consumer Fireworks, casings, or other debris, to enter onto neighbouring properties, highways, streets, laneways, sidewalks, parks, or other public places.

5.14 No person shall Discharge any Consumer Fireworks when the wind

speed is in excess of twenty (20) kilometres per hour, as indicated by the Weather Network Thorold.
(<https://www.theweathernetwork.com/ca/weather/ontario/thorold>).

- 5.15 No person shall Discharge Consumer Fireworks unless a suitable means of extinguishment is readily available. Every person shall ensure that Discharged Consumer Fireworks, casings, or other debris, are completely extinguished so as not to create a fire hazard.
- 5.16 No person shall Discharge Consumer Fireworks during a Fire Ban authorized by the Fire Chief.
- 5.17 No person or group of persons shall hold a Fireworks Display of Consumer Fireworks in the City of Thorold, without first having approval by Fire Chief.

Section 6 – Storage of Fireworks

The following are the regulations governing the storage of Fireworks:

- 6.1 Storage of Fireworks shall be in accordance with the Act

Section 7 – Permits

The following are the regulations governing Permits:

- 7.1 No person or group of persons shall hold a Fireworks display of Consumer Fireworks, Display Fireworks, or Discharge any Pyrotechnic Special Effect Firework, in the City of Thorold, without first having obtained a Fireworks Permit issued by the Fire Chief
- 7.2 Every application for a Fireworks Permit shall be made to the Fire Chief a minimum of 30 days prior to the event when the proposed Discharge of Fireworks is to occur.
- 7.3 Every application for a Permit shall include:
 - 7.3.1 a description of the event, including:
 - a) the date and time of the proposed Discharge of Fireworks;
 - b) the type, kind and quantity of Fireworks that may be Discharged;
 - c) the Discharge techniques to be used;
 - d) the manner and means of prohibiting unauthorized persons access to the Discharge site;
 - e) the manner in which unused Fireworks are to be disposed of; and
 - f) the number of persons authorized to handle and Discharge the Fireworks.
 - 7.3.2 a site plan providing a description of the site to be used for the discharging of the Fireworks, including height, range, fallout, duration of the display, and storage locations;
 - 7.3.3 a description of the fire emergency procedures;
 - 7.3.4 the name and address of the applicant and the sponsoring organization, if applicable;
 - 7.3.5 proof of certification of the applicant as a Display Supervisor, Pyrotechnician, or person approved by the Fire Chief;

- 7.3.6 written consent of the owner of the property to the Discharge of Fireworks;
 - 7.3.7 a fee pursuant to the Schedule of Fees By-law of the City;
 - 7.3.8 proof of insurance and indemnification in accordance with the City's standard form of Certificate and sections 7.11 and 7.14 of this by-law; and
 - 7.3.9 such other information as required by the Fire Chief.
- 7.4 A Permit issued under this by-law, for an event featuring Fireworks, shall be subject to the following conditions:
- 7.4.1 the Permit is valid only for the location and on the date or dates set forth in the Permit;
 - 7.4.2 the Permit holder or person approved by the Fire Chief shall supervise the Fireworks;
 - 7.4.3 the Permit holder or person approved by the Fire Chief shall Discharge the Fireworks;
 - 7.4.4 every Permit holder shall provide and maintain fully operational fire extinguishing equipment appropriate for the nature and size of the Fireworks;
 - 7.4.5 fire extinguishing equipment shall be ready for immediate use; and
 - 7.4.6 the Permit holder shall comply, at all times, with the provisions of the Act, FPPA, and the Display Fireworks Manual published by Natural Resources Canada or any successor publication.
- 7.5 A Permit may not be approved or may be revoked for any the following:
- 7.5.1 the application is incomplete;
 - 7.5.2 the applicant is not a Display Supervisor, Pyrotechnician, or person approved by the Fire Chief;
 - 7.5.3 there are reasonable grounds to believe that the Discharge of Fireworks may constitute a fire or safety hazard or result in a nuisance to the public;
 - 7.5.4 the Permit application contains false or misleading information,
 - 7.5.5 the Discharge of Fireworks is scheduled during a Fire Ban authorized by the Fire Chief; and
 - 7.5.6 there are reasonable grounds to believe that the Discharge of the Fireworks will result in a breach of this by-law, the FPPA or the Act.
- 7.6 No person shall Discharge Fireworks except in accordance with the conditions of the Permit, the Act, and this by-law.
- 7.7 The Permit holder shall adhere to all conditions as set out in the Permit, the Act, and this by-law.
- 7.8 The Permit holder shall ensure that all unused Fireworks and all debris are removed and disposed of in a safe and appropriate manner.
- 7.9 A copy of the Public Fireworks Display Permit shall be kept at the site of the display from the time of initial event set up to the time of event conclusion.

- 7.10 Every holder of a Public Fireworks Display Permit shall produce the Permit upon being so directed by the Fire Chief or designate.
- 7.11 The Permit shall require that the applicant shall at their expense obtain and keep in force during the term of the Permit, Commercial General Liability insurance satisfactory to the City and underwritten by an insurer licensed to conduct business in the Province of Ontario. The policy shall provide coverage for bodily injury, death, property damage and personal injury, including the loss of use thereof, and shall include but not be limited to:
- 7.11.1 a limit of liability of not less than five (5) million dollars (\$5,000,000.00) per occurrence;
- 7.11.2 "Claims Made" insurance policies will not be permitted;
- 7.11.3 adding the Municipality as an additional insured with respect to the operations of the Named Insured;
- 7.11.4 the policy shall contain a provision for Cross Liability and Severability of Interest Clause, Premises and Operations Liability, Blanket Contractual Liability, Products/Completed Operations, Personal Injury, and Non-Owned Automobile Liability in respect of the Named Insured; and
- 7.11.5 non-owned automobile coverage with a limit of not less than \$2,000,000 and shall include contractual non-owned coverage.
- 7.12 Such insurance shall include coverage for conducting displays of Pyrotechnic Special Effects Fireworks or Display Fireworks. Such insurance policy shall contain an endorsement to provide the City with (30) days prior written notice of cancellation or of a material change that would diminish coverage.
- 7.13 The applicant shall forward a Certificate of Insurance (no substitutes or omissions will be accepted) evidencing such insurance coverage and shall provide this Certificate of Insurance to the Fire Chief prior to the issuance of a Permit.
- 7.14 The Permit shall provide that the applicant shall indemnify and save harmless the City of Thorold from any and all claims, demands, causes of action, loss, costs or damages that the City of Thorold 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, the applicant's employees, directors, contractors and agents.

Section 8 –Administration and Enforcement

- 8.1 The Fire Chief shall be responsible for the administration of the provisions of this by-law.
- 8.2 The Fire Chief may issue and/or revoke a Fireworks Permit as set out herein.
- 8.3 Members of the Fire Service and the Municipal By-law division shall be responsible for the enforcement of this by-law.
- 8.4 Any member of the Fire Service or Municipal By-law division may enter onto property in the course of their duty at any time, without prior notice, for the purpose of carrying out an inspection to determine whether the provisions of this by-law have been complied with.
- 8.5 The Thorold Fire & Emergency Services is exempt from this by-law for the purposes of training with, or the testing of, Fireworks.

- 8.6 No person shall hinder or obstruct, or attempt to hinder or obstruct, a member of the Fire Services or Municipal By-law Division who is performing a duty which is authorized under this by-law.
 - 8.7 No person shall knowingly furnish false or misleading information to the City or the Fire Services with respect to this by-law.
 - 8.8 Any person, firm, or corporation who contravenes any provision 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, c. P.33, as amended from time to time, or any replacement legislation.
 - 8.9 The owner of a property who contravenes this by-law may have the costs associated with the Fire Service response to the contravention, as determined by the Schedule of Fees By-law of the City, in effect at the time of the attendance by the Fire Service, added to the property taxes for the property regardless of whether the Fireworks were Discharged with the permission or knowledge of the property owner or by Permit, and same shall be collected in the same manner as taxes in accordance with Section 446 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended.
 - 8.10 Neither the Fire Service nor the City shall be responsible to notify the owner of a property, in advance, of its intention to charge for services or costs associated with the response to the Discharge of Fireworks.
9. That By-law No. 48-2018 is hereby repealed.
10. That this by-law shall come into force and effect on the 7th day of May, 2024

Terry Ugolini, Mayor

Matthew Trennum, City Clerk