

**The Corporation of The Municipality of
Northern Bruce Peninsula**

By-Law No. 2022-21

**Being a By-Law to Regulate the Sale, Possession, Use, Setting Off, Ignition,
and/or Discharge of Fireworks Within the Municipality of Northern Bruce
Peninsula**

Whereas Section 120 of the Municipal Act, 2001, S.O. 2001, c.25, as amended | provides that a local municipality may prohibit and regulate the manufacture, storage, keeping and transportation of dangerous substances and explosives in the municipality; and that a by-law may require a permit and may impose conditions for obtaining, continuing to hold and renewing the permit including requiring the submission of plans;

AND WHEREAS Section 121, Subsection (a) 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 WHEREAS the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, s.7.1 (1) (a) provides that a Council of a Municipality may pass By-laws regulating the prevention and spreading of fires;

AND WHEREAS the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, s.7.1 (1) (b) provides that a Council of a Municipality may pass By-laws regulating the setting of open-air fires, including establishing the times during which open air fires may be set;

AND WHEREAS the Council of the Corporation of the Municipality of Northern Bruce Peninsula deems it desirable and in the best interests of the municipality to regulate the location and time in which the discharge of fireworks can occur within the Municipality of Northern Bruce Peninsula and to require a permit for certain firework displays;

AND WHEREAS Section 435, 436, 437 and 438 of the Municipal Act, S.O. 2001, c.25, as amended set out additional powers and restrictions in regards to the power of entry.

NOW THEREFORE the Council of the Corporation of the Municipality of Northern Bruce Peninsula enacts as follows:

1. DEFINITIONS:

For the purpose of this By-law, the following definitions shall apply:

- (a) "Authority Having Jurisdiction" means the individual authorized by Natural Resources Canada to authorize fireworks displays and the Fire Chief of the Municipality of Northern Bruce Peninsula shall be the "AHJ".
- (b) "Burning Ban" and "Municipal Burning Ban" means the cancellation of the issuance of fire permits issued for all open air burning by the Municipality or its Fire Chief.
- (c) "Council" means the Council of the Corporation of the Municipality of Northern Bruce Peninsula.
- (d) "Competent Person" means a person who is at least eighteen (18) years of age.
- (e) "Explosives Act (Canada)" means the Explosives Act, R.S.C. 1985, c. E-15.
- (f) "Fire Chief" means the Chief, or their designate, of the Northern Bruce Peninsula Fire & Emergency Services.

- (g) "Fireworks" shall consist of the following devices:
- (i) "Display Fireworks" means a device or devices classed by the Canadian Explosives Regulatory Division of the Ministry of Natural Resources, or any other similar or successor agency of government, as high hazard fireworks, and recognized as class 7.2.2/F.2 under the *Explosives Act*, (C.R.C., 599), for recreation, being of the type generally used at public gatherings.
 - (ii) "Family Fireworks", also known as "Consumer Fireworks", means a device or devices recognized as class 7.2.1 fireworks under the *Explosives Act*, (C.R.C., 599), and any device capable of ignition and explosion or burning for display, sold to the public without necessity for licensing by provincial or federal laws or regulations.
 - (iii) "Firecrackers" means a noise producing device which uses a chemical compound and fuse, and which are designed and used primarily as noise makers. For the purpose of this by-law, Christmas crackers and caps used in cap pistols shall not be deemed to be "firecrackers".
 - (iv) For the purposes and provisions of this By-law "Firecrackers" will be classified as "Family Fireworks".
- (h) "Municipal Fire Ban" means absolutely no Open-Air burning including campfires or cooking fires, charcoal barbeques, and the setting off, ignition, and/or discharge of any class of Fireworks but does not include the use of propane or naphtha gas cooking equipment equipped with a shut off mechanism
- (i) "Municipal Law Enforcement Officer" shall mean a by-law enforcement officer appointed by Council.
- (j) "Municipality" means the Municipality of Northern Bruce Peninsula.
- (k) "Owner" means any person in care and control of a property and shall include, but is not limited to, the registered property owner, property owners' agent(s) and representative(s), rental management company staff, and/or tenant or tenants of a property, and may include any other person or persons on a property at the time of possession, setting off, ignition, and/or discharge of any class of Fireworks.
- (l) "Officer" means a By-law Enforcement Officer, the Fire Chief and their designate, and shall mean any Law Enforcement Officer or Provincial Offences Officer, whether local, provincial, or federal, operating in an enforcement capacity in the Municipality, or within the Municipal borders, and may include, but is not limited to, the Ontario Provincial Police (OPP), Neyaashiinigiing Police, The Royal Canadian Mounted Police (RCMP), Ontario Park Wardens and Parks Canada Wardens.
- (m) "Permit" means an application for Family Fireworks and/or Display Fireworks Permit or authorized Fire Permit.
- (n) "Person" includes a partnership, a corporation and a natural individual where a person is over the age of eighteen (18) years, "Person" also includes any parent or guardian of a minor.

2. SALE OF FIREWORKS

No person shall sell Fireworks or Firecrackers, either Family Fireworks or Display Fireworks, or any class thereof, within the Municipality at any time.

3. POSSESSION OF FAMILY FIREWORKS

No person shall possess Family Fireworks or Firecrackers in the Municipality at any time without the approval of the Fire Chief within the Municipality.

4. SETTING OFF FAMILY FIREWORKS

- (a) No person shall set off, ignite, or discharge Family Fireworks at any time in the Municipality.
 - (i) Notwithstanding the foregoing provisions of this By-law, the Fire Chief, upon written application made at least thirty (30) days prior to the holding of any celebration, may grant approval for the possession, setting off, ignition, and/or discharge of Family Fireworks in a manner acceptable to the terms approval and terms acceptable to the Fire Chief.
 - (ii) Upon the approval, the Fire Chief, or their designate, may grant a permit for the possession, setting off, ignition, and/or discharge of Family Fireworks in the manner approved by the Fire Chief, if in their opinion the possession, setting off, ignition, and/or discharge of Family Fireworks is in a safe location, being safely stored, and is being set off, ignited, and/or discharged by a competent person.
 - (iii) Upon approval of the Fire Chief, every person shall obtain a Family Fireworks Permit prior to the possession, setting off, ignition, and/or discharge of Family Fireworks.
 - (iv) No person shall possess, store, set off, ignite, and/or discharge Family Fireworks except at the location(s) identified on the Fire Permit.
 - (v) No person shall possess, store, set off, ignite, and/or discharge Family Fireworks during an imposed "Burning Ban", "Municipal Burning Ban" and/or a "Municipal Fire Ban" whether or not approval has been previously granted by the Fire Chief.
- (b) No person shall possess, set off, ignite, or discharge Family Fireworks on public land.
- (c) No person shall set off any Family Fireworks from a building or from a vehicle.
- (d) Property damage or injury caused by Family Fireworks, whether approved or not, shall be the responsibility of the Owner possessing, setting off, igniting, and/or the discharge of Family Fireworks.
- (e) The Owner shall also be held responsible for the setting off, ignition, discharge, and/or possession of Family Fireworks that occurs on a property.
- (f) No person shall possess, set off, ignite, and/or discharge Family Fireworks during an imposed "Burning Ban", "Municipal Burning Ban" and/or a "Municipal Fire Ban".

5. PERMITS FOR SETTING OFF DISPLAY FIREWORKS

- (a) No Person shall possess, set off, ignite, and/or discharge Display Fireworks without the approval of the Fire Chief within the Municipality.
- (b) Display Fireworks Permits for possession, setting off, ignition, and/or discharge of Display Fireworks shall be issued by the Fire Chief or their designate, upon the approval of the Fire Chief obtained thirty (30) days prior to the event, and are subject to compliance with the conditions set forth in this By-law and further conditions or restrictions as may be set out in the permit, and payment of the permit fee, as shown in Schedule 'A' to this By-law.

- (c) Each Display Fireworks Permit application shall state the name of the corporation, service club, association, or group to whom it is to be issued, the purpose of the display, the place and date at which and on which it may be held, and the name of the person under whose supervision it shall be held. The applicant will provide a written request for consideration to Fire Chief, who will review the application and make recommendations. A copy of the Permit Application form is attached hereto as Schedule 'A'.
- (d) A Display Fireworks Permit may only be issued to a service club, corporation, association, or group. Any special conditions imposed by the Fire Chief to promote health and safety of the public at the event shall be listed on the permit.
- (e) Every applicant shall provide with the Display Fireworks Permit application proof of liability insurance for a minimum coverage of Five Million Canadian dollars (\$5,000,000.00 CA) with the Municipality of Northern Bruce Peninsula to be named as an additional insured.
- (f) A Display Fireworks Permit may only be issued for the purpose of celebrating Victoria Day, Canada Day, Civic Holiday, Labour Day, Independence Day (U.S.A.), Chi-Cheemaun Festival weekend, or any special day established by Council.
- (g) If Display Fireworks are to be possessed, set off, ignited, and/or discharged upon or held on public land, the approval of the Fire Chief must be obtained, in writing, at least thirty (30) days prior to applying for a Display Fireworks Permit.
- (h) No Display Fireworks Permit shall be issued for a location within 150 meters of a nursing home, public hospital, home for the aged, school, church, or any place where explosives, gasoline or other highly flammable substances are stored, or within 150 meters of a church or a school, unless the consent in writing of the registered property owner or an agent or representatives of such registered property owner is obtained in advance of the application process.

6. SETTING OFF DISPLAY FIREWORKS

- (a) No person shall possess, set off, ignite, and/or discharge Display Fireworks without a Display Fireworks Permit, obtained thirty (30) days prior to the event, expressly permitting possession, setting off, ignition, and/or discharge of Display Fireworks being obtained from the Fire Chief or their designate, preceded by submission and approval in writing of a completed application.
- (b) Display Fireworks shall only be set off by a person(s) who holds a valid Fireworks Supervisor certificate, or equivalent thereof, or under the supervision of a person who is qualified and certified for such purpose, to the satisfaction of the Fire Chief or their designate.
- (c) Every person who sets off Display Fireworks shall take all steps reasonably necessary to ensure that no harm to persons or damage to property will result. Reasonable steps may include, but are not limited to:
 - (i) keeping spectators at a safe distance,
 - (ii) protecting private and public property,
 - (iii) ensuring suitable fire extinguishing equipment is available at all times,
 - (iv) Explosives Act and the Explosives Regulations are followed, and
 - (v) Ensuring that all unused fireworks and debris is removed and safely disposed of immediately following the event.
- (d) All conditions set out in a Display Fireworks Permit, as well as Legislative requirements at all levels of government, shall be adhered to by the person or

persons possessing, setting off, igniting, and/or discharging of the Display Fireworks.

- (e) Property damage or injury as a result of Display Fireworks shall be the responsibility of the person or persons setting off the fireworks.
- (f) No person shall possess, set off, ignite, and/or discharge Display Fireworks during an imposed "Burning Ban", "Municipal Burning Ban" and/or a "Municipal Fire Ban", unless exceptional approval is granted by the Fire Chief of the Municipality, in writing prior to the possession, setting off, ignition, and/or discharge of the Display Fireworks.

7. GENERAL

- (a) The discharge of Display Fireworks or any class of Fireworks may be suspended by order, whether verbal or written, of the Fire Chief or their designate, if in the opinion of the Fire Chief or their designate, they deem that it poses a threat to human life and/or property.
- (b) A Bylaw Enforcement Officer, the Fire Chief or their designate, Law Enforcement Officer and/or a Police Officer is an Officer for the enforcement of this By-law.
- (c) No person shall willfully interfere, obstruct, and/or hinder with an Officer while carrying out their duties, rights, functions, powers, or authority while enforcing this By-law.
- (d) Where an Officer has reasonable grounds to believe that an offence under this By-law has been committed by a person(s), the Officer may require the name, address, and proof of identity of that person(s) and the person(s) shall supply the required information.

8. PENALTY

- (a) Any person who contravenes any provision, including but not limited to an Owner, 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, Chapter P.33, as amended.
- (b) Every person who contravenes or who causes or permits a contravention of any provision of this By-law is guilty of an offence.
- (c) Every director or officer of a corporation who knowingly concurs in the contravention of any provision of this By-law by the corporation is guilty of an offence.
- (d) A person, other than a corporation, convicted of an offence under this by-law, is liable, on a first conviction, to a fine of not more than \$10,000 and, on any subsequent conviction, to a fine of not more than \$25,000.
- (e) A corporation, convicted of an offence under this By-law, is liable, on a first conviction, to a fine of not more than \$50,000 and, on any subsequent conviction, to a fine of not more than \$100,000.

9. EFFECTIVE DATE

This By-law shall come into full force and effect upon its final passage.

10. REPEAL

By-law No. 2014-25 is hereby repealed.

READ A FIRST AND SECOND TIME 25th DAY OF APRIL, 2022.

READ A THIRD TIME AND FINALLY PASSED THIS 25th DAY OF APRIL 2022.

Original Signed by Mayor, Milt McIver and Clerk, Cathy Addison.

The signed By-law is available upon request.

SCHEDULE 'A' TO THE MUNICIPALITY OF NORTHERN BRUCE PENINSULA

BY-LAW NO. 2022-21

APPLICATION/PERMIT FOR FIREWORKS DISPLAY

Name of Organization/Applicant: _____

Address of Organization: _____

Name of Agent: _____

Address of Agent: _____

Telephone Number: _____

Purpose of Event: _____

Location of Event: _____

Date of Event: _____

Name of Person Supervising the Setting Off of Fireworks at the Display: _____

Telephone Number: _____

- Copy of License Attached Family Fireworks Display Fireworks

Pursuant to Section 4 (a)(i), 4(a)(ii) and 5 (f) of By-law No. 2022-21

- Fire Chief's Written Approval Attached

- Liability Insurer:

Insurance Company: _____

Policy No.: _____

Insurance Agent: _____

Insured Amount (\$5,000,000.00 minimum): \$ _____

I/we acknowledges having read the Fireworks By-law and agree the Corporation of the Municipality of Northern Bruce Peninsula assumes no responsibility for loss of property or personal damage resulting from the aforementioned Family Fireworks and/or Display Fireworks event and hereby agrees to indemnify and hold harmless the Municipality for any and all claims whatsoever arising therefrom.

The Agent acknowledges that this application may contain "personal information" as defined under the *Municipal Freedom of Information and Protection of Privacy Act*, 1989 being the name, address and telephone number of the Agent. Such information is required by the Municipality of Northern Bruce Peninsula for the proper administration of this event, under the provisions of the *Fire Prevention and Protection Act*. The Agent hereby consents to any disclosure by the Municipality of such information. If you have any questions in this regard, contact the Clerk of the Municipality of Northern Bruce Peninsula, 56 Lindsay Road # 5, R.R. # 2 Lion's Head, Ontario, N0H 1W0. (519) 793-3522, extension 233.

Agent: _____

Director of Organization (if applicable): _____

Special Comments: _____

Approval

Fire Chief/ Designate

Date

NOTE: When approved, this application becomes the permit.

FIREWORKS

SAFETY INSTRUCTIONS

1. No children under eighteen (18) years old are allowed to use fireworks.

2. Choose a wide, clear site away from overhead obstacles. As an example, you need a 30 m x 30 m area for firing a roman candle.
3. DO NOT FIRE IN WINDY CONDITIONS OR WHEN IT IS RAINING.
4. Read all instructions on the fireworks. Plan the order of firing before you begin.
5. Use a good firing base such as pails, boxes or wheelbarrows filled with earth or sand.
6. Bury those fireworks halfway that do not have a standing base unless the labeling on the fireworks indicates otherwise. Set them at a 10-degree angle, pointing away from spectators.
7. Never light a firework in your hand or hold a lighted firework in your hand, other than a sparkler.
8. Light carefully. Always light the fuse at its tip.
9. Keep water nearby. Dispose of used fireworks (including debris) in a pail of water.
10. Never try to relight a firework that did not go off. Never try to fix a firework that is defective. Wait at least 30 minutes before approaching such a firework.
11. Keep fireworks in a cool, dry, ventilated place, away from children.
12. Enjoy your fireworks but remember safety should come first.

**The Corporation of The
Municipality of Northern Bruce Peninsula**

**Fine Schedule for
By-Law No. 2022-21
To Regulate the Sale, Possession, Use, Setting Off, Ignition, and/or Discharge of
Fireworks**

Set Fine Schedule-Part I Provincial Offences Act

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1	Fireworks or Firecrackers sold within the Municipality	Section 2	\$835.00
2	Possession of Family Fireworks or Firecrackers	Section 3	\$835.00
3	Setting off, ignite, and/or discharge of Family Fireworks	Section 4(a)	\$835.00
4	Fail to obtain Fire Permit for Family Fireworks	Section 4(a)(iii)	\$500.00
5	Setting off Family Fireworks during a Burning Ban, Municipal Burning Ban and/or a Municipal Fire Ban	Section 4(a)(v)	\$835.00
6	Setting off, ignite, and/or discharge of Family Fireworks on public land	Section 4(b)	\$835.00
7	Setting off, ignite, and/or discharge of Family Fireworks from a building or vehicle	Section 4(c)	\$835.00
8	Setting off, ignite, and/or discharge	Section 5(a)	\$835.00

	of Display Fireworks without approval		
9	Fail to obtain Fire Permit for Display Fireworks	Section 6(a)	\$500.00
10	Setting off Display Fireworks during a Burning Ban, Municipal Burning Ban and/or a Municipal Fire Ban without approval	Section 6(f)	\$835.00
11	Interfering, obstructing, and/or hindering an Officer	Section 7(c)	\$835.00

NOTE: The general penalty provisions for the offences indicated above is/are Section 8 – Penalty of By-law No. 2022-21 – a certified copy of which has been filed.

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
WEST REGION

80 DUNDAS STREET, 10th FLOOR, UNIT L
LONDON, ONTARIO N6A 6A8



CABINET DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DE L'OUEST

80, RUE DUNDAS, 10^e ÉTAGE, UNITÉ L
LONDON (ONTARIO) N6A 6A8

TELEPHONE/TÉLÉPHONE (519) 660-2292
FAX/TÉLÉCOPIEUR (519) 660-3138

May ,5, 2022

Carol Hopkins
Municipality of Northern Bruce Peninsula
56 Lindsay Road 5, RR 2
Lion's Head, ON N0H 1W0

bylaw@northernbruce.ca

Dear Ms. Hopkins:

**Re: Set Fines - Provincial Offences Act - Part I
By-law Number 2022-21, of the Municipality of Northern Bruce Peninsula**

Enclosed herewith are the original Order, and an original schedule of set fines for the above referenced By-Law, the By-law indicated in the schedule.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

Please ensure that a copy of the said documents is forwarded to the Provincial Offences Offices in Owen Sound with a copy of the By-Law.

Yours truly,

A handwritten signature in cursive script that reads "Jeanine LeRoy".

Jeanine E. LeRoy
Regional Senior Justice
West Region

encl.
/dh

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. 2022-21, of the Municipality of Northern Bruce Peninsula, attached hereto are the set fines for those offences. This Order is to take effect May 5, 2022.

Dated at London this 5th day of May 2022.



Jeanine E. LeRoy
Regional Senior Justice
West Region

**The Corporation of The
Municipality of Northern Bruce Peninsula**

**By-Law No. 2022-21
To Regulate the Sale, Possession, Use, Setting Off, Ignition, and/or Discharge of
Fireworks**

Set Fine Schedule-Part I Provincial Offences Act

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1	Sell Fireworks or Firecrackers within the Municipality	Section 2	\$835.00
2	Possession of Family Fireworks or Firecrackers without permit	Section 3	\$835.00
3	Setting off, ignite, and/or discharge of Family Fireworks	Section 4(a)	\$835.00
4	Fail to obtain Fire Permit for Family Fireworks	Section 4(a)(iii)	\$500.00
5	Setting off Family Fireworks during a Burning Ban, Municipal Burning Ban and/or a Municipal Fire Ban	Section 4(a)(v)	\$835.00
6	Setting off, ignite, and/or discharge of Family Fireworks on public land	Section 4(b)	\$835.00
7	Setting off Family Fireworks from a building or vehicle	Section 4(c)	\$835.00
8	Setting off, ignite, and/or discharge of Display	Section 5(a)	\$835.00

	Fireworks without approval		
9	Fail to obtain Fire Permit for Display Fireworks	Section 6(a)	\$500.00
10	Setting off Display Fireworks during a Burning Ban, Municipal Burning Ban and/or a Municipal Fire Ban without approval	Section 6(f)	\$835.00
11	Interfering, obstructing, and/or hindering an Officer	Section 7(c)	\$835.00

NOTE: The general penalty provisions for the offences indicated above is/are Section 8 of By-law No. 2022-21 – a certified copy of which has been filed.