

Township of South-West Oxford

By-law Number 11-2023

A By-Law to regulate the sale and use of fireworks in the Township of South-West Oxford

Whereas Section 121 of the *Municipal Act*, 2001, c.25 (the “Act”) as amended, provides that a municipality may prohibit and regulate the sale of fireworks and use of fireworks, and require that permits be obtained for such activities;

And Whereas Section 7.1 of the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4, as amended provides that a Council of a Municipality may pass By-laws regulating fire prevention, including the prevention of spreading fires;

And Whereas the Council of the Township of South-West Oxford deems it advisable to regulate the sale and display of fireworks within the municipality;

Now Therefore, the Council of the Corporation of the Township of South-West Oxford enacts as follows:

1. Definitions

- 1.1. “Canada Day” means July 1st of each year.
- 1.2. “Chief Fire Official” means the Fire Chief of the Township of South-West Oxford or their designate.
- 1.3. “Christmas Cracker” means a device which when pulled at each end makes a popping sound and which may contain candy or other favours (not explosive).
- 1.4. “Display” means the setting off of fireworks at any time in accordance with the provisions of this By-law.
 - 1.4.1. “Private Display” means a Display occurring on private property which involves the setting off of Consumer Fireworks only. Private Displays are not open to the public.
 - 1.4.2. “Public Display” means a Display occurring on Township Property, with the permission of the Township, or on private property which is open to the public; or

Any event on private property that involves the setting off of Display Fireworks as defined in Section 1 of this By-Law.

- 1.5. "Enforcement Officer" shall mean the Chief Fire Official, Chief Fire Official's designate or the Township's By-law Enforcement Officer.
- 1.6. "Explosives Regulations" means the Explosive Regulations as amended and enabled by the *Explosives Act*, R.S.O., c. E-15.
- 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 cannon crackers, firecrackers, mines, squibs, and torpedoes but does not include a Christmas cracker or similar device.
- 1.8. "Fire Department" means South-West Oxford Fire and Emergency Services.
- 1.9. "Fireworks" shall mean any article containing a 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 and shall include:
 - 1.9.1. "Consumer Fireworks" which are outdoor, low hazard Fireworks generally used for recreation by the public and include items such as fireworks showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, and volcanoes.
 - 1.9.2. "Display Fireworks" which are outdoor, high hazard Firework articles designed for use by professionals. These articles include items such as aerial shells, bombshells, cakes, waterfalls, laces, wheels, and bombardons.
 - 1.9.3. "Display Fireworks Manual" means the manual released by Natural Resources Canada: Explosives Regulatory Division as amended.
- 1.10. "Fireworks Supervisor" shall mean a person holding a current certification as a Fireworks Supervisor under the authority of the *Explosives Act* and has the skill and ability to safely set up and supervise the discharge of Fireworks at a public display, as approved by the Chief Fire Official or their designate.
- 1.11. "Enforcement Officer" means a police officer, Municipal Law Enforcement Officer, and any other public officer engaged in the enforcement of this by-law.
- 1.12. "Permit" means a permit or license issued by the Township of South-West Oxford.

- 1.13. "Person" means any individual, firm, partnership, merchant, storekeeper, corporation, or company in the Township of South-West Oxford.
- 1.14. "Prohibited Fireworks" means any product included in Schedule "A" to this By-Law, as amended from time to time, as determined by the Fire Chief.
- 1.15. "Pyrotechnician" means the Person certified by Natural Resources Canada to conduct a public or private pyrotechnic special effects display.
- 1.16. "Pyrotechnics" means an explosive of a class set out in the *Explosives Act* that is made, manufactured, or used to produce a pyrotechnic theatrical effect in connection with a motion picture, theatre, or television production or with/as a performance before a live audience but excludes Consumer Fireworks, Display Fireworks, and Prohibited Fireworks as such terms are defined in this By-Law.
- 1.17. "Sales Period" means the timeframe during which the sales of Fireworks are permitted as outlined in Section 4 of this By-Law.
- 1.18. "Seller" means any person working in any building, structure, trailer, roadside stand, vehicle or other conveyance where Fireworks are sold, and shall include every employee and the vendor.
- 1.19. "Township" means the Corporation of the Township of South-West Oxford.
- 1.20. "Victoria Day" means the Monday preceding May 25th each year.

2. Applicability

- 2.1. The provisions of this By-Law shall apply to all lands and premises within the boundaries of the Township.
- 2.2. In the event of any conflict between the provisions of this By-Law and the provision of any other By-Law, the provisions that are the most restrictive shall prevail.
- 2.3. Unless otherwise indicated, the administration of this By-Law is assigned to the Municipal Clerk or designate.
- 2.4. The enforcement of this By-Law is assigned to those persons appointed or authorized as Enforcement Officers within the Township and the Township's Chief Fire Official.

3. Firecrackers

3.1. No person shall at any time offer for sale or sell any firecrackers in the Township.

3.2. No person shall set off any firecrackers in the Township.

4. Sale of Fireworks

4.1. No person shall sell or offer for sale any prohibited Fireworks as outlined in Schedule 'A' of this By-Law and determined by the Fire Chief.

4.2. No person shall sell or offer for sale any Fireworks in the Township on any day or days during the year except on the seven (7) business days immediately preceding Victoria Day, and the seven (7) business days immediately preceding Canada Day, provided that nothing in this by-law shall prevent the sale on any day for the purpose of a Fireworks Display in accordance with the *Explosives Act (Canada)*.

4.3. No person shall sell any Fireworks in the Township to anyone under eighteen (18) years of age.

4.4. Every fireworks vendor shall remove all advertising and merchandising of Fireworks Sales within 24 hours following Victoria Day or Canada Day.

4.5. Every vendor shall provide at least one functional 2A 10BC rated fire extinguisher and shall ensure that it is accessible, at all times.

4.6. All sales of Fireworks in the Township of South-West Oxford must also comply with the provisions set out in the Explosives Regulations as amended.

5. Fireworks Sales Licenses

5.1. The Township of South-West Oxford does not issue licenses for the sale of Fireworks within the municipality.

5.2. Vendors must adhere to this by-law, and the Federal Explosives Regulatory Act if choosing to sell fireworks within the municipality.

6. Storage

6.1. Every person shall store and display all Fireworks for sale in a manner that is in accordance with the regulations set out in the *Explosives Regulatory Act (Canada)*, as amended.

6.2. The sale of Fireworks may not be compatible with all premises and firework sales shall not be permitted where a conflict of occupancy types exists, as

determined by the Fire Chief. No person shall sell fireworks when a conflict of occupancy type is determined to exist.

6.3. The Fire Chief may require additional protective measures or inspections after initially inspecting the applicant's site and determining that a need exists to protect public or vendor safety. No person shall sell fireworks without additional protective measures or inspections ordered after a site visit or inspection.

6.4. No person shall store, handle, sell, or display Fireworks for sale in any other zone except in Village, Commercial, or Industrial Zones.

6.5. No person shall store more than 1,000 kilograms (kg) of consumer fireworks in a sales establishment at any time. If the sales establishment is located in a building that contains a dwelling, no person shall store more than 100 kg at one time.

6.6. Every vendor shall post, and keep posted, a visible "no smoking sign", in a conspicuous place, at every entranceway, exit and doorway of the building, structure, trailer, roadside stand, vehicle or other conveyance where Fireworks are being displayed, sold or offered for sale. Every seller must enforce the "no smoking" rule.

6.7. No person shall smoke or use an open flame such as a lighter, match, or torch in a room or space where Fireworks are stored or displayed, or in any case less than 8 metres from any Fireworks or explosive.

6.8. Every vendor shall ensure that any trailer, roadside stand, vehicle or other conveyance containing fireworks is secured if it is left on a site overnight.

7. Fireworks Displays

General Provisions

7.1. No Person shall set off any Fireworks when a fire ban is in effect.

7.2. No person shall hold a public Fireworks Display in the Township without first obtaining a display permit from the Fire Chief.

7.3. No person shall set off any Fireworks on any street, highway, or lane under the jurisdiction of the Township; or on any Township property including public parks, except with the written consent of the Fire Chief.

7.4. The location referred to in the preceding paragraph must be such that there can be no danger to adjacent properties, or highways, or persons using the same.

- 7.5. No person shall set off any Fireworks in the Township within 500 metres of a nursing home, public hospital, home for the aged or any place where explosives, gasoline or other flammable substances may be stored.
- 7.6. No person shall set off any Fireworks in the Township within 500 meters of a church, childcare facility or a public, separate, private, secondary or other school, unless consent in writing of the owner/agent/representative of such church or school is obtained.
- 7.7. No person shall set off any fireworks in the Township within 500 meters of any livestock operation, or woodland.
- 7.8. Notwithstanding the provisions of this By-Law, the corporation of the Township of South-West Oxford may hold special displays of Fireworks to celebrate national or civic holidays, or national celebrations, provided such Fireworks are set off by a qualified person as determined by the Fire Chief.

Consumer Fireworks

- 7.9. No person shall set off Consumer Fireworks, if the event is to be a Public Display as defined in Section 1 of this by-law, without first obtaining a Display permit.
- 7.10. Private displays occurring on private property which are closed to the public do not require a Display Permit.
- 7.11. No person shall ignite, set off, or have a display of Consumer Fireworks on any property unless such Person is the owner of the property or has written permission to do so by the owner of such property.
- 7.12. No person shall set off consumer fireworks without having the necessary means readily at hand to summon the Fire Department.
- 7.13. No Person shall ignite, discharge, or set off any Consumer Fireworks into or inside of any building, structure, vehicle, or any other place of property where such ignition, discharge, or setting off may create a nuisance or safety hazard to any Person or property.
- 7.14. No person shall ignite, discharge, or set off any Consumer Fireworks into or on Municipal Property including without limitation, streets, lanes, squares, or other public places without the written approval of the Fire Chief.
- 7.15. No person shall ignite, discharge, or set off any Consumer Fireworks off of or from the roof of any building or structure, or anywhere with less clearance to persons and combustible property as is prescribed by the manufacturer on the exterior of the firework article without the written approval of the Fire Chief.

7.16. No person shall ignite, discharge, or set off any Consumer Fireworks after the hour of 11:00 p.m. (local time) on the day of, two (2) days previous to, two (2) days following the days established by Section 4.2.

Display Fireworks

7.17. No person shall conduct a Private or Public Display of Fireworks involving consumer Display Fireworks as defined in Section 1 of this by-law without first obtaining a Display permit.

7.18. No person shall ignite, set off, or have a display of Display Fireworks on any property unless such person is the owner of the property or has written permission to do so by the owner of that property.

7.19. No person shall ignite, set off, or have a display of Display Fireworks unless such person is qualified as a Display Supervisor.

7.20. A Display Supervisor shall produce a current certificate of qualification as issued by the Explosive Regulatory Division upon the request of any Enforcement Officer.

7.21. No person shall ignite, set off, or have a display of Display Fireworks unless there is provided and maintained fully operational fire extinguishing equipment, ready for immediate use and present at all times and for a reasonable period thereafter, at the location or site of the discharge of Display Fireworks.

7.22. No person shall transport, set up, ignite, or operate Display Fireworks except in accordance with the requirements outlined in the Natural Resources Canada Display Fireworks Manual and this By-Law.

8. Display Permit – Permit to Discharge

Notwithstanding the provisions of this by-law, any applicant shall be entitled to obtain a permit for the setting off of Fireworks, subject to compliance with the following:

8.1. Every person applying for a Fireworks Display Permit shall submit an application to the Clerk's Department a minimum of twenty-one (21) days prior to the date of the proposed display, in the form prescribed by the Township, the applicable permit fee as set out in the Rates and Fees By-law, and the following information:

8.1.1. Fireworks manifesto;

8.1.2. The name, qualification, and experience of the person to set off the Display;

8.1.3. Site plan;

- 8.1.4. Set-up schedule (description of safety precautions and clean-up procedures);
- 8.1.5. Explosive Regulatory Division (ERD) certificate with number, level, and expiration date;
- 8.1.6. Dangerous Goods Shipping and Handling Certificate;
- 8.1.7. Proof of general liability insurance in the minimum amount of \$5,000,000 per occurrence with the Township of South-West Oxford listed as an additional insured; and
- 8.1.8. Traffic and Crowd Control Plans.

8.2. Upon conclusion of the display, the Display Supervisor shall walk the display site and fallout area. Any unused fireworks and all debris resulting therefrom shall be removed immediately and safely disposed of by the Permit holder.

9. Pyrotechnics

- 9.1 No person shall ignite, set off, conduct an event or have a display of Pyrotechnics without first obtaining a permit to do so from the Fire Chief.
- 9.2 No person shall transport, set up, ignite, or operate Pyrotechnics except in accordance with the requirements outlined in the Natural Resources Canada Pyrotechnic Special Effects Fireworks Manual.
- 9.3 No person shall set off or operate Pyrotechnics without first obtaining a permit. Every person applying for a Pyrotechnics Display Permit shall submit an application to the Township a minimum of twenty-one (21) days prior to the date of the proposed display, in the form prescribed by the Township.
- 9.4 A Pyrotechnics Display Permit Application must be reviewed by the Fire Chief, after receipt of payment of the appropriate non-refundable application fee as set out in the Township of South-West Oxford's Rates and Fees By-law. Said permit is non-transferable by owner and/or location or premises.

10. Grant of Exemption by Council

- 10.1. Notwithstanding anything contained in this By-Law, any person may make an application to Council to be granted an exemption from any of the provisions of this by-law with respect to the discharge of fireworks and Council may refuse to grant any exemption or may grant the exemption which may contain such terms and conditions as Council sees fit, subject to the approval of the Fire Chief.

11. Right of Entry

- 11.1. An Enforcement Officer may, at any time, enter onto land to determine whether this by-law is being complied with.
- 11.2. Every owner shall permit the officer entry and access to inspect any land for the purpose of determining compliance with this By-law.
- 11.3. Notwithstanding any provision of this By-law, an Enforcement Officer shall not enter or remain in any room or place actually being used as a dwelling, unless:
- 11.3.1. The consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and, if refused, may only be made under the authority of a warrant issued under the *Provincial Offences Act*, R.S.O. 1990 as amended.
- 11.3.2. A warrant issued under the *Provincial Offences Act*, R.S.O. 1990 as amended is obtained.
- 11.4. No person shall hinder or obstruct, or attempt to hinder or obstruct, any Enforcement Officer exercising a power or performing a duty under this By-law.
- 11.5. Any person who has been alleged to have contravened any of the provisions of this By-law shall identify themselves to the Enforcement Officer upon request and failure to do so shall be deemed to have obstructed or hindered the Enforcement Officer in the execution of his or her duties.

12. Penalties

- 12.1. Any person who contravenes any provision of this By-law is guilty of an offence and, upon conviction is liable to a fine not exceeding five thousand dollars (\$5,000.00) pursuant to the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended or to imprisonment for a term not exceeding six (6) months, or to both under the provisions of the *Explosives Act (Canada)*.
- 12.2. Upon conviction, the court in which the contravention has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted and such order shall be in addition to any other penalty imposed on the person convicted.

13. Severability

- 13.1. Should any section, subsection, clause, paragraph, or provision of this by-law be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of this by-law as a whole or any part thereof, other than the Part so declared to be invalid.

14. Repeal

- 14.1. The Township of South-West Oxford By-law 10-2009 is hereby repealed as of the final date of passing of this by-law
- 14.2. This By-law shall come into force and take effect on the date of the final passing thereof.

Read a First and Second time this 21st day of February, 2023.

Read a Third time and Finally Passed this 21st day of February, 2023.

**Mayor
David Mayberry**

**Clerk
Julie Middleton**

Schedule “A”
Prohibited Fireworks

Commodity	Description
Cigarette Loads or Plugs	Small explosive charges designed for insertion in cigarettes or cigars which will cause them to explode after the victim takes a few pulls.
Exploding Matches	Resemble ordinary book matches and are designed to explode after a certain delay, usually about the time they are in position to light a cigarette.
Sparkling Matches	Also resemble the normal book matches but send out a shower of sparks.
Ammunition for a Miniature Tie Clip, Cufflink, or Key Chain Pistols	A violent type of blank ammunition made up for use as a novelty.
Auto Alarms or Jokers	Supposedly designed as burglar alarms but are really for a practical joke; when wired to the ignition system of a car, they operate with a loud screeching whistle followed by copious emission of smoke and a loud explosion.
“Cherry Bombs”, M-80 and Silver Salutes, and Flash Crackers	Very violent firecrackers which annually cause serious injuries; they are considered far too violent and contain excessive charge of a prohibited fireworks composition.
Throw-Down and Step-On Torpedoes, and Cracking Balls	Small objects designed to explode on impact; some of the latter are so shaped and coloured as to look like children’s breakfast cereal or candy balls.
Exploding Golf Balls	Designed to explode and emit a cloud of smoke on impact.
Stink Bombs and Smoke Bombs	Often made to resemble cherry bombs and salutes; are used for practical jokes (also prohibited from importation under Memorandum D33-1, Importation of Offensive Weapons).
Tear Gas Pens and Launchers	Resemble a pen, may contain a mechanism activated by an explosive, and are supposedly for protection against muggers but are more commonly used as offensive weapons or as practical jokes (also prohibited under Memorandum D33-1).
Party Poppers and Table Bombs	Designed to project paper streamers or dispense party favours. The smaller ones are made of coloured plastic, shaped like champagne bottles.

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Commodity	Description
Table Rockets and Bottle Skyrockets	Small fireworks designed to be launched from a table or a bottle bursting in a shower of sparks or a cloud of smoke.
Fake Firecrackers and Other Trick Devices or Practical Jokes	Any article which employs or simulates an explosive or pyrotechnic for a trick or joke.
Flying Lanterns	A small paper hot-air balloon, fueled by an open flame. When released, the hot air produced by the fuel source can lift the lantern to extreme heights and allows it to drift for long distances until the fuel is depleted. These lanterns are often released in large numbers to generate an impressive visual effect.

Township of South-West Oxford

PART I Provincial Offences Act

**By-law 11-2023: To regulate the sale and use of
Fireworks in the Township of South-West Oxford**

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1	Sell or offer Firecrackers for sale.	3.1.	\$250.00
2	Set off Firecrackers at any time.	3.2.	\$250.00
3	Sell or offer Prohibited Fireworks for sale.	4.1.	\$250.00
4	Sell or offer Fireworks for sale outside of the designated Sales Period.	4.2.	\$250.00
5	Sell Fireworks to a person under 18 years of age.	4.3.	\$250.00
6	Failure to remove Fireworks advertising and merchandising within 24 hours of the end of a Sales Period.	4.4.	\$250.00
7	Failure to provide at least one functional 2A 10BC rated fire extinguisher and keep it accessible at all times.	4.5.	\$250.00
8	Failure to store or display Fireworks in accordance with the Explosives Regulations.	6.1.	\$250.00
9	Sell Fireworks when conflict of occupancy type exists	6.2.	\$250.00
10	Sell Fireworks without additional protective measures or inspections	6.3.	\$250.00
11	Store, handle, sell or display Fireworks outside Village, Commercial or Industrial Zones.	6.4.	\$250.00
12	Store more than 1,000 kg of consumer fireworks in a sales establishment.	6.5.	\$250.00
13	Store more than 100 kg of consumer fireworks in a sales establishment located in a building that contains a dwelling.	6.5.	\$250.00
14	Failure to post, and keep posted, a visible “no smoking” sign in a conspicuous place, at every entranceway, exit and doorway of building or other conveyance where Fireworks are being displayed, sold or offered for sale.	6.6.	\$250.00
15	Failure to enforce the “no smoking” rule.	6.6.	\$250.00
16	Use of open flame or smoke where Fireworks are stored or displayed, or in any case less than 8m from any Fireworks or explosive.	6.7.	\$250.00
17	Failure to ensure any trailer, roadside stand, vehicle or other conveyance containing fireworks is secured if it is left on a site overnight.	6.8.	\$250.00
18	Set off Fireworks when fire ban is in effect.	7.1.	\$250.00

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19	Set off Fireworks without a Display Permit.	7.2.	\$250.00
20	Set off Fireworks on Township Property without written consent.	7.3	\$250.00
21	Set off Fireworks within 500 meters of any hospital, nursing home, retirement home, or home for the aged, or any place where explosives, gasoline or other flammable substances may be stored.	7.5.	\$250.00
22	Set off Fireworks within 500 meters of any church, childcare facility, or school without consent of the school or agent/representative of the owner.	7.6.	\$250.00
23	Set off Fireworks within 500 meters of any livestock operation and/or woodlands.	7.7.	\$250.00
24	Set off Consumer Fireworks without written permission from the property owner.	7.11	\$250.00
25	Set off Consumer Fireworks without the necessary means readily at hand to summon the Fire Department.	7.12	\$250.00
26	Set off Consumer Fireworks into or inside of any building, structure, vehicle, or any other place of property where such ignition, discharge, or setting off may create a nuisance or safety hazard to any Person or property.	7.13	\$250.00
27	Ignite, discharge, or set off any Consumer Fireworks into or on Municipal Property without written approval of the Fire Chief.	7.14	\$250.00
28	Ignite, discharge or set off any Consumer Fireworks off of, or from, the roof of any building or structure, or anywhere with less clearance to Persons and combustible property without written approval of the Fire Chief.	7.15	\$250.00
29	Ignite, discharge or set off Consumer Fireworks after 11:00 p.m. on the day of, 2 days previous to, or 2 days following the days established by section 4.3.	7.16	\$250.00
30	Set off Consumer Fireworks without permit if the event is to be a Public Display (Display Permit).	7.17	\$250.00
31	Conduct a Private or Public Display of Fireworks involving Consumer Display Fireworks without a Display permit	7.17	\$250.00
32	Ignite, set off, or have a display of Display Fireworks on any property without written permission from the property owner.	7.18	\$250.00
33	Ignore, set off or have a display of Display Fireworks without possessing Display Supervisor qualifications.	7.19	\$250.00
34	Failure to produce Display Supervisor's current certification of qualification upon the request of any Enforcement Officer.	7.20	\$250.00

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35	Ignite, set off or have a display of Display Fireworks without fully operational fire extinguishing equipment on site	7.21	\$250.00
36	Transport, set up, ignite or operate Display Fireworks not in accordance with the requirements.	7.22	\$250.00
37	Failure to remove any unused fireworks and debris by the permit holder.	8.2	\$250.00
38	Set off Pyrotechnics without the approval of the Fire Chief.	9.1	\$250.00
39	Transport, set up, ignite or operate Pyrotechnics not in accordance with the requirements outlined in the Natural Resources Canada Pyrotechnic Special Effects Fireworks Manual.	9.2	\$250.00
40	Set off Pyrotechnics without a permit.	9.3	\$250.00
41	Refuse Officer entry or access to inspect any land for the purpose of determining compliance with this By-law.	11.2	\$250.00
42	Hinder or obstruct or attempt to hinder or obstruct any Enforcement Officer exercising a power or performing a duty under this By-law	11.4	\$250.00
43	Fail to identify themselves upon the request of an Enforcement Officer.	11.5	\$250.00

Note: The penalty provision for the offences indicated above is Section 12 of By-law 11-2023, a certified copy of which has been filed.