

**THE CORPORATION OF THE MUNICIPALITY OF THE
TOWNSHIP OF BROOKE-ALVINSTON**

BY-LAW No. 28 OF 2008

**BEING A BY-LAW TO REGULATE THE DISPLAY, SALE AND SETTING
OFF OF FIREWORKS IN THE TOWNSHIP OF BROOKE-ALVINSTON.**

WHEREAS the Council of the Corporation of the Municipality of the Township of Brooke-Alvinston deems necessary to regulate the sale and setting off of fireworks in the Township of Brooke-Alvinston;

AND WHEREAS Section 121 of *The Municipal Act, 2001, as amended*, provides that Council may pass by-laws to prohibit and regulate the sale of fireworks and the setting off of fireworks;

NOW THEREFORE, pursuant to *The Municipal Act*, the Council of the Township of Brooke-Alvinston enacts as follows:

1. Interpretation

In this By-law the following terms shall have the corresponding meanings:

- a) “**Display Unit**” means a bin, crate, box, case or other device used to display fireworks to the public;
- b) “**Fireworks**” means any and all classes of fireworks, including and without limiting the generality of the foregoing the following clauses which are included in the Federal Explosives Regulation, Department of Energy, Mines and Resources:
 - (i) “**Low-hazard**” fireworks for recreation such as firework showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, volcanoes and sparklers;
 - (ii) “**High-hazard**” fireworks for recreation such as rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardon, waterfalls, fountains, mines and firecrackers (also known as “display fireworks”).
- c) “**Fireworks vendor**” means any person, organization or company that sells displays or offers for sale fireworks;
- d) “**Person**” includes a corporation;
- e) “**Site**” means any area within the Township of Brooke-Alvinston on which fireworks are displayed, sold or offered for sale;
- f) “**Site Plan**” means a drawing of a site which includes all applicable measurements of every vending structure and the surrounding area within 100 metres of the site and on which all buildings and structures, streets or other landmarks are indicated;
- g) “**Temporary Vendor**” means any person, organization or company that sells displays or offers for sale fireworks in or from a vending structure;
- h) “**Vending Structure**” means any vehicle, roadside stand or temporary structure, tent or air-supported structure or other conveyance in or from which fireworks are displayed, sold or offered for sale.

2. When Sales Permitted:

No person shall display, offer for sale or sell fireworks or any class or classes thereof except on the days being observed as Victoria Day and Canada Day and for seven (7) days prior to the days being observed as Victoria Day and Canada Day.

3. **Sales**

No person shall display, offer for sale or sell fireworks unless the person is in compliance with all applicable provisions of this By-law.

4. **By-law Posting**

Every fireworks vendor shall ensure that a copy of this By-law is posted on the site in a conspicuous place visible to the public.

5. **Sale to Minors Prohibited**

- a) No person shall sell fireworks to any person under the age of eighteen (18) years.
- b) No person shall sell fireworks to any person without a sign being present on the site and clearly visible to the public, in each display unit, stating that sales to persons under eighteen (18) years of age are prohibited.

6. **Storage and Display of Fireworks**

- a) When fireworks are displayed for sale within any building, the fireworks vendor shall ensure that no lot, bin or bundle of fireworks shall exceed a weight of 25 kilograms and no fireworks shall be exposed to direct sunlight.
- b) Where the total stock of fireworks on a site exceeds a weight of 1,000 kilograms, the fireworks vendor shall require a licence from the Explosives Division, Department of Energy, Mines and Resources.
- c) Every fireworks vendor shall ensure that all fireworks displayed or offered for sale are kept within an enclosed, non-combustible display unit, locked and accessible only to employees of the fireworks vendor.
- d) No person shall have in his or her possession within six (6) metres of any fireworks kept or displayed for sale any lighted match, lighted lighter, lighted pipe, lighted cigar, lighted cigarette or any other lighted fire producing device.
- e) Every fireworks vendor shall ensure that all fireworks that remain unsold at the expiration of the selling period specified in Section 2 of this By-law are immediately stored in a cool, dry place remote from flammable materials and inaccessible to the public.

7. **Temporary Vendor**

Every temporary vendor shall comply with all of the provisions of this By-law and shall:

- a)
 - (i) Obtain the appropriate business licence from the Township Clerk prior to doing business; and
 - (ii) Ensure that such licence is prominently displayed in a place visible to the public on the site from which the vendor is doing business;
- b) Provide a letter to the Township Clerk from the owner of property on which a vending structure is to be located, indicating permission to do so has been given to the temporary vendor;
- c) Provide a site plan showing the location of each vending structure in reference to township's streets, buildings on the site and parking areas on the site, demonstrating compliance with the Federal Explosives Division, Department of Energy, Mines and Resources Table of Outside Distances as indicated in Appendix "A" to this By-law;

- d) Not permit the display or sale of fireworks unless the site complies with the Outside Distance regulations set out in Appendix “A” to this By-law;
- e) Erect and maintain connected pylons or fencing of a temporary nature to establish a no-encroachment zone at the perimeter of the separation distances outlined in Appendix “A” to this By-law;
- f) Post and maintain at every entrance point to the no-encroachment zone and at every entrance point to each vending structure, a sign that is clearly visible to the public stating that the items listed in Section 6(d) of this Bylaw are prohibited within six (6) metres of a vending structure;
- g) Ensure that where the public is permitted access to a vending structure, that such structure has at least two (2) separate entrances;
- h) Ensure that the public complies with Section 6(d) of this By-law;
- i) Ensure that no more than twenty (20) persons are in any vending structure at any one time;
- j) Ensure that when the public is permitted access to a vending structure the temporary vendor or an agent or employee of the temporary vendor is in attendance;
- k) Not operate unless a 2A10BC rated fire extinguisher is provided for each employee to combat fires which have not yet spread to the fireworks and ensure that fires involving fireworks are not fought but rather efforts are concentrated on evacuation and crowd control;
- l) Post and maintain a sign indicating “IN CASE OF FIRE CALL 911” that is clearly visible to the public in each vending structure at all times;
- m) Not leave a vending structure on any site overnight unless at least one (1) security person is on duty whenever the temporary vendor is absent from the site;
- n) Where a vending structure is a tent, ensure that the tent material conforms with NFPA 701-1977, “Standard Methods of Fire Tests for Flame Resistant Textiles and Films: and that the tent is so labelled;
- o) Where a fire alarm system is not provided in accordance with Subsection 3.2.4 of the Ontario Building Code, ensure that a person is employed for and is on firewatch duty at all times in vending structures that are tents and air-supported structures, whenever such structures are open to the public, in order to patrol the area and ensure the entrances are kept clear and that the regulations of this By-law relating to the public are enforced.

8. Discharge of Fireworks:

- a) No person shall discharge any fireworks on Township –owned lands unless permission to do so has been given by Township Council, which permission may be subject to terms and conditions, including but not limited to, the provision of liability insurance naming the Township of Brooke-Alvinston as an additional insured.
- b) No person shall discharge any fireworks within the Township at any time except on the days observed as Victoria Day and Canada Day and on the day immediately preceding Victoria Day and Canada Day, unless permission to do so has been given by Township Council.

- c) In addition to subsections (a) and (b) of this section, no person shall discharge any fireworks within the Township before 9:00 a.m. or after 11:00 p.m. on the day such discharge is permitted.

9. **Fireworks Displays**

- a) No person or organization shall conduct a fireworks display using High hazard fireworks within the Township without first obtaining approval to do so from Township Council.
- b) No person or organization approved by Township Council to conduct a High hazard fireworks display shall do so without first obtaining a permit from the Township of Brooke-Alvinston Fire Department to conduct the fireworks display.
- c) No person shall be permitted to set off High-hazard fireworks in a fireworks display without first successfully completing a fireworks supervisor course and holding a valid Fireworks Supervisor Card.
- d) No person shall use any fireworks in a fireworks display other than those authorized pursuant to the Explosives Regulations of the Department of Energy, Mines and Resources.
- e) Every person having control of any fireworks to be used in a fireworks display shall ensure that such fireworks are stored in a cool, dry place remote from flammable materials and inaccessible to the public.
- f) Every person or organization that conducts a fireworks display shall ensure that all fireworks that failed to fire are immediately disposed of in a safe manner having regard to the particular type of fireworks involved.
- g) Every person or organization that conducts a fireworks display shall ensure that all unfired fireworks are subsequently stored in accordance with Section 9(e) of this By-law.

10. **Offence**

It shall be an offence for any person to contravene any provision of this By-law.

Penalties

Any person convicted of an offence under any provision of this By-law shall be liable to a penalty as set out in Section 61 of the Provincial Offences Act, R.S.O. 1990, Chapter P.33 or any successor thereof.

Appendix B for Fine schedule

11. **Enforcement & Investigation**

Section A – Enforcement Officers and Powers:

The Township of Brooke-Alvinston for the purposes of enforcement of this by-law appointed the following persons to do enforcement:

- Fire Chief & Members of the Brooke-Alvinston Fire Department
- Members of the Ontario Provincial Police
- By-law / Provincial Offences Officers appointed by the Township
- Any person appointed by the Township to enforce this regulation.

Section B – Investigation:

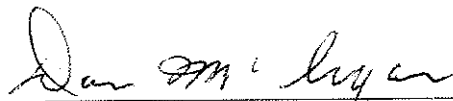
Anyone who is appointed for the purposes of enforcement can enter onto private property to determine if a violation of this regulation is taking place and or to inspect to ensure that this regulation is being obeyed and guidelines being followed.

12. **Short Title**
The short title of this By-law is "FIREWORKS BY-LAW".

This By-law shall come into force and effect upon the final passing thereof.

READ A FIRST AND SECOND TIME this 24 day of July, 2008.

READ A THIRD TIME AND FINALLY PASSED this 24 day of
July, 2008.



Don McGugan, Mayor



Cathy Case, Clerk

APPENDIX "A"
to BY-LAW No. 28 of 2008
FIREWORKS BY-LAW

TABLE OF OUTSIDE DISTANCES

COLUMN "A"	COLUMN "B"
Railway, Aerodrome, Canal (in active use) or other navigable water, Dock, Pier or Jetty; Market Place, Public Recreation and Sports Ground or other open place where the public is accustomed to assemble; Public Highway, Private Road which is a principal means of access to a Church, Chapel, College, School, Hospital or Factory; River Wall, Sea Wall, Reservoir.	Dwelling House, Retail Shop, Government and Public Buildings. Church, Chapel, College, School, Hospital, Theatre, Cinema or other Building where the public is accustomed to assemble; Factory Building or works used for storage in bulk of petroleum spirit, gas or other inflammable substances; Building or works used for the storage and manufacture of explosives or articles which contain explosives.

Weight in Pounds	Category "X" Distance in Feet	Weight in Pounds	Category "X" Distance in Feet
100	25	100	50
200	30	200	60
400	35	400	70
600	40	600	80
800	45	800	90
1000	50	1000	100
2000	58	2000	115
3000	62	3000	124
4000	65	4000	130
5000	68	5000	135
6000	70	6000	139
8000	73	8000	146
10000	75	10000	150
15000	80	15000	159
20000	83	20000	165
30000	87	30000	174
40000	90	40000	180
50000	93	50000	185
60000	95	60000	189
80000	98	80000	195
100000	100	100000	200
150000	105	150000	209
200000	108	200000	215
250000	110	250000	220

E.G. A Vendor with a stock of 200 pounds of fireworks must be 30 feet from anything in column "A" and 60 feet from anything in column "B". [Clause 7. b), c), d)]

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 the Municipal By-Law No. 28 of 2008, of the Township of Brooke-Alvinston, attached hereto is the set fine for that offence. This Order is to take effect August 21, 2008.

Dated at London this 21st day of August 2008

A handwritten signature in black ink, appearing to read 'Kathleen E. McGowan', written over a horizontal line.

Kathleen E. McGowan
Regional Senior Justice
West Region

TOWNSHIP OF BROOKE-ALVINSTON
SCHEDULE 'B'
to By-law No. 28 of 2008
FIREWORKS BY-LAW
PART 1 Provincial Offences Act

ITEM	COLUMN 1	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
Short Form Wording			
1.	Selling of fireworks when prohibited.	2	\$500.00
2.	Display fireworks in bundles greater than 25 kilograms.	6.a	\$500.00
3.	Display fireworks in direct sunlight.	6.a	\$500.00
4.	Failure to obtain licence from Explosives Division, Department of Energy, Mines and Resources.	6.b	\$500.00
5.	Failure to keep fireworks in enclosed, non-combustible and locked display unit.	6.c	\$305.00
6.	Possessing lighted match or other fire producing device within 6 metres of any fireworks.	6.d	\$500.00
7.	Inadequate storage of fireworks.	6.e	\$500.00
8.	Failure of temporary vendor to obtain municipal licence.	7.a.i.	\$500.00
9.	Failure of temporary vendor to display municipal licence.	7.a.ii.	\$500.00

ITEM	COLUMN 1	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
Short Form Wording			
10.	Discharge fireworks on municipal property without permission.	8.a	\$305.00
11.	Discharge fireworks within Township when not permitted.	8.b	\$305.00
12.	Discharge fireworks before 9:00 am or after 11:00 pm on permitted day(s).	8.c	\$305.00
13.	Conducting a high hazard fireworks display without permission of Council.	9.a	\$500.00
14.	Conducting a high hazard fireworks display without permit from Brooke-Alvinston Fire Department.	9.b	\$500.00

The penalty provision for the offences listed above is section 10 of By-law No. 28 of 2008, a certified copy of which has been filed.