

**THE CORPORATION OF THE
TOWN OF ARNPRIOR**

BY-LAW NO. 5730-09

A BY-LAW TO REGULATE FIREWORKS WITHIN THE TOWN OF ARNPRIOR

WHEREAS, Section 121 of the Municipal Act, 2001, Chapter 25, as amended provides a local municipality may prohibit and regulate the sale of fireworks and the setting off of fireworks; and

WHEREAS, Section 121 of the Municipal Act, 2001, Chapter 25, as amended further provides a local municipality may prohibit the sale and setting off of fireworks 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.

NOW THEREFORE the Council of the Town of Arnprior hereby enacts as follows:

1) DEFINITIONS

“**authority having jurisdiction**” means the local fire official or his/her designate, certified by the *Explosives Regulatory Division (ERD) of Natural Resources Canada*;

“**consumer firework**” means an outdoor, low-hazard firework article designed for recreational use by the public. These fireworks are sometimes referred to as family fireworks and are classed as a Class 7, Division 2, Subdivision 1 firework under the Explosives Act, (R.S., 1985, c. E-17);

“**corporation**” means the corporation of the Town of Arnprior;

“**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 similar meaning;

“**display firework**” means an outdoor, high-hazard firework article designed for use by professionals, usually at public gatherings. These fireworks are classed as a Class 7, Division 2, Subdivision 2 firework under the Explosives Act, (R.S., 1985, c. E-17);

“**firecracker**” means a pyrotechnic device that explodes when ignited and does not make any subsequent display or visible effect after explosion;

“**fireworks**” means display fireworks, pyrotechnic special effects fireworks, and consumer fireworks;

“**fireworks supervisor**” means the person who is qualified under the Explosives Act to conduct display fireworks. This includes being responsible for display approval, who is an approved purchaser, and is in a position of primary liability in the event of a mishap;

“**list of authorized explosives**” means the published list of fireworks and pyrotechnic articles from Natural Resources Canada, Part 3a manufactured in Canada, and Part 3b manufactured abroad.

“**street**” means any common and public highway, street, avenue, parkway, driveway, square, place, bridge, or trestle, any part of which is intended for or used by the general public for the passage of persons and vehicles.

2) DISCHARGE OF FIRECRACKERS AND PROHIBITED FIREWORKS

- a) No person shall discharge any firecrackers.
- b) No person shall discharge any firework that is not published in the most recent list of authorized explosives from Natural Resources Canada.

3) CONSUMER FIREWORKS

- a) No person shall discharge consumer fireworks in the Town of Arnprior at any time except:
 - i. Victoria Day, between dusk and 11:00 P.M.;
 - ii. the day immediately preceding Victoria Day, between dusk and 11:00 P.M.;
 - iii. the day immediately following Victoria Day, between dusk and 11:00 P.M.;
 - iv. Canada Day, between dusk and 11:00 P.M.;
 - v. the day immediately preceding Canada Day, between dusk and 11:00 P.M.;
 - vi. the day immediately following Canada Day, between dusk and 11:00 P.M.
- b) No person in the Town of Arnprior under the age of eighteen (18) years shall discharge any consumer fireworks except under direct supervision and control of a parent or guardian eighteen (18) years of age or over; and no parent or guardian of any person under the age of eighteen (18) years shall allow the person to discharge any consumer fireworks except when directly under their direct supervision and control.
- c) No person shall discharge consumer fireworks in the Town of Arnprior in such a manner that creates or may create a nuisance or that creates or may create an unsafe condition, risk from fire, risk of accident, injury or damage at or in respect of any place, location or site, or in respect of any person, property or thing.
- d) No person shall discharge consumer fireworks in or into any building, doorway, or automobile.
- e) No person shall discharge consumer fireworks in or on any street, or public place unless written consent to hold a special fireworks display has been obtained from the corporation.

4) DISPLAY FIREWORKS

- a) No person or group of persons shall hold a display or discharge display fireworks in the Town of Arnprior, at any time, without first having obtained a permit by the local authority having jurisdiction.
- b) Only persons who have successfully completed a fireworks supervisor's course and who holds a valid Fireworks Supervisor Card shall be eligible to make application for permit.
- c) No person or group of persons, other than the certified supervisor and apprentice(s) listed in the approved application/permit, shall be permitted to discharge display fireworks.

5) APPLICATION FOR DISPLAY FIREWORKS PERMIT

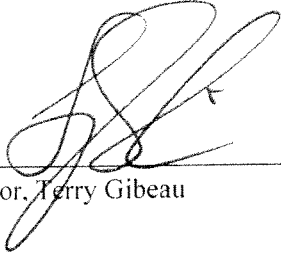
- a) Every application for a permit shall be made to the authority having jurisdiction a minimum of thirty (30) calendar days prior to the date of the event where the proposed discharge of display fireworks is to occur.
- b) The authority having jurisdiction may impose such conditions upon the issuance of a permit as he or she considers are required to ensure the safety of the public.
- c) The authority having jurisdiction has absolute discretion to refuse the issuance of a permit for any reason whatsoever and without limiting the generality of the discretion, a reason may include any provisions of this By-law, any other By-law, the Ontario Fire Code; any Act or Regulation; the past history, character or financial state of the applicant; the proposed location of the display; insurance; safety measures to be taken or lack thereof; any environmental consideration; or any consideration regarding the safety of the public or of property.
- d) Every applicant shall be required to produce evidence of insurance providing proof of liability insurance in the minimum amount of two-million (\$2,000,000) dollars and naming the Corporation as an additional insured.
- e) Where the proposed display location is a Corporation owned property, the applicant shall indemnify and save harmless the Corporation with respect to any and all actions arising either directly or indirectly from the display.
- f) Every application shall be submitted by the fireworks supervisor and shall include all information outlined in the Application for Event Approval/Purchase of Display Fireworks Form, attached as schedule "A"; and the Information Sheet, attached as schedule "B" of this By-law.
- g) Every application shall include payment to the Corporation for a processing fee in the amount of fifty (\$50) dollars.

6) OFFENSES AND PENALTIES

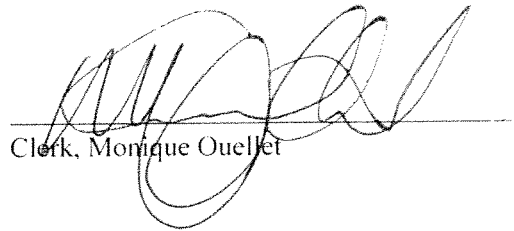
- a) Every person who contravenes any of the provisions of this By-law is guilty of an offense.
- b) Every person who is convicted of an offence under this By-law is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, as amended.

7) This By-law shall be deemed to have come into force and take effect on the date of passing hereof.

ENACTED and PASSED in OPEN COUNCIL, this 27 day of April 2009.



Mayor, Terry Gibeau



Clerk, Monique Ouellet

SCHEDULE "A"
APPLICATION FOR EVENT APPROVAL/PURCHASE OF DISPLAY FIREWORKS FORM
Application by Fireworks Supervisor

Organization/Applicant Name: _____ Application Date: _____
Supervisors Certificate #: _____, Supervisors Name: _____, Expiry: _____
Organization/Applicant Address: _____
Telephone: _____, Fax: _____, E-mail: _____

Sponsoring Organization (if applicable): _____
Sponsoring Organization Address (if applicable): _____
Event Location: _____
Date of Event: _____, Time of Event: (from) _____ (to) _____
Alternate Date: _____, Alternate Time: (from) _____ (to) _____
Place & Method of Fireworks Storage on Site: _____

Name of Insuring Agency: _____
Mailing Address: _____
Telephone: _____, Fax: _____, E-mail: _____
Liability Amount: _____, Policy #: _____
Signature of Supervisor: _____, Date: _____
Signature of Sponsor/Agent: _____, Date: _____

The applicant acknowledges having read the fireworks By-law and agrees that the Corporation of the Town of Arnprior assumes no responsibility for loss of property or personal damage resulting from the aforementioned *Display Fireworks* event and hereby agrees to indemnify and hold harmless the corporation from any and all claims whatsoever arising there from. The applicant also acknowledges they are familiar with, and will act in compliance with the Acts and Regulations pertaining to fireworks.
The sponsor/agent acknowledges that this application may contain "personal information" as defined under the Municipal Freedom of Information and Protection Act, being the name and address of the sponsor/agent. Such information is required by the corporation for the proper administration of this event. The sponsor/agent hereby consents to any disclosure by the corporation of such information.

Permission of Local Authority Having Jurisdiction

Name: _____ Title: _____
Corporation of the Town of Arnprior 105 Elgin Street West Arnprior, Ontario K7S 0A8
Telephone 613-623-4231 Facsimile 613-623-8091
Site Plan attached: YES NO Event Description attached: YES NO

This application is approved subject to the conditions below; or This application has been denied.
Conditions:

Signature (AHJ): _____, Date: _____

NOTE: WHEN APPROVED, THIS APPLICATION BECOMES THE "PERMIT"
THE SUPERVISOR MUST HAVE COPIES OF THIS FORM ALONG WITH THE SITE PLAN & EVENT DESCRIPTION ON-SITE OF THE DISPLAY, AS APPROVED BY THE AHJ. COPIES SHOULD BE MADE FOR ANY CERTIFIED APPRENTICE.

SCHEDULE "B"
DISPLAY FIREWORKS
INFORMATION SHEET

The Corporation of the Town of Arnprior requires a full and complete Display Fireworks Information Package to be submitted for review in order to obtain a permit.

The following is a list of documents and information that is required to be included in all submissions of Display Fireworks Information Packages.

- Name, address, contact numbers and ERD class of fireworks supervisor
- Complete list of crew members, ERD certificate numbers and expiry dates (photocopy acceptable)
- Date and location of show or event
- Comprehensive site plan including:
 - Separation distances to the public and vulnerable features
 - Position of mortars & ramps, direction of firing
 - Fall out zone
 - Significant ground features, roads, public right-of-ways, buildings/structures, overhead obstructions, parking areas, spectator viewing areas
 - Location of emergency vehicles
 - North arrow
- Event Description including:
 - Date, time schedule of events, proposed rain date
 - Attendance estimates
 - List of fireworks being used (as listed in the published list of authorized explosives - NRCan)
 - Firing procedures
 - Traffic control plans
 - Emergency response procedures
- Fire extinguisher rating and locations
- Police approval if display makes it necessary to close roads or divert traffic, and crowd control
- Letter of consent from property owner
- Proof of insurance (insurer's name, policy #, amount of liability coverage, naming Corporation as added insured)
- Site cleanup procedure
- Disposal method of unused fireworks

Once approved, no changes of firework devices are permitted without written notification and associated details being forwarded to the Authority Having Jurisdiction. Any changes or modification to any information originally provided must also be made in writing to the Authority Having Jurisdiction.

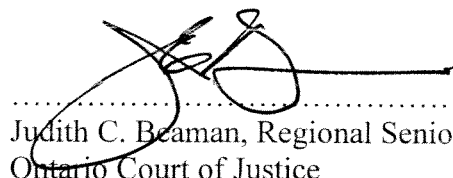
The Authority Having Jurisdiction may require a test fire of devices.

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. 5730-09 of the **Town of Arnprior**, attached hereto is the set fine for that offence. This Order is to take effect on May 25, 2009.

Dated at Ottawa this 25th day of May 2009.


.....
Judith C. Beaman, Regional Senior Justice
Ontario Court of Justice
East Region

TOWN OF ARNPRIOR
PART I Provincial Offences Act
By-law #5730-09: Fireworks By-law

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1	Discharge of any firecracker	Section 2a)	\$120.00
2	Discharge of unauthorized fireworks	Section 2b)	\$120.00
3	Discharge of consumer fireworks during prohibited times	Section 3a)	\$120.00
4	Discharge of consumer fireworks by a person under the age of eighteen (18) without supervision.	Section 3b)	\$120.00
5	Parent or guardian allowing discharge of consumer fireworks by a person under the age of eighteen (18) years without supervision.	Section 3b)	\$120.00
6	Create nuisance and/or unsafe condition in respect to any person, property or thing	Section 3c)	\$120.00
7	Discharge of consumer fireworks in or on any building, doorway, or automobile	Section 3d)	\$120.00
8	Discharge consumer fireworks in or on any street or public place without written consent	Section 3e)	\$120.00
9	Discharge display fireworks without a permit	Section 4a)	\$495.00
10	Discharge display fireworks by an unqualified person	Section 4c)	\$495.00

"NOTE: The penalty provision for the offences indicated above is section 6 of By-law no. 5730-09, a certified copy of which has been filed".