

**THE CORPORATION OF THE TOWNSHIP OF RIDEAU LAKES
BY-LAW #2024-XX**

Being a By-Law to Regulate the Setting off of Fireworks within the Township of Rideau Lakes

Whereas Council acknowledges that fireworks have the potential to pollute air and water, negatively impact wildlife in the vicinity and diminish quality of life including the risk of fire hazards and the safety of residents and property;

And Whereas Council wishes to take action to mitigate the risk to human, animal and environmental health;

And Whereas Section 121 (a) and (b) of the Municipal Act, 2001, S.O. 2001, c.25 provides that the Council may prohibit and regulate the sale of fireworks and the setting off of fireworks unless a permit is obtained and may impose conditions relating to said permit;

And Whereas Section 434.1 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, enables the councils of local municipalities to establish a system of administrative penalties

And Whereas Section 434.2 provides that an administrative penalty constitutes a debt of the person which may be added to the tax roll;

And Whereas pursuant to Section 436 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, a municipality has the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether a by-law of the municipality passed under the Act is being complied with;

NOW THEREFORE the Council of the Corporation of the Township of Rideau Lakes hereby enacts as follows:

1. Definitions

In this By-law:

- 1.1 "Act" means the *Explosives Act*, Revised Statutes of Canada, 1985, Chapter E- 17, and the Regulations enacted thereunder as amended from time to time or any Act and Regulations enacted in substitutions therefore;
- 1.2 "By-Law Enforcement Officer" means a Person who is appointed by Council to enforce bylaws enacted and passed by Council and includes the Chief Fire Official;
- 1.3 "Chief Fire Official" as defined in the Ontario Fire Code O. Reg. 213/07, Article 1.4.1.2;
- 1.4 "Consumer Fireworks" means any authorized F.1 explosive pursuant to the Act, being an outdoor, low hazard, firework that is designed for recreational personal use which includes but is not limited to fireworks showers, fountains, golden rain, lawn lights, pinwheels, Roman candles, volcanoes and sparklers but does not include Christmas crackers and caps for toy guns containing not in excess of twenty-five one-hundredths of a grain of explosive used per cap;
- 1.5 "Competent Person" means any person over the age of 18.
- 1.6 "Council" means the Council of the Township of Rideau Lakes;
- 1.8 "Display Fireworks" means an outdoor, high hazard, firework that is designed for professional, licenced use only. They include items like aerial shells, cakes, Roman candles, waterfalls, lances, and wheels, rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels,

bouquets, bombardos, waterfalls, fountains, batteries, illumination, set pieces and pigeons but does not include firecrackers.

- 1.9 “Fireworks” as defined in the Explosive Regulations made pursuant to the Explosives Act, R.S. c. E-15, s.1 as amended and includes one single item of Fireworks and for the purposes of this by-law includes Flying lanterns;
- 1.10 “Flying Lanterns” means hot air balloons made out of paper, or other material, commonly known as Chinese lanterns, sky lanterns, wish lanterns, Hawaii lanterns or Konming lanterns.
- 1.11 “Municipality” means the Corporation of the Township of Rideau Lakes;
- 1.12 “Person” means any individual, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executors or other legal representatives of a Person to whom the context can apply, according to law;
- 1.13 “Permit” means written permission to set off Display Fireworks and/or Pyrotechnics issued by the Municipality pursuant to this By-law and signed by the Chief Fire Official or their designate;
- 1.14 “Premises” means land and includes the buildings and/or structures thereon;
- 1.15 “Pyrotechnics” are high-hazard and designed for professional use which are classified and authorized F.3 Explosives pursuant to the Act. They include but are not limited to items like gerbs, mines, comets, and crossette fireworks, as well as special-purpose pyrotechnics made for live stage performances and the film and television industry;
- 1.16 “Setting Off” or “Set Off” means to fire, discharge, ignite, explode or release into the air or to cause to fire, discharge, ignite or explode or release into the air;

2. General Prohibitions

- 2.1 No Person shall cause, permit or engage in the Setting Off of Consumer Fireworks in the Township of Rideau Lakes at any time, except as permitted under Section 3 of this by-law.
- 2.2 No Person shall Set Off any Fireworks in or into, on or onto any building, highway, sidewalk, Municipal Park or Municipal property unless authorized by the Chief Fire Official.
- 2.3 No Person shall permit the use of Display Fireworks or Pyrotechnics unless a valid permit as outlined in Section 4 has been obtained from the Chief Fire Official or their designate.
- 2.4 Flying Lanterns or any variations of a flying live flame are prohibited at all times.

3. Consumer Fireworks

- 3.1 Consumer Fireworks within the Municipality may only be Set Off by a Competent Person as follows:
 - a) On New Year’s Eve - between 8:00 p.m. and 1:00 a.m. the following day;
 - b) On Victoria Day - between 8:00p.m. and 11:00p.m.;
 - c) On Canada Day - between 8:00p.m. and 11:00p.m.;
 - d) On American Independence Day – between 8:00pm and 11:00pm
 - e) On Labour Day - between 8:00p.m. and 11:00p.m.
- 3.2 Consumer Fireworks will also be permitted three days before or after the days named in Section 3.1 (b) – (e) inclusively subject to the same time restrictions so noted.

- 3.3 If a Person wishes to Set Off Consumer Fireworks for an event or celebration outside of the specified times in Section 3.1 or 3.2 (i.e. birthday party, anniversary, other cultural event or celebration etc.), they must apply for an exemption to the Chief Fire Official a minimum of seven (7) days prior to the event.

4. Display Fireworks and Pyrotechnics

- 4.1 Only Persons who hold a valid Display Supervisor certificate, issued by the Explosives Regulatory Division (ERD) of Natural Resources Canada are eligible to apply for a permit to Set Off Display Fireworks or Pyrotechnic Special Effects.
- 4.2 An application package as prescribed under the Act must be submitted to the Chief Fire Official or their designate a minimum of 30 days prior to the date being applied for.
- 4.3 The application package shall contain the requirements as found in the Natural Resources Canada (NRCAN) Fireworks Display Manual:
- 4.4. The Permit may be suspended or revoked by the Chief Fire Official or their designate if the conditions of the permit are not being met or it would be unsafe to allow the Display Fireworks or Pyrotechnics to be Set Off.
- 4.5 The Display Fireworks or Pyrotechnics shall only be Set Off on the day or days specified by the Permit.
- 4.6 Property damage or injury as a result of Display Fireworks or Pyrotechnics shall be the responsibility of the Person named on the permit

5. Administration and Enforcement

- 5.1 This By-law shall be administered by the Chief Fire Official or their designate.
- 5.2 This By-law shall be enforced by a By-law Enforcement Officer and/or Chief Fire Official.

6. Entry and Inspection

- 6.1 The By-law Enforcement Officer, Chief Fire Official or their designate(s) may at any time, enter onto a property to determine whether this by-law is being complied with.
- 6.2 Every Person shall permit the By-law Enforcement Officer, Chief Fire Official or their designate(s) to inspect any land for the purposes of determining compliance with this by-law.
- 6.3 The By-law Enforcement Officer, Chief Fire Official or their designates may enter upon lands at any reasonable time to direct or require that a matter or thing be done, and in default of that matter or thing being done, to do such matter or thing in accordance with this by-law.
- 6.4 A By-Law Enforcement Officer or Chief Fire Official exercising a power of entry on behalf of the Municipality under this by-law may be accompanied by the Ontario Provincial Police if required at their request.

7. Obstruction

- 7.1 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person exercising a power or performing a duty under this by-law.
- 7.2 Every Person who has been alleged to have contravened any of the provisions of this by-law, shall identify themselves to the By-law Enforcement Officer, the Chief Fire Official or their designates upon request; failure to do so shall be deemed to have hindered or obstructed the By-law Enforcement Officer or Chief Fire Official under section 8.1 of this by-law.

8. Offence

- 8.1 Every Person who contravenes any provision of this by-law is guilty of an offence pursuant to the provisions of this by-law and/or the Provincial Offences Act R.S.O. 1990, Chapter P.33, as amended, and upon conviction, a Person is liable to a fine of not more than \$5,000, exclusive of costs.
- 8.2 In the event that a fire is caused by the Setting Off of Fireworks in violation of this by-law, the Municipality shall be entitled to invoice the Person for all costs associated with extinguishing any fire at the rates set out in Schedule "A":

9. Administrative Penalties

- 9.1 A By-law Enforcement Office or Chief Fire Official may issue an administrative penalty notice to any Person who has contravened the provisions of this By-Law.
- 9.2 The penalty notice shall be given to the Person to whom or to which it is addressed as soon as is reasonably practicable and shall include the following information:
- a) Particulars of the contravention, including to which property it applies;
 - b) The amount of the administrative penalty;
 - c) A statement advising that an administrative penalty will constitute a debt to the Municipality.
- 9.3 Any Person who contravenes any provision of this By-law shall, upon issuance of an administrative penalty notice pursuant to this Section, be liable to pay to the Municipality an administrative penalty as per Schedule "A".
- 9.4 A Person who has been issued a penalty notice shall pay the administrative penalty within fifteen (15) days from the date the notice was issued.
- 9.5 An administrative penalty notice that is deemed to be confirmed constitutes a debt to the Municipality and may be added to the tax roll of the property on which the offence occurred.
- 9.6 The Municipality shall serve any penalty notice, personally to the Person named on the notice, by registered or regular mail addressed to the Person to whom the document is to be given at the Person's last known place of abode.
- 9.7 Service by registered or regular mail under subsection 9.6 shall be deemed to have been made on the tenth day after the day of mailing.
- 9.8 A Person's last known address includes the address provided by the Person to the Municipality as identified in the property tax file.

10. Severability

- 10.1 If a Court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

11. Schedules

- 11.1 Schedule "A" and "B" as attached forms part of this by-law.

13. Short Title

- 13.1 This by-law shall be known as the "Fireworks By-law."

14. Effective date

- 14.1 This by-law shall become effective as of the date of passage at which time By-Law 2024-XX shall be rescinded.

Read a first and second time this _____ day of _____, 2024.

Arie Hoogenboom

Mayor

Mary Ellen Truelove

Clerk

Read a third time and finally passed this _____ day of _____, 2024.

Arie Hoogenboom

Mayor

Mary Ellen Truelove

Clerk

THE CORPORATION OF THE TOWNSHIP OF RIDEAU LAKES

BY-LAW NO. 2024-XX

Fireworks By-law SCHEDULE “A”

Administrative Penalties (Section 9)

	Section Number	Short form offence	Amount of Penalty
2	Section 2.1	Cause, permit or engage the setting off of Consumer Fireworks during prohibited time/day	\$50
3.	Section 2.2	Set off Fireworks in prohibited area	\$150
4.	Section 2.3 & 4.5	Permit use of Display Fireworks without a valid permit	\$300
5.	Section 2.4	Use of Flying Lanterns	\$50
6.	Section 3.1	Set off of fireworks by someone other than a Competent Person	Up to \$50
7.	Section 4.1	Non-qualified person setting off display fireworks	Up to \$500

Offences/cost recovery (Section 8.2)

The charge for the municipality to extinguish a fire due to negligence and/or violations pursuant to section 8.3 of this by-law shall be:

- \$425.00 per hour per Pumper, Tanker, Squad and Utility vehicle (includes driver)
- \$25.00 per hour per firefighter
- All-Terrain Vehicle (ATV/UTV) \$150.00 per hour (includes driver),
- Wild Fire Pumps \$100.00 per hour.

Fireworks By-law SCHEDULE “B”

Permit fees

Display Fireworks and Pyrotechnics- \$100.00 per occasion (Includes inspection)