

**THE CORPORATION OF THE  
TOWNSHIP OF WAINFLEET**

**BY-LAW NO. 021-2007**

**AS AMENDED BY BY-LAW NO. 048-2019**

Being a By-law for prohibiting and regulating the sale of fireworks and the setting off of fireworks in the Township of Wainfleet and to repeal By-law No. 294-67.

**WHEREAS** Subsection 121.(a) of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended provides that a local municipality may prohibit and regulate the sale of fireworks and the setting off of fireworks;

**AND WHEREAS** Subsection 121.(b) of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended provides that a By-law passed under Subsection 121 (a) may prohibit the activities described in that Subsection 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;

**AND WHEREAS** Section 128 of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become public nuisances; and the opinion of Council with respect to public nuisances, if arrived at in good faith, is not subject to review by any court;

**AND WHEREAS** Section 129 of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended provides that a municipality may prohibit and regulate with respect to noise;

**AND WHEREAS** Section 11 (2) of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended provides that a lower tier municipality may pass By-laws respecting the health, safety and well -being of persons.

**AND WHEREAS** it is the desire of the Council of the Corporation of the Township of Wainfleet to regulate the sale and setting off of fireworks with a view to ensuring the safety of the public in respect to the sale and setting off of fireworks;

**NOW THEREFORE** the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

**SECTION 1      SHORT TITLE**

1.1            This By-law may be cited as “The Fireworks By-law”

**SECTION 2**      **SCOPE**

- 2.1      The provisions of this By-law shall be applicable on all lands and properties within the limits of the Corporation of the Township of Wainfleet.
- 2.2      This By-law shall be considered separate from the Explosives Act and Explosives Regulations and passage of this By-law does not mean the Township is responsible for any aspect of enforcement of the Explosives Act or Explosives Regulations, which is the sole responsibility of the Federal Government of Canada.
- 2.3      **By-law Exemptions**
- 2.3.1    This By-law does not apply to the Federal Government of Canada, the Province of Ontario, the Regional Municipality of Niagara or the Township of Wainfleet.

**SECTION 3**      **DEFINITIONS**

- 3.1      **In this By-law**
- 3.1.1    Definitions in the Building Code Act and the Building Code shall be used with respect to matters pertaining to buildings and which are undefined in this By-law.
- 3.1.2    Definitions in the Explosives Act and the Explosives Regulations shall be used with respect to matters pertaining to fireworks which are undefined in this By-law.
- 3.1.3    “Applicant” means the applicant for a Permit required by this By-law.
- 3.1.4    “Authority Having Jurisdiction” means the Fire Chief of the Township of Wainfleet or his designate.
- 3.1.5    “Officer” means a person commissioned or authorized to fill a public situation or to perform any public duty; appointed for the purpose of enforcing By-laws of the municipality, and includes any municipal law enforcement officer appointed by the Township of Wainfleet and any police constable who is a member of the Niagara Regional Police Service or the Ontario Provincial Police Service.
- 3.1.6    “Township” means the Corporation of the Township of Wainfleet and includes all land and properties within its limits.
- 3.1.7    “Township Property” means any property owned by the Township including parkland, buildings and lands, vacant land, pathways, streets, opened and unopened road allowances.

- 3.1.8 “Council” means the Council of the Corporation of the Township of Wainfleet.
- 3.1.9 “Container” means a container described in the Explosives Regulations as a box or other suitable receptacle that may be placed inside a building; and:
- is kept in a part of the premises away from inflammable goods;
  - is provided with a closely-fitting lid and kept securely closed and locked except when the container is required to be open for the receipt or issue of fireworks, or for other necessary purpose;
  - not used for any other purpose other than the keeping of fireworks;
  - the interior of the container is kept scrupulously clean;
  - the container shall have the word “FIREWORKS” conspicuously displayed thereon on a contrasting background.
- 3.1.10 “Display Fireworks Manual” means the latest edition manual produced by The Explosive Regulatory Division of the Department of Natural Resources Canada and published under Section 7 of the Explosives Act.
- 3.1.11 “Explosives Act” means the Explosives Act, revised Statutes of Canada 1985, Chapter E-17.
- 3.1.12 “Explosives Regulations” means regulations made under the Explosives Act.
- 3.1.13 “Fire Chief” means the Fire Chief appointed by the Township for purposes described in the Fire Protection and Prevention Act or his/her designate.
- 3.1.14 “Firecracker” means a high hazard device that explodes instantaneously when ignited and does not make any subsequent display or visible effect after the explosion and includes those devices commonly known as Chinese firecrackers, but does not include paper caps for toy guns.
- 3.1.15 “Fireworks” means Class 7 Division 2 Subdivisions 1 to 5 inclusive fireworks as defined in the Explosives Regulations.
- 3.1.16 “Fireworks Supervisor” means a person certified by the Minister to conduct a Display Fireworks show as a Level 1 or Level 2 Fireworks Supervisor.
- 3.1.17 “High Hazard Fireworks” means fireworks determined under the Explosives Regulations to present a special hazard to persons, including Class 7 Division 2 Subdivisions 2 and 5 fireworks.
- 3.1.18 “License or Certificate” means written approval from the Federal Minister responsible for enforcement of the Explosives Act.
- 3.1.19 “Low Hazard Fireworks” means fireworks determined under the

Explosives Regulations to be relatively innocuous themselves and are not liable to explode violently or all at once, and including Class 7 Division 2 Subdivisions 1, 3 and 4 fireworks.

- 3.1.20 “Minister” means the Minister of Natural Resources Canada or other Federal Minister and persons assigned the responsibility for enforcement of the Explosives Act and Explosives Regulations.
- 3.1.21 “Owner” means the building or property owner or other person in control of the building or property from which the subject fireworks are used, sold or set off or proposed to be used, sold or set off.
- 3.1.22 “Operator” includes the owner, manager or person in charge of the fireworks and includes a Fireworks Supervisor.
- 3.1.23 “Permit” means written permission or written authorization from the Fire Chief to set off fireworks in accordance with this By-law and the Display Fireworks Manual.
- 3.1.24 “Residential Lands or District” means property actually used for residential purposes.
- 3.1.25 “Street” means a highway, road, or other public right-of-way as defined by “The Highway Traffic Act” and “The Municipal Act, 2001” but does not include a private land or unopened road allowance.

#### **SECTION 4 FIREWORKS CLASSIFICATION**

- 4.1 Fireworks regulated by this By-law include Class 7 Division 2 Fireworks described in the Explosives Regulations as manufactured fireworks.
- 4.2 Fireworks not regulated by this By-law include Class 7 Division 1 Fireworks described in the Explosives Regulations as fireworks composition which are regulated by the Explosives Act.
- 4.3 **Low Hazard Fireworks**
- 4.3.1 “Consumer Fireworks” are Low Hazard outdoor recreational fireworks described as Class 7 Division 2 Subdivision 1 in the Explosives Regulations including but not limited to the following:
- showers;
  - fountains;
  - golden rain;
  - lawn lights;
  - pin wheels;
  - Roman candles;
  - Volcanoes;
  - Sparklers;

- Christmas crackers;
- caps for toy guns.

4.3.2 “Model Rockets” are Low Hazard outdoor fireworks described as Class 7 Division 2 Subdivision 3 in the Explosive Regulations and include model rocket engines (toy propellant devices) containing a propellant the total impulse of which does not exceed 80 Newton-seconds (17.92 pound-seconds) and does not exceed a net propellant weight of 125 grams (approximately four ounces).

4.3.3 “Low Hazard Practical Use Fireworks” are Low Hazard outdoor fireworks described as Class 7 Division 2 Subdivision 4 in the Explosives Regulations generally having a small practical use including small highway flares, fuses and other small distress signals.

#### 4.4 **High Hazard Fireworks**

4.4.1 “Display Fireworks” are High Hazard outdoor recreational fireworks described as Class 7 Division 2 Subdivision 2 in the Explosives Regulations and include both public and private display fireworks including, but not limited to the following:

- rockets;
- serpents;
- shells;
- bombshells;
- tourbillions;
- maroons;
- large wheels;
- bouquets;
- barrages;
- bombardos;
- waterfalls;
- fountains;
- batteries;
- illumination;
- set pieces;
- pigeons;
- firecrackers;
- mines;

and further classified as follows with respect to the height of the display:

- High Level for heights of 50 metres or more above grade;
- Low Level for heights of 15 metres to 50 metres above grade; or
- Ground Level for heights of less than 15 metres above grade.

4.4.2 “Pyrotechnic Special Effect Fireworks” are High Hazard fireworks described as Class 7 Division 2 Subdivision 5 in the Explosives Regulations such as the firing of pyrotechnic, propellant, and explosive materials and devices used by the entertainment industry for indoor and

outdoor performances including, but not limited to the following:

- bullet effects;
- flash powders;
- smoke compositions;
- gerbs;
- lances;
- saxons;
- theatrical effects.

- 4.4.3 “High Hazard Practical Use Fireworks” are High Hazard outdoor fireworks described as Class 7 Division 2 Subdivision 5 in the Explosives Regulations generally having a larger practical use including railway track signals, line-throwing rockets, salutes, wildlife control devices and other larger distress signals.

## **SECTION 5      GENERAL PROVISIONS**

### **5.1      General Regulations Applicable**

- 5.1.1 Every owner, operator and Fireworks Supervisor required to hold a license or certificate pursuant to the Explosives Act or Explosives Regulations shall forthwith produce a copy of such license or certificate to the Authority Having Jurisdiction.
- 5.1.2 No person shall use, sell, set off, or cause to be used, sold or set off, fireworks in the Township except in accordance with the provisions of this By-law.
- 5.1.3 Except as provided in Section 8, no person shall use, sell, set off, or cause to be used, sold or set off, fireworks located on Township property.
- 5.1.4 Except as permitted in Section 6.3, no person shall set off, or cause to be set off, fireworks unless a Permit has been issued by the Fire Chief.
- 5.1.5 Every owner, operator and Fireworks Supervisor shall ensure the provisions of this By-law are complied with.
- 5.1.6 No person shall use, sell, purchase, set off, or cause to be used, sold, purchased or set off fireworks manufactured using child labour.
- 5.1.7 Fireworks set off or discharged in conformance with this By-law shall be deemed exempt from The Noise Control By-law.
- 5.1.8 A licensed Fireworks Supervisor shall notify the Fire Chief of his or her intention to do business or perform any action within the Township which involves fireworks, prior to undertaking the business or action.

### **5.2      Prohibitions**

- 5.2.1 The following fireworks are hereby prohibited by this By-law and unauthorized by the Explosives Act:
- (a) Violent effects:
    - M-80 salutes;
    - silver salutes;
    - cherry bombs;
    - firecrackers;
    - flashcrackers.
  - (b) Joke effects:
    - cigarette loads or plugs;
    - exploding golf balls;
    - sparkling or exploding matches.
  - (c) Miscellaneous effects:
    - table rockets and bottle rockets;
    - champagne party poppers;
    - throw-down torpedoes, snap caps, cracker balls.
  - (d) Any fireworks not included in Part 3 of the List of Authorized Explosives published by the Explosive Regulatory Division.
- 5.2.2 Pyrotechnic Special Effects Fireworks are deemed a public nuisance and hereby prohibited by this By-law.
- 5.2.3 No person shall use, sell, set off or store or cause to be used, sold, set off, or stored prohibited fireworks within the Township.
- 5.3 **General Location Restrictions for Public Safety**
- 5.3.1 Fireworks obstructing or interfering with the intended operation of any public utility, traffic control, fire route or building health/safety system, are hereby prohibited.

## **SECTION 6 PERMITS, INSPECTIONS AND FEES**

- 6.1 **Permit Requirements**
- 6.1.1 No person shall use, set off or cause to be used, set off Display Fireworks without first having obtained permission from the Council of the Corporation of the Township of Wainfleet and a permit from the Fire Chief.
- 6.1.2 A written and signed request shall be submitted to the Township Clerk, at least 4 weeks in advance of each event proposed for Display Fireworks, along with 2 copies of a site location plan drawn to scale as set forth in the Display Fireworks Manual. The Fire Chief may require additional

information where he/she deems necessary.

- 6.1.3 If a License or Certificate or other form of approval is required from the Federal Minister responsible for enforcement of the Explosives Act, the Fire Chief will require proof of such License, Certificate or other approval be submitted in writing prior to the request being approved.
- 6.1.4 Any permit granted may be subject to such terms and conditions the Fire Chief deems necessary to ensure compliance with this By-law and the health and safety of the public.
- 6.1.5 A permit granted for Display Fireworks shall be conditional on the event being in compliance with the Display Fireworks Manual, latest addition, or any part of the Display Fireworks Manual specified, published by the Explosives Regulatory Division of the Department of Natural Resources Canada. For purposes of the Manual, the Fire Chief of Wainfleet Fire & Emergency Services is the Authority having jurisdiction.
- 6.1.6 A permit issued for Display Fireworks shall state the name of the club, association or group to whom the Permit is issued; the name of the executive officer or other person responsible; the place and date upon which the display is to be held; the name and address of the Fireworks Supervisor under whose supervision the event is to be held; the manner in which unused fireworks are to be disposed of; and the manner and means of restraining unauthorized persons from attending within the danger zone or too close to the location where the display is to be held.
- 6.1.7 Any and all permits may be revoked by the Fire Chief without notice where:
- (a) an owner, operator or Fireworks Supervisor fails to comply with the requirements of this By-law;
  - (b) the permit was issued on false or mistaken information or was issued in error;
  - (c) an owner, operator or Fireworks Supervisor fails to comply with a direction, instruction, or order of the Fire Chief given under Subsection 6.4.
- 6.1.8 The issuance of a permit under this By-law in no way constitutes absolute permission to use, sell or set off fireworks. It is the responsibility of the owner and operator to ensure all applicable federal laws are complied with in addition to the requirements of this By-law.
- 6.2 **Application Fees**
- 6.2.1 Any fees associated with an application for permit under the By-law shall be paid in conformance with By-law 059-2002, being a By-law to Establish



a Schedule of Fees for the Fire & Emergency Services Division.

6.3 **Permit Exemptions**

6.3.1 No permit shall be required to do the following provided their use complies with this By-law and the Explosives Act and Regulations:

- to set off or cause to be set off Consumer Fireworks or Model Rockets;
- to set off or cause to be set off Low Hazard or High Hazard Practical Use Fireworks provided their use is necessary and not for recreational or entertainment purposes.

6.4 **Inspections**

6.4.1 The Fireworks Supervisor shall notify the Fire Chief at least 24 hours prior to the following stages of Display Fireworks:

- (a) commencement of preparation of the site for Display Fireworks;
- (b) completion of preparation of the site for Display Fireworks;
- (c) commencement of the Display Fireworks show

6.4.2 The Fire Chief shall inspect the display fireworks site, before, during and after the display as deemed necessary, and may issue directions, instructions, or orders to the Fireworks Supervisor, owner or operator or any other person.

6.4.3 Upon receipt of directions, instructions or orders from the Fire Chief, the Fireworks Supervisor, owner operator, or person shall comply with the directions, instructions or orders.

**SECTION 7 SPECIFIC REGULATIONS**

7.1 **Sale of Fireworks**

7.1.1 No person shall sell, offer for sale, purchase, give or distribute firecrackers or other fireworks prohibited in this By-law.

7.1.2 No person shall sell, offer for sale, purchase give or distribute fireworks unless specifically permitted in this By-law, and licensed or authorized to do so by the Minister, where so required.

7.1.3 No person shall sell, offer for sale or purchase Consumer Fireworks except on the following days:

- Victoria Day;
- the ten days immediately preceding Victoria Day;
- Canada Day, and
- the ten days immediately preceding Canada Day.

- July 4<sup>th</sup> , and
  - the ten days immediately preceding July 4<sup>th</sup> .
- 7.1.4 No person shall sell, offer for sale or purchase Display Fireworks except in accordance with the Explosives Regulations, and only if a copy of the authorizing regulation is submitted to the satisfaction of the Fire Chief.
- 7.1.5 No person shall sell, give or distribute fireworks to any person under the age of eighteen (18) years or who appears to be under the age of eighteen (18) years of age or older.
- 7.2 **Keeping, Display and Storage of Fireworks for Sale or for Setting Off**
- 7.2.1 No person shall keep or permit to be kept any explosive other than ammunition at the same location where fireworks are kept for sale.
- 7.2.2 No person shall display in store windows and in locations accessible to the public fire works that are not mock samples and contain explosive composition.
- 7.2.3 Low Hazard Fireworks on display for sale shall be displayed:
- in lots that do not exceed 25 kilograms (55 pounds) each in gross weight;
  - in a package, glass case or other suitable receptacle away from inflammable goods and not accessible to the public, and
  - in a place where they are not exposed to the rays of the sun or excess heat.
- 7.2.4 No person shall store for sale, or future use, Low Hazard Fireworks in excess of 100 kilograms (220 pounds) gross weight if stored in a container and 1000 kilograms (2200 pounds) gross weight if stored in a separate warehouse as described in the Explosives Regulations.
- 7.2.5 High Hazard Fireworks being stored for sale or future use, but not on display, shall not exceed 25 kilograms (55 pounds) gross weight if stored in a container or 125 kilograms (275 pounds) gross weight if stored in a separate store or warehouse as described in the Explosives Regulations.
- 7.2.6 Low and High Hazard Fireworks being stored for sale or future use, may exceed the weight and receptacle limitations in Subsection 7.2.4 and 7.2.5 if kept in a fireworks factory or magazine licensed and authorized according to the Explosives Regulations.
- 7.2.7 No person shall store for sale, or future use, Consumers Fireworks except during the 30 day period prior to any of the lawful date(s) thereof and not longer than 30 days after the lawful date(s) thereof, unless stored by a licensed Fireworks Supervisor and permitted in the Explosives Regulations.

- 7.2.8 Display Fireworks are prohibited from being stored for sale or future use unless stored by a licensed Fireworks Supervisor and permitted in the Explosives Regulations.
- 7.2.9 No person shall have in his or her possession within six (6) metres (20 feet) of any fireworks kept or displayed for sale any:
- lighted match;
  - lighted lighter;
  - lighted pipe;
  - lighted cigar;
  - lighted cigarette; or
  - other flame or heat source which may ignite fireworks
- 7.2.10 No person shall permit access to fireworks, unless at least two signs are posted stating that the items listed in Subsection 7.2.8 are prohibited within six metres (20 feet) of the fire works.
- 7.2.11 No person shall display or sell consumer fire works during each of the lawful sales periods without a copy of this By-law posted in plain view of consumers.
- 7.3 **Setting Off or Discharge of Low Hazard Fireworks**
- 7.3.1 No person shall set off or discharge or permit the setting off or discharge of Consumer Fireworks except on the following days:
- Victoria Day;
  - the three days immediately preceding Victoria Day;
  - Canada Day; and
  - the three days immediately preceding Canada Day.
  - July 4<sup>th</sup>, and
  - the three days immediately preceding July 4<sup>th</sup>.
- 7.3.2 Subject to compliance with the provisions of this By-law, a person eighteen (18) years of age or over may hold a display of Consumer Fireworks on any land belonging to him or her or on any other privately owned land where the owner thereof has given written permission for such a discharge of Consumer Fireworks.
- 7.3.3 No person shall use, discharge or set off, or permit to be used, discharged or set off Low Hazard Fireworks in such a place or in such a manner as might create a danger to the public or constitute a nuisance to any person or property.
- 7.3.4 No person shall use, discharge or set off, or permit to be used, discharged or set off Low Hazard Fireworks in or into any building, tent, structure, doorway, automobile or other place unless authorized in writing by the Fire Chief and permitted by the Explosives Regulations.
- 7.3.5 No person under the age of eighteen (18) years or who appears to be

under the age of eighteen (18) years and does not produce evidence that he or she is eighteen (18) years of age or older shall use, handle, discharge, set off or store Low Hazard Fireworks, unless under the direct supervision of a person eighteen (18) years of age or older, who has produced evidence that he or she is eighteen (18) years of age or older.

7.3.6 No person being the parent or guardian of a child under the age of eighteen (18) years or who appears to be under the age of eighteen (18) years of age or older shall allow the child to use, handle, discharge, set off or store Low Hazard Fireworks, unless such parent or guardian of age eighteen (18) years or older, who has produced evidence that he or she is eighteen (18) years of age or older is in direct supervision and control of the child.

7.3.7 No person shall use, discharge or set off, or permit to be used, discharged or set off Low Hazard Fireworks in an area containing dead undergrowth, dry grass, highly flammable substances or any other thing susceptible to combustion.

7.4 **Setting Off or Discharge of High Hazard Fireworks**

7.4.1 No person, owner, operator or Fireworks Supervisor shall set off or discharge, or permit to be set off or discharged Display Fireworks unless a permit to do so has been issued by the Fire Chief.

7.4.2 No person, owner operator or Fireworks Supervisor shall set off or discharge, or permit to be set off or discharged Display Fireworks unless the Fire Chief has completed inspections required by Subsection 6.4.1. and until all directions, instructions and orders arising from such inspections have been complied with.

7.4.3 Every Display Fireworks event shall be undertaken, planned, conducted and executed under the direction of a Fireworks Supervisor, who shall be responsible to ensure all requirements of the Explosives Act and this By-law have been met prior to setting off any fireworks.

7.4.4 Every Display Fireworks event shall be undertaken, planned, conducted and executed in compliance with the Display Fireworks Manual, latest edition, or any part of the Manual specified. For purposes of the Manual, Wainfleet Fire & Emergency Services is the authority having jurisdiction.

7.4.5 No person, owner, operator or Fireworks Supervisor shall set off or discharge or permit to be set off or discharged Display Fireworks where the firing point is less than the fallout and separation distance from the public, structures, vehicles and overhead objects specified in the Display Fireworks Manual or where the surface wind speed exceeds 45 kilometres per hour (28 miles per hour).

7.4.6 A danger zone must be established around the firing site in conformance

with the clearances identified in Display Fireworks Manual for High Level Display Fireworks. A means of identifying and restricting access to the danger zone such as security personnel, barricades or fences must be provided. No person shall enter or remain in the danger zone unless authorized.

- 7.4.7 No person shall possess matches, cigarettes, spark producing devices, alcohol or drugs or be under the influence of alcohol, narcotics or medication within the danger zone.
- 7.4.8 A trial shot of at least one (1) large shell shall be fired in the presence of the Fire Chief, prior to commencement of a Display Fireworks show to check trajectory, wind effect and proper location of the fallout zone.
- 7.4.9 No person, owner, operator or Fireworks Supervisor shall set off or discharge or permit to be set off or discharged High Level Display Fireworks unless liability insurance has been obtained by the person, owner or operator to the satisfaction of the Township. The insurance policy must be in the amount of \$5,000,000.00 or greater and must list the Township as an additional insured. A certified copy of the policy must be submitted to the Township when submitting the application. Any notice of cancellation of insurance shall be provided to the Township 30 days prior to the event.
- 7.4.10 The Fireworks Supervisor shall remove all unused fireworks and all debris resulting from Display Fireworks from the property on which the event was held and from any adjacent property affected no later than 10:00 a.m. on the day following the event.
- 7.4.11 For Low Level Display Fireworks only, a danger zone of radius 100 metres and liability insurance of \$2,000,000.00 will apply. The insurance policy shall list the Township as an additional insured. A certified copy of the policy must be submitted to the Township when submitting the application. Any notice of cancellation of insurance shall be provided to the Township 30 days prior to the event.
- 7.4.12 For Ground Level Display Fireworks only, a danger zone of radius 35 metres and liability insurance of \$2,000,000.00 will apply. The insurance policy list the Township as an additional insured. A certified copy of the policy must be submitted to the Township when submitting the application. Any notice of cancellation of insurance shall be provided to the Township 30 days prior to the event.
- 7.4.13 No person, owner, operator or Fireworks Supervisor shall set off or discharge, or permit to be set off or discharged Display Fireworks unless the fire and first aid equipment specified in the Display Fireworks Manual is available at the event site, including a fire blanket, eye wash, fire extinguishers and personal protection for all crew members.

7.5        **Exemptions for Caps and Model Rockets**

7.5.1      Subsections 7.1.3, 7.1.5, 7.2.7, 7.3.1, 7.3.5 and 7.3.6 do not apply to caps for toy guns.

7.5.2      Subsections 7.1.3, 7.1.5, 7.2.7, 7.3.1, 7.3.5 and 7.3.6 do not apply to Model Rockets, provided the requirements of Explosives Regulations are complied with.

**SECTION 8        USE OF TOWNSHIP PROPERTY**

8.1        No person shall set off fireworks in or on or into any highway, street, lane, road allowance (opened or closed), park or other Township property unless authorized in writing by Council.

**SECTION 9        ADMINISTRATION, ENFORCEMENT AND RIGHT OF ACCESS**

9.1        This By-law shall be administered and enforced by the Township, the Officer, or any person appointed or otherwise delegated the authority of administration and enforcement.

9.2        The Officer may enter on land at any reasonable time for the purposes of carrying out an inspection to determine if any section of this By-law is complied with.

9.3        Notwithstanding Section 9.2, the Officer shall not enter or remain in any room or place actually used as a dwelling unless the provisions of Section 437 of the Municipal Act, 2001 are complied with.

**SECTION 10      PENALTIES**

10.1.      Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to the penalty specified by the Provincial Offences Act. R.S.O., Chapter P33 as amended.

10.2.      An Officer may issue a penalty notice immediately upon evidence of a violation to the owner of the property in accordance with the AMPS By-law for Non-Parking Offences No. 027-2019 (***AS AMENDED BY BY-LAW No. 048-2019***)

**SECTION 11      VALIDITY**

11.1      Should any section, clause or provision of this By-law be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the By-law shall not be affected.

11.2      Nothing in the Explosives Act relieves any person of the obligation to comply with this By-law as stated in Section 29 of the Explosives Act.

**SECTION 12      FORMER BY-LAWS REPEALED**

12.1      By-law No. 294-67 of the Corporation of the Township of Wainfleet enacted on the first day of June, 1967, and amendments thereto are hereby repealed.

**SECTION 13      EFFECTIVE DATE**

13.1      This By-law shall come into force on the third day of its passing.

BY-LAW READ A FIRST TIME THIS 24<sup>TH</sup> DAY OF APRIL 2007.

BY-LAW READ A SECOND TIME THIS 24<sup>TH</sup> DAY OF APRIL 2007.

BY-LAW READ A THIRD TIME AND FINALLY PASSED THIS 24<sup>TH</sup> DAY OF APRIL 2007.

\_\_\_\_\_  
B. Henderson, MAYOR

\_\_\_\_\_  
T. Lamb, CLERK

## **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. 021-2007, of the Township of Wainfleet, Niagara Region, attached hereto is the set fine for that offence. This Order is to take effect December 24, 2013.

Dated at Hamilton this 24th day of December 2013.



Sharon Nicklas  
Regional Senior Justice  
Central South Region



**PART 1 PROVINCIAL OFFENCES ACT  
TOWNSHIP OF WAINFLEET  
SET FINE SCHEDULE**

**Offences and set fines under By-Law 021-2007, regulate the sale and setting off of fireworks**

<u>Item</u>	<u>Column 1</u> Short Form Wording	<u>Column 2</u> Provision Creating or Defining Offence	<u>Column 3</u> Set Fine in \$
1.	Failure to use, sell, set off, or cause to be used, old or set off, fireworks in accordance with this bylaw	Section 5.1.2	275.00
2.	Use, sell, set off or store or cause to be used, sold, set off, or stored prohibited fireworks within the Township	Section 5.2.3	275.00
3.	Fireworks obstructing or interring with the intended operation of any public utility, traffic control, fire route or building health/safety system.	Section 5.3.1	275.00
4.	Use, set off or cause to be used, set off Display Fireworks without obtaining permission from Wainfleet Council and a <b>permit.</b>	Section 6.1.1	350.00
5.	Sell, offer for sale or purchase Consumer Fireworks on prohibited days	Section 7.1.3	105.00
6.	Sell, give or distribute fireworks to any person under the age of eighteen (18) years or who appear to be under the age of eighteen (18) years of age or older	Section 7.1.5	450.00

*JN  
Dec 23/13*

SET FINE SCHEDULE

7.	Store explosive other than ammunition at same location where fireworks are kept for sale	Section 7.2.1	275.00
8.	Display in store windows and in locations accessible to the public fireworks that are not mock samples and contain explosive composition	Section 7.2.2	105.00
9.	Failure to display low hazard fireworks for sale in conformance with bylaw	Section 7.2.3	105.00
10.	Store for sale, or future use Low Hazard Fireworks in excess of 100 kilograms (220 pounds) gross weight if stored in a container	Section 7.2.4	105.00
11.	Store for sale, or future use Low Hazard Fireworks in excess of and 1000 kilograms (2200 pounds) gross weight if stored in a separate warehouse	Section 7.2.4	105.00
12.	Store for sale, or future use but not on display High Hazard Fireworks in excess of 25 kilograms (55 pounds) gross weight if stored in a container	Section 7.2.5	105.00
13.	Store for sale, or future use but not on display High Hazard Fireworks in excess of and 125 kilograms (275 pounds) gross weight if stored in a separate warehouse	Section 7.2.5	105.00

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SET FINE SCHEDULE

14.	Possess a lighted device within six (6) metres of fireworks kept or displayed for sale	Section 7.2.9	300.00
15.	Failure to post in plain view Wainfleet Fireworks Bylaw 021-2007 during display or selling customer fireworks during the lawful sales period	Section 7.2.11	105.00
16.	Set off or discharge or permit setting off or discharge of Consumer Fireworks on prohibited days	Section 7.3.1	275.00
17.	Discharge Low Hazard Fireworks in such a manner as might create a danger to the public or constitute as a nuisance to any person or property	Section 7.3.3	105.00
18.	Set off Low Hazard Fireworks in any building, tent, structure, automobile without authority	Section 7.3.4	105.00
19.	Person under 18 use, handle, store Low hazard Fireworks without supervision	Section 7.3.5	105.00
20.	Use, discharge or set off, or permit to be used discharged or set off Low Hazard Fireworks in an area containing dead undergrowth, dry grass, highly flammable substances or any other thing susceptible to combustion	Section 7.3.7	105.00

Note: The penalty provision from the offences indicated above is in accordance to Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33

## SCHEDULE "A" TO BY-LAW NO. 021-2007

### Short Form Wording and Administrative Penalties

Section	Short Form Wording	Penalty
5.1.2	Fail to use, sell, set off, or cause to be used, old or set off, fireworks in accordance with this by-law	\$275.00
5.2.3	Use, sell, set off or store or caused to be used, sold, set off, or stored prohibited fireworks within the Township	\$275.00
5.3.1	Obstruct or interfere with the intended operation of any public utility, traffic control, fire route or building health/safety system	\$275.00
6.1.1	Use, set off or cause to be used, set off, display fireworks without obtaining permission from Wainfleet Council and a permit	\$350.00
7.1.3	Sell, offer for sale or purchase Consumer Fireworks on prohibited days	\$105.00
7.1.5	Sell, give or distribute fireworks to any person under the age of eighteen (18) years or who to be under the age of eighteen (18) years of age or older	\$450.00
7.2.1	Store explosive other than ammunition at the same location where fireworks are kept for sale	\$275.00
7.2.2	Display in store windows and in locations accessible to the public fireworks that are not mock samples and contain explosive composition	\$105.00
7.2.3	Fail to display low hazard fireworks for sale in conformance with the by-law	\$105.00
7.2.4	Store for sale, or future use Low Hazard Fireworks in excess of 100 kilograms (220 pounds) gross weight if store in a container	\$105.00
7.2.4	Store for sale, or future use Low Hazard Fireworks in excess of and 1000 kilograms (2200 pounds) gross weight if store in a separate warehouse	\$105.00
7.2.5	Store for sale, or future use but not on display High Hazard Fireworks in excess of 25 kilograms (55 Pounds) gross weight if stored in a container	\$105.00
7.2.5	Store for sale, or future use but not on display High Hazard Fireworks in excess of and 125 kilograms (275 Pounds) gross weight if stored in a separate warehouse	\$105.00
7.2.9	Posses a lighted device within six (6) metres of fireworks kept or displayed for sale	\$300.00
7.2.11	Fail to post in plain view Wainfleet Fireworks By-Law 021-2007 during display or selling customer Fireworks during the lawful sales period	\$105.00
7.3.1	Set off or discharge or permit setting off or discharge of Consumer Fireworks on prohibited days	\$275.00
7.3.3	Discharge Low Hazard Fireworks in such a manner as might create a danger to the public or constitute as a nuisance to any person or property	\$105.00
7.3.4	Set off Low Hazard Fireworks in any building, tent, structure, automobile without authority	\$105.00
7.3.5	Person under 18 use, handle, store Low Hazard Fireworks without supervision	\$105.00
7.3.7	Use, discharge or set off, or permit to be used discharged or set off Low Hazard Fireworks in an area containing dead undergrowth, dry grass, highly flammable substances or any other thing susceptible to combustion	\$105.00