

THE CORPORATION OF THE TOWN OF PETROLIA

BY-LAW 62- 2009

A BY-LAW TO PROHIBIT AND REGULATE THE SALE OF FIREWORKS AND THE SETTING OFF OF FIREWORKS

WHEREAS the provisions of Section 121 of The Municipal Act, 2001 permits municipal councils to pass by-laws for regulating the sale and setting off of fireworks, THE CORPORATION OF THE TOWN OF PETROLIA ENACTS AS FOLLOWS:

1. Interpretation

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

- a) **“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 substitution therefore;
- b) **“Display Unit”** means a bin, crate, box, case or other device used to display fireworks to the public;
- c) **“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”).
- d) **“Fireworks vendor”** means any person, organization or company that sells displays or offers for sale fireworks;
- e) **“Person”** includes a corporation;
- f) **“Site”** means any area within the Town of Petrolia on which fireworks are displayed, sold or offered for sale;
- g) **“Pyrotechnician”** means a person who is certified under the Act as a Theatrical User, an Assistant, a Pyrotechnician or a Special Effects Pyrotechnician and is qualified to purchase and supervise the display of pyrotechnic special effect fireworks under the Act;
- h) **“Pyrotechnic Special Effect Firework”** means a high hazard firework that is classed as a subdivision 5 of Division 2 of Class 7 Firework under the Act and that is used to produce a special pyrotechnic effect for indoor or outdoor performances and includes black powder bombs, bullet effect, flash powder, air bursts, smoke compositions, gerbs, lances and wheels;
- i) **“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;
- j) **“Temporary Vendor”** means any person, organization or company that sells displays or offers for sale fireworks in or from a vending structure;
- k) **“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 the year 1999 only, December 31st and for seven (7) days prior to the days being observed as Victoria Day and Canada Day, and for the year 1999 only, December 31st.

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) No fireworks vendor shall have a total stock of fireworks on site which exceeds the weight of 1,000 kilograms without a licence from the Explosive 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) Obtain the appropriate business licence from the Town Clerk prior to doing business, and 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 Town 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 Town 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 By-law are prohibited within six (6) metres of a vending structure;
- g) Ensure that where the public is permitted access to a vending structure, that there are two entries capable of egress and ingress for the public that are not chained or blocked off.
- 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 fire watch 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 Town -owned lands unless permission to do so has been given by Town of Petrolia Council by way of the issuance of a permit, which permit may be subject to terms and conditions, including but not limited to, the provision of liability insurance naming the Town of Petrolia as an additional insured.
- b) No person shall discharge any fireworks within the Town of Petrolia 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 Town of Petrolia Council.
- c) In addition to subsections (a) and (b) of this section, no person shall discharge any fireworks within the Town of Petrolia before 9:00 a.m. or after 11:00 p.m. on the day such discharge is permitted.

- d) No person under the age of 18 will discharge fireworks within the Town of Petrolia.

9. Fireworks Displays

- a) No person or organization shall conduct a fireworks display using High hazard fireworks within the Town of Petrolia without first obtaining approval to do so from Town of Petrolia Council.
- b) No person or organization approved by Town Council to conduct a High hazard fireworks display shall do so without first obtaining a permit from the Petrolia Enniskillen Fire Department to conduct the fireworks display.
- c) No person shall be permitted to set off High-hazard fireworks in a fireworks display unless (a) the individual is working under the direct supervision of the fireworks supervisor who, as a minimum, has been certified as an apprentice as required by the Explosives Regulatory Division of Natural Resources Canada, and (b) in the event of Pyrotechnic Special Effects Fireworks, those persons working under the direct supervision of a pyrotechnician, who have been as a minimum, certified as a theatrical user as required by the Explosives Regulatory Division of Natural Resources Canada.
- 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.

11. 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.

Fine schedule herein as "Appendix B" to this By-law.

12. Enforcement & Investigation

Section A – Enforcement Officers and Powers:

The Town of Petrolia for the purposes of enforcement of this by-law appointed the following persons to do enforcement:

Fire Chief & Members of the Petrolia North Enniskillen Fire Department
Officers of the Ontario Provincial Police
By-law / Provincial Offences Officers appointed by the Town of Petrolia
Any person appointed by the Town of Petrolia to enforce this regulation.

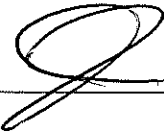
Section B – Investigation:

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.

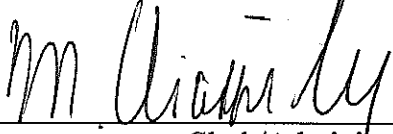
13. That any by-laws or provisions of by-laws found to be inconsistent with the provisions found in this by-law shall be and are hereby repealed.

By-law read a first and second time on the 22nd day of June, 2009.

By-law read a third time and finally passed this 13th day of July, 2009.



Mayor



Clerk/Administrator
CAO

APPENDIX "A"

FIREWORKS

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

Example: 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)]

**The Corporation the Town of Petrolia
APPENDIX "B" to**

**BY-LAW No. 62 - 2009
TITLE: Fireworks By-law**

PART 1 – Provincial Offences Act

SET FINE SCHEDULE

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision or Defining Offence	COLUMN 3 Set Fine
1	Selling of fireworks on prohibited days	Section 2	\$500.00
2	Exceed fireworks bundle weight of 25 kilograms	Section 6 (a)	\$500.00
3	Expose fireworks to sun	Section 6 (b)	\$500.00
4	Fireworks stock exceeding weight of 1,000 kilograms	Section 6 (c)	\$500.00
5	Failure to display fireworks for sale in enclosed, non-combustible unit locked	Section 6 (d)	\$500.00
6	Have light fire producing device within 6 (six) metres of fireworks	Section 6 (e)	\$500.00
7	Failure to store fireworks in the proper temperature/place	Section 6 (f)	\$500.00
8	Failure to obtain an appropriate Business Licence from the Town Clerk	Section 7 (a)	\$500.00
9	Failure to provide written approval from owner of property were being sold	Section 7 (b)	\$500.00
10	Failure to provide a site plan outlined the location of vendors	Section 7 (c)	\$500.00
11	Failure to ensure display/sale of fireworks comply with Outside Distance Regulations	Section 7 (d)	\$500.00
12	Failure to create a no-encroachment zone to the restricted perimeter	Section 7 (e)	\$500.00
13	Failure to post signs clearly marking the "no-encroachment zone" area	Section 7 (f)	\$500.00
14	Failure to ensure two entries capable of egress and ingress for public to vending structure	Section 7 (g)	\$500.00
15	Failure to make sure public complies with Section 6(d)	Section 7 (h)	\$500.00

16	Allow more than twenty (20) persons in vending structure	Section 7 (i)	\$500.00
17	Leave the vending structure unattended when accessible to public	Section 7 (j)	\$500.00
18	Failure to have proper fire extinguisher for each employee	Section 7 (k)	\$500.00
19	Failure to post sign indicating In Case of Fire Call 911 visible to public	Section 7 (l)	\$500.00
20	Failure to have proper security on duty when absent from the structure	Section 7 (m)	\$500.00
21	Failure to have the proper tent material if vending structure is housed within	Section 7 (n)	\$500.00
22	Failure to have patrolled at all time if the proper fire alarm system is not in place	Section 7 (o)	\$500.00
23	Discharging Fireworks on Municipal Property without permit	Section 8 (a)	\$250.00
24	Discharge of Fireworks when not permitted	Section 8 (b)	\$250.00
25	Discharging Fireworks before 9am or after 11pm	Section 8 (c)	\$250.00
26	Discharging Fireworks by person under the age of 18	Section 8 (d)	\$250.00
27	Display high hazard fireworks without permission from Council	Section 9 (a)	\$500.00
28	Failure to obtain a permit from the Petrolia Enniskillen Fire Department for the high hazard fireworks	Section 9 (b)	\$500.00
29	Set off High hazard fireworks without the appropriate Certificate supervisor present	Section 9 (c)	\$500.00
30	Use fireworks in display other than the ones authorized by the Department of Energy	Section 9 (d)	\$500.00
31	Failure to store the fireworks in the appropriate temperature/place	Section 9 (e)	\$500.00
32	Failure to dispose of failed fireworks in the proper manner	Section 9 (f)	\$500.00
33	Failure to ensure that all unfired fireworks are stored in accordance Wwth Section 9 (e)	Section 9 (g)	\$500.00

NOTE: The penalty section for offences cited above is Section 11 of By-law No. 62 of 2009, a certified copy of which has been filed.