

**THE CORPORATION OF THE
TOWNSHIP OF EDWARDSBURGH CARDINAL
BY-LAW NO. 2025-**

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

WHEREAS Section 121, Subsection (b) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a local municipality may prohibit the sale of fireworks and discharge 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 for The Corporation of the Township of Edwardsburgh Cardinal hereby enacts as follows:

1. DEFINITIONS

For the purposes of this By-law:

"discharge"- means to fire, ignite, explode, set off or cause to be fired, ignited, exploded or set off and the words "discharged" and "discharging" have similar meaning;

"Firecracker"- means any class of fireworks that explodes when ignited and does not make any significant display or visible effect after the explosions, and includes the device commonly known as Chinese firecracker but does not include caps for toy guns.

"Fireworks"- shall include the following devices:

"Consumer Fireworks"- means explosives classified F.1 by regulation to the Explosives Act, R.S.C., 1985, c. E-17 and generally described as low-hazard firework articles designed for recreational use by the public including items such as roman candles, sparklers, fountains, volcanoes, mines, and snakes.

"Display Fireworks"- means explosives classified F.2 by regulation to the Explosives Act, R.S.C., 1985, c. E-17 and generally described as high-hazard firework articles designed for use by professionals holding a Fireworks Operator Certificate including items such as aerial shells, cakes, waterfalls, lances and wheels, rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, batteries illumination, set pieces, pigeons, and firecrackers.

“Explosive” - means anything that is made, manufactured, or used to produce an explosion or a detonation or pyrotechnic effect, and includes anything prescribed to be an explosive by the regulation to the Explosives Act, R.S.C. 1985, c. E-17, but does not include gases, organic peroxides or anything prescribed not to be an explosive by the regulations.

“Prohibited Fireworks” - includes, but is not limited to, flying lanterns, cigarette loads, or pings, exploding matches, electric matches, sparking matches, ammunition tie clips, cufflink or key chain pistols, cherry bombs, M-80, flash crackers, throw down torpedoes and crackling balls, exploding golf balls, stink bombs, smoke bombs, tear gas pens and launchers, patty peppers, table bombs, table rockets, battle sky rockets, fake firecrackers, Sprite bombs, party snaps and other similar types of novelty items and other trick devices or practical jokes as included on the most recent list of prohibited fireworks as published by the Explosives Act, R.S.C. 1985, c. E-17 from time to time.

“flying lantern” - means a product resembling a small translucent hot-air balloon fueled by an open flame, also having other product names including Sky Lantern, Chinese Lantern and Kongming Lantern.

“Officer” - means a Police Officer, Fire Marshal, Chief Fire Official, Fire Inspector, Fire Prevention Officer or Municipal Law Enforcement Officer.

“special effect pyrotechnics” - means, in addition to any explosive classified as type F.3, by regulation to the Explosives Act, R.S.C., 1985, c. E-17, the following types of explosives, if it will be used to produce a special effect in a film, television production or a performance before a live audience:

- (a) fireworks accessories (type F.4);
- (b) black powder and hazard category PE 1 black powder substitutes (type P.1);
- (c) smokeless powder and hazard category PE 3 black powder substitutes (type P.2);
- (d) initiation systems (type I) (for example, blasting accessories);
- (e) detonating cord (type E.1); and
- (f) low-hazard special purpose explosives (Type S.1) and high-hazard special purpose explosives (Type S.2).

2. **AUTHORIZED DAYS AND TIMES**

3. **GENERAL PROVISIONS**

- 3.1 No person shall discharge Fireworks in a manner that might create a danger or nuisance to any person, animal or property.
- 3.2 No person shall permit or cause any debris or matter from Fireworks to land on any building, fence, hedge, tree, highway, public or private property other than the property where the Fireworks are being discharged.
- 3.3 Every person who discharges or is responsible for the discharging of Fireworks shall provide and maintain fully operational fire extinguishing equipment, including but not limited to portable fire extinguishers or a water supply, ready for immediate use and present at all times and for at least thirty (30) minutes after the discharging of the Fireworks has terminated.
- 3.4 No Person shall cause or permit the storage, use, discharge, sale or offer for sale, of any Prohibited Fireworks.
- 3.5 No person shall cause or permit the storage, use, discharge, sale or offer for sale of Firecrackers.
- 3.6 No person shall possess or discharge any fireworks not authorized by the Explosives Regulatory Division (ERD) of the Government of Canada.
- 3.7 No Person shall cause or permit to sell or offer for sale Fireworks to any person less than eighteen (18) years of age.
- 3.8 No Person shall cause or permit the discharge of Fireworks during a Fire Ban.
- 3.9 No person shall ignite and/or release or permit the ignition and/or releasing of a product commonly referred to as a flying lantern as defined herein.

4. EXEMPTIONS

- 4.1 This Bylaw shall apply to all persons and all uses of Fireworks in the Township except the use of Fireworks for occupational purposes by trained personnel following all applicable standards, acts, and regulations including:
 - 4.1.1 emergency warning or signaling an actual or simulated emergency
 - 4.1.2 wildlife management
 - 4.1.3 testing and disposal of products by a manufacturer

5. CONSUMER FIREWORKS

- 5.1 ~~No person shall discharge consumer fireworks without first obtaining a fireworks permit from the fire department.~~
- ~~No person shall display, offer for sale or sell Consumer Fireworks except for seven (7) calendar days immediately preceding authorized days in subsection 2.1.~~
- 5.2 No person shall display, offer for sale or sell Consumer Fireworks without the approval of the Fire Chief.
- 5.3 The storage, sale and handling of Fireworks shall be in accordance with the Ontario Fire Code, the Explosives Act R.S.C., 1985, c. E-17, as amended, and Explosives Regulations 2013 SOR/2013-211, as amended, and all other applicable legislation.
- 5.4 No Person under the age of eighteen (18) shall be permitted to handle or use Consumer Fireworks unless under the direct supervision and control of a person eighteen (18) years of age or older.
- 5.5 No person being the parent or guardian of any child under the age of eighteen (18) years shall permit said child to use Consumer Fireworks except when such parent or guardian or some other responsible person of at least eighteen (18) years of age is in direct supervision and control.
- 5.6 No Person shall discharge Consumer Fireworks in the following areas:
- 5.6.1 On land owned or operated by the Township, its boards, or agencies, without written consent from the Township;
 - 5.6.2 within 50 metres of a hospital, nursing home, long term care facility, retirement home, licensed group home, school, educational facility, daycare, childcare facility, or religious institution, without the written consent of the owner of such facility;
 - 5.6.3 within 50 metres of a place where explosives, gasoline or other highly flammable substances are commercially manufactured, stored or sold.
- 5.7 No person shall discharge or cause or permit the discharge of Consumer Fireworks on any land except on land belonging to the person using the fireworks, or on other privately owned land where written consent of the owner has been obtained.

6. DISPLAY FIREWORKS AND SPECIAL EFFECTS

- 6.1 No person shall discharge, cause or permit to be discharged, Display Fireworks or Special Effects at any time without first having obtained approval by the Township.
- 6.2 Every person applying for approval under subsection 6.1 shall file with the Fire Chief, a completed application in the form prescribed by the Township at least 14 days prior to the fireworks event taking place including a certificate of insurance in the amount of five million dollars (\$5,000,000) liability with a cross-liability clause and naming the Township as an additional insured.
- 6.3 No person shall use, cause or permit to be used, Display Fireworks/Special Effects in a manner contrary to the provisions of a permit issued under subsection 6.1.
- 6.4 No person shall use, or cause or permit to be used, Display Fireworks/Special Effects at any time as follows:
 - 6.4.1 At a location, site, date or time, other than as specified in the permit, as issued;
 - 6.4.2 outside the site boundaries as specified in the permit, as issued;
 - 6.4.3 on any land or site that is not owned by him or her, unless the prior written permission has been obtained from the owner, and the date is clearly specified in the written permission;
 - 6.4.4 into, in or on any highway, street, lane, square or other public place, which the public or any member thereof has access to, may have access to, uses or may use;
 - 6.4.5 within three hundred (300) metres of any premises or place where explosives, gasoline or other highly flammable liquid or gas substances or compounds are manufactured or stored in bulk;
 - 6.4.6 within three hundred (300) metres of a hospital, nursing home, home for the aged, church or school without the written consent of the owner of the facility.

7. OFFENCES AND ENFORCEMENT

- 7.1 Any person who contravenes any portion of this Bylaw is guilty of an offence and upon conviction is liable to a penalty as provided for in the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended, and to any other applicable penalties.
- 7.2 Each day of contravention shall be a separate offence.

- 7.3 Upon conviction, the Court in which the conviction has been entered and any Court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 7.4 This Bylaw shall be enforced by any Officer as defined in this bylaw.
- 7.5 Any Officer may enter private property at any time for the purposes of upholding the provisions of this Bylaw in accordance with applicable legislations, Acts, and regulations.

8. CONFLICT

- 8.1 In the event that a provision of this Bylaw respecting the keeping and manufacturing of explosives is inconsistent with a provision of Part IV of the Fire Prevention and Protection Act, 1997, S.O. 1997, c. 4, as amended, the provision that is the most restrictive prevails.
- 8.2 In the event that a provision of this Bylaw is inconsistent with the Explosives Act R.S.C., 1985, c. E-17, as amended, or the Municipal Act, 2001, S.O. 2001, c. 25, as amended, their Regulations or any other Act or Regulation, the provision of the Act or Regulation shall prevail.

9. VALIDITY AND SEVERABILITY

- 9.1 If any section, subsection, clause, paragraph or provision of this by-law or parts thereof are declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of Municipal Council to enact, such section, subsection, clause, paragraph, provision or parts thereof shall be deemed to be severable and shall not affect the validity or enforceability of any other provisions of the bylaw as a whole or part thereof and all other sections of the by-law shall be deemed to be separate and independent there from and enacted as such.
- 9.2 Whenever any reference is made under this by-law to a statute or regulation of the Province of Ontario, such reference shall be deemed to include all subsequent amendments to such statute or regulation and all successor legislation to such legislation.
- 9.3 Nothing in this policy takes precedence over any bylaws, resolutions, plans or agreements of the Township or other legislation.

10. EFFECTIVE DATE AND REPEALS

- 10.1 This Bylaw shall come into force and take effect on the date of passing.

- 10.2 All bylaws existing on the Effective Date of this Bylaw that are inconsistent with this Bylaw are hereby repealed and are of no further force and effect. (Cardinal bylaw 548 -1961, Edwardsburgh bylaw 1401 – 1965)

11. GENERAL

- 11.1 That the following Schedule attached shall form and constitute part of this by-law: Schedule "A" - **Display Fireworks/Special Effects Approval Form**

Schedule A

Display Fireworks/Special Effects Approval Form

Name of applicant (print): _____

Address: _____

Telephone: _____ E-mail: _____

Supervisors certificate number: _____ Expiry date: _____

Company (if applicable): _____

Address: _____

Telephone: _____ E-mail: _____

Sponsoring organization (if applicable): _____

Telephone: _____ E-mail: _____

Event date: _____ Time: _____

Location: _____

The following documentation must be submitted:

- ☐ Copy of Display Supervisor certificate
- ☐ Certificate of liability Insurance in the amount of 5 million dollars
- ☐ Written permission of registered property owner or municipal council
- ☐ Site plan in accordance with the MNR Display Fireworks Manual
- ☐ Event description in accordance with the MNR Display Fireworks Manual

Display Supervisor: _____ **Date:** _____

Permission of Authority Having Jurisdiction

Name (print): _____ Title: _____

Township of Edwardsburgh Cardinal, 18 Centre Street, Spencerville, ON K0E1X0

Telephone: _____ E-mail: _____

Signature: _____ Date: _____

Comments: