

## **TOWN OF FORT FRANCES**

### **BY-LAW No. 06/14**

Being a by-law to prohibit the sale and regulate the use of Fireworks within the Town of Fort Frances.

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

**AND WHEREAS** section 121(b) of the Municipal Act, 2001, S.O. 2001, c. 25 provides that a local municipality may prohibit the activities described in clause (a) 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 7.1(1) of the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended provides that a Council of a municipality may pass by-laws regulating fire prevention, including the prevention of spreading fires;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF FORT FRANCES HEREBY ENACTS AS FOLLOWS:**

#### **DEFINITIONS**

1. In this by-law;

**"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;

**"Authorized Persons"** means, as the context requires, a) in the case of Display Fireworks those persons working under the direct supervision of the fireworks supervisor, who have been as a minimum, certified as an apprentice as required by the Explosives Regulatory Division of Natural Resources Canada, and b) in the case of Pyrotechnic Special Effects Fireworks, those persons working under the direct supervision of the pyrotechnician, who have been as a minimum, certified as a theatrical user as required by the Explosives Regulatory Division of Natural Resources Canada;

**"Town"** means the Corporation of The Town of Fort Frances;

**"Consumer Firework"** means an outdoor, low hazard, recreational firework that is classed as subdivision 1 of Division 2 of Class 7 Fireworks under the Act and includes fireworks showers, fountains, golden rain, lawn lights, pin wheels, roman candles and volcanoes and any other similar device, but does not include sparklers, Christmas crackers and caps for toy guns containing not in excess of twenty-five one-hundredths of a grain of explosive used per cap;

**"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 a similar meaning;

**"Display Firework"** means an outdoor, high hazard, recreational firework that is classed as a subdivision 2 of Division 2 of Class 7 Fireworks under the Act, and includes rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, bombardos, waterfalls, fountains,

**"Officer"** means a Municipal Law Enforcement Officer, Police Officer, Fire Chief or their authorized designates, while in the course of his or her duties;

**"Fire Chief"** means the Chief of Fort Frances Fire/Rescue Service or his/her authorized designates;

**"Firecracker"** means a pyrotechnic device that explodes when ignited and does not make any subsequent display or visible effect after the explosion, and includes those devices commonly known as Chinese firecrackers;

**"Fireworks Supervisor"** means a person who is an approved purchaser of display fireworks and who is qualified under the Act to supervise the discharge of display fireworks;

**"FPPA"** means the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended, and the Regulations enacted thereunder as amended from time to time or any Act and Regulations enacted in substitution therefore;

**"Prohibited Firework"** includes but is not limited to cigarette loads, plugs, exploding matches, sparking matches, ammunition for miniature tie clip, cufflink or key chain pistols, auto alarms or jokers, cherry bombs, M-80 and silver salutes and flash crackers, throw down torpedoes and cracking balls, exploding golf balls, stink bombs, tear gas pens and launchers, party poppers and table bombs, table rockets and bottle sky rockets, fake firecrackers and other trick devices or practical jokes as included on the most recent list of prohibited fireworks as published from time to time under the Act;

**"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 effects fireworks under the Act;

**"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; and

**"Sell"** includes offer for sale, cause or permit to be sold and to possess for the purpose of sale and the words "selling" and "sold" have a similar meaning.

## **INTERPRETATION**

2. (1) In this By-Law:

- (a) words importing the singular number only, include more persons, parties or things of the same kind than one and the converse, and
- (b) a word interpreted in the singular number has a corresponding meaning when used in the plural.

- (2) It is declared that if any section, subsection or part or parts thereof be declared by any Court of Law to be bad, illegal or ultra vires, such section or part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

#### **SALE OF FIREWORKS AND FIRECRACKERS**

3. (1) No person shall sell any firecrackers within The Town of Fort Frances.
- (2) No person shall sell any prohibited fireworks within The Town of Fort Frances.
- (3) No person shall, within the Town of Fort Frances, display in any store window, any type of fireworks.
- (4) No person shall, within the Town of Fort Frances, sell or give to any person under the age of 18 years any type of consumer or display firework.

#### **DISCHARGE OF FIRECRACKERS AND PROHIBITED FIREWORKS**

4. (1) No person shall discharge any firecrackers, except with the appropriate federal approvals and for the purpose of cultural celebrations.
- (2) No person shall discharge any prohibited fireworks.

#### **CONSUMER FIREWORKS**

5. (1) No person shall discharge consumer fireworks except:
- (a) as part of a display of display fireworks for which a permit has been obtained and for which all conditions and requirements of the permit have been met.
- (2) No person shall discharge any consumer fireworks in such a manner as might create danger or constitute a nuisance to any person or property, or to do or cause or allow any unsafe act or omission at the time and place for the discharging of any fireworks.
- (3) No person shall discharge any consumer fireworks in or into any building, doorway or automobile.
- (4) No person shall discharge any consumer fireworks in or on or into any park, highway, street, lane, square or other public place, unless under a display fireworks permit to do so issued by the Fire Chief.

#### **DISPLAY FIREWORKS**

6. (1) No person or group of persons shall hold a display of display fireworks in the Town of Fort Frances without first having obtained a permit issued by the Fire Chief.
- (2) No person or group of persons shall discharge any display fireworks within the Town of Fort Frances, without first having obtained a permit issued by the Fire Chief authorizing the display of display fireworks.

7. Every application for a permit shall be made to the Fire Chief a minimum of twenty-one (21) calendar days prior to the event when the proposed discharge of display fireworks is to occur.
8. Every application for a permit shall be submitted by the Fireworks Supervisor and shall include:
  - (a) a description of the event including,
    - (i) the date and time of the proposed discharge of display fireworks,
    - (ii) the type and kind of display fireworks that may be discharged,
    - (iii) the discharge techniques to be used,
    - (iv) the manner and means of restraining unauthorized persons from attending too near the discharge site,
    - (v) the manner in which unused display fireworks are to be disposed of, and
    - (vi) the number of Authorized Persons on site during the event to handle and discharge the display fireworks;
  - (b) a site plan providing a description of the discharge site to be used for the discharging of the display fireworks;
  - (c) a description of the fire emergency procedures;
  - (d) the name and address of the applicant (Fireworks Supervisor) and the sponsoring organization, if applicable;
  - (e) proof of certification of the applicant as a Fireworks Supervisor;
  - (f) proof of consent of the owner of the property to the discharge of display fireworks in writing;
  - (g) a permit fee as set out in the Town of Fort Frances Schedule of Fees By-Law as amended from time to time;
  - (h) proof of insurance and indemnification in accordance with Sections 10 and 11; and
  - (i) such other information as required by the Fire Chief.
9. An applicant for a permit is, subject to the provisions of this by-law, entitled to be issued the permit, except where:
  - (a) the application is incomplete;
  - (b) the applicant is not a Fireworks Supervisor; or
  - (c) there are reasonable grounds for belief that the holding of the display fireworks will result in a breach of this or another by-law, the FPPA or the Act.

## **INSURANCE**

10. The applicant for a permit shall provide and maintain Commercial General Liability Insurance subject to limits of not less than Five Million Dollars (\$5,000,000.00) inclusive per occurrence for bodily injury, death and damage to property including loss of use thereof. Such insurance shall be in the name of the applicant and shall name The Corporation of The Town of Fort Frances as an additional insured thereunder. Such insurance shall include coverage for displays of pyrotechnic special effects fireworks, consumer fireworks or display fireworks.

## **INDEMNIFICATION**

11. The applicant for a permit shall indemnify and save harmless the Town of Fort Frances, its elected officials, appointed officers, agents and employees from any and all claims, demands, causes of action, loss, costs or damages that the Town of Fort Frances may suffer, incur or be liable for resulting from the performance of the applicant as set out in the by-law whether with or without negligence on the part of the applicant, the applicant's employees, directors, contractors and agents.

## **CONDITIONS APPLYING TO PERMIT**

12. The Fire Chief may issue permits for display of display fireworks on the condition set forth in Section 13, and each permit shall state the name of the sponsoring club, association or group, the purpose of the display, the place and date at which the same may be held, and the name of the Fireworks Supervisor under whose supervision the display shall be held.
13. The following conditions shall apply to the holding of a display of display fireworks under a permit issued under this by-law;
  - (a) the permit is valid only for the display at the place and on the date or dates set forth in the permit;
  - (b) the permit holder shall supervise the display of display fireworks;
  - (c) the permit holder shall provide and maintain fully operational, fire extinguishing equipment ready for immediate use;
  - (d) the permit holder shall discharge the display fireworks and any consumer fireworks; and
  - (e) the permit holder shall comply at all times with the provisions of the Act, FPPA and the Display Fireworks Manual published by Natural Resources Canada or any successor publication.
14. No permit holder shall discharge display fireworks or consumer fireworks except in accordance with the conditions of the permit.
15. The permit holder holding the display of display fireworks shall ensure that all unused fireworks and all debris are removed in accordance with the Act, FPPA and the Display Fireworks Manual.
16. All permits granted by the Fire Chief may be revoked whenever, in the Fire Chief's discretion, the holder of such permit is in non-compliance with its contents or requirements, or the Fire Chief has concerns for public safety.

## **PYROTECHNIC SPECIAL EFFECTS FIREWORKS**

17. (1) No person or group of persons shall hold a display of pyrotechnic special effects fireworks in the Town of Fort Frances without first having obtained a permit to do so issued by the Fire Chief.
  - (2) No person or group of persons shall discharge any pyrotechnic special effects fireworks in the Town of Fort Frances, without first having obtained a permit issued by the Fire Chief authorizing the display of pyrotechnic special effects fireworks.
18. Every application for a permit pursuant to Section 16 shall be made to the Fire Chief a minimum of twenty-one (21) calendar days prior to the event where the discharge of pyrotechnic special effects fireworks is to occur.
  - (1) Every application for a permit shall be submitted by the pyrotechnician and shall include:
    - (a) a description of the event including,
      - (i) a site plan of the facility and room capacity, the stage and the pyrotechnic special effect fireworks storage area;
      - (ii) a list of all pyrotechnic special effects fireworks to be employed;
      - (iii) location of all pyrotechnic special effect fireworks;
      - (iv) height, range of effect, fallout and duration of the display of pyrotechnic special effect fireworks;
      - (v) sequence of firing;
      - (vi) location of audience and all exits;
      - (vii) date and time of the proposed event using pyrotechnic special effect fireworks; and
      - (viii) the number of Authorized Persons on site during the event to handle and discharge the pyrotechnic special effect fireworks.
    - (b) description of fire emergency procedures;
    - (c) name and address of the applicant (pyrotechnician) and the sponsoring business or organization, if applicable
    - (d) proof of certification of the applicant as a pyrotechnician
    - (e) proof of insurance and indemnification in accordance with Sections 10 and 11.
    - (f) proof of written consent of the owner of the property to the discharge of pyrotechnic special effect fireworks if the applicant (pyrotechnician) is not the owner of the property;



- (g) a permit fee as set out in the Town of Fort Frances Schedule of Fees By-Law as amended from time to time; and
  - (h) such other information as required by the Fire Chief;
- (2) Notwithstanding Section 18 (1)(a), where the pyrotechnic special effect fireworks will be used for film or television productions or similar events, every applicant for a permit may include a Letter of Intent approved by the Fire Chief, as provided in the Pyrotechnics Special Effects Manual published by Natural Resources Canada or any successor publication thereto, and where such Letter of Intent is provided, the requirements of Section 18 (1)(a) need not be met.
19. An applicant for a permit is, subject to the provisions of this by-law, entitled to be issued the permit, except where:
- (a) the application is incomplete;
  - (b) the applicant is not a pyrotechnician under the Act, or
  - (c) there are reasonable grounds for belief that the holding of the display of pyrotechnic special effect fireworks will result in a breach of this or another by-law, the FPPA or the Act.

#### **CONDITIONS APPLYING TO PERMIT**

20. The Fire Chief may issue permits for displays of pyrotechnic special effect fireworks on the conditions set forth in Section 21 and each such permit shall state the name of the sponsoring business, club, association or group, the purpose of the display, the place and date at which the display may be held, and the name of the pyrotechnician under whose supervision the display shall be held.
21. The following conditions shall apply to the holding of a display of pyrotechnic special effect fireworks under a permit issued under this by-law:
- (a) permit is valid only for the display at the place and on the date or dates set forth in the permit;
  - (b) the permit holder shall supervise the display of pyrotechnic special effect fireworks;
  - (c) the permit holder shall discharge the pyrotechnic special effect fireworks;
  - (d) the permit holder shall provide and maintain fully operational, fire extinguishing equipment ready for immediate use, and
  - (e) the permit holder shall comply at all times with the requirements of the Act, FPPA and the Pyrotechnics Special Effects Manual.
22. No permit holder shall discharge pyrotechnic special effect fireworks except in accordance with the conditions of the permit.
23. The permit holder holding the display of pyrotechnic special effect fireworks shall ensure that all unused fireworks and all debris are removed.
24. All permits granted by the Fire Chief may be revoked whenever, in the Fire Chief's discretion, the holder of such permit is in non-

compliance with its contents or requirements, or the Fire Chief has concerns for public safety.

#### **GENERAL REQUIREMENT**

25. Every holder of a display fireworks or pyrotechnic special effect fireworks permit shall produce for inspection his or her permit upon being so directed by the Fire Chief, Police Officer or Municipal By-Law Enforcement Officer.

#### **OFFENCES AND PENALTIES**

26. (1) Every person who contravenes any of the provisions of this by-law is guilty of an offence.
- (2) 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, Chapter P.33, as amended.

#### **SHORT TITLE**

27. This by-law may be referred to as the "Fireworks By-Law".

#### **EFFECTIVE DATE**

28. This by-law shall come into force and take effect on the final passing thereof.

READ THREE TIMES and finally passed in open Council this 14th day of April 2014.

  
\_\_\_\_\_  
R. Avis, Mayor  
\_\_\_\_\_  
G. Treftin, Clerk





# THE TOWN OF FORT FRANCES



FORT FRANCES, ONTARIO  
CANADA

## Pyrotechnics Event Approval

### SPONSORING ORGANIZATION (If Applicable)

Sponsor: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

\_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

### VENUE

Name: \_\_\_\_\_

Location(s) of Event: \_\_\_\_\_

Date(s) of Event: \_\_\_\_\_

### TECHNICIAN (similar details for any assistants to be shown on Pyro Plan)

Name: \_\_\_\_\_ Card #: \_\_\_\_\_

Title: \_\_\_\_\_ Inclusions: \_\_\_\_\_

If a technician has not yet been determined, you may submit the application without the technician entries. In such cases, however, you must supply all required information on the technician no later than 48 hours prior to the event.

### PERMISSION OF LOCAL AUTHORITY HAVING JURISDICTION

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Organization: Corporation of the Town of Fort Frances  
Address: 320 Portage Avenue, Fort Frances, ON P9A 3P9  
Telephone/Fax: (807) 274-5323 / (807) 274-8479

Pyrotechnics Plan or Letter of Intent Submitted	yes	no
Permission of Property Owner or Agent	yes	no
Proof of Liability Insurance	yes	no
Demonstration Required	yes	no

## **TOWN OF FORT FRANCES**

### **BY-LAW No. 06/14-A**

Being a by-law to prohibit the sale and regulate the use of Fireworks within the Town of Fort Frances.

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

**AND WHEREAS** section 121(b) of the Municipal Act, 2001, S.O. 2001, provides that a local municipality may prohibit the activities described in clause (a) 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 7.1(1) of the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended provides that a Council of a municipality may pass by-laws regulating fire prevention, including the prevention of spreading fires;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF FORT FRANCES HEREBY ENACTS AS FOLLOWS:**

#### **DEFINITIONS**

1. An amendment to the Section 1. Definitions as follows:

**“Prohibited Firework”** includes but is not limited to sky lanterns, celebration lanterns, wish lanterns, event lanterns, Chinese lanterns, sky candles, fire balloons or any other similar device. As well as cigarette loads, plugs, exploding matches, sparking matches, ammunition for miniature tie clip, cufflink or key chain pistols, auto alarms or jokers, cherry bombs, M-80 and silver salutes and flash crackers, throw down torpedoes and cracking balls, exploding golf balls, stink bombs, tear gas pens and launchers, party poppers and table bombs, table rockets and bottle sky rockets, fake firecrackers and other trick devices or practical jokes as included on the most recent list of prohibited fireworks as published from time to time under the Act;

READ THREE TIMES and finally passed in open Council this 11th day of June 2018.



R. Avis, Mayor



E. Slomke, Clerk