

THE CORPORATION OF THE
TOWNSHIP OF ZORRA



BY-LAW NO. 36-14

**BEING A BY-LAW TO REPEAL BY-LAW NO, 26-89 AND
A BY-LAW TO REGULATE THE SALE, DISPLAY AND
DISCHARGE OF FIREWORKS WITHIN THE TOWNSHIP
OF ZORRA.**

WHEREAS Section 121, Clause (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 setting off of fireworks;

AND WHEREAS Section 121, Clause (b) of the *Municipal Act, 2001, S.O. 2001, C.25*, provides that a local municipality may prohibit the sale and the discharging of fireworks unless a permit is obtained and may impose conditions for obtaining, continuing to hold and renewing the permit including requiring the submission of plans;

AND WHEREAS the Council of the Corporation of the Township of Zorra deems it advisable and necessary to repeal By-law 26-89;

AND WHEREAS the Council of the Corporation of the Township of Zorra deems it necessary to regulate the sale and setting off of fireworks;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ZORRA ENACTS AS FOLLOWS:

**Part 1
DEFINITIONS**

1.1 For the purpose of this By-Law, the definitions of this Section apply:

“Chief Fire Official” means the Fire Chief of the Township of Zorra appointed under the authority of the Fire Prevention and Protection Act, designate or authority having jurisdiction.

“Consumer Fireworks” means outdoor low hazard fireworks designated for recreational use and classed as Subdivision 1 of Division 2 of Class 7 Fireworks under the *Explosives Act* and include fireworks showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, volcanoes.

“Display Fireworks” means outdoor high hazard fireworks generally used for community celebrations and classed as Subdivision 2 of Division 2 of Class 7 under the *Explosives Act* Fireworks and include bombshells, aerial shells, large wheels, and bombardons.

“Display Fireworks Manual” means the manual released by Natural Resources Canada: Explosives Regulatory Division as amended.

“Display 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.”

“Firecrackers” means a pyrotechnic device that explodes instantaneously when

ignited and does not make any subsequent display or visual effect after explosion and includes devices commonly known as Chinese firecrackers, but does not include caps for toy guns or Christmas crackers.

“**Fireworks**” means Display Fireworks, Pyrotechnic Special Effects Fireworks and Consumer Fireworks.

“**Flying Lantern**” means a small paper hot-air balloon, fuelled by an open flame and when released, the hot air produced by the fuel source can lift the lantern to extreme heights and allows it to drift for long distances.

“**Officer**” means a By-law Enforcement Officer, Chief Fire Official or Designate.

“**Owner**” means any person, firm or corporation having control over any portion of the building or property under consideration and includes the persons in the building or property.

“**Permit**” means a permit or license issued by the Township of Zorra.

“**Pyrotechnician**” means the Person certified by Natural Resources Canada to conduct a public or private pyrotechnic special effects display.

“**Pyrotechnics**” means an explosive of a class set out in the *Explosives Act*, that is made, manufactured or used to produce pyrotechnic theatrical effect in connection with a motion picture, theatre or television production or with a, or as a performance, before a live audience, but excludes consumer fireworks, display fireworks and prohibited fireworks as such terms are defined in this by-law.

“**Township**” means the Corporation of the Township of Zorra.

“**Vehicle**” shall include a motor vehicle, recreational vehicle, camper, all-terrain vehicle, mobile home, boat, watercraft, traction engine, farm tractor and a vehicle drawn, propelled or driven by any kind of power.

Part 2 GENERAL PROVISIONS

2.1 General

- (a) No Person shall set off any fireworks when a fire ban is in effect.
- (b) No Person shall store, handle, sell or display Fireworks except in the Commercial Zones.
- (c) Fireworks shall not be sold out of a vehicle; which includes a booth, stall, trailer, motor vehicle, recreational vehicle, camper, all-terrain vehicle, mobile home, but shall only be sold from a commercial building or accessory structure in the required zone.
- (d) No Person shall store, handle, sell or display Fireworks except in accordance with the Explosives Act and this By-law as an accessory use only.
- (e) No Person under the age of eighteen (18) years shall possess Fireworks.

2.2 Firecrackers and Flying Lanterns

- (a) No Person shall offer for sale, cause to be sold, or sell Firecrackers or Flying Lanterns.
- (b) No Persons shall set off, or cause to be set off any Firecrackers or Flying Lanterns.
- (c) No Person shall possess Firecrackers or Flying Lanterns.

2.3 Consumer Fireworks – Sale

- (a) No Person shall sell any Consumer Fireworks to any Person under the age of eighteen (18) years.
- (b) No Person shall sell any Consumer Fireworks except on Canada Day, Labour Day, and on the fixed by proclamation for the observance of Victoria Day and the preceding seven (7) days in each case.
- (c) No Person shall advertise the sale of Consumer Fireworks except on Canada Day, Labour day, and on the day fixed by proclamation for the observance of Victoria Day, and the preceding twenty-one (21) days in each case.
- (d) No Person shall sell to any person any Consumer Fireworks, of a type or the setting off of which is prohibited by the provisions of the By-law or the *Explosives Act*.
- (e) No Person shall sell, offer or expose for sale any Consumer Fireworks without first obtaining a Permit to do so from the Officer by completing in its entirety a “Retail of Consumer Fireworks Permit” attached as Schedule “B” and such Permit application is approved by the Chief Fire Official and after paying the appropriate non-refundable application fee as set out in the Township of Zorra Municipal Service Fees By-law. Said Permit is non-transferable by owner and/or location or premise.
- (f) The holder of the Permit issued under Subsection 2.3(e) shall prominently display the Permit in the place of business where the Fireworks are being offered for sale and such License shall be produced to any Officer upon request.
- (g) Every Person displaying or storing Fireworks shall post a clearly visible sign prohibiting smoking at entrance to building.
- (h) No Person shall smoke or use an open flame, such as a light, match or torch in a room or space where Fireworks are stored or displayed or in any case less than 3 metres from any fireworks.

2.4. Consumer Fireworks – Discharging

- (a) No Person shall ignite, set off or have a display of Consumer Fireworks on any Property unless such Person is the owner of that Property or has written permission to do so by the owner of such Property.
- (b) No Person shall ignite, set off of, have a display of Consumer Fireworks without the supervision of a responsible Person of at least eighteen (18) years of age.
- (c) The Person in Subsection 2.4 (b) shall have the necessary means readily at hand to summons the Fire Department.
- (d) No Person shall ignite, discharge or set off any Consumer Fireworks into or inside of any building, structure, vehicle, or on any other place of Property where such ignition, discharge or setting off may create a nuisance or safety hazard to any Person or Property.
- (e) No Person shall ignite, discharge or set off any Consumer Fireworks into or on Municipal Property including without limitation, streets, lanes, squares or other public places without written approval of the Officer.
- (f) No Person shall ignite, discharge or set off any Consumer Fireworks off of, or from the roof of any building or structure, or anywhere with less clearance to persons and combustible property as is prescribed by the manufacturer on the exterior of the firework article without written approval of the Chief Fire Official or designate.

- (g) No Person shall ignite, discharge or set off any Consumer Fireworks after the hour of 11 p.m. (local time) on the day of, 2 days previous to, or 2 days following the days established by Section 2.3 (b).

2.5 Display Fireworks - Sale

- (a) No Person shall sell any Display Fireworks to any Person under the age of eighteen (18) years or to any Person unless they are qualified as a Fireworks Supervisor.

2.6 Display Fireworks – Discharging

- (a) No Person shall ignite, set off, or have a display of Display Fireworks on any Property unless such person is the owner of the Property or has written permission to do so by the owner of that Property.
- (b) No Person shall ignite, set off, or have a display of Display Fireworks unless such Person is qualified as a Display Supervisor.
- (c) A Display Supervisor shall produce a current certificate of qualification as issued by the Explosive Regulatory Division upon the request of any Officer.
- (d) No Person shall ignite, set off or have a display of Display Fireworks unless there is provided and maintained fully operational fire extinguishing equipment, ready for immediate use and present at all times and for a reasonable period thereafter at the location or site of the discharge of Display Fireworks.
- (e) No Person shall transport, setup, ignite, or operate Display Fireworks except in accordance with the requirements outlined in the Natural Resources Canada Display Fireworks Manual and this By-Law.

2.7 Display Fireworks – Licensing

- (a) No Person shall ignite, set off, or have a display of Display Fireworks without first obtaining a Permit to do so from the Officer by completing in its entirety the current "Display Fireworks Event Permit" attached as Schedule "C" and such Permit application is approved by the Chief Fire Official, and after paying the appropriate non-refundable application fees as set out in the Township of Zorra Municipal Service Fees By-law. Said Permit is non-transferable by owner and/or location or premise.
- (b) No Person shall ignite, set off, or have a display of Display Fireworks except in accordance with the information provided on the "Display Fireworks Event Permit" required in Subsection 2.7 (a).
- (c) Every application shall be made not less than twenty-one (21) days prior to the setting off of the Display Fireworks.
- (d) Every application for a Permit must include proof of liability insurance coverage for the setting off or holding of a display of Display Fireworks in the minimum amount of \$5,000,000 and shall name the Township of Zorra as an additional named insured.
- (e) Every application shall state the name and contact information in which the Permit is to be issued, state the date, time, and location or site of the setting of the Display Fireworks and state the name and phone number of the Display Supervisor.
- (f) Upon conclusion of the display, the Display Supervisor shall walk the display site and fallout area. Any unused fireworks and all debris resulting there from shall be removed immediately and safely disposed of by the Permit holder.

2.8 Pyrotechnics

- (a) No person shall conduct an event including Pyrotechnics without approval of the Chief Fire Official or designate.
- (b) No person shall transport, setup, ignite or operate Pyrotechnics except in accordance with the requirements outlined in the Natural Resources Canada Pyrotechnic Special Effects Fireworks Manual.
- (c) No Person shall ignite, set off, or have a display of Pyrotechnics without first obtaining a Permit to do so from the Officer by completing in its entirety the current "Pyrotechnic Special Event Approval Permit" attached as Schedule "D" and such Permit application is approved by the Chief Fire Official, and after paying the appropriate non-refundable application fee as set out in the Township of Zorra Municipal Service Fees By-law. Said Permit is non-transferable by owner and/or location or premise. Every application shall be made not less than twenty-one (21) days prior to the setting off of Pyrotechnics.

2.9 Grant of Exemption by Council

Notwithstanding anything contained in this By-law, any person may make an application to Council to be granted an exemption from any of the provisions of this By-law with respect to the discharge of fireworks and Council may refuse to grant any exemption or may grant the exemption which may contain such terms and conditions as Council sees fit, subject to approval of the Chief Fire Official.

Part 3 ENFORCEMENT

- 3. An Officer is hereby vested with the authority of enforcing the provisions of this by-law.

Part 4 RIGHT OF ENTRY

- 4.
 - (a) An Officer may at any time, enter onto land to determine whether this By-law is being complied with.
 - (b) Every owner shall permit the Officer to inspect any land for the purpose of determining compliance with this By-law.
 - (c) Notwithstanding any provision of this By-law, an Officer shall not enter or remain in any room or place actually being used as a dwelling, unless;
 - i. The consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and, if refused, may only be made under the authority of a warrant issued under the Provincial Offences Act, R.S.O.1990, as amended;
 - ii. A warrant issued under the Provincial Offences Act, R.S.O.1990, as amended is obtained.

Part 5 OBSTRUCTION

- 5.
 - (a) No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law.
 - (b) Any person who has been alleged to have contravened any of the provisions of the By-law, shall identify themselves to the Officer upon request, failure to do so shall be deemed to have obstructed or hindered the Officer in the execution of his or her duties.

**Part 6
PENALTY**

6. Any person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act R.S.O. 1990, Chapter P33, as amended.

**Part 7
SEVERABILITY**

7. Should any section, subsection, clause, paragraph or provision of this By-law be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof, other than the Part so declared to be invalid.

**Part 8
FEE**

8. The fees shall be in accordance with the current Municipal Service Fees By-law for the Township of Zorra.

**Part 9
REPEAL**

9. That By-law 26-89 is hereby repealed in its entirety.

**Part 10
EFFECTIVE DATE**

10. This by-law comes into force on the day it is passed.

READ A FIRST AND SECOND TIME THIS 12th day of AUGUST, 2014.

READ A THIRD TIME AND FINALLY PASSED TIME THIS 12th day of AUGUST, 2014.

**MAYOR
MARGARET LUPTON**

**CLERK
KAREN MARTIN**

CORPORATION OF THE TOWNSHIP OF ZORRA
Part 1 Provincial Offences Act
By-law 36-14: Fireworks By-law
Schedule "A"

SCHEDULE OF SET FINES – VOLUNTARY PAYMENT OUT OF COURT:

Pursuant to Section 6 of By-law 36-14 of the Corporation of the Township of Zorra, the following is a schedule of fines voluntarily payable, out of Court for offences committed under this By-law being:

SCHEDULE OF FINES:

ITEM	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1	Sell or offer for sale any firecrackers or flying lanterns.	2.2(a)	\$200.00
2	Set off, or cause to be set off any Firecrackers or Flying Lanterns	2.2(b)	\$200.00
3	Sell, offer or expose for sale any Consumer Fireworks without permit	2.3(e)	\$200.00
4	Person under 18 ignite, set off of, have a display of Consumer Fireworks	2.4(b)	\$200.00
5	Ignite, discharge, set off Consumer Fireworks that might create a safety hazard or nuisance to any person or property	2.4(d)	\$200.00
6	Ignite, discharge, Set off Consumer Fireworks on land owned by the Township of Zorra without approval	2.4(e)	\$200.00
7	Ignite, set off or have a display of Consumer Fireworks when prohibited	2.4(g)	\$200.00
8	Ignite, discharge or set off Consumer Fireworks outside times permitted.	2.4(g)	\$200.00
9	Hinder or obstruct, or attempt to hinder or obstruct, any Officer.	5(a)	\$200.00

Note: The penalty provision(s) for the offences indicated above is Section 6.0 of By-law 36-14 a certified Copy of which has been filed.

Schedule "B" to By-law 36-14



Township of Zorra
274620 27th Line, PO Box 306
Ingersoll, ON N5C 3K5
519-485-2490

APPLICATION FOR RETAIL OF CONSUMER FIREWORKS
Township of Zorra By-law No. 36-2014

Include with completed application:

- Applicable permit fee payment of \$150.00
• Written permission from the property owner
• List of fireworks being offered for sale

Approvals (office use only)
Fire _____ Date _____

BUSINESS INFORMATION

Name of Company _____

Name of Principle(s) of Company _____

Check One: [] Individual [] Corporation [] Partnership

Business Address: _____

Phone Number: _____ Fax Number: _____ Email: _____

APPLICANT INFORMATION

First Name: _____ Last Name: _____ Birth Date _____

Phone Number: _____ Fax Number: _____ Email: _____

Proposed Business Location: _____

Owner of Land (include address): _____

STATEMENT OF FACT – IMPORTANT – PLEASE READ CAREFULLY

I make the following statement of fact:

- 1. The information set forth in this application is true, accurate and in all material respects complete.
2. I am aware that if a license is granted I will carry on my business in compliance with the requirements of By-law No.36-2014 and any other relevant statute or act.
3. I am aware that a false Statement of Fact may result in the application for a license being refused.

This Statement of Fact was made on this _____ day of _____, 20____.

Signature of Applicant _____

Personal information contained in this form is collected under the authority of the Municipal Act, 2001, Chapter 25, as amended, and will only be used for the purposes for which it was collected. Questions about this collection of information should be directed to the Clerk's Department, 274620 27th Line, PO Box 306, Ingersoll, ON N5C 3K5.

Schedule "C" to By-law 36-14



Township of Zorra
274620 27th Line, PO Box 306
Ingersoll, ON N5C 3K5
Phone: 519-485-2490 Fax: 519-485-2520

Permit No.

Empty rectangular box for Permit No.

APPLICATION FOR A DISPLAY FIREWORKS EVENT PERMIT
Township of Zorra By-law No. 36-2014

Application must be received by Clerk's Department 21 days prior to event with \$30 permit fee.

Application Date: _____

APPLICANT

First Name: _____ Last Name: _____

Phone Number: _____ Cell Number: _____ Email: _____

Check the appropriate box that pertains to the Display Fireworks Event application:

- Three checkboxes with corresponding text: 'The Applicant is the registered owner of the land...', 'The Applicant has provided written consent from the owner or owner's agent...', and 'The Applicant has provided written consent from the Township of Zorra...'.

FIREWORKS SUPERVISOR

First Name: _____ Last Name: _____

Address: _____

Phone Number: _____ Cell Number: _____ Email: _____

Supervisor ID Number: _____

EVENT INFORMATION

Event Location: _____

Event Date: _____ Event Rain Date: _____

Name of Manufacturer of Fireworks: _____

Neighbours Contacted: YES NO

INSURANCE

Proof of liability insurance coverage in the amount of \$5 million attached. YES NO

DECLARATION

I, _____ of _____ solemnly declare that all the statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true. Further, I agree to absolve the Township of Zorra, the Chief of Zorra Fire & Emergency Services Division and any Designated Employee from any and all damages or civil litigation caused by or attributed to a display fireworks event initiated by the owner, occupier or person in charge of the premises.

Signature of Applicant: _____ Date: _____

Office use only:

Approved by Fire Chief: YES NO Date: _____

Comments: _____

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Schedule "D" to By-law 36-14

By-law 36-14: Fireworks By-law
Schedule "D"



Zorra Fire & Emergency Services
274620 27th Line, PO Box 306
Ingersoll, ON N5C 3K5
Phone 519-485-2490
Fax 519-485-2520
Email admin@zorra.on.ca

APPLICATION FOR PYROTECHNIC SPECIAL EVENT APPROVAL
Township of Zorra By-law No. 36-2014

Application must be received by the Township 30 days prior to event.

NAME: _____ COMPANY: _____

TELEPHONE: _____ FAX: _____

LEVEL OF CERTIFICATION: _____

TECHNICIAN CARD NUMBER: _____ EXPIRY DATE: _____

ADDRESS/LOCATION OF DISPLAY: _____

DATE & TIME OF DISPLAY: _____

PROOF OF INSURANCE (minimum amount \$5 million): _____

PERMISSION TO HOLD THE DISPLAY OBTAINED FROM THE PROPERTY OWNER: YES

DESCRIPTION AND FLOOR PLAN OF THE DISCHARGE LOCATION ATTACHED: YES

PROPERTY OWNER NAME: _____ PHONE: _____

FOR INDOOR AND OUTDOOR PERFORMANCES, A PYRO EFFECTS PLAN CONTAINING THE FOLLOWING INFORMATION MUST BE SUBMITTED:

- A sketch of the facility and stage.
- A list of all pyrotechnic special effects to be employed.
- The location of all pyrotechnic special effects.
- The nature of the pyrotechnic articles (describe height, range of effect or fallout and duration).
- The sequence of firing.
- The location of the audience.
- Exit locations.
- A plan of the pyrotechnics storage area.
- Fire safety measures to be taken.

FOR INDOOR AND OUTDOOR FILM PRODUCTIONS, A LETTER OF INTENT CONTAINING THE FOLLOWING INFORMATION MUST BE SUBMITTED:

- The locations and dates for the filming of effects.
- A general description of the scene.
- The effects to be used and their fabrication.
- The anticipated result.

- Fire safety measures to be taken (including paid duty firefighters on location when/as deemed necessary by the Fire Chief.)
- A method of determining safety distances.

HIGH EXPLOSIVES

Written request for approval must be made 30 days prior to the event to the Explosives Regulatory Division **AND** Zorra Fire & Emergency Services **prior** to the purchase and use of high explosives for any type of entertainment or production event. The written request shall contain the following:

- The special effects technician's name and card number.
- A description of the explosives and how they are to be used.
- Determinations of:
 - The effect of the blast's heat and pressure on adjacent structures.
 - Protection provided for all personnel.
 - The security and safety perimeters to be maintained.
 - An estimate of the length of time you expect to possess the explosives.
 - A description of the storage facilities.
 - Fire safety measures.
 - Letter to neighbouring residents.

PROHIBITION OF HIGH EXPLOSIVES

High explosives of any kind are forbidden to be used indoors before a live audience.

I understand that a permit fee of \$150.00 is payable upon application.

I hereby certify that I have read, understood and will be guided by all the applicable rules and regulations made under the Federal *Explosives Act* and the specific instructions of the Explosives Regulatory Division for all intended purposes of the pyrotechnic special effects under application.

Signature of Applicant

Date

FOR OFFICE USE ONLY

Pyro Plan or Letter of Intent Submitted: Yes No

Permission is hereby: Granted Denied

If denied, reason: _____

Signature of Fire Chief or Designate

Date

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