

**THE CORPORATION OF THE
TOWNSHIP OF WELLESLEY
BY-LAW NUMBER**

29/2011

**A BY-LAW TO REGULATE THE SALE AND USE OF FIREWORKS AND
FIRECRACKERS**

WHEREAS pursuant to S. 121(1) of the Municipal Act, 2001, R. S. O. 2001, c. 25 (the “Act”), authorizes Municipalities to enact By-laws to prohibit and regulate the sale of fireworks and the discharge of fireworks;

AND WHEREAS Section 121(2) of the Act authorizes a Municipality to require that a permit be obtained for the discharge of fireworks and that a Municipality may impose conditions for obtaining, continuing to hold and renewing the permit including the submission of plans;

AND WHEREAS the Council of the Township of Wellesley deems it necessary to regulate possession, sale and the location of the discharge of fireworks, for health and safety of its residents and for the control of nuisance caused by noise.

**THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE
TOWNSHIP OF WELLESLEY ENACTS AS FOLLOWS:**

Definitions:

1. For the purpose of this By-law:

- (a) **ACT** means the Explosives Act, revised Statutes of Canada 1990, Chapter E-15 and the Regulations enacted there under as amended from time to time;
- (b) **FIRECRACKER** means a pyrotechnics devise that explodes instantaneously when ignited and does not make any subsequent display or visible effect after the explosion, firecrackers are classified as high-hazard fireworks, and:
 - i) includes those devices commonly known as Chinese firecrackers, but
 - ii) does not include Christmas Crackers or paper caps containing not in excess of average of twenty-five one-hundredths of a grain of explosive used per cap, or device for use with such caps;
- (c) **LOW-HAZARD, FIREWORK(S)** means a pyrotechnic devise producing quantities of effects of light, sound or smoke by the combustion of explosives or flammable composition and includes fireworks showers, fountains, golden rain, lawn lights, pin wheels, roman candles, sparklers, volcanoes and mines, but does not include:
 - i) firecrackers, or
 - ii) articles or devices not classed under the Act as shop goods,
 - iii) pyrotechnical signaling devices for marine, military or railway purposes.
- (d) **HIGH-HAZARD FIREWORK(S)** means a manufactured pyrotechnic device producing spectacular effects of light or sound of such a nature that it is classed under the Act as shop goods.

Regulations:

2. **Sale and Display of Fireworks:**

- (a) the display of low-hazard fireworks is prohibited except on the following days:
 - i) Victoria Day, Canada Day, Civic Holiday & Labour Day
 - ii) the ten (10) days immediately preceding Victoria Day, Canada Day, Civic Holiday & Labour Day.
- (b) no person shall sell, offer for sale, give or distribute to any person under the age of (18) eighteen any low or high hazard fireworks

- (c) fireworks displayed in store windows shall be mock samples only, and not contain explosive composition.
- (d) low-hazard fireworks on public display and available to the general public for purchase shall not exceed 25 kilogram lot. Any quantities in excess of 25 kilogram lot shall be kept in a suitable secure and locked container in accordance with Federal Laws & Regulations. The low-hazard fireworks in excess of 25 kilogram lot shall not be accessible to the general public.
- (e) low-hazard fireworks may be stored in a secure locked container year round in accordance with Federal Laws and Regulations
- (f) a Permit to Discharge low-hazard fireworks may be obtained from the Township of Wellesley Administration Office for Special Occasions on dates other than described in Section 2(a), at the discretion of the Township of Wellesley Fire Chief. Subject to a \$50.00 fee.
- (g) A permit shall be in the form as set out in Appendix "A" of this By-law. Complete applications must be received a minimum of 14 days in advance of the event.

Discharge of Low-Hazard Fireworks:

- 3. (a) discharging of low-hazard fireworks is prohibited except on the following days in each calendar year:
 - i) Victoria Day, Civic Holiday and Labour Day, where fireworks may be discharged on any of the three (3) days during those weekends;
 - ii) Canada Day or the day before or after
- (b) a person (18) eighteen years of age or over may hold a display of low-hazard fireworks on any land belonging to him or on any other privately owned land where the owner thereof has given written permission for such a discharge of low-hazard fireworks.
- (c) no person shall use, discharge any firework(s) in such a place or in such a manner as might create danger or constitute a nuisance to any person or property, or do or cause or allow any unsafe act or omission at the time and place for the setting off of any fireworks.
- (d) no person shall discharge any firework or fireworks in or into any building, doorway, automobile or other place where such setting off might create a danger or nuisance to any person or property.
- (e) no person shall discharge any firework or fireworks in or on or into any highway, street, lane, square or other public place; provided that this shall not be deemed to prohibit a display of high-hazard fireworks in a public place in accordance with permits issued pursuant to the provisions of this By-law.
- (f) no person under the age of (18) eighteen years shall discharge any firework(s).

Discharge of High-Hazard Fireworks:

- 4. (a) no person shall hold a display of high-hazard fireworks without first having obtained a permit to do so signed by the Fire Chief of the Township of Wellesley or his designate.
- (b) the application for a permit shall be made at least two weeks prior to the date on which it is desired to hold the display of any high-hazard fireworks.
- (c) a display of high-hazard fireworks may only be held by a person licensed under the Federal Explosives Act, who is entitled to purchase and discharge high-hazard explosives.
- (d) a display of high-hazard fireworks shall be conducted in a manner consistent with the Federal Explosives Act and the regulations enacted there under.

- (e) all unused fireworks and all debris shall be removed by the group holding the display immediately following its conclusion or no later than 10:00a.m. the day following the commencement of the display.
- (f) no display shall be held within 500 feet of a nursing home, public hospital, retirement residence, any premises or place where explosives, gasoline, or other highly inflammable substances are manufactured, sold or stored, or within 500 feet of any church or a public, separate or parochial school, unless the consent of the owner, or the agent or representative of the owner of such church or school has been obtained.

Administration:

- 5. The Fire Chief and/or his designate(s) or any Municipal By-law Enforcement Officer may at anytime inspect any premises where fireworks are stored or offered for sale to the public.

A copy of this By-law must be posted on the premises where low-hazard fireworks are sold during each of the lawful sales periods.

Offence/Penalty:

- 6. Every person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine pursuant to the Provincial Offences Act.

Repeal:

- 7. By-law 5/2005 of the Township of Wellesley, and all By-laws amending the same and any other By-law inconsistent with the provisions of this By-law are hereby repealed.

Effective Date:

- 8. This By-law comes into force and effect on the date it is passed by the Council of the Township of Wellesley.

Read a first and second time this 4th day of July, 2011.

Ross Kelterborn

Mayor Ross Kelterborn

Susan Duke

Executive Director Corporate/Clerk, Susan Duke

Read a third and final time and passed this 4th day of July, 2011.

Ross Kelterborn

Mayor Ross Kelterborn

Susan Duke

Executive Director Corporate /Clerk, Susan Duke

PERMIT TO DISCHARGE LOW-HAZARD FIREWORKS
Schedule "A" to
BY-LAW NUMBER 29/2011

Date of Application:	For Office Use Only License #: _____ Valid Until: _____
NAME:	
ADDRESS:	Street: _____ Postal Code: _____ Phone Number: _____
Proposed Date of Discharge: _____ <i>In the event of inclement weather, discharge of fireworks may take place within 2 days following the proposed date of discharge.</i>	
Location of Discharge:	
Description of Fireworks to be Discharged:	
_____ _____	
(Date)	(Signature)
The undersigned hereby releases the Corporation of the Township of Wellesley from any or all claims for damage which may arise in the discharging of fireworks.	
FOR OFFICE USE ONLY	
\$50.00 Fee Paid: _____	
Approved by: _____ Township of Wellesley Fire Chief or his Designate	
Not Recommended for Approval: Reason:	
Personal information collected on this form is collected pursuant to the Municipal Act S.O. 2001, c.25 and will be used for the purpose of responding to your request. Questions about this collection should be directed to the Executive Director Corporate/Clerk	