

**THE CORPORATION OF THE
TOWNSHIP OF WELLESLEY
BY-LAW NUMBER
15/2026**

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

WHEREAS section 120 of the Municipal Act, S.O. 2001, c.25, as amended, provides that a local municipality may,

- a) prohibit and regulate the manufacture of explosives in the municipality;
- b) prohibit and regulate the storage of explosives and dangerous substances in the municipality;
- c) regulate the keeping and transportation of explosives and dangerous substances in the municipality;
- d) prohibit the manufacture or storage of explosives unless a Permit is obtained from the municipality for those activities and may impose conditions for obtaining, continue to hold, and renewing the Permit, including requiring the submission of plans; and

WHEREAS section 121 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a local municipality may,

- a) prohibit and regulate the sale of fireworks and the setting off of fireworks;
- b) 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.

WHEREAS section 391 of the Municipal Act, 2001, S.O. 2001 c.25, as amended, enables a municipality to pass by-laws imposing fees or charges on persons; and

WHEREAS section 23.1 and 23.2 of the Municipal Act, 2001, S.O. 2001 c. 25, as amended, authorizes the municipality to delegate certain powers and duties; and

WHEREAS the Council for the Corporation of the Township of Wellesley has determined that the unregulated sale and discharge of Fireworks and Firecrackers could cause a public nuisance; and

WHEREAS the Council for the Corporation of the Township of Wellesley has determined that regulating the sale and discharging of Fireworks and Firecrackers within the Township increases public safety and reduces nuisance concerns

WHEREAS the Council for the Corporation of the Township of Wellesley deems it expedient to regulate possession, sale and the location of the discharge of fireworks, and repeal By-law 29-2011

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

1. DEFINITIONS

For the purpose of this By-law:

1.1 ACT means the Explosives Act, revised Statutes of Canada 1990, Chapter E-15 and the Regulations enacted thereunder as amended from time to time;

1.2 CANADA DAY shall mean July 1st each calendar year;

1.3 CORPORATION means the Corporation of the Township of Wellesley

1.4 DISPLAY SUPERVISOR means a person holding a current certification as a Firework Supervisor under the authority of the Explosives Act;

1.5 FIRE BAN means a period of time during which the Fire Chief determines that Open Air Fires are prohibited;

1.6 FIRE CHIEF means the Chief of Township of Wellesley Fire Rescue or their designate;

1.7 FIRECRACKER means a pyrotechnics device 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:

1.7.1 includes those devices commonly known as Chinese firecrackers, but

1.7.2 does not include Christmas Crackers, sparklers 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;

1.8 LOW-HAZARD, FIREWORK(S) means a pyrotechnic device 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:

1.8.1 firecrackers, or

1.8.2 articles or devices not classed under the Act as shop goods,

1.8.3 pyrotechnical signaling devices for marine, military or railway purposes;

1.9 HIGH-HAZARD FIREWORK(S) means a manufactured pyrotechnic device producing spectacular effects of light or sound of such nature that it is classed under the Act as shop goods;

1.10 LABOUR DAY shall mean the first Monday of September;

1.11 OFFICER means any Officer of the Fire Department, any Township By-law Enforcement Officer and any member of the Waterloo Regional Police Service

1.12 PYROTECHNIC(S) means any explosive article containing a pyrotechnic composition that, upon ignition, produces visual or sound effects by means of combustion, deflagration, or detonation, as defined and regulated under the Explosives Regulations, 2013, SOR/2013-211, and further detailed in the Pyrotechnics Special Effects Manual issued and updated from time to time by the Explosives Regulatory Division of Natural Resources Canada;

- 1.13 SKY LANTERN** means those devices also known as Flying, Chinese, Kongming or Wish lanterns, or other similar device constructed of paper and a frame containing a fuel pack, which fuel pack is usually a petroleum or wax based fuel that when lit causes the lantern rise;
- 1.14 TOWNSHIP** means the Township of Wellesley or the Corporation of the Township of Wellesley as the context requires;
- 1.15 VICTORIA DAY** shall mean the Monday preceding May 25th.

2. SALE OF FIREWORKS

- 2.1** No person or business shall sell or offer for sale any low-hazard fireworks except from a permanent, fixed, brick-and-mortar retail premises located within the Township of Wellesley.
- 2.2** No person or business shall sell fireworks from a temporary structure, stand, tent, vehicle, or seasonal retail operation.
- 2.3** No person shall sell or offer for sale any firecrackers, sky lanterns or other high-hazard fireworks.
- 2.4** 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.
- 2.5** Store display of low-hazard fireworks is prohibited except on:
- 2.5.1** Ten (10) days immediately preceding and including Victoria Day, Canada Day, and Labour Day.
- 2.6** Fireworks displayed in store windows shall be mock samples only and contain no explosive composition.
- 2.7** Low-hazard (consumer) fireworks on public display or available for purchase are generally regulated to ensure they do not exceed 25 kilograms (gross weight) per lot, or up to 100 kg total in a retail setting if separated into 25 kg lots. Any quantities exceeding these amounts, or the total threshold of 1000 kg for a sales establishment, must be stored in secure, locked containers, in non-smoking areas away from ignition sources.
- 2.8** Low-hazard fireworks may be stored in a secure locked container year-round in accordance with Federal Laws and Regulations.
- 2.9** The Fire Chief and/or his designate(s) or any Municipal By-law Enforcement Officer may at any time inspect any premises where fireworks are stored or offered for sale to the public.
- 2.10** 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.

3. FIREWORKS

3.1 Discharging of low-hazard fireworks is prohibited except during the permitted times on:

3.1.1 Victoria Day between 20:00 and 23:00 hours;

3.1.2 Canada Day between 20:00 and 23:00 hours;

3.1.3 Labour Day between 20:00 and 23:00 hours;

3.1.4 Special occasions where an exemption has been issued by the Township.

3.2 Any individual or group may request recognition of a cultural or religious holiday for the purpose of discharging consumer fireworks by submitting a permit application to the Township at least thirty (30) days in advance and paying the applicable fee as established by the Township Fees and Charges By-law.

3.3 No person under the age of (18) eighteen years shall discharge any firework(s).

3.4 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.

3.5 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, cause or allow any unsafe act or omission at the time and place for the setting off of any fireworks.

3.6 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.

3.7 No person shall discharge any firework or fireworks in or on or into any highway, street, lane 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.

3.8 No person shall discharge any fireworks on any street, highway or lane under the jurisdiction of the Corporation, or on any Corporation property including public parks, except with the consent of the Corporation.

3.9 No person shall discharge fireworks or sparklers within the Township of Wellesley if the Fire Chief has invoked a fire ban, due to dry weather conditions and possible increased fire risk.

3.10 No person shall discharge low-hazard fireworks within 10 meters of another person, building, structure, vehicle or combustible material.

3.11 No person shall discharge fireworks where wind conditions or other environmental conditions may create a risk of fire or danger to persons or property.

3.12 No person shall discharge Prohibited Fireworks, Firecrackers or Sky Lanterns at any time.

4. PERMIT – DISCHARGE OF HIGH-HAZARD FIREWORKS

- 4.1** 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.
- 4.2** The application for a permit shall be made at least 30 days prior to the date on which it is desired to hold the display of any high-hazard fireworks. The Fire Chief may impose such terms and conditions on any permit issued under this By-law as deemed necessary to ensure public safety.
- 4.3** No person shall hold a public fireworks display unless it is under the supervision of a Display Supervisor who must not be less than 21 years of age, holds a Fireworks Certificate issued under the authority of the Explosives Act, R.S.C. 1985, c. E-17, and who must be approved by the Fire Chief.
- 4.4** A display of high-hazard fireworks shall be conducted in a manner consistent with the Federal Explosives Act and the regulations enacted there under.
- 4.5** All unused fireworks and all debris shall be removed by the group holding the display immediately following its conclusion or no later than 10:00 hours the day following the commencement of the display.
- 4.6** No display shall be held within 500 feet of a woodland, 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.
- 4.7** No person shall hold a public fireworks display without providing suitable fire extinguishers and means of extinguishing fires on the site.
- 4.8** Every person, group of persons or association applying for a permit to hold a public fireworks display shall produce Certificate of Liability Insurance in the amount of not less than two million (\$2,000,000.00) dollars. If the display is to be held on property owned by the Township of Wellesley, the applicant shall produce Certificate of Liability Insurance in the amount of not less than five million (\$5,000,000.00) dollars with the Township of Wellesley named as additionally insured for the purposes of the fireworks display event.

5. ENFORCEMENT

- 5.1** Any Officer may be responsible for the enforcement of this By-law
- 5.2** Any Officer may order the immediate extinguishment of any fireworks being discharged in contravention of this By-law.
- 5.3** The Fire Chief or an Officer may suspend or revoke a permit issued under this By-law where the provisions of this By-law or the conditions of the permit are not complied with or where public safety is at risk.

6. INSPECTION

- 6.1** The Fire Chief and/or his designate(s) or any Municipal By-law Enforcement Officer may at any time inspect any premises where fireworks are stored, sold, displayed or otherwise used or held for sale to the public.
- 6.2** An Officer may enter onto land at any reasonable time for the purpose of carrying out an inspection to determine compliance with this By-law.

7. OFFENCE / PENALTY

7.1 Any person, organization or business 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.

8. SEVERABILITY

8.1 The terms and provisions of this by-law shall be severable and should any term or provision be found by a court of competent jurisdiction to be legally unenforceable, in operative or invalid, the remainder of the by-law shall continue to be in full force and effect.

9. REPEAL

9.1 By-law 29/2011 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.

10. EFFECTIVE DATE

10.1 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 12th day of May, 2026.

Mayor Joe Nowak

Municipal Clerk, Amy Harron

Read a third and final time and passed on this 12th day of May, 2026.

Mayor Joe Nowak

Municipal Clerk, Amy Harron

**THE CORPORATION OF THE
TOWNSHIP OF WELLESLEY
BY-LAW NUMBER
15/2026**

PART I PROVINCIAL OFFENCES ACT

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

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
ITEM	SHORT FORM WORDING	PROVISION	SET FINE
1	Sell, offer for sale, or distribute Firecrackers, Sky Lanterns, or other prohibited high-hazard fireworks	2.3	\$500
2	Sell or distribute fireworks to a person under 18 years of age	2.4	\$500
3	Display fireworks for sale outside permitted retail display periods	2.5	\$500
4	Store, handle, or possess fireworks contrary to storage requirements of this By-law	2.7 / 2.8	\$500
5	Discharge fireworks outside permitted days (Victoria Day, Canada Day, Labour Day, or approved exemption)	3.1	\$500
6	Discharge fireworks outside permitted time (8:00 p.m. – 11:00 p.m.)	3.1	\$500
7	Discharge fireworks by a person under 18 years of age	3.3	\$500
8	Discharge fireworks in or into a building, vehicle, roadway, or other enclosed or hazardous area	3.6	\$500
9	Discharge fireworks on municipal property or public roadway without consent of the Corporation	3.7 / 3.8	\$500
10	Discharge fireworks during a declared Fire Ban	3.9	\$500
11	Discharge fireworks within 10 metres of any person, building, structure, vehicle, tent, or combustible material	3.10 / 3.5 / 3.6	\$500
12	Discharge fireworks in unsafe environmental conditions (high wind, dry grass, or other hazardous conditions)	3.11 / 3.5	\$500
13	Discharge or ignite Firecrackers, Sky Lanterns, or other prohibited fireworks	3.12	\$500
14	Hold a public fireworks display without required permit	4.1	\$500
15	Fail to comply with conditions of a high hazard fireworks display permit	4.2 / 4.4 / 4.5 / 4.7 / 4.8	\$500
16	Discharge fireworks within 500 feet of restricted locations (woodlands, fuel storage, hospital, nursing home, retirement home, church, childcare facility, or school)	4.6	\$500
17	Obstruct, hinder, or interfere with an Officer or Fire Chief during inspection or enforcement duties	6.1 / 6.2	\$500