

**The Corporation of the  
Town of Arnprior**

**By-law Number 5730-09**, as amended by By-law Number 6498-15

A by-law to regulate fireworks within the Town of Arnprior.

**Whereas** Section 121 of the Municipal Act, 2001, Chapter 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 of the Municipal Act, 2001, Chapter 25, as amended further provides a local municipality may prohibit the sale and setting off 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 of the Town of Arnprior enacts as follows:

## **1. Definitions**

**“authority having jurisdiction”** means the local fire official or his/her designate. Certified by the Explosives Regulatory Division (ERD) of Natural Resources Canada;

**“consumer firework”** means an outdoor, low-hazard firework article designed for recreational use by the public. These fireworks are sometimes referred to as family fireworks and are classed as a Class 7, Division 2, Subdivision 1 fire-work under the Explosives Act, (R.S., 1985, c. E-17);

**“corporation”** means the Corporation of the Town of Arnprior;

**"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 similar meaning;

**"display firework"** means an outdoor, high-hazard firework article designed for use by professionals, usually at public gatherings. These fireworks are classed as a Class 7. Division 2, Subdivision 2 firework under the Explosives Act. (R.S. 1985. c. E-17):

**"firecracker"** means a pyrotechnic device that explodes when ignited and does not make any subsequent display or visible effect after explosion;

**"fireworks"** means display fireworks. pyrotechnic special effects fireworks, and consumer fireworks;

**“fireworks supervisor”** means the person who is qualified under the Explosive Act to conduct display fireworks. This includes being responsible for display approval, who is an approved purchaser and is in a position of primary liability in the event of a mishap;

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

**“list of authorized explosives”** means the published list of fireworks and pyrotechnic articles from Natural Resources Canada. Part 3a manufactured in Canada and Part 3b manufactured abroad.

**“street”** means any common and public highway, street, avenue Parkway, driveway, square, place, bridge or trestle, any part of which is intended for or used by the general public for the passage of persons and vehicles.

## **2. Discharge of Firecrackers and Prohibited Fireworks**

- a) No person shall discharge any firecrackers
- b) No person shall discharge any firework that is not published in the most recent list of authorized explosives from Natural Resources off Canada.
- c) 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 into the air within the Town of Arnprior.

## **3. Consumer Fireworks**

- a) No person shall discharge consumer fireworks in the Town of Arnprior at any time except:
  - i. Victoria Day, between dusk and 11:00 P.M.;
  - ii. the day immediately preceding Victoria Day, between dusk and 11 :00 P.M.:
  - iii. the day immediately following Victoria Day. between dusk and 11:00 P.M.;
  - iv. Canada Day, between dusk and 11:00 P.M.;
  - v. the day immediately preceding Canada Day, between dusk and 11:00 P.M.:
  - vi. the day immediately following Canada Day, between dusk and 11:00 P.M.

- b) No person in the Town of Arnprior under the age of eighteen (18) years shall discharge any consumer fireworks except under direct supervision and control of a parent or guardian eighteen (18) years of age or over; and no parent or guardian of any person under the age of eighteen (18) years shall allow the person to discharge any consumer fireworks except when directly under their direct supervision and control.
- c) No person shall discharge consumer fireworks in the Town of Arnprior in such a manner that creates or may create a nuisance or that creates or may create an unsafe condition, risk from fire, risk of accident, injury or damage at or in respect any place, location or site, or in respect of any person, property or thing.
- d) No person shall discharge consumer fireworks in or into any building, doorway, or automobile.
- e) No person shall discharge consumer fireworks in or on any street or public place unless written consent to hold a special fireworks display has been obtained from the corporation.

#### **4. Display Fireworks**

- a) No person or group of persons shall hold a display or discharge display of fireworks in the Town of Arnprior, at any time, without first obtaining a permit by the local authority having jurisdiction.
- b) Only persons who have successfully completed a fireworks supervisor's course and who holds a valid Fireworks Supervisor Card shall be eligible to make application for permit.
- c) No person or group of persons, other than the certified supervisor and apprentice(s) listed in the approved application/permit, shall be permitted to discharge display fireworks.

#### **5. Application for Display Fireworks Permit**

- a) Every application for a permit shall be made to the authority having jurisdiction a minimum of thirty (30) calendar days prior to the date of the event where the proposed discharge of display fireworks is to occur.
- b) The authority having jurisdiction may impose such conditions upon issuance of a permit as he or she considers are required to ensure the safety of the public.
- c) The authority having jurisdiction has absolute discretion to refuse the issuance of a permit for any reason whatsoever and without limiting the generality of the discretion, a reason may include any provisions of this By-law, any other By-law, the Ontario Fire Code; any Act or Regulation; the past history, character or financial state of the applicant; the proposed location of display; insurance; safety

measure to be taken or lack thereof; any environmental consideration; or any consideration regarding the safety of the public or of property.

- d) Every applicant shall be required to produce evidence of insurance providing proof of liability insurance in the minimum amount of two million (\$2,000,000) dollars and naming the Corporation as an additional insured.
- e) Where the proposed display location is a Corporation owned property, the applicant shall indemnify and save harmless the Corporation with respect to any and all actions arising either directly or indirectly from the display.
- f) Every application shall be submitted by the fireworks supervisor and shall include all information outlined in the Application for Event Approval/Purchase of Display Fireworks Form, attached as schedule "A"; and the information sheet, attached as schedule "B" of this By-law.
- g) Every application shall include payment to the corporation for a processing fee in the amount of fifty (\$50) dollars.

## **6. Offences and Penalties**

- a) Every person who contravenes any of the provisions of this By-law is guilty of an offence.
- b) 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. As amended.

This By-law shall come into force and effect on the day of its passing.

**Enacted and passed** this 27 day of April, 2009.

Original signed by  
Terry Gibeau, Mayor

Monique Ouellet, Clerk

## Schedule "A"

### Application for Event Approval/Purchase of Display Fireworks Form

Application by Fireworks Supervisor

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Organization/Applicant Name: \_\_\_\_\_ Application Date: \_\_\_\_\_

Supervisors Certificate #: \_\_\_\_\_ Expiry: \_\_\_\_\_

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

Organization/Applicant Address: \_\_\_\_\_

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

Sponsoring Organization (if applicable): \_\_\_\_\_

Sponsoring Organization Address (if applicable): \_\_\_\_\_

Event Location: \_\_\_\_\_

Date of Event: \_\_\_\_\_

Time of Event: (From) \_\_\_\_\_ (To) \_\_\_\_\_

Alternate Date: \_\_\_\_\_

Alternate Time: (From) \_\_\_\_\_ (To) \_\_\_\_\_

Place & Method of Fireworks Storage on Site:

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Name of Insuring Agency: \_\_\_\_\_

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

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

Liability Amount: \_\_\_\_\_ Policy #: \_\_\_\_\_

Signature of Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Sponsor/Agent: \_\_\_\_\_ Date: \_\_\_\_\_

The applicant acknowledges having read the fireworks By-law and agrees that the Corporation of the Town of Arnprior assumes no responsibility for loss of property or personal damage resulting from the aforementioned Display Fireworks event and hereby agrees to indemnify and hold harmless the corporation from any and all claims whatsoever arising there from. The applicant also acknowledges they are familiar with, and will act in compliance with the Acts and Regulations pertaining to fireworks. The sponsor/agent acknowledges that this application may contain "personal information" as defined under the Municipal Freedom of Information and Protection Act, being the name and address of the sponsor/agent. Such information is required by the corporation for the proper administration of this event. The sponsor/agent hereby consents to any disclosure by the corporation of such information.

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### **Permission of Local Authority Having Jurisdiction**

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

Corporation of the Town of Arnprior

105 Elgin Street West Arnprior, Ontario K7S 0A8

Telephone: 613-623-4231 Facsimile: 613-623-8091

Site Plan attached:            Yes            No

Event Description attached:    Yes            No

This application is approved subject to the conditions below; or this application has been denied.

Conditions:

Signature (AHJ): \_\_\_\_\_ Date: \_\_\_\_\_

**Note: When approved, this application becomes the "Permit"**

The supervisor must have copies of this form along with the site plan and even description on-site of the display, as approved by the AHJ. Copies should be made for any Certified Apprentice.

# Schedule "B"

## Display Fireworks

### Information sheet

The Corporation of the Town of Arnprior requires a full and complete Display Fireworks Information Package to be submitted for review in order to obtain a permit.

The following is a list of documents and information that is required to be included in all submissions of Display Fireworks Information Packages.

- a) Name, address, contact numbers and ERD class of fireworks supervisor
- b) Complete list of crew members, ERD certificate numbers and expiry dates (photocopy acceptable)
- c) Date and location of show or event
- d) Comprehensive site plan including:
  - i. Separation distance to the public and vulnerable features
  - ii. Position of mortars and ramps, direction of firing
  - iii. Fall out zone
  - iv. Significant ground features, roads, public right-of-ways building structures, overhead obstructions, parking areas, spectator viewing areas
  - v. Location of emergency vehicles
  - vi. North arrow
- e) Event Description including:
  - i. Date, time schedule of event, proposed rain date
  - ii. Attendance estimates
  - iii. List of fireworks being used (as listed in the published list of authorized explosives NRC)
  - iv. Firing procedures
  - v. Traffic control plans
  - vi. Emergency response procedures
- f) Fire extinguisher rating and locations
- g) Police approval if display makes it necessary to close roads or divert traffic, and crowd control
- h) Letter of consent from property owner
- i) Proof of insurance (Insurer's name, policy #, amount of liability coverage, naming corporation as added insured)
- j) Site cleanup procedure
- k) Disposal method of unused fireworks

Once approved, no charges of firework devices are permitted without written notification and associated details being forwarded to the Authority Having Jurisdiction. Any charges modification to any information originally provided must also be made in writing to the Authority Having Jurisdiction. Authority Having Jurisdiction may require a test fire of devices.