



THE CORPORATION OF THE TOWN OF HUNTSVILLE

BY-LAW NUMBER 2020-34

Being a By-law to Prohibit the Setting off of Fireworks within the of the Town of Huntsville

WHEREAS Council acknowledges that fireworks have the potential to pollute air and water, negatively impact wildlife in the vicinity and diminish quality of life for some residents;

AND WHEREAS Council wishes to take action to mitigate the risk to human, animal and environmental health;

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

AND WHEREAS Section 434.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended, enables the councils of local municipalities to establish a system of administrative penalties

AND WHEREAS Section 434.2 establishes an administrative penalty constitutes a debt of the person which may be added to the tax roll;

AND WHEREAS pursuant to Section 436 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, a municipality has the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether a by-law of the municipality passed under the Act is being complied with;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF HUNTSVILLE ENACTS AS FOLLOWS:

1.0 Definitions

In this By-law:

1.1 **“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 substitutions therefore;

- 1.2 **“By-Law Enforcement Officer”** means a Person who is appointed by Council to enforce bylaws enacted and passed by Council;
- 1.3 **“Chief Fire Official”** as defined in the Ontario Fire Code O. Reg. 213/07, Article 1.4.1.2.;
- 1.4 **“Consumer Fireworks”** means an outdoor, low hazard, firework that is designed for recreational personal use and includes but is not limited to Roman candles, sparklers, fountains, multi-shot cakes, volcanoes, mines, and snakes;
- 1.5 **“Council”** means the Council of The Corporation of the Town of Huntsville;
- 1.6 **“Display Fireworks”** means an outdoor, high hazard, firework that is designed for professional, licenced use only. They include items like aerial shells, cakes, Roman candles, waterfalls, lances, and wheels;
- 1.7 **“Fireworks”** as defined in the Explosive Regulations made pursuant to the Explosives Act, R.S. c. E-15, s.1 as amended and includes one single item of Fireworks;
- 1.8 **“Person”** means any human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executors or other legal representatives of a Person to whom the context can apply, according to law;
- 1.9 **“Permit”** means written permission to hold a Display Fireworks issued by the Municipality pursuant to this By-law and signed by the Chief Fire Official or their designate;
- 1.10 **“Premises”** means land and includes the buildings and/or structures thereon;
- 1.11 **“Public Fireworks Display”** means an exhibition of Fireworks in an open-air assembly, occupancy to which the public is invited, attends or is admitted, with or without a fee being charged;
- 1.12 **“Pyrotechnics”** are high-hazard and designed for professional use. They include but is not limited to items like gerbs, mines, comets, and crossette fireworks, as well as special-purpose pyrotechnics made for live stage performances and the film and television industry;
- 1.13 **“Setting Off”** or **“Set Off”** means to fire, discharge, ignite, explode or release into the air or to cause to fire, discharge, ignite or explode or release into the air;
- 1.14 **“Town”** means the Corporation of The Town of Huntsville;
- 1.15 **“Weekend”** means the period from Friday evening through Sunday evening.

2.0 **General Prohibitions**

- 2.1 No Person shall cause, permit or engage in the Setting Off of Consumer Fireworks in the Town of Huntsville at any time, except as permitted under Section 3 of this by-law.
- 2.2 No Person shall Set Off any Fireworks in or into, on or onto any building, highway, sidewalk, Municipal Park or Municipal property.
- 2.3 No Person shall permit the use of Display Fireworks unless a valid permit as outlined in Section 4 has been obtained from the Chief Fire Official or their designate.

3.0 **Consumer Fireworks**

- 3.1 Consumer Fireworks within the Town may be Set Off as follows;
- a) On any weekend between 6:00pm and 11:00pm on Friday, Saturday and Sunday;
 - b) On New Year's Eve - between 8:00 p.m. and 1:00 a.m. the following day;
 - c) On Victoria Day - between 8:00p.m. and 11:00p.m.;
 - d) On Canada Day - between 8:00p.m. and 11:00p.m.;
 - e) On Labour Day - between 8:00p.m. and 11:00p.m.

4.0 **Display Fireworks**

- 4.1 Only Persons who hold a valid Display Supervisor certificate, issued by the Explosives Regulatory Division (ERD) of Natural Resources Canada are eligible to apply for a permit to Set Off Display Fireworks or Pyrotechnic Special Effects.
- 4.2 An application package as prescribed under the Act must be submitted to the Chief Fire Official or their designate a minimum of 45 days prior to the date being applied for.
- 4.3 The application package shall contain the requirements as found in the Natural Resources Canada (NRCAN) Fireworks Display Manual:
- 4.4 The Permit may be suspended or revoked by the Chief Fire Official or their designate if the conditions of the permit are not being met or it would be unsafe to allow the Public Fireworks Display.
- 4.5 The Display Fireworks shall only be Set Off on the day or days specified by the Permit.

4.6 Property damage or injury as a result of Display Fireworks shall be the responsibility of the Person named on the permit.

5.0 Administration and Enforcement

5.1 This By-law shall be administered by the Chief Fire Official or their designate.

5.2 This By-law shall be enforced by a By-law Enforcement Officer.

6.0 Entry and Inspection

6.1 The Chief By-law Enforcement Officer, Chief Fire Official or their designate(s) may at any time, enter onto a property to determine whether this by-law is being complied with.

6.2 Every Person shall permit the Chief By-law Enforcement Officer, Chief Fire Official or their designate(s) to inspect any land for the purposes of determining compliance with this by-law.

6.3 The Chief By-law Enforcement Officer, Chief Fire Official or their designates may enter upon lands at any reasonable time to direct or require that a matter or thing be done, and in default of that matter or thing being done, to do such matter or thing in accordance with this by-law.

6.4 A Person exercising a power of entry on behalf of the Town under this by-law may be accompanied by any Person under their direction including Law Enforcement Services.

7.0 Obstruction

7.1 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person exercising a power or performing a duty under this by-law.

7.2 Every Person who has been alleged to have contravened any of the provisions of this by-law, shall identify themselves to the By-law Enforcement Officer, the Chief Fire Official or their designates upon request, failure to do so shall be deemed to have hindered or obstructed the By-law Enforcement Officer or Chief Fire Official under section 7.1 of this by-law.

8.0 Penalties

8.1 Every Person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act R.5.0. 1990, c. P.33.

8.2 Every Person who contravenes any provision of this by-law is guilty of an offence pursuant to the provisions of the Provincial Offences Act R.S.O. 1990, Chapter P.33, as amended, and upon conviction, a Person is liable to a fine of not more than \$5,000, exclusive of costs.

8.3 Every Person guilty of an offence under this y-law may, if permitted under the Provincial Offences Act, pay a set fine and the Chief Judge of the Ontario Court Provincial division, shall be requested to establish set fines in accordance with Schedule “A” attached to this by-law.

9.0 **Administrative Penalties**

9.1 A By-law Enforcement Officer who finds that a Person has contravened any provision of this By- law may issue an administrative penalty notice addressed to that Person or owner where the contravention occurred.

9.2 The penalty notice shall be given to the Person to whom or to which it is addressed as soon as is reasonably practicable and shall include the following information:

- a) Particulars of the contravention, including to which property it applies;
- b) The amount of the administrative penalty;
- c) A statement advising that an administrative penalty will constitute a debt to the Municipality.

9.3 Any Person who contravenes any provision of this By-law shall, upon issuance of an administrative penalty notice pursuant to Section 9.3, be liable to pay to the Municipality an administrative penalty as per the Towns Fees and Charges by-law.

9.4 A Person who has been issued a penalty notice shall pay the administrative penalty within fifteen (15) days from the date the notice was issued.

9.5 An administrative penalty notice that is deemed to be confirmed constitutes a debt to the Municipality and may be added to the tax roll of the property on which the offence occurred.

9.6 The Town may serve any penalty notice, personally to the Person named on the notice, by registered or regular mail addressed to the Person to whom the document is to be given at the Person’s last known place of abode.

9.7 Service by registered or regular mail under subsection 9.6 shall be deemed to have been made on the fifth day after the day of mailing.

9.8 A Person's last known address includes the address provided by the Person to the Town as identified in the property tax file.

10.0 Severability

10.1 If a Court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

11.0 Schedules

11.1 Schedule "A" as attached forms part of this by-law.

12.0 Town Not Liable

12.1 The Town assumes no liability for property damage or personal injury resulting from remedial action or remedial work undertaken with respect to any Person or property that is subject of this by-law.

13.0 Short Title

13.1 This by-law shall be known as the "Fireworks By-law."

14.0 Repeals

14.1 That By-law Number 2020-16 be hereby repealed.

READ a first, second and third time and finally passed this 17th day of March, 2020.

Mayor (Karin Terziano)

Clerk (Tanya Calleja)

**THE CORPORATION OF THE TOWN OF HUNTSVILLE
PART I PROVINCIAL OFFENCES ACT
BY-LAW NO. 2020-34 – Fireworks By-law**

SCHEDULE “A”

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1.	Cause the setting off of fireworks during prohibited time	Section 2.1	\$ 500.00
2.	Permit the setting off of fireworks during prohibited time	Section 2.1	\$ 500.00
3.	Engage in the setting off of fireworks during prohibited time	Section 2.1	\$ 500.00
4.	Set off fireworks in prohibited area	Section 2.2	\$ 300.00
5.	Permit the use of Display Fireworks without a valid permit	Section 2.3	\$ 300.00

NOTE: the general penalty provision for the offences listed above is Section 8.0 of By-law 2020-34, a certified copy of which has been filed.