

THE CORPORATION OF THE TOWN OF MONO
BYLAW NUMBER 2022 – 46
A BYLAW TO REGULATE THE SALE AND USE OF FIREWORKS

1. RECITALS

- 1.1. Under s. 121 (a) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, (“the Act”) a local municipality may prohibit and regulate the setting off of fireworks.
- 1.2. Under s. 121 (b) of the Act, a local municipality may 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.

2. DEFINITIONS AND INTERPRETATION

- 2.1. Short Title: This bylaw may be cited as the “Fireworks Bylaw”.
- 2.2. Definitions
 - 2.2.1. “**Canada Day**” shall mean the statutory holiday celebrated on July 1st.
 - 2.2.2. “**Chief Fire Official**” means the Assistant to the Fire Marshal who is the Municipal Fire Chief, or a member or members of the fire department appointed by the Municipal Fire Chief pursuant to the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended.
 - 2.2.3. “**Council**” means Council for the Corporation of the Town of Mono.
 - 2.2.4. “**Firecracker**” means any class of fireworks that explodes when ignited and does not make any significant display or visible effect after the explosions, and includes the device commonly known as Chinese firecracker but does not include caps for toy guns.
 - 2.2.5. “**Fireworks**” shall include the following devices:
 - 2.2.5.1. “**Consumer Fireworks**” means explosives classified F.1 by regulation to the Explosives Act, R.S.C., 1985, c. E-17 and generally described as low-hazard firework articles designed for recreational use by the public including items such as roman candles, sparklers, fountains, volcanoes, mines, and snakes.
 - 2.2.5.2. “**Display Fireworks**” means explosives classified F.2 by regulation to the Explosives Act, R.S.C., 1985, c. E-17 and generally described as high-hazard firework articles designed for use by professionals holding a Fireworks Operator Certificate including items such as aerial shells, cakes, waterfalls, lances and wheels, rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, batteries illumination, set pieces, pigeons, and firecrackers.
 - 2.2.5.3. “**Explosive**” means anything that is made, manufactured, or used to produce an explosion or a detonation or pyrotechnic effect, and includes anything prescribed to be an explosive by the regulation to the Explosives Act, R.S.C. 1985, c. E-17, but does not include gases, organic

peroxides or anything prescribed not to be an explosive by the regulations.

- 2.2.6. “**Officer**” means a Police Officer, Fire Marshal, Chief Fire Official, Fire Inspector, Fire Prevention Officer or Municipal Law Enforcement Officer for the Town of Mono.
- 2.2.7. “**Owner**” means an owner, lessee, tenant, mortgagee in possession and the person in charge of any property.
- 2.2.8. “**Person**” includes a corporation and its directors and officers, and their heirs, executors, assignees, trustee and administrators or other legal representatives of an individual and their respective successors and assignees.
- 2.2.9. “**Prohibited Fireworks**” includes, but is not limited to, flying lanterns, cigarette loads, or pings, exploding matches, electric matches, sparkling matches, ammunition tie clips, cufflink or key chain pistols, cherry bombs, M-80, flash crackers, throw down torpedoes and crackling balls, exploding golf balls, stink bombs, smoke bombs, tear gas pens and launchers, patty peppers, table bombs, table rockets, battle sky rockets, fake firecrackers, Sprite bombs, party snaps and other similar types of novelty items and other trick devices or practical jokes as included on the most recent list of prohibited fireworks as published by the Explosives Act, R.S.C. 1985, c. E-17 from time to time.
- 2.2.10. “**Town**” means the Corporation of the Town of Mono.
- 2.2.11. “**Use, Uses and Used**” when referring to Fireworks, means and includes the lighting, discharge, setting off, ignition, detonation or otherwise causing the explosion, sound, or pyrotechnic effect of a Firework.
- 2.2.12. “**Victoria Day**” shall mean the statutory holiday celebrated on the Monday preceding May 25.

3. AUTHORIZED DAYS AND TIMES

- 3.1. No Person shall use Consumer Fireworks on any occasion except between dusk and 11:00 p.m. on:
 - 3.1.1. Victoria Day.
 - 3.1.2. Canada Day.

4. GENERAL PROVISIONS

- 4.1. No Person shall use Fireworks in a manner that might create a danger or nuisance to any person or property.
- 4.2. No Person shall cause or permit the storage, use, discharge, sale or offer for sale, of any Prohibited Fireworks.
- 4.3. No person shall cause or permit the storage, use, discharge, sale or offer for sale of Firecrackers.
- 4.4. No person shall possess or set off any fireworks not authorized by the Explosives Regulatory Division (ERD) of the Government of Canada.
- 4.5. No Person shall cause or permit to sell or offer for sale Fireworks to any person less than eighteen (18) years of age.
- 4.6. No Person shall cause or permit the use of Fireworks during a Fire Ban.
- 4.7. The storage, sale and handling of Fireworks shall be in accordance with the Ontario Fire Code, the Explosives Act R.S.C., 1985, c. E-17,

as amended, and Explosives Regulations 2013 SOR/2013-211, as amended, and all other applicable legislation.

5. CONSUMER FIREWORKS

- 5.1. No Person under the age of eighteen (18) shall be permitted to handle or use Consumer Fireworks unless under the direct supervision and control of a person eighteen (18) years of age or older.
- 5.2. No person being the parent or guardian of any child under the age of eighteen (18) years shall permit said child to use Consumer Fireworks except when such parent or guardian or some other responsible person of at least eighteen (18) years of age is in direct supervision and control.
- 5.3. No Person shall use Consumer Fireworks in the following areas:
 - 5.3.1. On land owned or operated by the Town, its boards, or agencies, without written consent from the Town;
 - 5.3.2. on any public property without the written consent of the owner of the property;
 - 5.3.3. within 50 metres of a hospital, nursing home, long term care facility, retirement home, licensed group home, school, educational facility, daycare, childcare facility, or religious institution, without the written consent of the owner of such facility;
 - 5.3.4. within 50 metres of a place where explosives, gasoline or other highly flammable substances are commercially manufactured, stored or sold.
- 5.4. No person shall use or cause or permit the use of Consumer Fireworks on any land except on land belonging to the person using the fireworks, or on other privately owned land where written consent of the owner has been obtained.

6. DISPLAY FIREWORKS

- 6.1. No person shall use, or cause or permit to be used, Display Fireworks at any time without first having obtained a permit issued by the Town.
- 6.2. Every person applying for a permit under subsection 6.1 shall file with the Clerk a completed application in the form prescribed by the Clerk at least 60 days prior to the fireworks event taking place and shall pay the required permit application fee and provide a certificate of insurance in the amount of five million dollars (\$5,000,000) liability with a cross liability clause and naming the Town as an additional insured.
- 6.3. No person shall use, or cause or permit to be used, Display Fireworks in a manner contrary to the provisions of a permit issued under subsection 6.1.
- 6.4. No person shall use, or cause or permit to be used, Display Fireworks at any time as follows:
 - 6.4.1. At a location, site, date or time, other than as specified in the permit, as issued;
 - 6.4.2. outside the site boundaries as specified in the permit, as issued;
 - 6.4.3. on any land or site that is not owned by him or her, unless the prior written permission has been obtained from the owner, and the date is clearly specified in the written permission;

- 6.4.4. into, in or on any highway, street, lane, square or other public place, which the public or any member thereof has access to, may have access to, uses or may use;
- 6.4.5. within three hundred (300) metres of any premises or place where explosives, gasoline or other highly flammable liquid or gas substances or compounds are manufactured or stored in bulk;
- 6.4.6. within three hundred (300) metres of a hospital, nursing home, home for the aged, church or school without the written consent of the owner of the facility.

7. EXEMPTIONS

- 7.1. This Bylaw shall apply to all persons and all uses of Fireworks in the Town except the use of Fireworks for occupational purposes by trained personnel following all applicable standards, Acts, and Regulations; and emergency warning or signaling purposes.
- 7.2. Council may, at their discretion, provide an exemption by resolution or by bylaw to any provision of this Bylaw subject to any conditions Council may see fit to impose.
- 7.3. Where an exemption to this Bylaw has been granted by Council, breach of any terms or conditions of the exemption may, at the discretion of an Officer, render the exemption null and void.

8. OFFENCES AND ENFORCEMENT

- 8.1. Any person who contravenes any portion of this Bylaw is guilty of an offence and upon conviction is liable to a penalty as provided for in the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended, and to any other applicable penalties.
- 8.2. Each day of contravention shall be a separate offence.
- 8.3. Upon conviction, the Court in which the conviction has been entered and any Court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 8.4. This Bylaw shall be enforced by any Officer as defined in this bylaw.
- 8.5. Any Officer may enter private property at any time for the purposes of upholding the provisions of this Bylaw in accordance with applicable legislations, Acts, and regulations.

9. CONFLICT

- 9.1. In the event that a provision of this Bylaw respecting the keeping and manufacturing of explosives is inconsistent with a provision of Part IV of the Fire Prevention and Protection Act, 1997, S.O. 1997, c. 4, as amended, the provision that is the most restrictive prevails.
- 9.2. In the event that a provision of this Bylaw is inconsistent with the Explosives Act R.S.C., 1985, c. E-17, as amended, or the Municipal Act, 2001, S.O. 2001, c. 25, as amended, their Regulations or any other Act or Regulation, the provision of the Act or Regulation shall prevail.

10. SEVERABILITY

- 10.1. If a court declares any portion of this Bylaw to be illegal or unenforceable, that portion of the Bylaw will be considered to be severed from the balance of the Bylaw, which will continue to operate in full force.

11.EFFECTIVE DATE AND REPEALS

- 11.1. This Bylaw shall come into force on January 1, 2023.
- 11.2. All bylaws existing on the Effective Date of this Bylaw that are inconsistent with this Bylaw are hereby repealed and of no further force and effect.

BYLAW GIVEN THE NECESSARY READINGS AND PASSED IN OPEN COUNCIL
THIS 8th DAY OF NOVEMBER 2022.

Original signed by:

John Creelman, Mayor

Fred Simpson, Clerk