

**THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE**

**BY-LAW NUMBER 2025-XXX-FR**

BEING A BY-LAW to prohibit the sale of fireworks and the discharge of family fireworks and regulate the holding fireworks displays and to repeal By-law 2019-077-FR.

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

**WHEREAS** Section 121 of the *Municipal Act, 2001*, S.O. 2001, c.25 provides that a municipality may require that permits be obtained for fireworks displays, and may impose conditions for obtaining, continuing to hold and renewing such permits, including requiring the submission of plans;

**WHEREAS** the Council of the Corporation of the Town of Whitchurch-Stouffville passed a resolution on October 16, 2024 to ban the sale of fireworks and use of family fireworks;

**WHEREAS** the Council of the Corporation of the Town of Whitchurch-Stouffville deems it expedient to enact a by-law to prohibit the sale of fireworks and discharge of family fireworks, and repeal By-law 2019-077-FR;

**WHEREAS** Subsection 391(1) of the *Municipal Act, 2001*, S.O. 2001, c.25 provides that a municipality may impose fees and charges on persons;

**WHEREAS** the Town has passed By-law 2024-039-RE, being a By-law to establish an administrative monetary penalty system for violations of designated by-laws within the Town of Whitchurch-Stouffville, in accordance with Section 434.1 of the *Municipal Act*, and O. Reg. 333/07, as amended;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE ENACTS AS FOLLOWS:**

**1. DEFINITIONS**

- 1.1. "Act" means *Explosives Act, R.S.C. 1985, c.E-17* and the Regulations enacted there under, as amended from time to time, or any Act or Regulations enacted in substitution therefore;
- 1.2. "Assistant to the Fire Marshall" means a Person as outlined in Section 11(1) of the *Fire Protection and Prevention Act, 1997*;
- 1.3. "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 a corresponding meaning;
- 1.4. "Fire Chief" means the Chief or his/her designate of the Fire and Emergency Services Department of the Town;
- 1.5. "Fireworks" shall include the following devices:
  - a. "Display Fireworks", means high hazard fireworks that are generally used for public display and designed for use by professionals and are classified as Type F.2 explosives under the

Act such as aerial shells, waterfalls, lances, rockets, serpents, shells, bombshells, tourbillions, maroons, bouquets, bombardos, fountains, batteries, illumination set pieces and pigeons, and large wheels;

- b. "Family Fireworks", means low hazard fireworks that are generally used for recreation and are classified as Type F.1 explosives under the Act. They are also known as consumer fireworks;
  - c. "Pyrotechnic Special Effects Fireworks", includes high hazard fireworks used to produce a special effect in a film or television production or a performance before a live audience; explosives which may be classified as Type F.3 in the Act; fireworks accessories which may be classified as Type F.4 in the Act; black powder and hazard category PE 1 black powder substitutes which may be classified as Type P.1 in the Act; smokeless black powder and hazard category PE 3 black powder substitutes which may be classified as Type 2 P.2 in the Act; initiation systems classified as Type I under the Act such as blasting accessories; and detonating cord classified as Type E.1 under the Act;
  - d. "Firecrackers", which are pyrotechnic devices that explode when ignited and do not make any subsequent display or visible effect after exploding, and which include those devices commonly known as Chinese Firecrackers. For the purposes of this By-law, Christmas crackers, caps used in cap pistols, safety flares and marine rockets shall not be considered Firecrackers, and
  - e. "Prohibited Fireworks", which include, but are not limited to, cigarette loads or plugs, exploding matches, sparkling matches, ammunition for miniature tie clip, cufflink or key chain pistols, auto alarms or jokers, "cherry bombs", M-80 and silver salutes and flash crackers, throw down and step on torpedoes, cracking balls, exploding golf balls, stink bombs and smoke bombs, tear gas pens and launchers, party poppers and table bombs, table rockets and battle skyrockets, fake firecrackers and other trick devices or practical jokes, as included on the most recent list of prohibited Fireworks as published from time to time by the Explosives Regulatory Division of Natural Resources Canada, or its successor;
- 1.6. "FPPA" means the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4 and the Regulations enacted hereunder, as amended from time to time, or any Act or Regulations enacted in substitution therefore;
- 1.7. "Officer" means Municipal Law Enforcement Officer employed by the Town or a member of the York Regional Police Service with authority to enforce this By-law;
- 1.8. "Permit" means written permission to hold a Fireworks display issued by the Town pursuant to this By-law and signed by the Fire Chief or the Assistant to the Fire Marshall;
- 1.9. "Person" includes a natural Person or his legal representative (including, if such Person is a minor, his parent or guardian), a

corporation, partnership or other form of business association, and a receiver or mortgagee in possession;

- 1.10. "Pyrotechnician" means a Person who is certified under the Act as a Theatrical User, an Assistant, a Pyrotechnician or a Special Effects Pyrotechnician and is qualified to purchase and supervise the display of Pyrotechnic Special Effect Fireworks under the Act;
- 1.11. "Sale" includes all attempts or offers to sell or invitations to purchase, whether by expressed act or implication;
- 1.12. "Town" means The Corporation of the Town of Whitchurch-Stouffville and or the geographic area within the Town of Whitchurch-Stouffville, as the context requires.

## **2. SALE PROHIBITION**

- 2.1. No Person shall sell or offer for Sale at retail in the Town any Fireworks of any kind or description whatsoever on any day during the year.

## **3. FAMILY FIREWORKS**

- 3.1. No Person shall set off Family Fireworks in the Town.

## **4. DISPLAY FIREWORKS**

### Display Fireworks Offences

- 4.1. No Person shall set off or hold a display of Display Fireworks in the Town without a Permit issued by the Town and signed by the Fire Chief or an Assistant to the Fire Marshal.
- 4.2. No Person shall set off or hold a display of Display Fireworks at a date, time or site other than that specified in the Permit.
- 4.3. No Person shall set off or hold a display of Display Fireworks without the written permission of the owner of the site upon which the setting off or display of Display Fireworks is to be held or an authorized representative thereof, or without the written permission of the owner of all neighbouring lands upon which debris may be reasonably expected to fall or an authorized representative thereof.
- 4.4. Every Person to whom a Display Fireworks Permit is issued shall permit the inspection of the Display Fireworks themselves, any equipment to be used in connection with same, and any site where the Display Fireworks are stored, set off or displayed by anyone authorized to enforce this By-law forthwith upon demand.
- 4.5. No Person who is not the holder of a valid Fireworks Supervisor's Card shall set off any Display Fireworks.
- 4.6. The Fireworks Supervisor who is named on the Permit application shall be Personally present at the display and at all times during which the display is being set up, fired and cleaned up, and shall perform test firing as required by the Fire Chief.

- 4.7. No Person shall set off Display Fireworks into, inside of or on any building, structure or motor vehicle.
- 4.8. No Person shall set off Display Fireworks within three hundred (300) metres of any place where explosives, gasoline or other highly inflammable substances are manufactured or stored in bulk.
- 4.9. No Person shall set off Display Fireworks within one hundred and fifty (150) metres of a nursing home, public hospital or home for the aged.
- 4.10. No Person shall set off Display Fireworks within one hundred and fifty (150) metres of a church or a school unless the consent in writing of the owner of such church or school, or of an authorized agent or representative of such owner, is first obtained.
- 4.11. No Person shall set off or display, Display Fireworks in a manner that creates or may create a nuisance, an unsafe condition, danger from fire, or risk of accident, injury or damage to or in respect of any Person, property or thing.
- 4.12. Every person holding a Display Fireworks Permit issued pursuant to this By-law shall:
  - a. supervise the display of Display Fireworks,
  - b. provide and maintain fully operational fire extinguishing equipment ready for immediate use,
  - c. comply at all times with the provisions of the Act, the FPPA and the Display Fireworks Manual published by Natural Resources Canada or any successor publication,
  - d. ensure that all debris and unused Fireworks are removed from the site, and
  - e. observe such other conditions as are specified by the Fire Chief.
- 4.13. No Permit holder shall discharge Display Fireworks except in accordance with the conditions of the Permit issued to him.
- 4.14. Every holder of a Display Fireworks Permit shall produce his Permit upon being so directed by the Fire Chief or an Officer.

#### Display Fireworks Permit Requirements

- 4.15. Any Person eighteen (18) years of age or over who is duly authorized and approved under the Act as a Fireworks Supervisor by the Chief Inspector of Explosives may make application in writing to the Town's Fire Chief for a Permit to set off or hold a display of Display Fireworks.
- 4.16. Display Fireworks Permits shall specify the location where such Fireworks are to be set off, the type and kind of Fireworks which may be set off, the methods and means which may be used to set off the Fireworks, the manner and means of restraining unauthorized Persons from attending too near the location where the Display Fireworks are being set off, the manner in which unused Fireworks are to be disposed

of, and the number of Persons authorized to handle and set off the Fireworks, all of whom shall be responsible and competent individuals at least eighteen years of age.

- 4.17. Every application for a Display Fireworks Permit shall include a description of the site to be used for the setting off of the Display Fireworks that is sufficient to identify and locate the site, and where more than one site is proposed; a separate application shall be made for each site. The submission of the site description is required a minimum of thirty (30) days prior to the date when the Display Fireworks are to be set off.
- 4.18. A minimum of fifteen (15) days prior to the date when the display Fireworks are to be set off, the applicant shall submit to the Fire Chief the firing sequence for the Display Fireworks.
- 4.19. If a Display Fireworks is to be held in or on any public highway, street, lane, square or other public place which members of the public use or may use at any time, the approval of an "Assistant to the Fire Marshall" must be obtained during the Permit process.
- 4.20. Every Display Fireworks Permit shall specify the name of the applicant, the name of the sponsoring organization, if applicable, the date and time of the display, a sufficient description of the site upon which the setting off or display of Display Fireworks is to be held to enable it to be identified and located, the purpose of the display, and the name of the Person under whose supervision the display is to be held.
- 4.21. Every application for a Display Fireworks Permit shall include proof of insurance and identification in accordance with Section 6 and 7 of this By-law.

## **5. PYROTECHNIC SPECIAL EFFECT FIREWORKS**

### Pyrotechnic Special Effect Fireworks Offences

- 5.1. No Person shall discharge or hold a display of Pyrotechnic Special Effect Fireworks in the Town without a Permit issued by Town and signed by the Fire Chief or an Assistant to the Fire Marshal.
- 5.2. Every person holding a display of Pyrotechnic Special Effects Fireworks Permit issued pursuant to this By-law shall:
  - a. discharge and supervise the display of Pyrotechnic Special Effects Fireworks,
  - b. provide and maintain fully operational fire extinguishing equipment ready for immediate use,
  - c. comply at all times with the requirements of the Act, the FPPA and the Pyrotechnic Special Effects Manual published by Natural Resources Canada or any successor publication,
  - d. ensure that all debris and unused Fireworks are removed from the site, and

- e. observe other conditions as are specified by the Fire Chief.
- 5.3. No Permit holder shall discharge Pyrotechnic Special Effects Fireworks except in accordance with the conditions of the Permit issued to him.
- 5.4. Every holder of a Pyrotechnic Special Effects Fireworks Permit shall produce his Permit upon being so directed by the Fire Chief or an Officer.

Pyrotechnic Special Effect Fireworks Permit Requirements

- 5.5. Every application for a Permit pursuant to this Section 5 shall be made to the Fire Chief a minimum of thirty (30) days prior to the event where the proposed discharge of Pyrotechnic Special Effect Fireworks is to occur, and shall contain:
- a. a description of the event, including,
    - i. a site plan of the facility where the event is to take place, which shall depict the stage and the Pyrotechnic Special Effect Fireworks storage area,
    - ii. a list of all the Pyrotechnic Special Effect Fireworks to be employed,
    - iii. the location of all Pyrotechnic Special Effects Fireworks,
    - iv. the height, range of effect, fallout and duration of the display of Pyrotechnic Special Effects Fireworks
    - v. the sequence of firing,
    - vi. the location of the audience and all exits, and
    - vii. the date and time of the proposed event.
  - b. a description of the fire emergency procedure;
  - c. the name and address of the applicant and the sponsoring business or organization, if applicable;
  - d. proof of certification of the applicant as a Pyrotechnician;
  - e. proof of insurance and indemnification in accordance with Sections 6 and 7 of this By-law;
  - f. the written permission of the owner of the site upon which the display is to be held or an authorized representative thereof;
  - g. the purpose of the display; and
  - h. such other information as is required by the Fire Chief.

**6. INSURANCE**

- 6.1. Every applicant for a Pyrotechnic Special Effects Fireworks Permit or a Display Fireworks Permit shall provide and maintain Commercial General Liability insurance subject to limits of not less than Five Million Dollars (\$5,000,000.00) inclusive per occurrence for bodily injury, death and damage to property, including loss of use thereof.
- 6.2. Such insurance shall be in the name of the applicant, shall name The Corporation of the Town of Whitchurch-Stouffville and The Regional

Municipality of York, where applicable, as additional named insureds. Such insurance shall include coverage for displays of Pyrotechnic Special Effects Fireworks or Display Fireworks.

- 6.3. The policy with respect of such insurance shall contain a term obliging the insurer to provide the Town with thirty (30) days prior written notice of cancellation or of a material change that would diminish coverage.
- 6.4. A Certificate of Insurance evidencing such insurance coverage shall be provided to the Town prior to the issuance of a Permit under this By-law.

## **7. INDEMNIFICATION**

- 7.1. The applicant shall indemnify and save harmless the Town from any and all claims, demands, causes of action, losses, costs and damages that the Town may suffer, incur or be liable for as a result of any Fireworks display for which a Permit is required under this By-law.

## **8. OFFENCE AND PENALTY**

- 8.1. Every Person who contravenes any provision of this By-law is liable for the fines and administrative fees set out under the Administrative Monetary Penalty System By-law 2024-039-RE, as amended or replaced from time to time.
- 8.2. Every Person who is in contravention of the provisions of this By-law may request a review of the matter in accordance with the Administrative Monetary Penalty System By-law 2024-039-RE, as amended or replaced from time to time.
- 8.3. Every person who contravenes any provision of this By-law, including an Order issued under this By-law, is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended

## **9. INTERPRETATION**

- 9.1. In this By-law, unless the context otherwise requires, words importing the singular number shall include the plural, words importing the masculine gender shall include the feminine, and words importing the feminine gender shall include the masculine.

## **10. SEVERABILITY**

- 10.1. Every provision of this By-law is declared to be severable from the remainder of the By-law, and if a court of competent jurisdiction shall declare any provision of this By-law invalid, such declaration shall not affect the validity of the remainder hereof.

## **11. SHORT TITLE**

- 11.1. This By-law may be referred to as the "Fireworks By-law".

**12. REPEAL**

12.1. That By-law 2019-077-FR is hereby repealed.

READ a first and second time this 5<sup>th</sup> day of March, 2025.

READ a third time and passed this 5<sup>th</sup> day of March, 2025.

---

Iain Lovatt, Mayor

---

Becky Jamieson, Clerk

DRAFT