

THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE

BY-LAW NUMBER 2025-024-FR

BEING A BY-LAW to prohibit the sale of fireworks and the discharge of family fireworks, and to regulate the holding of 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; and

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; and

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; and

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; and

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; and

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*, S.O. 1997, c. 4 as amended;
- 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 are 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 thereunder, as amended from time to time, or any Act or Regulations enacted in substitution therefore;
- 1.7. "Officer" means a 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 Discharge Fireworks that is 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, people, or their legal representative (including, if such Person is a minor, their parent or guardian), a corporation, partnership or other form of business association, and a receiver or mortgagee in possession;
- 1.10. "Pyrotechnician" means an individual 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. "Structure" means anything man-made that is fastened to or into the earth or another structure, or rests on the earth by its own mass, and includes the several components thereof if there are more than one;
- 1.13. "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 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 Discharge Family Fireworks in the Town.

4. DISPLAY FIREWORKS

Display Fireworks Prohibitions

- 4.1. No Person shall Discharge 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 Discharge Display Fireworks at a date, time or site other than that specified in the Permit.
- 4.3. No Person shall Discharge 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, and without the written permission of the owner of all lands upon which debris may be reasonably expected to fall or an authorized representative thereof.
- 4.4. Every Person to whom a Permit for Display Fireworks 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, Discharged or displayed, by anyone authorized to enforce this By-law forthwith upon demand.
- 4.5. No Person shall Discharge any Display Fireworks unless they have a valid Fireworks Supervisor's Card.
- 4.6. The individual identified as the fireworks supervisor in the Permit application shall be personally present at the display and at all times during which the display is being set up, Discharged and cleaned up, and shall perform test firing as required by the Fire Chief.
- 4.7. A Person shall not Discharge Display Fireworks into, inside of, or on any building, Structure or motor vehicle.

- 4.8. No Person shall Discharge Display Fireworks within three hundred (300) metres of any place where explosives, gasoline or other inflammable substances are manufactured or stored in bulk.
- 4.9. No Person shall Discharge Display Fireworks within one hundred and fifty (150) metres of a Hospital, Senior Citizens' Home, or Long Term Care Home, as defined in the Town's Zoning By-law, as amended.
- 4.10. No Person shall Discharge Display Fireworks within one hundred and fifty (150) metres of a Place of Worship or a School, as defined in the Town's Zoning By-law, as amended, without first obtaining consent in writing from the owner, authorized agent or representative of that place.
- 4.11. No Person shall Discharge 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 Permit holder shall:
 - a. Supervise the Discharge 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; and
 - e. Observe such other conditions as are specified by the Fire Chief.
- 4.13. A Permit holder shall ensure that Display Fireworks are Discharged in accordance with the conditions of the Permit.
- 4.14. A Permit holder shall produce their Permit upon being so directed by the Fire Chief or an Officer.

Display Fireworks Permit Requirements

- 4.15. An individual may make an application in writing to the Town's Fire Chief for a Permit to Discharge Display Fireworks so long as they are at least eighteen (18) years of age and duly authorized and approved under the Act as a Fireworks Supervisor.
- 4.16. A Permit holder shall ensure that the information in the Permit and application is correct, current and complied with. This includes the location where such Fireworks are to be Discharged, the type and kind of Fireworks which may be Discharged, the methods and means that may be used to Discharge the Fireworks, the manner and means of restraining unauthorized individuals from attending too near the firing location and fallout zone, the manner in which unused Fireworks are to be disposed of, and the number of individuals authorized to handle and Discharge the Fireworks, all of whom shall be responsible and competent individuals of at least eighteen years of age. Any proposed changes to the Permit information must be disclosed to the Fire Chief immediately and not acted upon until approved.

- 4.17. Every application for a Permit for Display Fireworks shall include a description of the site to be used for the Discharge of the Display Fireworks that is sufficient to identify and locate the site. 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 Discharged.
- 4.18. An applicant for a Permit for Display Fireworks shall submit the proposed firing sequence to the Fire Chief a minimum of fifteen (15) days prior to the date when the Display Fireworks are to be Discharged.
- 4.19. If Display Fireworks are to be Discharged 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 Marshal must be obtained during the Permit process.
- 4.20. The holder of a Permit for Display Fireworks shall ensure that the information on the Permit is correct and current, including: 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 Discharge 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 Permit for Display Fireworks shall include proof of insurance and indemnification in accordance with Sections 6 and 7 of this By-law.

5. PYROTECHNIC SPECIAL EFFECTS FIREWORKS

Pyrotechnic Special Effect Fireworks Prohibitions

- 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. Any Person issued a Pyrotechnic Special Effects Fireworks Permit shall:
 - a. Discharge and supervise the Discharge 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 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; and
 - e. Observe such other conditions as are specified by the Fire Chief.
- 5.3. A Person may only Discharge Pyrotechnic Special Effects Fireworks in accordance with the conditions of an issued Permit.

- 5.4. Every holder of a Pyrotechnic Special Effects Fireworks Permit shall produce their Permit upon being so directed by the Fire Chief or an Officer.

Pyrotechnic Special Effects Fireworks Permit Requirements

- 5.5. An application for a Permit 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 written permission of the owner of any site which is reasonably expected to be within the fallout zone or an authorized representative thereof;
 - h. The purpose of the display; and
 - i. Such other information as may be required by the Fire Chief.

6. INSURANCE

- 6.1. Every applicant 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 and 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 insurance policy 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. In the event that coverage is inadequate or lapses, the Permit shall be revoked,
- 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, defend and save harmless the Town, its elected officials, employees, contractors, agents, assigns and any other Persons for whom the Town may be responsible in law (the "Indemnified Persons") from and against any and all claims, suits, demands, causes of action, losses, costs and damages that the Town and the Indemnified Persons 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. NON-COMPLIANCE

- 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 pay a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.
- 8.4. Whether non-compliance is addressed through an AMPS penalty or a charge under the Provincial Offences Act shall be determined by the Officer at their sole discretion. Such factors to be considered when making this determination include, but are not limited to, the degree of the non-compliance, whether there is a history of non-compliance, whether property damage occurred, and whether human life or safety was put at risk.

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.

13. IMPLEMENTATION

13.1. That this By-law shall come into force and effect on the 16th of April 2025.

READ a first and second time this 2nd day of April, 2025.

READ a third time and passed this 2nd day of April, 2025.

Iain Lovatt, Mayor

Becky Jamieson, Clerk