

THE CORPORATION OF THE TOWNSHIP OF NIPISSING

BY-LAW NO. 2017-03

Being a by-law to regulate the setting off of fireworks.

AND WHEREAS Section 121 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended provides that a local municipality may pass a by-law to prohibit and regulate the setting off of fireworks;

AND WHEREAS Section 7.1(1) of the Fire Protection and Prevention act, 1997, S.O. 1997, c. 4, as amended provides that a council of a municipality may pass by-laws regulating fire prevention, including the prevention of spreading fires;

NOW THEREFORE the Council of the Township of Nipissing enacts as follows: -

1. For the purposes of this by-law, the following definitions shall apply:

*"Burn Ban"* means a time frame declared by the Ministry of Natural Resources and Forestry or by the Fire Chief when no open air burning is permitted within the Township of Nipissing.

*"Consumer Fireworks"* means an outdoor, low hazard, recreational firework that is classed as a subdivision 1 of Division 2 of Class 7 Fireworks under the Explosives Act and includes fireworks showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, volcanoes, and sparklers but does not include Christmas crackers and caps for toy guns containing not in excess of twenty-five one-hundredths of a grain of explosive used per cap. This type of fireworks may also be referred to as *"family fireworks"*.

*"Fire Chief"* means the Fire Chief appointed by the Corporation of the Township of Nipissing.

2. This by-law shall apply to all land within Township of Nipissing.

3. No person(s) or owner(s) of land shall:

- a) Discharge consumer fireworks unless a fireworks permit has been obtained, a copy of which is attached hereto as "Appendix A". Fireworks permits shall be obtained from the Township of Nipissing office prior to the shooting of fireworks with an annual permit available to be renewed by the first day of April each year.
- b) Discharge consumer fireworks except between sunset and 11:00 p.m.
- c) Set off or discharge fireworks on any land of which he/she is not the registered owner.
- d) No person shall discharge consumer fireworks into, inside of, or on any building, accessory building, structure, or motor vehicle.
- e) No person shall discharge consumer fireworks during an imposed burn ban or in a restricted fire zone.
- f) Flying lanterns, or any devices that rely on an open flame or any burning fuel source, to heat the air inside the lantern and then release the device into the air, are prohibited.

4. Every person to whom a permit is issued for the discharge of fireworks shall immediately after the conclusion of the setting off or discharge of fireworks, carry out a site inspection and remove all unused or partly used fireworks from the site and dispose of or store accordingly.


5. If the Township of Nipissing Fire Department is called to respond to a fire resulting from the shooting of fireworks, the person lighting the fireworks and the owner of the property on which the fireworks were lit, shall forthwith pay, upon demand, the costs incurred by the Township of Nipissing Fire Department including the personnel, equipment and apparatus necessary to extinguish any fire resulting from the shooting of fireworks contrary to this by-law or contrary to any permit issued under this by-law by paying the fees as follows:


- a) for a fire resulting from the shooting of fireworks, be liable for costs incurred by the fire department, at a rate of \$225.00 per half hour (30 minutes) for each firefighting apparatus.

- b) Recovery of costs incurred by the Township to execute a fire protection agreement, retain the services of private contractors, rent special equipment, preserve property or evidence or in order to eliminate an emergency risk or risk of an emergency situation as stipulated in the User Fees By-Law in effect.
6. If any person fails to pay the fees set out above, forthwith upon demand, the amount of the fee in default may, in addition to any other remedies the Township of Nipissing may have, be recovered by the Corporation of the Township of Nipissing in like manner as municipal taxes in accordance with Section 398(2)2 of the Municipal Act S.O. 2001, c.25, against the owner of the land, if the owner lit the fireworks or allowed the fireworks to be lit, in violation of this by-law or any permit issued under this by-law.
7. Every person who contravenes any provision of this by-law is guilty of an offense and may be charged in accordance with the terms of the Fire Protection and Prevention Act as amended, Part 2 subsection 2.6.3.4. of the Ontario Fire Code, in addition to the requirement to pay the fees set out above; or may be charged with an offence under the Provincial Offences Act under this by-law.
8. By-Law 2012-26 is hereby repealed. This by-law shall come into force on the date of passing.

READ A FIRST TIME THIS 3<sup>RD</sup> DAY OF JANUARY, 2017.

READ A SECOND AND THIRD TIME AND PASSED THIS 3<sup>RD</sup> DAY OF JANUARY, 2017.

  
\_\_\_\_\_  
TOM PIPER, MAYOR

  
\_\_\_\_\_  
CHARLES BARTON, CAO-CLERK

**CORPORATION OF THE TOWNSHIP OF NIPISSING**

**Fireworks Permit No. 2017-0000  
BY-LAW NO. 2017-03  
FIRE EMERGENCY NUMBER 911**

Name: \_\_\_\_\_  
(**MUST** be a registered owner of the property)

Address: \_\_\_\_\_  
(Legal Description is required where a 911 or Civic address does not exist)

Phone Number: \_\_\_\_\_  
(Contact Number to be used during firework events)

Email Address: \_\_\_\_\_

Subject to the following terms and conditions:

- ❖ The permittee shall keep the permit at the site of the fireworks show conducted under the permit.
- ❖ The person in charge of the shooting of fireworks conducted under the permit shall produce and show the permit to any officer whenever requested by that officer.
- ❖ The discharge of consumer fireworks is limited to between sunset and 11:00 p.m. each day with the exception of December 31<sup>st</sup> where the times shall be between sunset and 1:00 a.m. January 1<sup>st</sup>.
- ❖ The discharge of consumer fireworks into, inside of, or on any building, accessory building, structure, or motor vehicle is prohibited.
- ❖ The discharge of consumer fireworks during an imposed burn ban or in a restricted fire zone is prohibited.

**COST OF ACTION:** If the Township of Nipissing Fire Department is called to respond to a fire resulting from the shooting of fireworks, the person lighting the fireworks and the owner of the property on which the fireworks were lit, shall forthwith pay, upon demand, the costs incurred by the Township of Nipissing Fire Department including the personnel, equipment and apparatus necessary to extinguish any fire resulting from the shooting of fireworks contrary to this by-law or contrary to any permit issued under this by-laws.

Recovery of costs incurred by the Township to execute a fire protection agreement, retain the services of private contractors, rent special equipment, preserve property or evidence or in order to eliminate an emergency risk or risk of an emergency situation as stipulated in the User Fees By-Law in effect.

**INDEMNITY**

**Please read By-Law 2017-03 regulating Fireworks, prior to signing.**

In consideration of the Corporation of the Township of Nipissing issuing a permit for the setting off of fireworks, I undertake to indemnify the Corporation of the Township of Nipissing against any liability incurred by it for any costs or expenses in controlling or extinguishing any fire contemplated by this permit and against all losses, costs, charges and expenses which the Corporation of the Township of Nipissing may incur in consequences thereof.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Printed Name: \_\_\_\_\_

Signature of Permittee \_\_\_\_\_

**OFFICE USE ONLY**

Application Date Received: \_\_\_\_\_

Approved Permit Issue Date: \_\_\_\_\_

Approved by: \_\_\_\_\_

Approval Signature: \_\_\_\_\_

Expiry Date: \_\_\_\_\_