

THE CORPORATION OF THE TOWNSHIP OF MACHAR

BY-LAW NO. 18-21

Being a By-Law to regulate setting off fireworks.

WHEREAS Section 121, Subsection (a) of the *Municipal Act, 2001, S.O. 2001, c. 25 as amended*, provides that a local municipality may prohibit and regulate setting off Fireworks;

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

Now Therefore the Council of the Corporation of the Township of Machar hereby enacts as follows:

1. Title

This By-law shall be known and may be cited as the “The Fireworks By-law.” In the text of the By-law, it is referred to as “this By-law.”

2. Definitions

‘Display Fireworks’ means an outdoor, high-hazard firework that is designed for professional use only. They include items like aerial shells, cakes, roman candles, waterfalls, lances and wheels. Display Fireworks are strictly regulated by Federal Law.

‘Fireworks’ means Display Fireworks, Pyrotechnic special effect fireworks and Consumer Fireworks.

‘Pyrotechnics’ are high-hazard and designed for professional use. They include items like gerbs, mines, comets and crossette fireworks, as well as special-purpose pyrotechnics made for live stage performances and the film television industry. Pyrotechnics are strictly regulated by Federal Law.

‘Weekend’ means the period from Friday 8pm through Sunday 11 pm.

‘Flying Lantern’ is also commonly referred to as sky lanterns or Chinese lanterns and is a lantern with a paper shell and wire frame that holds a fuel source. When the fuel source is lit, the lantern fills with air and floats into the sky.

3. General

3.1 No person shall set off Fireworks within the Township of Machar at any time except as follows:

- a) New Year’s Eve – between 8 pm and 11 pm;
- b) Victoria Day – between 8 pm and 11 pm, on the statutory holiday and the weekend directly before it;
- c) Canada Day – between 8 pm and 11 pm on Jul 1, and the weekend directly before and after it;
- d) Civic Holiday – between 8 pm and 11 pm on the statutory holiday and the weekend directly before it;
- e) Labour Day – between 8 pm and 11 pm on the statutory holiday and the weekend directly before it;

3.2 No person shall set off any firework in, on or onto any building, highway, sidewalk, Municipal Park or Municipal property without permission.

3.3 Property damage or injury as a result of the discharge of Fireworks shall be the responsibility of the person and/or organization setting off the Fireworks.

3.4 No person shall set off any Flying Lantern.

3.5 No person shall discharge any fireworks during a fire ban.

4. Enforcement

4.1 An Officer may at any time, enter onto lands to determine whether this By-law is being complied with.

4.2 Every owner shall permit the Officer to inspect any land for the purposes of determining compliance with this By-law.

4.3 No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law.

4.4 Any person who has been alleged to have contravened any of the provisions of this By-law, shall identify themselves to the Officer upon request, failure to do so shall be deemed to have obstructed or hindered the Officer in the execution of his duties.

5. PENALTY

5.1 Any person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine provided for in the Municipal Act, 2001, S.O. 2001, c. 25, as amended.

5.2 Any person who contravenes any of the provisions of this By-law is guilty of an offence and, upon conviction, is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, Chapter P33, as amended.

6. VALIDITY AND SEVERABILITY

6.1 Should any section, subsection, clause, paragraph or provision of this By-law be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof, other than the Part so declared to be invalid.

7. EFFECTIVE DATE

7.1 This By-law shall come into full force and take effect upon the date of passing.

Read a first, second and third time and passed this 13th day of Sep 2021.

Original Signed by _____

Lynda Carleton, Mayor

Original Signed by _____

Brenda Paul, Clerk Administrator

Schedule "A" to By-law No. 18-21

SCHEDULE OF OFFENCES

Item	<u>COLUMN 1</u> Short Form Wording	<u>COLUMN 2</u> Provision Creating or Defining Offence	<u>COLUMN 3</u> <u>Set Fine</u>
1.	Discharge fireworks outside of prescribed time	3.1	300.00
2.	Discharge fireworks in prohibited area	3.2	300.00
3.	Set off Flying Lantern	3.4	300.00
4.	Discharge fireworks during fire ban	3.5	300.00

NOTE: The general penalty provision for the offences listed above is Section 5.2 of By-law No. 18-21 . A certified copy of which has been filed.