

# The Corporation of the City of Pembroke

## By-law Number 2020-75

### A By-law to regulate Fireworks within the City of Pembroke

**Whereas** the Municipal Act, 2001, S.O. 2001, provides that Council may prohibit and regulate the sale of fireworks and the setting off of Fireworks; and

**Whereas** the Municipal Act, 2001, as amended further provides a local municipality may prohibit the sale and setting off of fireworks 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.

**Now Therefore** the Municipal Council of the Corporation of the City of Pembroke enacts as follows:

#### 1. Definitions

- 1.1 “Authority having jurisdiction” means the Chief of the City of Pembroke Fire Department or designate certified by the Explosives Regulatory Division (ERD) of Canada
- 1.2 “Consumer Firework” means an outdoor low hazard article designed for recreational use by the public. These fireworks are sometimes referred to as family fireworks and are classified as a Class 7, Division 2, Subdivision 1 firework under the *Explosives Act*
- 1.3 “Corporation” means the Corporation of the City of Pembroke
- 1.4 “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 similar meaning
- 1.5 “Display firework” means an outdoor high hazard firework article designed for use by professionals, usually at public gatherings or for Public Fireworks Displays. These fireworks are classed as a Class 7, Division 2, Subdivision 2 firework under the *Explosives Act*.
- 1.6 “Firecracker” means any class of Fireworks that explodes when ignited and does not make any significant display or visible effect.
- 1.7 “Fireworks” means display fireworks, pyrotechnic special effects fireworks, and consumer fireworks
- 1.8 “Fireworks supervisor” means the person who is qualified under the *Explosives Act* to conduct display fireworks and purchase display fireworks. This includes being responsible for display approval and is a position of primary liability in the event of a mishap
- 1.9 “Public Fireworks Display” means an exhibition of Fireworks in an open air assembly, occupancy to which the public is invited, attends or admitted, with or without a fee being charged.

#### 2. Administration

This by-law shall be administered by the Fire Chief or designate or by a By-law Enforcement Officer of the City of Pembroke.

#### 3. General Provisions

- 3.1 No person shall sell, give or distribute fireworks to any person under the age of 18 or any person who appears to be under 18 years of age and does not produce evidence that he/she is 18 years of age or older.

- 3.2 No person under the age of eighteen (18) shall be permitted to handle or use fireworks.
- 3.3 No person shall set off any Fireworks except on the following days and only between dusk and 11:00 p.m.:
  - Victoria Day and the two days preceding and following Victoria Day and,
  - Canada Day and the two days preceding and following Canada Day.
- 3.4 Every person shall ensure that all fireworks displayed for sale are mock samples only and do not contain explosive composition.
- 3.5 No person shall set off any Fireworks in, or onto any building, highway, sidewalk, municipal park or municipal property.
- 3.6 No person shall use, set off or allow to be used or set off any Fireworks in such a place or in such a manner as might create danger or constitute a nuisance to any person or property, or to do or cause or allow any unsafe act of commission or omission at the time and place for the setting off of any Fireworks.

#### **4. Firecrackers**

- 4.1 No person shall display, sell or offer for sale any firecrackers
- 4.2 No person shall discharge, fire or set off, or cause to be discharged, fired or set off, any firecrackers.

#### **5. Permits for Public Fireworks Display**

- 5.1 No person shall conduct a Public Fireworks Display without first obtaining a permit. A permit may be issued by the Authority having jurisdiction, for a Public Fireworks Display on any land if the requirements listed in this section are met.
- 5.2 Only fireworks supervisors shall be eligible to apply for a permit for a public fireworks display.
- 5.3 The application for a permit shall be made at least thirty (30) days prior to the date on which it is desired to hold the display of exhibition fireworks.
- 5.4 Filed with the application form shall be a current and up to date site plan with dimensions showing:
  - a. The location of the proposed Public Fireworks Display.
  - b. The access to be provided for fire and emergency vehicles.
  - c. The free zone area of clear distance between the point of launch and an occupied area.
- 5.5 Filed with the application shall be a statement of the safety measures being implemented.
- 5.6 Filed with the application form shall be a Certificate of Liability Insurance certifying the permit being applied for is insured against general liability and property damage claims, in the minimum amount of Five Million Dollars (\$5,000,000.00) inclusive for any one occurrence. Said policy shall name The Corporation of the City of Pembroke as an additional insured. Said policy shall be endorsed to provide that the policy will not be altered, cancelled or allowed to lapse without ten (10) days' prior written notice to the Corporation.

- 5.7 The permit may be suspended or revoked by the Authority having jurisdiction if the conditions of the permit are not being met or it would be unsafe to allow the Public Fireworks Display.
- 5.8 All unused fireworks and all debris shall be removed by the group holding the display immediately following its conclusion.

## **6. Exemption**

It is hereby declared for greater clarity that on Victoria Day or Canada Day on land belonging to a private residence, occupied by the owner, tenant or an authorized person of the residence, that the setting off of Fireworks for their own personal display shall not be deemed to a Public Fireworks Display.

## **7. Validity**

Should any section, subsection, clause, paragraph or provision of this By-law be declared by a Court of competent jurisdiction to be invalid or illegal for any other reason, such offending section or part shall be deemed to have been severed from this By-law and the remaining sections or parts shall continue in full force and effect and shall remain valid and binding,

## **8. Previous By-law Rescinded**

That By-law 73-38 and any other by-law inconsistent with the provisions contained in this by-law are hereby repealed.

## **9. Offence and Penalty**

- 9.1 Every person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to the penalties specified in accordance with the *Provincial Offences Act*, R.S.O. 1990, as amended from time to time, or any successor legislation thereto.
- 9.2 Any person convicted of an offence under this by-law is liable to a fine as set out under Schedule "A" of set fines as imposed under this by-law.

## **10. Effective Date**

That this by-law shall come into force and take effect upon the date of the final passing thereof.

**Passed and Enacted  
This 17<sup>th</sup> Day of November 2020**

Michael LeMay  
Mayor

Terry Lapierre  
Chief Administrative Officer/Clerk

**The Corporation of the City of Pembroke**

**Schedule "A" – Set Fines**

**By-law 2020-75: Regulate Fireworks By-law**

**Part 1 Provincial Offences Act**

<b>Item Number</b>	<b>Column 1 Short Form Wording</b>	<b>Column 2 Provisions creating or defining offence</b>	<b>Column 3 Set Fines</b>
1	Sell or distribute fireworks to a person under 18	3.1	\$500.00
2	Discharge or handle fireworks while under the age of 18	3.2	\$500.00
3	Discharge fireworks on prohibited day and/or time	3.3	\$500.00
4	Improperly displaying of fireworks for sale	3.4	\$500.00
5	Discharge fireworks in or onto a building	3.5	\$500.00
6	Discharge fireworks on or onto a roadway, sidewalk, municipal park or municipal property	3.5	\$500.00
7	Discharging fireworks in a manner to create a danger or nuisance	3.6	\$500.00
8	Sell or offer for sale any firecrackers	4.1	\$500.00
9	Discharging firecrackers	4.2	\$500.00
10	Conducting a Public Fireworks Display without permit	5.1	\$500.00

Note: The penalty provision for the offences indicated above is Section 9 of City of Pembroke's By-law 2020-75 and section 61 of the *Provincial Offences Act*, R.S.O. 1990, c. P.33.