

The Corporation of the Town of Atikokan

By-Law No. 30-17

Being a by-law to provide for the sale of fireworks and the setting off of fireworks and pyrotechnics within the Town of Atikokan, and for requiring a permit and imposing conditions.

WHEREAS Section 120 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended provides that a local municipality may,

- a) Prohibit and regulate the manufacture of explosives in the municipality;
- b) Prohibit and regulate the storage of explosives and dangerous substances in the municipality;
- c) Regulate the keeping and transportation of explosives and dangerous substances in the municipality; and further that a by-law may prohibit the manufacture or storage of explosives unless a permit is obtained, and may impose conditions of obtaining or continuing to hold and renewing the permit, including requiring the submission of plans; and

WHEREAS Section 121 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended provides that a local municipality may prohibit and regulate the sale of fireworks and the setting off of fireworks, and further that a by-law may prohibit those activities unless a permit is obtained for those activities and may impose conditions for obtaining, continuing to hold and renewing the permit, including requiring the submission of plans; 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 Corporation of the Town of Atikokan **ENACTS AS FOLLOWS:**

1. DEFINITIONS:

“Act” means the *Explosives Act*, Revised Statutes of Canada, 1985, Chapter E-17, and the Regulations enacted thereunder as amended from time to time or any Act and Regulations enacted in substitution therefore;

“Authorized Persons” means as the context requires: (a) in the case of display fireworks, those persons certified under the Act working under the direct supervision of the Fireworks Supervisor; and (b) in the case of special effect pyrotechnics, working under the direct supervision of the pyrotechnician;

“Town” means the municipality of The Corporation of the Town of Atikokan;

“Consumer firework” means low hazard fireworks generally used for recreation, which may be classified as type F.1 explosives under the Act, including: showers, golden rain, lawn lights, pinwheels, roman candles, and volcanoes, but does not include Christmas crackers or sparklers containing less than 2 mg of explosive substance;

“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 similar meaning;

“Display firework” means high hazard fireworks generally used for a public display, which may be classified as type F.2 explosives under the Act, including: rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, bombardos, waterfalls, fountains, batteries, illumination, set pieces and pigeons, but does not include firecrackers;

“Display of display fireworks” means a display of display fireworks which may include consumer fireworks;

“Fire Chief” means the Chief of Atikokan Fire Rescue of the Town or authorized designates;

“Firecracker” means a pyrotechnic device that explodes when ignited and does not make any subsequent display or visible effect after the explosion, and includes those devices commonly known as Chinese firecrackers;

“Fireworks Supervisor” means a person who is a “display supervisor in charge” under the Act;

“FPPA” means the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4, as amended, and the Regulations enacted thereunder as amended from time to time or any Act and Regulations enacted in substitution therefore;

“Prohibited firework” includes trick fireworks such as cigarette loads or plugs, dancing crackers, exploding golf balls, exploding matches, sparking 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 torpedoes and cracking balls, stink bombs and smoke bombs, tear gas pens and launchers, party poppers and table bombs, table rockets and bottle sky rockets, and fake firecrackers;

“Pyrotechnician” means a person who is a “pyrotechnician in charge” under the Act;

“Sell” includes the offer for sale, cause or permit to be sold and to possess for the purpose of sale and the words “selling” and “sold” have a similar meaning;

“Special effect pyrotechnics” include: explosives 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; smokeless black powder and hazard category PE 3 black powder substitutes; initiation systems classified as type I under the Act such as blasting accessories; and detonating cord classified as type E. 1 under the Act;

“Temporary sales establishment” means a tent, trailer or other temporary shelter intended for the use of retail sales.

2. INTERPRETATION

In this by-law:

1. Words importing the singular number only, include more persons, parties or things of the same kind than one and the converse; and
2. A word interpreted in the singular number has a corresponding meaning when used in plural; and
3. It is declared that if any section, subsection or part or parts thereof be declared by and Court of Law to be bad, illegal or ultra vires, such section or part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

3. SALE OF FIREWORKS AND FIRECRACKERS

1. No person shall sell any firecrackers within the Town of Atikokan.
2. No person shall sell any prohibited fireworks within the Town of Atikokan.
3. No person, shall within the Town of Atikokan, display in any store window, any type of fireworks.

4. No person shall display for sale within the Town of Atikokan any type of firework in any manner other than in such a place that the fireworks are not exposed to the rays of sun or to excess heat from any other source.
5. No person shall, within the Town of Atikokan, sell or give to any person under the age of 18 years any type of consumer or display fireworks.
6. No person shall sell consumer fireworks in a building unless the provisions of the Ontario Fire Code and all other applicable Acts and Regulations are complied with.
7. No person shall display for sale within the Town of Atikokan any consumer fireworks in lots that exceed 22.68 kilograms gross weight (50 pounds gross weight).
8. No person shall display for sale within the Town of Atikokan any consumer fireworks in any manner other than in a package, glass case or other suitable receptacle, away from any other flammable goods.
9. No person retailing consumer fireworks shall store consumer fireworks less than 8 metres away from: fuel dispensers at a fuel dispensing station; retail propane-dispensing tanks and cylinders; above-ground storage tanks for flammable substances; or dispensing facilities for compressed natural gas.
10. No person retailing consumer fireworks from a temporary sales establishment shall store consumer fireworks less than 8 metres away from: combustible materials; sources of ignition; thoroughfares; buildings; or other temporary sales establishments.
11. No person retailing consumer fireworks from a temporary sales establishment shall store consumer fireworks less than 3 metres away from any vehicle parking area.
12. Every person retailing consumer fireworks from a temporary sales establishment shall ensure that the fireworks are attended at all times.
13. No person shall sell special effect pyrotechnics or display fireworks unless the person holds a licence to do so under the Act.

4. DISCHARGE OF FIRECRACKERS AND PROHIBITED FIREWORKS

1. No person shall discharge any firecrackers, except with the appropriate federal approvals and for the purpose of cultural celebrations.
2. No person shall discharge any prohibited fireworks.

5. CONSUMER FIREWORKS

1. No person shall discharge consumer fireworks except:
 - a) As part of a display of display fireworks for which a permit has been obtained and for which all conditions and requirements of the permit have been met.
2. No person shall discharge any consumer fireworks 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 or omission at the time and place for the discharging of any fireworks.
3. No person shall discharge any consumer fireworks in or into any building, doorway, or automobile.
4. No person shall discharge any consumer fireworks in or on or into any park, highway, street, lane, square or other public place, unless under a display fireworks permit to do so issued by the Fire Chief.

6. DISPLAY FIREWORKS

1. No person or group of persons shall hold a display of display fireworks in the Town of Atikokan without first having obtained a permit to do so issued by the Fire Chief.
2. No person or group of persons shall discharge any display of fireworks in the Town of Atikokan, without first having obtained a permit issued by the Fire Chief authorizing the display of display of fireworks.

7. PERMITS

1. Every application for a permit shall be made to the Fire Chief a minimum of twenty-one (21) calendar days prior to the event when the proposed discharge of display fireworks is to occur.
2. Every application for a permit shall be submitted by the Fireworks Supervisor and shall include:
 - a) A description of the event including:
 - i) The date and time of the proposed discharge of display fireworks;
 - ii) The type and kind of display fireworks that may be discharged;
 - iii) The discharge techniques to be used;
 - iv) The manner and means of restraining unauthorized persons from attending too near the discharge site;
 - v) The manner in which unused display fireworks are to be disposed of;
 - vi) The number of authorized persons on site during the event to handle and discharge the display fireworks.
 - b) A site plan providing a description of the discharge site to be used for the discharging of the display fireworks.
 - c) A description of the fire emergency procedures.
 - d) The name and address of the applicant (Fireworks Supervisor) and the sponsoring organization, if applicable.
 - e) Proof of certification of the applicant as the Fireworks Supervisor.
 - f) Proof of consent of the owner of the property to the discharge of display fireworks in writing.
 - g) A permit fee as set out in the Town of Atikokan General Tariff of Fees and Charges By-Law as amended from time to time.
 - h) Proof of insurance and indemnification in accordance with Sections 8 and 9;
 - i) Such other information as required by the Fire Chief.
3. An applicant for a permit, is subject to the provisions of this by-law, entitled to be issued the permit, except where:
 - a) The application is incomplete;
 - b) The applicant is not a Fireworks Supervisor; or
 - c) There are reasonable grounds for belief that the holding of the display fireworks will result in a breach of this or another by-law, the FPPA or the Act.

8. INSURANCE

1. The applicant for a permit shall provide and maintain Commercial General Liability insurance subject to limits of not less than 2 Million Dollars (\$2,000,000.00) inclusive per occurrence for bodily injury, death and damage to property including loss of use thereof. Such insurance shall be in the name of the applicant and shall name The Corporation of the Town of Atikokan as an additional insured thereunder. Such insurance shall include coverage for displays of special effect pyrotechnics, consumer fireworks or display

fireworks. Such insurance policy shall contain an endorsement to provide the Town of Atikokan within thirty (30) calendar days' prior written notice of cancellation or of a material change that would diminish coverage, and a standard Town of Atikokan Certificate of Insurance evidencing such insurance coverage shall be provided to the Town prior to the issuance of a permit.

9. INDEMINIFIATION

1. The applicant for a permit shall indemnify and save harmless the Town of Atikokan, its elected officials, appointed officers, agents and employees from any and all claims, demands, causes of action, loss, costs or damages that the Town of Atikokan may suffer, incur or be liable for resulting from the performance of the applicant as set out in the by-law whether with or without negligence on part of the applicant, the applicant's employees, directors, contractors and agents.

10. CONDITIONS APPLYING TO PERMIT DISPLAY OF DISPLAY FIREWORKS

1. The Fire Chief may issue permits for display of display fireworks on the conditions set forth in Section 10.2, and each such permit shall state the name of the sponsoring club, association or group, the purpose of the display, the place and date at which the same may be held, and the name of the Fireworks Supervisor under whose supervision the display shall be held.
2. The following conditions shall apply to the holding of a display of display fireworks under a permit issued under this by-law:
 - a) The permit is valid only for the display at the place and on the date or dates set forth in the permit;
 - b) The permit holder shall supervise the display of display fireworks;
 - c) The permit holder shall discharge the display of fireworks and any consumer fireworks;
 - d) The permit holder shall provide and maintain fully operational, fire extinguishing equipment ready for immediate use;
 - e) The permit holder shall comply at all times with the provisions of the Act, FPPA and the Display Fireworks Manual published by Natural Resources Canada or any successor publication.
3. No permit holder shall discharge display fireworks or consumer fireworks except in accordance with the conditions of the permit.
4. The permit holder holding the display of display fireworks shall ensure that all unused fireworks and all debris are removed, in compliance with the Act, FPPA and the Display Fireworks Manual or any successor publication.
5. All permits granted by the Fire Chief may be revoked whenever, in the Fire Chief's discretion, the holder of such permit is in non-compliance with its contents or requirements, or the Fire Chief has concerns for public safety.

11. SPECIAL EFFECT PYROTECHNICS

1. No person or group of persons shall hold a display of special effect pyrotechnics in the Town of Atikokan without first having obtained a permit to do so issued by the Fire Chief.
2. No person or group of persons shall discharge any special effect pyrotechnics in the Town of Atikokan, without first having obtained a permit issued by the Fire Chief authorizing the display of special effect pyrotechnics.
3. Every application for a permit pursuant to Section 11.1 & 11.2 shall be made to the Fire Chief a minimum of twenty-one (21) days prior to the event where the proposed discharge of special effect pyrotechnics is to occur.

4. Every application for a permit shall be submitted by the pyrotechnician and shall include:
 - a) A description of the event including:
 - ii) A site plan of the facility and room capacity, the stage and the special effect pyrotechnics storage and handling area;
 - ii) A list of all special effect pyrotechnics to be employed;
 - i) Location of all special effect pyrotechnics;
 - ii) Height, range of effect, fallout and duration of the display of special effect pyrotechnics;
 - iii) Sequence of firing;
 - iv) Location of the audience and all exits;
 - v) Date and time of the proposed event using special effect pyrotechnics;
 - vi) The number of Authorized Persons on site during the event to handle and discharge the special effect pyrotechnics.
 - b) Description of fire emergency procedures.
 - c) Name and address of the applicant (pyrotechnician) and the sponsoring business or organization, if applicable.
 - d) Proof of certification of the applicant as pyrotechnician.
 - e) Proof of insurance and indemnification in accordance with Sections 8 and 9.
 - f) Proof of written consent of the owner of the property to the discharge of special effect pyrotechnics if the applicant (pyrotechnician) is not the owner of the property.
 - g) A permit fee as set out in the applicable Town of Atikokan General Tariff of Fees and Charges By-Law.
 - h) Such other information as required by the Fire Chief.
5. Notwithstanding Section 11.4(a), where special effect pyrotechnics will be used for film or television productions or similar events, every applicant for a permit may include a Letter of Intent approved by the Fire Chief, as provided in the Pyrotechnics Special Effects Manual published by Natural Resources Canada or any successor publication thereto, and where such Letter of Intent is provided, the requirements of section 11.4(a) need not be met.
6. An applicant for a permit is, subject to the provisions of this by-law, entitled to be issued the permit, except where:
 - a) The application is incomplete.
 - b) The applicant is not a pyrotechnician under the Act.
 - c) There are reasonable grounds for belief that the holding of the display of special effect pyrotechnics will result in a breach of this or another by-law, the FPPA or the Act.

12. CONDITIONS APPLYING TO PERMIT SPECIAL EFFECT PYROTECHNICS

1. The Fire Chief may issue permits for displays of special effect pyrotechnics on the conditions set forth in Section 12.2 and each permit shall state the name of the sponsoring business, club, association or group, the purpose of the display, the place and date at which the display may be held, and the name of the pyrotechnician under whose supervision the display shall be held.
2. The following conditions shall apply to the holding of a display of special effect pyrotechnics under a permit issued under this by-law:
 - a) Permit is valid only for the display at the place and on the date or dates set forth in the permit.
 - b) The permit holder shall supervise the display of special effect pyrotechnics.
 - c) The permit holder shall discharge the special effect pyrotechnics.
 - d) The permit holder shall provide and maintain fully operational, fire extinguishing equipment ready for immediate use.

- e) The permit holder shall comply at all times with the requirements of the Act, FPPA and the Pyrotechnics Special Effects Manual or any successor publication.
- 3. No permit holder shall discharge special effect pyrotechnics except in accordance with the conditions of the permit.
- 4. The permit holder holding the display of special effect pyrotechnics shall ensure that all unused fireworks and all debris are removed.
- 5. All permits granted by the Fire Chief may be revoked whenever, in the Fire Chief's discretion, the holder of such permit is in non-compliance with its conditions or requirements, or the Fire Chief has concerns for public safety.

13. GENERAL REQUIREMENTS

- 1. Every holder of a display fireworks or special effect pyrotechnics permit shall produce for inspection his or her permit upon being so directed by the Fire Chief, Police Officer or Municipal By-Law Enforcement Officer.

14. ENFORCMENT

- 1. This by-law may be enforced by a Police Officer, a Town By-Law Enforcement Officer, a member of Atikokan Fire Rescue, and any other person appointed by Council to enforce this by-law. Such persons enforcing this by-law may enter upon land and into structures at any reasonable time to inspect the land and structures to determine whether the by-law is being complied with, and any power of entry shall be in accordance with Part XIV of the *Municipal Act, 2001*, S.O. 2001, c. 25.

15. OFFENCES AND PENALTIES

- 1. Every person who contravenes any of the provisions of this by-law is guilty of an offence.
 - a) Every person who is convicted of an offence under this by-law is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P. 33.


16. EFFECTIVE DATE

- 1. This by-law comes into force and effect on the date it is passed.

17. SHORT TITLE

- 1. This by-law may be referred to as the "Fireworks By-Law".

READ a FIRST, SECOND, and THIRD time and FINALLY PASSED this 23rd day of May, 2017.



Mayor



Clerk





TOWN OF ATIKOKAN

HIGH HAZARD FIREWORKS DISCHARGE PERMIT

***NOTE* APPLICANT MUST BE THE PERSON SUPERVISING THE FIRING OF THE FIREWORKS AND THOSE DOING THE FIRING MUST NOT BE UNDER 18 YEARS OF AGE.**

NAME OF APPLICANT: _____

MAILING ADDRESS:

TELEPHONE: _____

SUPERVISOR'S CARD NO. _____ EXPIRY DATE: _____

I hereby make application to discharge Explosives (Please Circle):

7.2.1. 7.2.2. 7.2.5.

_____ (Name of Person or Organization)

Location of Display: _____

Date: _____ Time: _____

I certify that I have completed a course for fireworks supervisors, have read, understand and will be guided by the principals and safety rules of the fireworks manual and the manufacturer's specifications. I also understand the specific contents of the Town of Atikokan's By-Law #30-17 and that any contravention of this By-Law is guilty of an offence and may result in a maximum penalty under the Provincial Offences Act upon conviction.

Signature: _____

PERMISSION OF LOCAL AUTHORITY HAVING JURISDICTION

Name: _____

Title: _____

Organization: The Corporation of the Town of Atikokan
Address: 120 Marks Street, Box 1330, Atikokan, ON P0T 1C0
Telephone/Fax: 807-597-1234 / 807-597-6186

Fire Safety Plan Submitted	yes	no
Permission of Property Owner or Agent	yes	no
Proof of Liability Insurance	yes	no
Demonstration Required	yes	no



TOWN OF ATIKOKAN

PYROTECHNICS EVENT APPROVAL

SPONSORING ORGANIZATION (If applicable)

Sponsor: _____

Name of Applicant: _____

Mailing Address:

Telephone: _____ Fax: _____

Signature Date

VENUE

Name: _____

Location(s) of Event: _____

Date(s) of Event: _____

TECHNICIAN (similar details for any assistants to be shown on Pyro Plan)

Name: _____ Card #: _____

Title: _____ Inclusions: _____

If a technician has not yet been determined, you may submit the application without the technician entries. In such cases, however, you must supply all required information on the technician no later than 48 hours prior to the event.

PERMISSION OF LOCAL AUTHORITY HAVING JURISDICTION

Name: _____

Title: _____

Organization: The Corporation of the Town of Atikokan
Address: 120 Marks Street, Box 1330, Atikokan, ON P0T 1C0
Telephone/Fax: 807-597-1234 / 807-597-6186

Pyrotechnics Plan or Letter of Intent Submitted	yes	no
Permission of Property Owner or Agent	yes	no
Proof of Liability Insurance	yes	no
Demonstration Required	yes	no



TOWN OF ATIKOKAN

CONSUMER FIREWORKS DISCHARGE PERMIT

***NOTE* APPLICANT MUST BE THE PERSON SUPERVISING THE FIRING OF THE FIREWORKS AND THOSE DOING THE FIRING MUST NOT BE UNDER 18 YEARS OF AGE.**

NAME OF APPLICANT: _____

MAILING ADDRESS:

TELEPHONE: _____

(Name of Person or Organization)

Location of Display: _____

Date: _____ Time: _____

I understand the specific contents of the Town of Atikokan's By-Law #30-17 and that any contravention of this By-Law is guilty of an offence and may result in a maximum penalty under the Provincial Offences Act upon conviction.

Signature: _____

PERMISSION OF LOCAL AUTHORITY HAVING JURISDICTION

Name: _____

Title: _____

Organization: The Corporation of the Town of Atikokan
Address: 120 Marks Street, Box 1330, Atikokan, ON P0T 1C0
Telephone/Fax: 807-597-1234 / 807-597-6186

Fire Safety Plan Submitted	yes	no
Permission of Property Owner or Agent	yes	no
Proof of Liability Insurance	yes	no
Demonstration Required	yes	no