

Protection

Chapter 0802 - Fireworks

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WHEREAS section 9 of the *Municipal Act*, S.O. 2001, c. 25 provides that a municipality has the capacity, rights, powers, and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

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 WHEREAS subsection 7.1 (1) of the *Fire Protection and Prevention Act*, 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;

AND WHEREAS section 426 of the *Municipal Act, 2001*, c. 25 provides that no person shall hinder, obstruct, or attempt to hinder or obstruct any person who is exercising a power or performing a duty under a by-law passed under the *Municipal Act, 2001*.

NOW THEREFORE the Council of The Corporation of the City of Woodstock enacts as follows:

Article 1 – Short Title

802.1.1 Citation

This Chapter may be cited as the “Consumer Fireworks By-law”.

Article 2 – Interpretation

802.2.1 Act – defined

“Act” means the *Explosives Act*, R.S.C. 1985, c. E-17 and the regulations enacted thereunder as amended from time to time or any act or regulations enacted in substitution therefor.

802.2.2 Consumer Fireworks – defined

“Consumer Fireworks” means low-hazard fireworks that are generally used for recreation and are classified as Type F.1 explosives under the Act such as, but not limited to, roman candles, sparklers, flying lanterns, barrages, cakes, comets, mines, missiles, skyrockets, fountains, wheels, ground spinners, burning schoolhouses, and flying ghosts.

802.2.3 Fireworks – defined

“Fireworks” means any Prohibited Fireworks or Consumer Fireworks.

802.2.4 Officer – defined

“Officer” means any municipal law enforcement officers, firefighters, police officers, and any person appointed by Council to enforce this by-law.

802.2.5 Person – defined

“Person” means an individual, property owner, association, firm, partnership, corporation, trust, incorporated company, organization, directors and officers of a corporation, a corporation created under the *Condominium Act, 1998*, S.O. 1998, c. 19, as amended, and the trustees, agents heirs, executors, or other legal representatives of a person to whom the context can apply according to law.

802.2.6 Property Owner – defined

“Property Owner” means any person, firm, or corporation having control over any portion of the building or property under consideration and includes the persons in the building or property.

802.2.7 Prohibited Fireworks – defined

“Prohibited Fireworks” means fireworks included on the most recent list of prohibited fireworks or explosives set out in the Act, including, but not limited to, flying lanterns, sparkling matches, cherry bombs, M-80’s, silver salutes, flash bombs, smoke bombs, fake firecrackers, and other similar trick devices or practical joke devices.

Article 3 – Application

802.3.1 Application

This Chapter shall apply to all areas within the municipal boundaries of the City of Woodstock.

Article 4 – General Provisions

802.4.1 Prohibited Fireworks – use – sale

No Person, or group of Persons, shall use, sell, offer to sell, display, purchase, distribute, set off or discharge, or cause or permit to be used, sold, offered for sale, purchase, distributed, set off or discharged, any Prohibited Fireworks. (See Set Fine)

802.4.2 Consumer Fireworks – use – sale

No Person, or group of Persons, shall use, set off, discharge, fire, sell, offer to sell, purchase, display, distribute, or cause or permit to be used, fired, sold, offered for sale, purchased, distributed, set off or discharged, any Consumer Fireworks. (See Set Fine)

802.4.3 Private Property – discharge

When Fireworks are discharged from a private property, the property owner is deemed to have permitted, allowed, or caused the setting off of the Fireworks, unless there is evidence to the contrary, the proof of which lies with the property owner.

Article 5 – Authority

802.5.1 Enforcement – Officer

Any Officer shall be responsible for the enforcement of this by-law.

Article 6 – Inspections

802.6.1 Entry – reasonable time

Any Officer or any agent acting on behalf of the City may at any reasonable time enter upon land and into structures for the purpose of carrying out an inspection to determine whether this by-law is being complied with and any power of entry shall be exercised in accordance with Part XIV of the *Municipal Act, 2001*.

802.6.2 Production – documents – things

Where an inspection is conducted in accordance with this by-law, an Officer may require the production of documents or things for review or, inspect and remove documents or things for the purpose of making copies, that may be relevant to the inspection.

802.6.3 Examinations – tests – samples – photographs

While conducting an inspection in accordance with this by-law, either alone or in conjunction with a Person possessing special or expert knowledge, an Officer may make examinations or take tests, samples, or photographs necessary for the purposes of the inspection.

802.6.4 Information – Person

An Officer may require any information from any Person concerning a matter related to the inspection, including but not limited to names, addresses, contact information, and proof of identity or other identification.

802.6.5 Obstruction

No Person shall hinder, obstruct, or interfere with an Officer conducting an inspection, refuse to answer questions on matters relevant to the inspection, or provide information on matters relevant to the inspection that the Person knows to be false or misleading.

Article 7 – Enforcement

802.7.1 Penalty – contravention

Every Person who contravenes any provision of this Chapter is guilty of an offence, and every director or officer of a corporation who knowingly concurs in the contravention of this Chapter by their corporation is guilty of an offence, and upon conviction is liable to a fine or penalty as provided in the *Provincial Offences Act*, R.S.O. 1990, c. P..33, as amended.

Article 8 – Repeal – Enactment

802.8.1 By-law – previous

By-law 9519-22 and all other existing by-laws, parts thereof, or any amendments thereto inconsistent with this Chapter are hereby repealed.

802.8.2 Effective date

The by-law upon which this Chapter is founded comes into force and takes effect on January 1, 2024. By-law 9638-23, November 2, 2023.