

## THE CORPORATION OF THE TOWN OF MIDLAND

### **BY-LAW 2023-22**

A By-law to regulate the sale and setting off of fireworks within the Town of Midland and to repeal By-law 2007-8

**WHEREAS** Subsection 121(1) of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended (the “*Act*”), provides that a local municipality may prohibit and regulate the sale of fireworks and the setting off of fireworks.

**AND WHEREAS** Subsection 121(2) of the *Municipal Act*, 2001, S.O. 2001, c.25, provides that a municipality may prohibit the sale of fireworks and the setting off of fireworks unless a permit is obtained from the municipality for the sale of fireworks and the setting off of fireworks 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 the council of a municipality may pass by-laws regulating fire prevention, including the spreading of fires, and

**AND WHEREAS** Section 7.1(3) of the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4, as amended, provides that a by-law under this section may deal with different areas of the municipality differently, and

**AND WHEREAS** Article 5.2.1.2. of the *Ontario Fire Code O. Reg. 213/07*, as amended, provides that the manufacture, storage, handling, transportation, sale and use of explosives shall meet the requirements of the *Explosives Act (Canada)* and the *Explosives Regulations* made under the *Explosives Act (Canada)*, and

**AND WHEREAS** Article 5.2.1.4. of the *Ontario Fire Code O. Reg. 213/07*, as amended, provides that the handling and discharge of fireworks and pyrotechnics shall comply with NRCan, “Display Fireworks Manual” and NRCan, “Pyrotechnics Special Effects Manual”, and

**AND WHEREAS** Section 7.1(4) of the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4, as amended, provides that a municipality may appoint an officer to enter upon land and into structures at any reasonable time to inspect the land and structures to determine whether by- laws enacted in accordance with Section 7.1 are being complied with, and

**AND WHEREAS** Section 12(4) of the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4, as amended, provides that if there is a conflict between a provision of the fire code and a provision of a municipal by-law respecting the keeping and manufacturing of explosives, the provision that is most restrictive prevails, and

**AND WHEREAS** Section 19(2) of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, provides an inspector may, without a warrant, enter and inspect land and premises for the purposes of assessing fire safety, and

**AND WHEREAS** Section 121 of the *Municipal Act 2001*, S.O. 2001, c. 25 provides that by-laws may be passed to prohibit, and regulate the sale of fireworks and the setting of fireworks, and for requiring a permit for the sale and/or the setting off of fireworks and prescribing the conditions for obtaining, continuing to hold, and renewing the permit, including the submission of plans,

**AND WHEREAS** Section 120 of the *Municipal Act 2001*, S.O. 2001, c. 25, as amended, authorizes a municipality to pass by-laws to regulate the manufacture of explosives, to prohibit and regulate the storage, keeping, and transportation of explosives and dangerous substances, including requirements that a permit be obtained from the municipality for the storage of explosives and dangerous substances, and imposing conditions on such permits, and continuing to hold and renewing the permit, including requiring the submission of plans.

**AND WHEREAS** Section 128 of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides that a municipality may pass by-laws to prohibit, and regulate public nuisances including matters that, in the opinion of Council, are, or could become, or cause public nuisance, and

**AND WHEREAS** Section 391 of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides that a municipality and a local board may pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of it, or for costs payable by it for services, or activities provided, or done by or on behalf of any other municipality or local board, and

**AND WHEREAS** Section 425 of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides by-laws may be passed by a municipality providing that a person who contravenes a by-law of the municipality passed under this Act, is guilty of an offence, and

**AND WHEREAS** Section 446 of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides that where the municipality has the authority by any act, or under a by-law, to direct or require a person to do a matter or thing, the municipality may also provide that in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense, and in default of it being done by the person directed or required to do it, the municipality may enter upon the land at any reasonable time, and recover the costs of doing the matter or thing from the person required to do it, by action or by adding the costs to the tax roll, and collecting them in the same manner as property taxes, and

**AND WHEREAS** the Council of the Town of Midland deems it expedient and necessary for the safety and well-being of the community to regulate the sale and use of Fireworks, and Pyrotechnic Special Effects within the Town of Midland

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MIDLAND HEREBY ENACTS AS FOLLOWS:**

**1. DEFINITIONS**

For the purposes of this by-law, definitions in the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4., shall be used with respect to matters pertaining to fire prevention, and fire safety and which are undefined in this by-law, otherwise the following definitions will apply:

- (a) **"Act"** means *The Explosives Act*, R.S.C. 1985, C. E-17, as amended and the Explosives Regulations made thereunder as amended from time to time and any act or any Regulation enacted in substitution.
- (b) **"Approved"** means granted permission by the Fire Chief or designate.
- (c) **"Consumer Fireworks"** means outdoor, low hazard, recreational fireworks that are classed as F.1 Consumer Fireworks under the 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 in excess of twenty-five one-hundredths of a grain of explosive used per cap.
- (d) **"Deputy Fire Chief"** means a Town of Midland Deputy Fire Chief.
- (e) **"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.
- (f) **"Display Assistant"** means a certified person who is qualified under the setup **Display Fireworks** by assisting the **Display Supervisor**.
- (g) **"Display Fireworks"** means outdoor, high hazard, recreational fireworks classed as F.2 Display Fireworks under the **Act**, and includes rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, Bombardos, waterfalls, fountains, mines, batteries, illumination, set pieces and pigeons but does not include **Firecrackers**.
- (h) **"Display Fire Works Manual"** - The display fireworks manual as published from time to time by the Explosives Branch of Natural Resources Canada (NRCan), or any publication in substitution therefor that applies to the handling and discharge of display fireworks.
- (i) **"Display Supervisor"** means a certified person who is qualified under the **Act** to supervise the **Discharge** of **Display Fireworks**.

- (j) **"Explosives Act"** - The Explosives Act (R.S.1985, c. E-17) and the regulations enacted thereunder from time to time or any act or regulations enacted in substitution therefor.
- (k) **"Explosives Regulations"** - The Explosives Regulations, C.R.C., c.599, as amended, issued under the Explosives Act, and any regulations enacted from time to time in substitution therefor.
- (l) **"Fire Ban"** means a prohibition on all burning, including the **Discharge of Fireworks**, issued by the Fire Department of The Corporation of the Town of Midland.
- (m) **"Fire Chief"** means the appointed Fire Chief in the Town of Midland and, whether stated or not, also means his/her designates which may include a **Deputy Fire Chief**, a **Fire Prevention Officer** or a **Firefighter**; unless it is stated as Fire Chief only, in which case there is no designate.
- (n) **"Fire Prevention Officer"** means a Town of Midland Fire Prevention Officer or Fire Prevention Inspector.
- (o) **"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**, but does not include paper caps containing not more than twenty-five one-hundredths of a grain of explosive on average per cap, or devices for use with such caps, safety flares, marine rockets, and other distress signals.
- (p) **"Fireworks"** means **Display Fireworks**, **Pyrotechnic Special Effects Fireworks** and **Consumer Fireworks**.
- (q) **"Fireworks Display"** means an exhibition of **Fireworks** in an outdoor assembly or open-air occupancy to which the public is invited, attends, may attend, or is admitted with or without a fee being charged and includes private functions such as weddings, or other celebrations.
- (r) **"Flying Lantern"** means a small hot air balloon or similar device made of treated paper or any other material, with an opening at the bottom, which is propelled by an open flame generated by a small candle or fuel cell, allowing the balloon or similar device to rise and float in the air.
- (s) **"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 therefor.
- (t) **"Officer"** means an individual appointed by Council for the purpose of enforcing the By-laws of the municipality.

- (u) **"Owner"** means the person registered on title as the owner of a property upon which the **Discharge of Fireworks** occurs.
- (v) **"Permit"** means a **Consumer Fireworks** Sales Permit and/or a **Public Fireworks Display** or **Consumer Fireworks Discharge** Permit issued by the **Fire Chief** of the Town of Midland Fire Department.
- (w) **"Prohibited Fireworks"** includes but is not limited to cigarette loads or pings, exploding matches, sparkling 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 crackling balls, exploding golf balls, stink bombs and smoke bombs, tear gas pens and launchers, party peppers and table bombs, table rockets and bottle rockets, fake **Firecrackers**, champagne party poppers, snap caps, sprite bombs, and other trick devices or practical jokes as included on the most recent list of **Prohibited Fireworks** as published from time to time under the **Act**.
- (x) **"Pyrotechnician"** means a person who is certified under the **Act** as a Theatrical User, an Assistant, a Pyrotechnician or a Special Effects Pyrotechnician and is qualified to purchase and supervise the display of **Pyrotechnic Special Effect Fireworks** under the **Act**.
- (y) **"Pyrotechnic Special Effect Fireworks"** means high hazard fireworks that are classed as F.3 Special Effect Pyrotechnics under the **Act** and are used to produce a special pyrotechnic effect for indoor or outdoor performances and includes but is not limited to; black powder bombs, bullet effect, flash powder, air bursts, smoke compositions, Gerbs, lances and wheels.
- (z) **"Sell"** includes offer for sale, cause or permit to be sold and to possess for the purpose of sale and the words "Selling" and "Sold" have similar meaning,
- (aa) **"Shop"** means a building or part of a building, booth, stall or place where goods are exposed or offered for sale.
- (bb) **"Tent"** means a portable shelter/structure made of cloth or other pliable material, supported by one or more poles which can be stretched tight by cords or loops, attached to pegs, driven into the ground or other measures sufficient to secure them.
- (cc) **"Town"** means The Corporation of the Town of Midland

## 2. **All Fireworks**

- 2.1 No person shall sell or offer for sale, buy or offer to buy any fireworks except as described in this By-law.

## 3. **Consumer Fireworks**

## 3.1

- (a) No person shall offer for sale, buy or offer to buy any fireworks on any day or days during the year except on Victoria Day and Canada Day and except on the seven (7) days immediately preceding Victoria Day and on the seven (7) days immediately preceding Canada day or as approved.
- (b) hold a display of or set off consumer fireworks on any day or days except on Victoria Day, Canada Day or as approved with applicable permit;
- (c) sell or supply any fireworks to anyone under the age of eighteen (18) years.
- (d) set off any consumer fireworks in, on or into any building, structure, or automobile;
- (e) set off any consumer fireworks on or into any highway, street, lane, boulevard, roundabout, or private roadway;
- (f) set off any consumer fireworks on or into any land used for school purposes;
- (g) set off any consumer fireworks on or into any park, parkette, trail, linear park, land used for storm water management, square, other public place or any land owned by the Town of Midland or any of their boards or agencies;
- (h) set off any consumer fireworks in a manner that might create a danger or nuisance to any person or property; and for greater clarity a lot with less than 15m of frontage is deemed to be one whereon the setting off of fireworks might create a nuisance;
- (i) set off any consumer fireworks without limiting the generality of the foregoing, on any land whatsoever, except on land belonging to the person setting off the fireworks, or on other privately owned land where the consent of the owner has been obtained.

**4. Delegation of Authority**

- 4.1 The Municipal Council of the Town of Midland hereby delegates to the **Fire Chief** the authority to issue, and revoke **Permits** for the sale, and setting off of **Fireworks** as set out herein.

## 5. Sale Of Fireworks And Firecrackers

- 5.1 (a) No person shall **Buy, Sell or Set Off** any **Firecrackers**,
- (b) No person shall **Buy, Sell or Set Off** any **Prohibited Fireworks**,
- (c) No person shall **Buy, Sell or Set Off** any **Flying Lanterns**,
- (d) No person shall offer for sale, buy or offer to buy any fireworks on any day or days during the year except on Victoria Day and Canada Day and except on the seven (7) days immediately preceding Victoria Day and on the seven (7) days immediately preceding Canada day or as approved.
- (e) No person shall **Sell Consumer Fireworks** unless they have a current and valid business license for the sale of **Fireworks** issued by the **Town Clerk**,
- (f) Persons wishing to **Sell Consumer Fireworks**, at a location or on property that is not owned by the seller, shall obtain written consent from the **Owner** prior to the issuance of a **Consumer Fireworks Sales Permit**. Written consent shall be submitted to the **Fire Chief** with the **Consumer Fireworks Sales Permit** application,
- (g) No person shall **Sell** individual **Consumer Fireworks** unless prior to sale, the **Fireworks** are kept and maintained under a locked glass or plexiglass case or other approved means, which is not accessible to the public. No person, other than the seller, shall handle **Fireworks** that are not in consumer packs, until after the time of purchase. Sealed packages of **Consumer Fireworks** may be displayed prior to sale in a location accessible to the public that is approved by the **Fire Chief**,
- (h) No person shall exhibit or display **Consumer Fireworks** for sale unless:

The **Fireworks** are separated into individual lots that do not exceed 25 kilograms in gross weight, and such separation between lots is sufficient to prevent fire from spreading rapidly from one lot to the next by a fire break which may consist of:

- 5.2 (a) Maintaining a minimum aisle width of 1.2 metres between lots,
- (b) 6 mm plywood partition that extends 15 cm above the height of the lot or display shelf above, or
- (c) Any other method approved by the **Fire Chief**.

No person shall exhibit or display **Consumer Fireworks** that are:

## 5.3

- (a) Exposed to direct sunlight, open flame, excess heat, or within close proximity of accelerants or other sources of ignition,
- (b) No person shall exhibit or display **Consumer Fireworks** in **Shop** windows that contain explosive composition. Only mock samples that do not contain explosive composition may be displayed in **Shop** windows,
- (c) No person shall smoke or vape within eight (8) metres of any **Consumer Fireworks**,
- (d) No person shall **Sell** or display **Consumer Fireworks** inside a building, **Tent**, trailer, or other enclosed location, unless there are a minimum of two (2) unobstructed, clearly identified public exits to ensure that occupants can quickly evacuate in the event of a fire or emergency,
- (e) No person shall **Sell** or store **Consumer Fireworks** in a location that is not designated and approved for such use,
- (f) No person shall store or transport **Consumer Fireworks** for sale except in conformance with the **Act**,
- (g) No person shall **Sell Consumer Fireworks** to any person(s) under the age of 18,
- (h) **Tents** used to **Sell** or display **Consumer Fireworks** shall conform to *CAN/ULC S-109*, "Standard Method for Flame Tests of Flame-Resistant Fabrics and Film",
- (i) Each location, where **Consumer Fireworks** are offered for sale, shall have at least two (2) portable fire extinguishers having a minimum rating of 3A:10BC, and
- (j) No person shall offer for sale, display for sale, or **Sell Consumer Fireworks** in a manner that contravenes the sale of **Consumer Fireworks** regulations.

**6. Discharge Of Firecrackers And Prohibited Fireworks**

- 6.1 (a) No person shall **Discharge** any **Firecrackers**,
- (b) No person shall **Discharge** any **Prohibited Fireworks**, and
- (c) No person shall **Discharge** a **Flying Lantern**



## 7. **Discharge Of Consumer Fireworks**

No person shall **Discharge Consumer Fireworks** except on the following days:

- 7.1 (a) Victoria Day and Canada Day or as approved and with permit,
- (b) each of the seven (7) days immediately preceding, and the three (3) days immediately following Victoria Day, Canada Day or as approved.
- (c) Any celebratory holidays with prior written approval from the **Fire Chief**, and the date(s) authorized in a current, and valid **Permit** issued by the **Fire Chief** – see Town of Midland Fee Schedule
- (d) No person shall **Discharge Consumer Fireworks** on the days specified in Section 5.1, except between 6:00 PM to 11:00 PM,
- (e) A person 18 years of age or over may hold a display of **Consumer Fireworks** in accordance with the provisions of this by-law, on any land belonging to him, or her, or on any other privately-owned land, where the **Owner** thereof has given permission in writing for such a display or **Discharge of Fireworks**,
- (f) No person shall **Discharge** any **Consumer Fireworks** in such a place, or in such a manner as to endanger, injure, harass, frighten, or constitute a nuisance to any person, animal, or property,
- (g) No person shall commit, or cause, or allow to be done any unsafe act, or omission at the time, and place for the discharging of any **Consumer Fireworks**,
- (h) For the purposes of Section 5.4, the **Discharge** of any **Consumer Fireworks** in or onto any building, doorway, or automobile shall be deemed to create a danger, and to be an unsafe act,
- (i) No person shall **Discharge** any **Consumer Fireworks** in or onto any highway, street, land, square, public park, or other public place, except in accordance with a current, and valid **Permit** issued by the **Fire Chief** authorizing such a display,
- (j) No person under the age of eighteen (18) years shall **Discharge** any **Consumer Fireworks** except under the direct supervision of, and control of, a person(s) eighteen (18) years of age or over,
- (k) No person being the parent, or guardian of any person under the age of eighteen (18) years shall allow the person to **Discharge** any **Consumer Fireworks**, except when such parent or guardian or

some other responsible person of eighteen (18) years of age or over is in direct supervision and control,

- (l) No person shall **Discharge Consumer Fireworks** during a **Fire Ban** authorized by the **Fire Chief**, and
- (m) No person or group of persons shall hold a **Fireworks Display of Consumer Fireworks** in the **Town**, without first having obtained a **Display Fireworks** or **Consumer Fireworks Discharge Permit** issued by the **Fire Chief**.

## **8. Display Fireworks**

- 8.1 (a) No person or group of persons shall Discharge, or hold a Fireworks Display without having first obtained a Permit to do so issued by the Fire Chief,
- (b) No Permit holder shall Discharge Display Fireworks except in accordance with the conditions of the Permit,
- (c) No **Permit** holder shall **Discharge** or hold **Display Fireworks** at a date, time, location, or site other than as specified in the **Permit**,
- (d) Every application for a **Permit** shall be made to the **Fire Chief** a minimum of 28 days prior to the event when the proposed **Discharge of Fireworks** is to occur,
- (e) Every application for a **Permit** shall include:
- (f) A description of the event including:
- (g) the date, and time of the proposed **Discharge of Display Fireworks**,
- (h) The type, kind, and quantity of **Display Fireworks** that may be **Discharged**, the **Discharge** techniques to be used, the manner, and means of transporting, and storing the **Fireworks** prior to, and after the event, and the manner in which unused **Display Fireworks** are to be disposed of.
- (i) A site plan providing a description of the **Discharge** site to be used for the discharging of the **Display Fireworks**,
- (j) A description of the fire emergency procedures,
- (k) The manner, and means of prohibiting unauthorized persons access to the **Discharge** site,

- (l) The name, and address of the applicant and the sponsoring organization, if applicable, proof of certification of the applicant as a **Display Supervisor** and any **Display Assistants**,
- (m) Proof of the consent of the **Owner** to the **Discharge** of **Display Fireworks** in writing,
- (n) The prescribed fee,
- (o) Proof of insurance, and indemnification in accordance with this by-law, and such other information as required by the **Fire Chief**.
- (p) An applicant for a **Permit**, subject to the provisions of this by-law, may be entitled to be issued the **Permit**, except where:
  - i. The application is incomplete,
  - ii. The applicant is not a **Display Supervisor**, or
  - iii. There are reasonable grounds for belief that the holding of the **Display Fireworks** will result in a breach of this by-law, the **FPPA** and the Regulations enacted thereunder or the **Act**.
- (q) The **Permit** holder holding the display of **Display Fireworks** shall ensure that all unused, or partly used **Fireworks**, and all debris are removed,
- (r) A site inspection may be required at the discretion of the **Fire Chief**, and the applicant for a private **Display Fireworks Permit** shall pay the prescribed fee for this inspection,
- (s) The applicant shall provide and maintain Commercial General Liability Insurance subject to limits of not less than Five Million Dollars (\$5,000,000.00) 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 **Town** as an additional insured thereunder. Such insurance shall include permission to conduct displays of **Pyrotechnic Special Effects Fireworks**, or **Display Fireworks**. The **Fire Chief** at their sole discretion may request an increase in the amount of insurance required,
- (t) A copy of the Public **Fireworks Display Permit** shall be kept at the site of the display from the time of initial event set up, to the time of event conclusion, and shall be produced upon being so directed by the **Fire**

- Chief,**
- (u) The applicant shall indemnify, and save harmless the **Town** from any, and all claims, demands, causes of action, loss costs, or damages that the **Town** 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 the part of the applicant, the applicant's employees, directors, contractors, and agents.

9. **Pyrotechnic Special Effects Fireworks**

- 9.1
- (a) No person or group of persons shall hold a display of Pyrotechnic Special Effects in the Town without having first obtained a Permit to do so by the Fire Chief.
  - (b) No Permit holder shall Discharge Pyrotechnic Special Effects Fireworks except in accordance with the conditions of the Permit.
  - (c) Every holder of a **Display Fireworks**, or **Pyrotechnic Special Effect Fireworks Permit** shall produce his or her **Permit** upon being so directed by the **Fire Chief**,
  - (d) Every application for a **Permit** shall be made to the **Fire Chief** a minimum of 28 days prior to the event when the proposed **Discharge of Pyrotechnic Special Effects Fireworks** is to occur,
  - (e) Every application for a **Permit** shall include:
  - (f) A description of the event including,
  - (g) A site plan of the facility, and room capacity, the stage, and the **Pyrotechnic Special Effect Fireworks** storage area,
  - (h) A list of all **Pyrotechnic Special Effect Fireworks** to be used,
  - (i) location of all **Pyrotechnic Special Effect Fireworks**,
  - (j) height, range of effect fallout, and duration of the display of **Pyrotechnic Special Effects Fireworks**, sequence of firing,
  - (k) location of audience, and all exits,
  - (l) date, and time of the proposed event using **Pyrotechnic Special Effects Fireworks**.
  - (m) description of fire emergency procedures,

- (n) name, and address of the applicant, and the sponsoring business, or organization, if applicable,
- (o) proof of certification of the applicant as a **Pyrotechnician**,
- (p) proof of insurance, and indemnification in accordance with this by-law,
- (q) proof of consent of the **Owner** to the **Discharge** of **Pyrotechnic Special Effect Fireworks** in writing if the applicant is not the **Owner**,
- (r) the prescribed fee,
- (s) such other information as required by the **Fire Chief**.
- (t) An applicant for a **Permit**, subject to the provisions of this by-law, may be entitled to be issued the **Permit**, except where:
  - (u) the application is incomplete,
  - (v) the applicant is not a **Pyrotechnician** under the **Act**, or
  - (w) there are reasonable grounds for belief that the holding of the **Pyrotechnic Special Effects Fireworks** will result in a breach of this by-law, the **FPPA**, and the Regulations enacted thereunder or the **Act**.
- (x) The applicant shall provide and maintain Commercial General Liability insurance subject to limits of not less than Five Million Dollars (\$5,000,000.00), 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 **Town** as an additional insured thereunder. Such insurance shall include permission to conduct displays of **Pyrotechnic Special Effects Fireworks** or **Display Fireworks**. The **Fire Chief** at their sole discretion may request an increase in the amount of insurance required, and
- (y) The applicant shall indemnify and save harmless the **Town** from any and all claims, demands, causes of action, loss costs, or damages that the **Town** 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 the part of the applicant, the applicant's employees, directors, contractors, and agents.

## **10. Conditions Applying to Pyrotechnic Special Effects Fireworks Permits**

- 10.1 (a) 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 same shall be held,
- (b) The following conditions shall apply to the holding of a display of **Pyrotechnic Special Effect Fireworks** under a **Permit** issued under this by-law:
- (c) the **Permit** is valid only for the display at the place, and on the date, or dates set forth in the **Permit**,
- (d) the **Permit** holder shall supervise the display of **Pyrotechnic Special Effect Fireworks**,
- (e) The **Permit** holder shall **Discharge** the **Pyrotechnic Special Effects Fireworks**, and the **Permit** holder shall provide and maintain fully operational fire extinguishing equipment ready for immediate use.
- (f) The **Permit** holder shall comply at all times with the requirements of the **Act**, the **FPPA**, and the Regulations, and the Pyrotechnics Special Effects Manual published by Natural Resources Canada, or any successor publication, and
- (g) The **Permit** holder holding the **Pyrotechnic Special Effects Fireworks** shall ensure that all unused **Fireworks**, and all debris are removed.

## **11. Right of Entry**

- 5.1 No person shall prohibit the entry of Officers appointed by Council from entering at all reasonable times upon any property in order to ascertain whether the By-law is obeyed and to enforce or carry into effect the By-law.

## **12. Offences and Penalties**

- 12.1 (a) Every person who contravenes any provision of this by-law is guilty of an offence, and is liable upon conviction to a fine pursuant to the provisions of the *Provincial Offences Act, R.S.O., 1990, Chapter P 33*, as amended from time to time, or any replacement legislation,
- (b) Any **Owner** who contravenes this by-law may have the costs associated

with the Fire Department response to the contravention, as established by Fees & Charges By-Law No. 2023-38, as amended, in effect at the time of the attendance by the Fire Department, added to the property taxes for the property regardless of whether the **Fireworks** were **Discharged** with the permission, or knowledge of the **Owner**, or by **Permit**, and same shall be collected in the same manner as taxes in accordance with *Section 446 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended*,

- (c) Any member of the Town of Midland Fire Department may enter onto property in the course of their duty at any time, without prior notice, for the purpose of carrying out an inspection to determine whether the provisions of this by-law have been complied with,
- (d) No person shall hinder or obstruct, or attempt to hinder or obstruct, a member of the Town of Midland Fire Department who is performing a duty which is authorized under this by-law, and
- (e) No person shall knowingly furnish false, or misleading information to the **Town**, or the Fire Department with respect to this by-law.

13. **General**

No provisions of this By-law shall obligate the **Town** to authorize the issuance of a **Permit**.

14. **Effective Date**

That this By-law shall come into full force and effect upon the final passage thereof.

15. That By-law 2007-8 is repealed.

**BY-LAW PASSED AND ENACTED THIS 6<sup>th</sup> DAY OF SEPTEMBER, 2023.**

**THE CORPORATION OF THE TOWN OF MIDLAND**

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**BILL GORDON - MAYOR**

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**SHERRI EDGAR - CLERK**

**THE TOWN OF MIDLAND**  
**PART I Provincial Offences Act**  
**By-law 2023-22, A by-law to regulate the sale and setting off of fireworks**

<b>ITEM</b>	<b>COLUMN 1 Short Form Wording</b>	<b>COLUMN 2 Offence Creating Provision</b>	<b>COLUMN 3 Set Fine</b>
1	Offer to sell fireworks when prohibited	Section 3.1 (a)	200.00
2	Sell Fireworks when prohibited	Section 2.1	200.00
3	Offer to buy fireworks when prohibited	Section 3.1 (a)	200.00
4	Buy fireworks when prohibited	Section 3.1 (a)	200.00
5	Hold a display when prohibited	Section 3.1 (b)	200.00
6	Set off Fireworks when prohibited	Section 3.1 (b)	200.00
7	Sell fireworks to person under 18	Section 3.1 (c)	300.00
8	Supply fireworks to person under 18	Section 3.1 (c)	300.00
9	Set off fireworks in building	Section 3.1 (d)	200.00



**THE TOWN OF MIDLAND**  
**PART I Provincial Offences Act**  
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<b>ITEM</b>	<b>COLUMN 1 Short Form Wording</b>	<b>COLUMN 2 Offence Creating Provision</b>	<b>COLUMN 3 Set Fine</b>
10	Set off fireworks on building	Section 3.1 (d)	200.00
11	Set off fireworks into building	Section 3.1 (d)	200.00
12	Set off fireworks in structure	Section 3.1 (d)	200.00
13	Set off fireworks on structure	Section 3.1 (d)	200.00
14	Set off fireworks into structure	Section 3.1 (d)	200.00
15	Set off fireworks in automobile	Section 3.1 (d)	200.00
16	Set off fireworks on automobile	Section 3.1 (d)	200.00
17	Set off fireworks into automobile	Section 3.1 (d)	200.00
18	Set off fireworks on or into any highway	Section 3.1 (e)	200.00
19	Set off fireworks on or into any street	Section 3.1 (e)	200.00

**THE TOWN OF MIDLAND**  
**PART I Provincial Offences Act**  
**By-law 2023-22, A by-law to regulate the sale and setting off of fireworks**

20	Set off fireworks on or into any lane	Section 3.1 (e)	200.00
21	Set off fireworks on or into any boulevard	Section 3.1 (e)	200.00
22	Set off fireworks on or into any roundabout	Section 3.1 (e)	200.00
23	Set off fireworks on or into any private roadway	Section 3.1 (e)	200.00
24	Set off fireworks on or into any land used for school purposes	Section 3.1 (f)	200.00
25	Set off fireworks on or into any park	Section 3.1 (g)	200.00
26	Set off fireworks on or into any parkette	Section 3.1 (g)	200.00
27	Set off fireworks on or into any trail	Section 3.1 (g)	200.00
28	Set off fireworks on or into any linear park	Section 3.1 (g)	200.00
29	Set off Fireworks on or into land used for storm water management	Section 3.1 (g)	200.00
30	Set off fireworks on or into any square	Section 3.1 (g)	200.00
31	Set off fireworks on or into any public place	Section 3.1 (g)	200.00
32	Set off fireworks on or into land owned by the Town of Midland	Section 3.1 (g)	200.00

**THE TOWN OF MIDLAND**  
**PART I Provincial Offences Act**  
**By-law 2023-22, A by-law to regulate the sale and setting off of fireworks**

33	Create a danger or nuisance by setting off fireworks	Section 3.1 (h)	300.00
34	Set off fireworks on private land without owners consent	Section 3.1 (i)	200.00
35	Sell Firecrackers	Section 5.1 (a)	200.00
36	Offer to sell firecrackers	Section 5.1 (a)	200.00
37	Buy firecrackers	Section 5.1 (a)	200.00
36	Offer to buy firecrackers	Section 5.1 (a)	200.00
37	Set off firecrackers	Section 5.1 (b)	200.00
38	Hold a display without approval	Section 8.1	200.00
39	Sell Prohibited Fireworks	Section 5.1 (b)	200.00
40	Offer to sell Prohibited Fireworks	Section 5.1 (b)	200.00
41	Buy Prohibited Fireworks	Section 5.1 (b)	200.00
42	Offer to buy Prohibited Fireworks	Section 5.1 (b)	200.00
43	Set off Prohibited Fireworks	Section 5.1 (b)	200.00

**THE TOWN OF MIDLAND**  
**PART I Provincial Offences Act**  
**By-law 2023-22, A by-law to regulate the sale and setting off of fireworks**

39	Sell Flying Lanterns	Section 5.1 (c)	200.00
40	Offer to sell Flying Lanterns	Section 5.1 (c)	200.00
41	Buy Flying Lanterns	Section 5.1 (c)	200.00
42	Offer to buy Flying Lanterns	Section 5.1 (c)	200.00
43	Set off Flying Lanterns	Section 5.1 (c)	200.00

**THE TOWN OF MIDLAND**  
**PART I Provincial Offences Act**  
**By-law 2023-22, A by-law to regulate the sale and setting off of fireworks**

<b>ITEM</b>	<b>COLUMN 1 Short Form Wording</b>	<b>COLUMN 2 Offence Creating Provision</b>	<b>COLUMN 3 Set Fine</b>
1	Offer to sell fireworks when prohibited	Section 3.1 (a)	200.00
2	Sell Fireworks when prohibited	Section 2.1	200.00
3	Offer to buy fireworks when prohibited	Section 3.1 (a)	200.00
4	Buy fireworks when prohibited	Section 3.1 (a)	200.00
5	Hold a display when prohibited	Section 3.1 (b)	200.00
6	Set off Fireworks when prohibited	Section 3.1 (b)	200.00
7	Sell fireworks to person under 18	Section 3.1 (c)	300.00
8	Supply fireworks to person under 18	Section 3.1 (c)	300.00
9	Set off fireworks in building	Section 3.1 (d)	200.00

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<b>ITEM</b>	<b>COLUMN 1 Short Form Wording</b>	<b>COLUMN 2 Offence Creating Provision</b>	<b>COLUMN 3 Set Fine</b>
10	Set off fireworks on building	Section 3.1 (d)	200.00
11	Set off fireworks into building	Section 3.1 (d)	200.00
12	Set off fireworks in structure	Section 3.1 (d)	200.00
13	Set off fireworks on structure	Section 3.1 (d)	200.00
14	Set off fireworks into structure	Section 3.1 (d)	200.00
15	Set off fireworks in automobile	Section 3.1 (d)	200.00
16	Set off fireworks on automobile	Section 3.1 (d)	200.00
17	Set off fireworks into automobile	Section 3.1 (d)	200.00
18	Set off fireworks on or into any highway	Section 3.1 (e)	200.00
19	Set off fireworks on or into any street	Section 3.1 (e)	200.00

**THE TOWN OF MIDLAND**  
**PART I Provincial Offences Act**  
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20	Set off fireworks on or into any lane	Section 3.1 (e)	200.00
21	Set off fireworks on or into any boulevard	Section 3.1 (e)	200.00
22	Set off fireworks on or into any roundabout	Section 3.1 (e)	200.00
23	Set off fireworks on or into any private roadway	Section 3.1 (e)	200.00
24	Set off fireworks on or into any land used for school purposes	Section 3.1 (f)	200.00
25	Set off fireworks on or into any park	Section 3.1 (g)	200.00
26	Set off fireworks on or into any parkette	Section 3.1 (g)	200.00
27	Set off fireworks on or into any trail	Section 3.1 (g)	200.00
28	Set off fireworks on or into any linear park	Section 3.1 (g)	200.00
29	Set off Fireworks on or into land used for storm water management	Section 3.1 (g)	200.00
30	Set off fireworks on or into any square	Section 3.1 (g)	200.00
31	Set off fireworks on or into any public place	Section 3.1 (g)	200.00
32	Set off fireworks on or into land owned by the Town of Midland	Section 3.1 (g)	200.00

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**PART I Provincial Offences Act**  
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33	Create a danger or nuisance by setting off fireworks	Section 3.1 (h)	300.00
34	Set off fireworks on private land without owners consent	Section 3.1 (i)	200.00
35	Sell Firecrackers	Section 5.1 (a)	200.00
36	Offer to sell firecrackers	Section 5.1 (a)	200.00
37	Buy firecrackers	Section 5.1 (a)	200.00
36	Offer to buy firecrackers	Section 5.1 (a)	200.00
37	Set off firecrackers	Section 5.1 (b)	200.00
38	Hold a display without approval	Section 8.1	200.00
39	Sell Prohibited Fireworks	Section 5.1 (b)	200.00
40	Offer to sell Prohibited Fireworks	Section 5.1 (b)	200.00
41	Buy Prohibited Fireworks	Section 5.1 (b)	200.00
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42	Offer to buy Flying Lanterns	Section 5.1 (c)	200.00
43	Set off Flying Lanterns	Section 5.1 (c)	200.00

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