

**THE CORPORATION OF THE TOWNSHIP OF SEGUIN**

**BY-LAW NO. 2023-106**

**BEING A BY-LAW TO REGULATE THE SETTING OFF OF FIREWORKS AND THE SALE OF  
FIREWORKS WITHIN THE TOWNSHIP OF SEGUIN**

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**WHEREAS** Section 7.1 (1) of the Fire Protection and Prevention Act, S.O 1997, c.4 as amended, provides authority to Councils of municipalities to pass by-laws to regulate fire prevention including the prevention of the spreading of fires;

**AND WHEREAS** Section 121 (a) of the Municipal Act, 2001, S.O. 2001 provides that the Council may prohibit and regulate the setting off of Fireworks;

**AND WHEREAS** Section 121 (b) of the Municipal Act, 2001, S.O. 2001 provides that the Council may prohibit the activities described in Section 121. (a), above, 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;

**AND WHEREAS** Section 128 of the *Municipal Act, 2001 S.O. 2001* provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council are or could become public nuisances;

**AND WHEREAS** Section 425 of the Municipal Act, 2001, S.O. 2001 authorizes the Township of Seguin to pass by-laws providing that a Person who contravenes a by-law of Township of Seguin passed under that Act is guilty of an offence;

**AND WHEREAS** Section 436 of the *Municipal Act, 2001 S.O. 2001* provides that the municipality has the power to pass By-laws authorizing the power of entry for the purpose of inspecting land to determine compliance with a By-law, direction, order, or condition of licence;

**AND WHEREAS** Council for The Corporation of the Township of Seguin deems it necessary for the safety and wellbeing of the community to prohibit and regulate the setting off of fireworks and for requiring permits within The Corporation of the Township of Seguin;

**NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SEGUIN  
HEREBY ENACTS AS FOLLOWS:**

**1. SHORT TITLE**

1.1. This By-law may be cited as the "Fireworks By-law".

**2. DEFINITIONS**

In this By-law, the following terms shall have the following meanings:

2.1. "Act" means the Explosives Act, Revised Statutes of Canada, 1985, Chapter E17, and the regulations enacted thereunder as amended from time to time or any act and regulations enacted in substitution therefor;

2.2. "Commercial Display Fireworks" means high hazard fireworks generally used for community celebrations such as bombshells, aerial shells, large wheels, and bombardons;

2.3. "Consumer Fireworks" means outdoor low hazard fireworks generally used for recreational purposes such as showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, and volcanoes;

- 2.4. "Council" means the Council of The Corporation of the Township of Seguin;
- 2.5. "Fire Chief" means the person appointed by Council as the Fire Chief for the Township and who is ultimately responsible to Council as set out in the *Fire Protection and Prevention Act*;
- 2.6. "Firecrackers" means a class of Fireworks which when ignited explodes with little or no visual effect, but does not include caps for toy guns or Christmas crackers;
- 2.7. "Fireworks" as used in general terms within this By-law are considered to be either Display or Consumer Fireworks;
- 2.8. "Fireworks Permit" means a permit authorizing the firing of Fireworks from the Fire Chief;
- 2.9. "Flying Lantern" means sky lanterns, kongming lanterns or Chinese lanterns, which are small hot air balloons made of paper, with an opening at the bottom where a small fire is suspended. These lanterns are then released into the air, generally on mass, for various types of events;
- 2.10. "Person" or any expression referring to a person, means an individual, sole proprietorship, partnership, limited partnership, trust, corporate body, organization, charity and/or an individual in his or her capacity as a trustee, executor, administrator or other legal representative;
- 2.11. "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 battle sky rockets, fake Firecrackers 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;
- 2.12. "Public Fireworks Display" means an exhibition of Consumer Fireworks or Display Fireworks in an open air assembly or occupancy, to which the public is invited, attends or is admitted, with or without a fee being charged;
- 2.13. "Pyrotechnic Special Effects" means any pyrotechnic special effects that are created through the firing of pyrotechnic, propellant and explosive materials and devices are used by the entertainment industry for indoor and outdoor performances;
- 2.14. "Pyrotechnic Supervisor" means a person certified to conduct a Fireworks display and who is responsible for ensuring all Fireworks are properly installed and that all appropriate safety measures have been taken;
- 2.15. "Officer" means a Municipal Law Enforcement Officer, Police Officer, Fire Chief or any other person designated by Council as responsible for the administration of this By-law from time to time;
- 2.16. "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;
- 2.17. "Township" means The Corporation of the Township of Seguin.
- 3. GENERAL PROVISIONS**
- 3.1. No Person shall set off or cause to be set off any Fireworks while a fire ban is in effect.
- 3.2. No Person shall set off or cause to be set off any Fireworks while the fire rating is at "high" or "extreme".

- 3.3. No Person under the age of eighteen (18) years of age may set off or cause to be set off any Fireworks.
- 3.4. No Person shall set off Fireworks when the surface wind speed at the time of the display exceeds forty (40) km/h (kilometers per hour).
- 3.5. No Person shall set off any Fireworks, not including Pyrotechnics, within three hundred (300) metres of any place where explosives, gasoline or other highly flammable substances are manufactured, stored or displayed in large quantities.
- 3.6. No Person shall ignite or release into the air a Flying Lantern in the Township of Seguin.

#### **4. DISCHARGE OF CONSUMER FIREWORKS**

- 4.1. No Person shall set off Consumer Fireworks on any day or days during the year except on the following days:
  - (a) Victoria Day and the Saturday and Sunday of that same holiday weekend;
  - (b) Canada Day and,
    - (i) Where Canada Day falls on a Monday or Tuesday, the preceding (before) Saturday and Sunday;
    - (ii) Where Canada Day falls on a Wednesday, Thursday or Friday, the proceeding (following) Friday and Saturday; and,
  - (c) New Years Eve/Day as per the time limits as set out in Section 4.2 of this By-law.
- 4.2. No Person shall set off any Consumer Fireworks except between dusk and 11:00 p.m. with the exception of New Years Eve/Day where Fireworks are permitted until 12:30am on New Years Day.
- 4.3. No Person shall set off any Consumer Fireworks in a manner that might create a danger or nuisance to any Person or property.
- 4.4. No Person shall set off any Consumer Fireworks in, on or into any building or motor vehicle.
- 4.5. No Person shall set off Consumer Fireworks inside of or closer than eight (8) metres to any building, tent, trailer, camp, shelter or motor vehicle.
- 4.6. No Person shall set off any Consumer Fireworks on or into any highway or private roadway.
- 4.7. No Person shall set off any Consumer Fireworks on or into any land owned by the Township of Seguin without first having obtained written authorization from the Fire Chief or designate.

#### **5. SALE OF CONSUMER FIREWORKS**

- 5.1. No person shall sell, offer for sale, cause or permit to be sold, or otherwise distribute Consumer Fireworks to a person who is under eighteen (18) years of age, and the vendor shall use reasonable care to ensure that said Fireworks are not accessible to a minor.
- 5.2. Where Consumer Fireworks are offered for sale by any person, the person who is causing, offering or permitting the sale or distribution of Consumer Fireworks shall ensure that:
  - (a) the Fireworks are presented in separate batches, each with a maximum gross weight of 25 kilograms;

(b) the Fireworks are displayed in a sealed package, away from any inflammable materials or goods and clearly marked as fireworks; and

(c) the Fireworks must be displayed in accordance with the Act.

5.3. Consumer Fireworks shall not be offered, caused or permitted to be sold, or sold from an outdoor stand, tent, unenclosed trailer, or motor vehicle.

5.4. No person shall sell any Firecrackers.

5.5. No person shall sell any Prohibited Fireworks.

## **6. DISCHARGE OF COMMERCIAL DISPLAY FIREWORKS**

6.1. No Person shall set off Commercial Display Fireworks on any day or days without an authorized permit issued by the Fire Chief in the required form;

6.2. The Fire Chief may issue a person a permit if the Fire Chief is satisfied that the Fireworks can be started, tended and extinguished safely in consideration of, among other things, the declared Fire Hazard Rating, the prevailing weather, site and site conditions.

### PERMIT CRITERIA

6.3. The applicant shall ensure that the display site is inspected and approved by the Township of Seguin Fire Department prior to the display;

6.4. The applicant shall provide the Township with the following at the time of application:

(a) proof of liability insurance in the minimum amount of \$5,000,000 naming the Township of Seguin as an additional insured.

(b) details of the display which shall include but not limited to:

- the location of display (municipal address including closest cross streets);
- the date and time at which the display will commence;
- the date of arrival of any pyrotechnics;
- a detailed site plan of the display area including but not limited to the area where the Fireworks will be stored (if applicable), the area from which the Fireworks will be displayed, all fencing, set back distances from fencing, buildings, roadways, marinas, or any other structure;
- a list of contact persons including name and contact telephone number for fencing, security and the pyrotechnic display;
- a detailed list of all pyrotechnics proposed to be used during the display
- detailed list of the Pyrotechnic Supervisors who will be responsible for the display, including the Level or Class of licensing, copies of all certificates and expiry dates for each Pyrotechnic Supervisor;

(c) Any other documentation or required inspections that the Township deems appropriate.

6.5. The Fire Chief may cancel or revoke any permit issued under this By-law at any time within the Township in the interest of public safety. Upon issuance of such cancellation, revocation, or order, no person shall ignite Commercial Display Fireworks.

## **7. EXEMPTIONS**

7.1. Any display organized by The Corporation of the Township of Seguin is exempt from obtaining a permit;

## **8. RIGHTS OF ENTRY**

- 8.1. An Officer may at any time, enter onto land to determine whether this By-law is being complied with;
- 8.2. Every Owner shall permit the Officer to inspect any land for the purpose of determining compliance with this By-law;
- 8.3. Notwithstanding any provision of this By-law, an Officer shall not enter or remain in any room or place actually being used as a dwelling, unless;
  - (a) the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and, if refused, may only be made under the authority of a warrant issued under the Provincial Offences Act, R.S.O. 1990, as amended;
  - (b) a warrant issued under the Provincial Offences Act, R.S.O. 1990, as amended is obtained.

## **9. ENFORCEMENT**

- 9.1. A Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer, Fire Chief or other duly appointed individual shall enforce the provisions of this By-law;
- 9.2. 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. Any Person who is 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 their duties.
- 9.3. Every Person shall comply with a Notice or Order issued under the authority of this By-law.

## **10. OFFENCES**

- 10.1. Every Person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended;
- 10.2. Every Person who contravenes the provisions of any section of this By-law and every Director or Officer of a Corporation, who concurs in the contravention by the Corporation, is guilty of an offence and liable upon conviction to a maximum fine of \$100,000;
- 10.3. In the case of a continuing offence, every Person who contravenes the provisions of any section of this By-law and every Director or Officer of a Corporation who concurs in the contravention by the Corporation, is guilty of an offence and for each day or part of a day that the offence continues liable to a maximum fine of \$10,000. However, despite Section 9.2, the total of all of the daily fines for the offence is not limited to \$100,000;
- 10.4. In the case of a multiple offence, every Person who contravenes the provisions of any section of this By-law and every Director or Officer of a Corporation who concurs in the contravention by the Corporation, is guilty of an offence and for each day or part of a day that the offence continues liable to a maximum fine of \$10,000. However, despite Section 10.2, the total of all of the daily fines for the offence is not limited to \$100,000;

10.5. For the purpose of Section 10.4, "multiple offence" means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of a by-law.

**11. VALIDITY AND SEVERABILITY**

11.1. If any court of competent jurisdiction finds that any of the provisions of this By-law are ultra vires the jurisdiction of Council, or are invalid for a reason, such provision shall be deemed to be severable and shall not invalidate any of the other provisions of the By-law which shall remain in full force and effect.

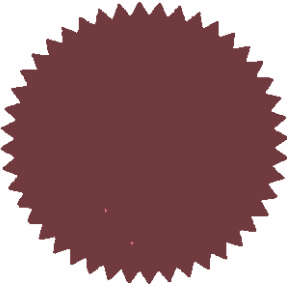
**12. EFFECTIVE DATE**

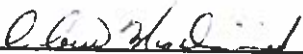
12.1. This By-law shall come into force and take effect immediately upon the final passing thereof.

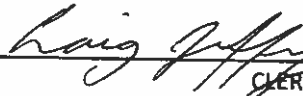
**13. REPEAL**

13.1. All By-laws and Resolutions, or parts thereof, contrary hereto or inconsistent herewith of The Corporation of the Township of Seguin and the former Corporations of the Townships of Christie, Foley and Humphrey and the Village of Rosseau relating to the setting off of fireworks and the sale of fireworks be and the same are hereby repealed.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED AND ENACTED** this 18<sup>th</sup> day of September, 2023.



  
\_\_\_\_\_  
MAYOR Ann MacDiarmid

  
\_\_\_\_\_  
CLERK Craig Jeffery

OFFICE OF THE REGIONAL SENIOR JUSTICE  
ONTARIO COURT OF JUSTICE  
NORTHEAST REGION

159 CEDAR STREET  
3<sup>rd</sup> FLOOR, SUITE 303  
SUDBURY, ONTARIO P3E 6A5



CABINET DU JUGE PRINCIPALE RÉGIONALE  
COUR DE JUSTICE DE L'ONTARIO  
RÉGION DU NORD-EST

159, RUE CEDAR  
3<sup>e</sup> ÉTAGE, BUREAU 303  
SUDBURY (ONTARIO) P3E 6A5  
TELEPHONE/TÉLÉPHONE (705) 564-7624  
FAX/TÉLÉCOPIEUR (705) 564-7620

October 5, 2023

Mr. Rory Payton, C.P.S.O, M.L.E.O.  
Supervisor, By-law Services  
Seguin Township  
5 Humphrey Drive  
Seguin, Ontario, P2A 2W8

Dear Mr. Payton;

**Re: Set Fines – Provincial Offences Act**  
**Part I – Seguin Township, Parry Sound District**

Thank you for your letter dated September 21<sup>st</sup>, 2023, directed to The Ministry of the Attorney General, Crown Law Office-Criminal, regarding set fines for By-Law 2023-106.

I have had an opportunity to consider your request. For the reasons that follow, I have set appropriate amounts for the fines, which do not necessarily accord with the amounts you requested.

A set fine is a sentencing process and must consider the circumstances of the offence, the need for deterrence and must also consider proportionality (minor versus serious offences). Early guilty pleas are also an important consideration.

The set fine regime is meant to encourage out of court settlements, while also considering the above principles and must also consider similar sentences for similar offences in the region.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

OFFICE OF THE REGIONAL SENIOR JUSTICE  
ONTARIO COURT OF JUSTICE  
NORTHEAST REGION

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TELEPHONE/TÉLÉPHONE (705) 564-7624  
FAX/TÉLÉCOPIEUR (705) 564 7620

I have forwarded the copy of the Orders and the schedules of these set fines to the Ontario Court of Justice in Parry Sound together with a certified copy of the By-Law.

Yours truly,

A handwritten signature in blue ink that reads "Karen Lische".

KAREN LISCHE  
REGIONAL SENIOR JUSTICE  
ONTARIO COURT OF JUSTICE

KLL/hrd

Encl.

c.c.: His Worship Gary McMahon, Regional Senior Justice of the Peace  
Her Worship Ruby Beck, Local Administrative Justice of the Peace



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ONTARIO COURT OF JUSTICE  
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October 5, 2023

Ms. Melissa Adams, Crown Counsel  
Crown Law Office, Criminal  
720 Bay Street, 10th floor  
Toronto, Ontario  
M5G 2S9

Dear Ms. Adams:

**RE: Set Fines - Provincial Offences Act**  
**Part I, Sequin Township, Parry Sound District**

Please find enclosed a copy of an Order dated October 5, 2023, and a copy of a letter to Mr. Rory Payton, C.P.S.O, M.L.E.O., Supervisor, By-law Services.

Should you have any questions, please do not hesitate to contact me at (705) 564-7624.

Yours truly,

A handwritten signature in blue ink that reads "Karen Lische".

KAREN LISCHE  
REGIONAL SENIOR JUSTICE  
ONTARIO COURT OF JUSTICE

KLL/hrd

Encl.

OFFICE OF THE REGIONAL SENIOR JUSTICE  
ONTARIO COURT OF JUSTICE  
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FAX/TÉLÉCOPIEUR (705) 564-7620

## PROVINCIAL OFFENCES ACT

### Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-Law No. 2023-106, of Seguin Township, Parry Sound District, attached hereto is the set fine for that offence. This Order is to take effect October 5<sup>th</sup>, 2023.

Dated at the City of Greater Sudbury, this 5<sup>th</sup> day of October, 2023.

A handwritten signature in blue ink that reads "Karen Lische".

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KAREN LISCHE  
REGIONAL SENIOR JUSTICE  
ONTARIO COURT OF JUSTICE

THE CORPORATION OF THE TOWNSHIP OF SEGUIN

PART I Provincial Offences Act

By-law 2023-106: Fireworks By-law

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1	Set off fireworks while a fire ban is in effect	3.1	<del>\$1000.00</del> \$ 475.00
2	Set off fireworks while fire rating is "high or "extreme"	3.2	\$800.00 \$ 450.00
3	Person under 18 years of age, set off fireworks	3.3	\$400.00 \$ 300.00
4	Set off fireworks when wind speed exceeds 40km/h	3.4	<del>\$400.00</del> \$ 300.00
5	Set off fireworks within 300 metres of explosives/gasoline/any highly flammable manufactured substances	3.5	\$400.00 \$ 300.00
6	Ignite/Release flying lantern	3.6	<del>\$400.00</del> \$ 300.00
7	Set off consumer fireworks outside of permitted days	4.1	<del>\$400.00</del> \$ 300.00
8	Set off consumer fireworks outside permitted times	4.2	<del>\$400.00</del> \$ 300.00
9	Set off consumer fireworks that causes danger/nuisance	4.3	<del>\$400.00</del> \$ 300.00
10	Set off consumer fireworks in/on a building or motor vehicle	4.4	<del>\$400.00</del> \$ 300.00
11	Set off consumer fireworks within 8 metres of a building/tent/trailer/camp/ shelter/ motor vehicle	4.5	<del>\$400.00</del> \$ 300.00
12	Set off consumer fireworks on highway/private roadway	4.6	<del>\$400.00</del> \$ 300.00
13	Set off consumer fireworks on any land owned by the Township of Seguin without authorization	4.7	<del>\$400.00</del> \$ 300.00
14	Sell/distribute fireworks to person under 18 years of age	5.1	<del>\$500.00</del> \$ 450.00
15	Storage of fireworks, batch more than 25 kilograms	5.2 (a)	<del>\$400.00</del> \$ 300.00

K. Rische

16	Display fireworks in unsealed package/near inflammable materials/unmarked	5.2 (b)	<del>\$400.00</del> \$ 300. <sup>00</sup>
17	Improperly display fireworks for sale/distribution	5.2 (c)	<del>\$400.00</del> \$ 300. <sup>00</sup>
18	Sell fireworks from outdoor stand/tent/unenclosed trailer/motor vehicle	5.3	<del>\$400.00</del> \$ 300. <sup>00</sup>
19	Sell firecrackers	5.4	<del>\$400.00</del> \$ 300. <sup>00</sup>
20	Sell prohibited fireworks	5.5	<del>\$400.00</del> \$ 300. <sup>00</sup>
21	Set off commercial display fireworks without a permit	6.1	<del>\$750.00</del> \$ 450. <sup>00</sup>
22	Hinder or obstruct or attempt to hinder or obstruct an officer	9.2	\$500.00
23	Fail to comply with notice or order	9.3	\$500.00

NOTE: The penalty provision for the offences indicated above is Section 10 of By-law No. 2023-106, a certified copy of which has been filed.

*K. Kliche*