

**THE CORPORATION OF THE TOWN OF MATTAWA  
BY-LAW NUMBER 25-05**

**BEING** a by-law to Regulate the Sale, Possession, Use, Setting Off, Ignition, and/or Discharge of Fireworks Within the Town of Mattawa

**WHEREAS** Section 120 of the Municipal Act, 2001, S.O. 2001, c.25, as amended provides that a local municipality may prohibit and regulate the manufacture, storage, keeping and transportation of dangerous substances and explosives in the municipality; and that a by-law may require a permit and may impose conditions for obtaining, continuing to hold and renewing the permit including requiring the submission of plans;

**AND WHEREAS** pursuant to section 121, subsection (a) of the Municipal Act, 2001 S.O. 2001, chapter 25, as amended, provides that a local municipality may prohibit and regulate the sale of fireworks and the setting off of fireworks;

**AND WHEREAS** pursuant to section 121, subsection (b) of the Municipal Act, 2001 S.O. 2001, chapter 25, as amended, 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 those activities and may impose conditions for obtaining, continuing to hold and renewing the permit, including requiring the submission of plans;

**AND WHEREAS** the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, s.7.1 (1) (a) provides that a Council of a Municipality may pass By-laws regulating the prevention and spreading of fires;

**AND WHEREAS** sections 425, 426 and 429 of the Municipal Act, 2001 S.O. 2001, chapter 25, states a municipality may pass By-laws providing that a person who contravenes a By-law of the municipality passed under this Act is guilty of an offence, no person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this Act or under a By-law passed under this Act and a municipality may establish a system of fines for offences under a By-law of the municipality passed under this Act;

**AND WHEREAS** Section 435, 436, 437 and 438 of the Municipal Act, S.O. 2001, c.25, as amended set out additional powers and restrictions regarding the power of entry.

**AND WHEREAS** the Council of the Corporation of the Town of Mattawa deems it desirable and in the best interests of the municipality to regulate the discharge of fireworks within the Town of Mattawa and to require a permit for certain firework displays;

**NOW THEREFORE** the Council of the Corporation of the Town of Mattawa enacts as follows:

**1. DEFINITIONS:**

For the purpose of this By-law, the following definitions shall apply:

- 1.1. "Authority Having Jurisdiction" means the individual authorized by Natural Resources Canada to authorize fireworks displays and the Fire Chief of the Town

of Mattawa.

- 1.2. "Burning Ban" and "Municipal Burning Ban" means the cancellation of the issuance of fire permits issued for all open air burning by the Municipality or its Fire Chief.
- 1.3. "Council" means the Council of the Corporation of the Town of Mattawa.
- 1.4. "Competent Person" means a person who is at least eighteen (18) years of age.
- 1.5. "Explosives Act (Canada)" means the Explosives Act, R.S.C. 1985, c. E-15 as amended from time to time.
- 1.6. "Fire Chief" means the Chief, or their designate, of the Town of Mattawa Fire Department.
- 1.7. "Fireworks" shall consist of the following devices:
  - (i) "Display Fireworks" means a device or devices classed by the Canadian Explosives Regulatory Division of the Ministry of Natural Resources, or any other similar or successor agency of government, as high hazard fireworks, and recognized as class 7.2.2/F.2 under the *Explosives Act*, (C.R.C., 599), for recreation, being of the type generally used at public gatherings.
  - (ii) "Family Fireworks", also known as "Consumer Fireworks", means a device or devices recognized as class 7.2.1 fireworks under the *Explosives Act*, (C.R.C., 599), and any device capable of ignition and explosion or burning for display, sold to the public without necessity for licensing by provincial or federal laws or regulations.
  - (iii) "Firecrackers" means a noise producing device which uses a chemical compound and fuse, and which are designed and used primarily as noise makers. For the purpose of this by-law, Christmas crackers and caps used in cap pistols shall not be deemed to be "firecrackers".
  - (iv) For the purposes and provisions of this By-law "Firecrackers" will be classified as "Family Fireworks"
- 1.8. "Fireworks Supervisor" shall mean a person holding a current certification as a Fireworks Supervisor under the authority of the Explosives Act and has the skill and ability to safely set up and supervise the discharge of fireworks at a public display, as approved by the Fire Chief, or their designate.
- 1.9. "Municipal Fire Ban" means absolutely no setting off of any class of Fireworks but does not include the use of propane or naphtha gas cooking equipment equipped with a shut off mechanism.
- 1.10. "Municipal Law Enforcement Officer" shall mean a by-law enforcement Officer

appointed by Council.

- 1.11 "Municipality" means the Municipality of the Town of Mattawa.
- 1.12 "Owner" means any person in care and control of a property and shall include, but is not limited to, the registered property owner, property owners' agent(s) and representative(s), rental management company staff, and/or tenant or tenants of a property.
- 1.13 "Officer" means a By-law Enforcement Officer, the Fire Chief and their designate, and shall mean any Law Enforcement Officer or Provincial Offences Officer, whether local, provincial, or federal, operating in an enforcement capacity in the Municipality, or within the Municipal borders, and may include, but is not limited to, the Ontario Provincial Police (OPP) and the Royal Canadian Mounted Police (RCMP).
- 1.14 "Permit" means written permission issued by the Town of Mattawa pursuant to this By-law.
- 1.15 "Person" includes a partnership, a corporation and a natural individual where a person is over the age of eighteen (18) years, "Person" also includes any parent or guardian of a minor.
- 1.16 "Set off" includes any method of detonating or igniting fireworks.
- 1.17 "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 a similar meaning.

## **2. SALE OF FIREWORKS**

- 2.1 No person shall sell Fireworks or Firecrackers, either Family Fireworks or Display Fireworks, or any class thereof, within the Municipality at any time.

## **3. POSSESSION OF FIREWORKS**

- 3.1 No person shall possess Fireworks or Firecrackers either Family Fireworks or Display Fireworks, or any class thereof, within the Municipality at any time.
- 3.2 Notwithstanding Section 3.1, a person may possess Display Fireworks where a permit has been issued pursuant to this By-law. A permit shall be in the form as set out in Schedule "A" of this By-law.

## **4. SETTING OFF FIREWORKS**

- 4.1 No person shall set off Fireworks or Firecrackers, either Family Fireworks or Display Fireworks, or any class thereof, within the Municipality at any time.
- 4.2 The owner shall be held responsible for the setting off of fireworks that occurs on a property.

4.3 The owner shall be held responsible for Property damage or injury caused by the setting off of fireworks that occurs on a property.

4.4 Notwithstanding Section 4.1 a person may set off Display Fireworks where a permit has been issued pursuant to this By-law. A permit shall be in the form as set out in Schedule "A" of this By-law.

## **5 DISPLAY FIREWORKS**

5.1 No Person shall set off Display Fireworks without first being issued a permit to do so signed by the Fire Chief or their designate.

5.2 Display Fireworks shall only be set off by a person(s) who holds a valid Fireworks Supervisor certificate, or equivalent thereof, or under the supervision of a person who is qualified and certified for such purpose, to the satisfaction of the Fire Chief or their designate.

5.2 Permit applications shall be submitted no less than thirty (30) working days (Saturday, Sundays, Statutory holidays and on days in which the Town office is closed are excluded) prior to the proposed event and shall include the following information;

- (i) a site plan to approximate scale showing direction of firing, spectator viewing area, separation distances, positioning of ramps and mortars, significant ground features, roads, public rights of way, buildings or structures, overhead obstructions and parking areas.
- (ii) A statement of intent describing the event date, time schedule of the events, a description of fireworks, including type, size and quantity, firing procedures and emergency response procedures.
- (iii) Written permission from the owner where the display is to be held.

5.3 Each Permit application shall state the name of the corporation, service club, association, or group to whom it is to be issued, the purpose of the display, the place and date at which and on which it may be held, and the name of the person under whose supervision it shall be held. The applicant will provide a written request for consideration to the Fire Chief, who will review the application and make recommendations. A copy of the Permit Application form is attached hereto as Schedule 'A'.

5.4 A Display Fireworks Permit may only be issued to a service club, corporation, association, or group. Any special conditions imposed by the Fire Chief to promote health and safety of the public at the event shall be listed on the permit.

5.5 Every applicant shall provide with the Permit application proof of liability insurance for a minimum coverage of Five Million Canadian dollars (\$5,000,000.00 CA) with the Town of Mattawa to be named as an additional insured.

5.6 A Display Fireworks Permit may only be issued for the purpose of celebrating Victoria Day, Canada Day, Civic Holiday, Labour Day, or any special day established by Council.

5.7 The Fire Chief has absolute discretion in granting approval and may solicit additional information from the applicant to complete an accurate assessment of the request.

5.8 The Fire Chief may impose conditions for approval as he considers necessary to ensure the safety of the public.

## **6 GENERAL**

6.1 The discharge of Display Fireworks or any class of Fireworks may be suspended by order, whether verbal or written, of the Fire Chief or their designate, if in the opinion of the Fire Chief or their designate, they deem that it poses a threat to human life and/or property.

6.2 A Bylaw Enforcement Officer, the Fire Chief or their designate, Law Enforcement Officer and/or a Police Officer is an Officer for the enforcement of this By-law.

6.3 No person shall hinder, interfere, and/or obstruct an Officer while carrying out their duties while enforcing this By-law.

6.4 Where an Officer has reasonable grounds to believe that an offence under this By-law has been committed by a person(s), the Officer may require the name, address, and proof of identity of that person(s) and the person(s) shall supply the required information.

## **7 Fees**

7.1 The fees for obtaining a permit shall be as set out in the Town of Mattawa Consolidated Fees and Charges, By-law as amended.

7.2 The fees for an inspection by the Fire Chief or their designate, when required shall be set out in the Town of Mattawa Consolidated Fees and Charges, By-law as amended.

## **8 Powers of Entry**

8.1 An officer may enter onto land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the provisions of this By-law are being complied with.

8.2 Where an inspection is conducted by the Town, an officer may:

- i) Require the production for inspection of documents or things relevant to the inspection.
- ii) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts.
- iii) Require information from any person concerning a matter related to the inspection including their name, address, phone number and identification.

8.3 Every owner or person occupying the property shall permit an Officer to inspect

any land for the purposes as set out in this By-law. An Officer may be accompanied by a person under the Officers direction.

**9 PENALTY**

- 9.1 Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended, as per Schedule "B" attached hereto and forming part of this By-law.
- 9.2 Every person who contravenes or who causes or permits a contravention of any provision of this By-law is guilty of an offence.
- 9.3 Every director or officer of a corporation who knowingly concurs in the contravention of any provision of this By-law by the corporation is guilty of an offence.
- 9.4 A person, other than a corporation, convicted of an offence under this by-law, is liable, on a first conviction, to a fine of not more than \$10,000 and, on any subsequent conviction, to a fine of not more than \$25,000.
- 9.5 A corporation convicted of an offence under this By-law, is liable, on a first conviction, to a fine of not more than \$50,000 and, on any subsequent conviction, to a fine of not more than \$100,000.

**10 EFFECTIVE DATE**

This By-law shall come into full force and effect upon its final passage.

**11 REPEAL**

That By-law No. 68-24 is hereby repealed in its entirety.

READ A FIRST and SECOND TIME this 14<sup>th</sup> day of April, 2025.

READ A THIRD TIME and FINALLY PASSED this 14<sup>th</sup> day of April 2025.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk



Schedule "A" of By-Law No. 25-05

DISPLAY FIREWORKS EVENT APPROVAL FORM

Name of Applicant (print): \_\_\_\_\_

Address: \_\_\_\_\_

Telephone/ E-mail: \_\_\_\_\_

Supervisor's Certificate number: \_\_\_\_\_

Class: \_\_\_\_\_ Expiry date: \_\_\_\_\_

Company (if applicable): \_\_\_\_\_

Address: \_\_\_\_\_

Telephone/ E-mail: \_\_\_\_\_

Sponsoring organization (if applicable): \_\_\_\_\_

Address: \_\_\_\_\_

Event location: \_\_\_\_\_

\_\_\_\_\_

Date(s): \_\_\_\_\_

Name of Insuring agency: \_\_\_\_\_

Amount: \_\_\_\_\_

Address:: \_\_\_\_\_

Telephone/ E-mail: \_\_\_\_\_

Place and method of fireworks storage on site: \_\_\_\_\_

\_\_\_\_\_

Signature of Supervisor in Charge: \_\_\_\_\_ Date: \_\_\_\_\_

**Permission of local Authority having Jurisdiction**

Name (print): \_\_\_\_\_

Title: \_\_\_\_\_

Organization: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone/ E-mail: \_\_\_\_\_

Site plan attached: ☐ Yes ☐ No

Event description attached: ☐ Yes ☐ No

Signature of Authority having Jurisdiction: \_\_\_\_\_

Date: \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Schedule "B" to By-law No 25-05

THE CORPORATION OF THE TOWN OF MATTAWA-SET FINES  
PART 1 PROVINCIAL OFFENCES ACT BY-LAW NUMBER 25-05

Being a By- Regulate the Sale, Possession, Use, Setting Off, Ignition, and/or Discharge of  
Fireworks Within the Town of Mattawa

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1.	Sell fireworks within the Municipality	Section 2.1	\$500.00
2.	Sell firecrackers within the Municipality	Section 2.1	\$500.00
3.	Possession of fireworks within the Municipality	Section 3.1	\$250.00
4.	Possession of firecrackers within the Municipality	Section 3.1	\$250.00
5.	Set off fireworks within the Municipality	Section 4.1	\$400.00
6.	Set off firecrackers within the Municipality	Section 4.1	\$400.00
7.	Set off Display fireworks without a permit	Section 5.1	\$400.00
8.	Hinder, interfere and/or obstruct an Officer while carrying out their duties	Section 6.3	\$500.00

NOTE: The Penalty Provision for the offences indicated above is Section 9, of By-law No. 25-05.