



**CORPORATION OF THE TOWNSHIP OF ALBERTON**  
**BY-LAW NO. 22/21**

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*Being a by-law to prohibit the setting off or discharge of fireworks in the Township of Alberton during a declared Fire Ban or Restricted Fire Zone and to prohibit Flying Lanterns or similar Devices*

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**WHEREAS** Section 5(1) of the *Municipal Act S.O. 2001, c.25*, as amended, provides that the powers of a municipality shall be exercised by its council;

**AND WHEREAS** Section 121 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended provides that a local municipality may pass a by-law to prohibit and regulate the setting off of fireworks;

**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 prevention of spreading fires;

**NOW THEREFORE** Council for the Township of Alberton hereby enacts as follows:

1. For the purposes of this by-law, the following definitions shall apply:

- (a) "*Burn Ban*" means a time frame declared by the Ministry of Natural Resources and Forestry, or by the Chief Fire Official for Alberton Volunteer Fire Department, during which no open air burning is permitted within the Township of Alberton, and includes a burn ban or Restricted Fire Zone declared in respect of a geographic area which is larger than but includes the Township of Alberton;
- (b) "*Consumer Fireworks*" means an outdoor, low hazard, recreational firework that is classed as a subdivision 1 of Division 2 of Class 7 Fireworks under the *Explosives 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 not in excess of twenty-five one-hundredths of a grain of explosive used per cap. This type of fireworks may be referred to as "family fireworks"; and
- (c) "*Chief Fire Official*" means the Fire Chief of the Alberton Volunteer Fire Department appointed by Council for the Corporation of the Township of Alberton, or his designate in the absence or unavailability of the Fire Chief.

2. This by-law shall apply to all lands within Township of Alberton.

3. During a Burn Ban, no person(s) or owner(s) of land shall:

- (a) discharge consumer fireworks;
- (b) set off or discharge fireworks on any land of which the said person is not the registered owner;
- (c) discharge consumer fireworks into, inside of, or on any building, accessory building, structure, or motor vehicle; and
- (d) discharge consumer fireworks during an imposed burn ban or in a restricted fire zone.


4. At no time, whether a Burn Ban is in effect or not, shall any person or property owner release into the air, or cause to be released into the air, a flying lantern or any device that relies on an open flame or any burning fuel source to heat the air inside the lantern or device. Such items and devices are prohibited in the Township of Alberton

5. Every person who sets off or discharges any type of fireworks shall immediately after the conclusion of such setting off or discharge:
- (a) carry out a site inspection; and
  - (b) remove all unused or partly used fireworks from the site; and
  - (c) properly dispose of or store such unused or partly used fireworks.
6. In the event that the Alberton Volunteer Fire Department, or any of its Mutual Aid or Automatic Aid partners, is called upon or required to respond to a fire caused by the setting off or discharge of fireworks on any property in the Township of Alberton, the person who set off or discharged the fireworks and the owner of the property on which the fireworks were set off or discharged, shall be billed for and shall forthwith pay, upon demand, all the costs of the responding Fire Departments, including:
- (a) all fees and costs for personnel, equipment and apparatus responding to extinguish a fire resulting from the setting off or discharge of fireworks contrary to this by-law, as are prescribed by any by-law passed by the Council(s) of such responding Fire Department(s); and
  - (b) recovery of all costs incurred, including costs:
    - (i) for the services of private contractors, whether for rental of special equipment or personnel; and
    - (ii) to preserve property or evidence; and
    - (iii) to eliminate an emergency risk or risk of an emergency situation; and
    - (iv) all charges as are stipulated in any user fees by-law in effect; and
    - (v) for reimbursement for responding volunteer firefighter wage replacement claims.
7. If any person fails to pay the costs and fees set out above, forthwith upon written demand, the amount of same in default may, in addition to any other remedies Township of Alberton may have, be recovered by the Township in like manner as municipal taxes in accordance with Section 398(2)2 of the *Municipal Act, 2001*, S.O. 2001, c.25, against the owner of the land, if the owner set off or discharged the fireworks, or allowed the fireworks to be set off or discharged, in violation of this by-law.
8. Every person who contravenes any provision of this by-law is guilty of an offence and may be charged in accordance with the terms of the *Fire Protection and Prevention Act, 1997* as amended, Part 2 subsection 2.6.3.4. of the *Ontario Fire Code*, in addition to the requirement to pay the fees set out above, or may be charged with an offence under the *Provincial Offences Act*.
9. This By-Law shall take effect upon third reading thereof.

**READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 14<sup>th</sup> DAY OF JULY, 2021.**



Reeve



Clerk