THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE

BY-LAW NO. 62-2026

Being a By-law to Regulate the Sale and Discharge of fireworks within the Municipality of Port Hope and Repeal By-law 102-2008

WHEREAS section 121 of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended authorizes Council to enact by-laws for prohibiting or regulating the setting off of fireworks; and to prohibit those activities unless a permit is obtained from the municipality and may impose conditions for obtaining and continuing to hold the permit, including the submission of plans; and

WHEREAS Section 121 of the *Municipal Act*, S.O. 2001, c.25 as amended, authorizes a municipality to pass by-laws to prohibit and regulate the sale of fireworks and the setting off of fireworks, including requirements that a permit be obtained from the municipality for the sale or setting off of such fireworks and imposing conditions on such permits; and

WHEREAS Part 2, Section 7.1 of the *Fire Protection and Prevention Act*, S.O. 1997, c4, as amended, provides that the council of a municipality may pass by-laws regulating fire prevention, including the spreading of fires; and

WHEREAS the Municipality of Port Hope has enacted a Prescribed Fees for Services By-law to set fees or charges for services or activities provided by or done on behalf of the Municipality of Port Hope; and

WHEREAS the Municipality of Port Hope has enacted an Administrative Monetary Penalty System By-law to establish a system of administrative monetary penalties for designated by-law contraventions; and

WHEREAS Council considered Staff Report FES-03-26 at its Meeting of September 15, 2026;

NOW THEREFORE the Council of the Corporation of the Municipality of Port Hope enacts as follows:

1. DEFINITIONS

1.1 “Act” means the *Explosives Act, R.S.C. 1985, c. E-17, and the regulations made thereunder,* as amended or replaced from time to time.

1.2 “Administrative Monetary Penalty System By-law” means the Municipality’s by-law establishing an administrative monetary penalty system, as amended or replaced from time to time.

1.3 “Building” means any structure used or intended for supporting or sheltering any use or occupancy.

1.4 “Chief Fire Official” means the assistant to the Fire Marshal who is the Municipal Fire Chief or a member or members of the fire department appointed by the Municipal Fire Chief.

1.5 “Clerk” means the Municipal Clerk for the Municipality of Port Hope or designate.

1.6 “Council” means the Council of the Municipality of Port Hope.

1.7 "Consumer Firework" means an outdoor, low hazard, recreational firework that is classed as a Class 7, Division 2, Subdivision 1 Firework 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 not in excess of twenty-five one-hundredths of a grain of explosive used per cap.

1.8 "Consumer Fireworks Sales Permit" means a permit issued in accordance with this By-law by the Chief Fire Official for the sale of Consumer Fireworks.

1.9 "Discharge" means to fire, ignite, explode or set off or cause to be fired, ignited, exploded or set off or otherwise cause, permit or allow to be fired, ignited, exploded or set off, and the words "discharged" and "discharging" have a similar meaning.

1.10 "Display Firework" means an outdoor, high hazard, recreational firework that is classed as a Class 7, Division 2, Subdivision 2 Firework under the Act, and includes rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, bombardos, waterfalls, fountains, batteries, illumination, set pieces and pigeons but does not include Firecrackers.

1.11 "Display Fireworks Permit" means a permit issued in accordance with this By-law by the Chief Fire Official for the display of Display Fireworks.

1.12 "Display Supervisor" means a person who is an approved purchaser of Display Fireworks and who is qualified under the Act to supervise the Discharge of Display Fireworks.

1.13 "Enforcement Officer" means the, Deputy Fire Chief, Chief Fire Official, Fire Inspector, every member of the Port Hope Fire and Emergency Services designated as an Assistant to the Fire Marshal, every Municipal Law Enforcement Officer for the Municipality of Port Hope, and every police constable with the Port Hope Police Service or Northumberland Ontario Provincial Police who is authorized to enforce this By-law.

1.14 "Explosives Act" means the *Explosives Act,* R.S.C. 1985, c. E-17, and the regulations thereto, as amended or replaced from time to time.

1.15 “Fire Chief” means the Fire Chief for the Municipality of Port Hope or, for the purposes of the By-Law, any of their designated appointed by the Fire Chief and acting under the Fire Chiefs direction.

1.16 "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.

1.17 "Fireworks" means Display Fireworks, Pyrotechnic Special Effects Fireworks and Consumer Fireworks.

1.18 "FPPA" means the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c.4, as amended.;

1.19 "Fireworks Supervisor" means a person certified as a technician under the *Explosives Act* to conduct displays of Fireworks.

1.20 "Fireworks, Theatrical " means an authorized explosive of a class set out in Section 6 of the *Explosives Act*, that is made, manufactured or used to produce special pyrotechnic effects in connection with a motion picture, theater or television production or with a, or as a performance, before a live audience.

1.21 “PHFES” means Port Hope Fire and Emergency Services and member thereof.

1.22 “Person” includes an individual, corporation, partnership, association, firm, trust, estate, trustee, executor, administrator, legal representative, owner, occupier, tenant, operator, manager, supervisor, employee, employer, agent, contractor, mortgagee in possession, and any person having care, management or control of a property, business, activity or thing regulated by this By-law.

1.23 "Prohibited Firework" 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 poppers 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.

1.24 "Public Fireworks Display" means an exhibition of Fireworks in an outdoor assembly occupancy or open-air occupancy to which the public is invited, attends, may attend, or is admitted with or without a fee being charged.

1.25 "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.

1.26 "Pyrotechnic Special Effect Firework" means a high hazard firework that is classed as a Class 7, Division 2, Subdivision 5 Firework under the Act and that is used to produce a special pyrotechnic effect for indoor or outdoor performances and includes black powder bombs, bullet effects, flash powder, air bursts, smoke compositions, gerbs, lances and wheels.

1.27 "Pyrotechnic Special Effect Fireworks Permit" means a permit issued in accordance with this By-law by the Chief Fire Official for the display of Pyrotechnic Special Effect Fireworks.

1.28 "Sell" includes to offer for sale, advertise for sale, display or expose for sale, distribute, supply, deliver, exchange, transfer, give away, or otherwise dispose of Fireworks, whether for consideration or without consideration; and 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.

1.29 “Owner” means a person identified in the most recent tax roll as the owner of a property and includes a mortgagee in possession.

2. PROHIBITED SALES AND USE

2.1 No person shall Sell, offer for Sale, supply, distribute, give away, cause or permit to be Sold, or allow the Sale of any Firecrackers or Prohibited Fireworks.

2.2 No Owner, occupier, operator, manager, supervisor, employer, employee, corporation, director, officer, agent, or Person having care, management or control of a business or premises shall cause, permit or allow Firecrackers or Prohibited Fireworks to be Sold, offered for Sale, supplied, distributed, given away, stored, displayed or otherwise made available at, from, or in connection with that business or premises.

2.3 No person shall Discharge Firecrackers or Prohibited Fireworks at any time or cause, permit or allow Firecrackers or Prohibited Fireworks to be Discharged at any time.

3. SALES OF COMSUMER FIREWORKS

3.1 No person shall Sell Consumer Fireworks in a building unless the provisions of the Ontario Fire Code and all other applicable Acts and Regulations are complied with.

3.2 No person shall Sell Consumer Fireworks in the Municipality unless a Consumer Fireworks Sales Permit has first been obtained from the Chief Fire Official in accordance with this By-law.

3.3 No Owner, occupier, operator, manager, supervisor, employer, employee, corporation, director, officer, agent, or Person having care, management or control of a business or premises shall cause, permit or allow Consumer Fireworks to be Sold at, from, or in connection with that business or premises unless a valid Consumer Fireworks Sales Permit has been issued for that location.

3.4 A member of PHFES shall be permitted to conduct a site inspection in relation to each permit application received pursuant to this By-law.

3.5 A person applying for a Consumer Fireworks Sales Permit shall be required to submit the following:

I. A completed application, in the form provided by the Chief Fire Official;

II. Written consent of the owner of the property on which the sale of Consumer Fireworks is proposed, unless the applicant is the owner of the property;

III. The fee as prescribed by the Municipality's Fees and Charges By-law;

IV. A site plan for the sale location;

V. A description of fire emergency procedures; and

VI. Such other information as required by the Chief Fire Official or designate.

3.6 A Consumer Fireworks Sales Permit shall not be issued if the application is incomplete, the proposed location is not properly zoned for retail sales, there are reasonable grounds to believe the sale would contravene this By-law, the FPPA or the *Explosives Act*, or the information provided is not satisfactory to the Chief Fire Official, acting reasonably.

3.7 The Chief Fire Official may revoke a Consumer Fireworks Sales Permit at any time as necessary where the permit holder, Owner, occupier, operator, manager, employee, or any Person acting on their behalf fails to comply with this By-law, a condition of the permit, the FPPA, the *Explosives Act*, the Ontario Fire Code, or any other applicable law.

3.8 No person shall Sell Consumer Fireworks unless they are eighteen (18) years of age or older.

3.9 No person shall Sell Consumer Fireworks from an outdoor stand, tent, unenclosed trailer, shipping container, motor vehicle, or residential dwelling.

3.10 No person shall Sell Consumer Fireworks unless they are included on the most recent List of Authorized Explosives as published from time to time by the Explosives Branch of the Department of Natural Resources (Canada) or its successor.

3.11 No person shall store Consumer Fireworks except as permitted under the *Explosives Act* and the Ontario Fire Code.

3.12 No person shall exhibit Consumer Fireworks unless the Consumer Fireworks are separated into individual lots that do not exceed 25 kilograms in gross weight, and such separation between lots shall be sufficient to prevent fire from spreading rapidly from one lot to the next by:

I. Maintaining a minimum aisle width of 1.2 metres between lots;

II. Maintaining a partition, constructed of 6-millimetre plywood or other suitable material, that extends a minimum of 150 millimeters above the height of the lot or to the display shelf above; or

III. Maintaining sufficient separation between lots by such other suitable method or means; and

IV. Ensuring that no more than ten percent (10%) of the area of any display shelf on which Consumer Fireworks are exhibited contains holes or other openings.

3.13 No person shall exhibit Consumer Fireworks that are not in consumer packs, unless the Consumer Fireworks are inaccessible to the public and are displayed in a glass or Plexiglas case or other suitable receptacle.

3.14 No person shall exhibit Consumer Fireworks that are exposed, or may be exposed, to the rays of the sun or to excess heat, or that are within close proximity to flammable goods.

3.15 No person shall exhibit Consumer Fireworks on a display board or in a shop window unless the display consists of mock samples only and does not contain any explosive composition.

3.16 No person who Sells Consumer Fireworks shall, at any time, keep or permit the keeping of Consumer Fireworks unless the location or shop is designated as a no smoking area, has been posted with "No Smoking" signs, and is equipped with the appropriate number and class of fire extinguishers as may be required by the Chief Fire Official or the Ontario Fire Code.

3.17 No person who Sells Consumer Fireworks shall exhibit Consumer Fireworks to the public at any time unless the location or shop is attended by the vendor or an employee thereof.

3.18 No person shall exhibit Consumer Fireworks in an indoors shop or location, or in a trailer unless there are a minimum of two (2) unobstructed, clearly identified exits to ensure that employees and the public can quickly evacuate in the event of a fire.

3.19 No person shall Sell Consumer Fireworks except on the following days:

I. Victoria Day and Canada Day; and

II. Each of the ten (10) days immediately preceding Victoria Day and Canada Day.

4. CONDITIONS APPLYING TO CONSUMER FIREWORKS SALES PERMIT

4.1 The Chief Fire Official may issue permits for the sale of Consumer Fireworks on the conditions set forth in this By-law and on any additional reasonable conditions imposed by the Chief Fire Official.

4.2 The following conditions shall apply to all Consumer Fireworks Sales Permits:

I. The permit is valid only for the calendar year in which it is issued;

II. The permit is valid only for the sale location specified in the permit;

III. Every permit holder shall provide and maintain fully operational fire extinguishing equipment ready for immediate use;

IV. The permit holder shall sell Consumer Fireworks in conformance with the information provided to the Chief Fire Official pursuant to this By-law;

V. The permit holder shall always comply with the provisions of the *Explosives Act*, FPPA and the provisions of this By-law;

VI. The permit holder shall ensure that every employee, agent, contractor, manager, supervisor and Person acting on behalf of the permit holder complies with this By-law and all conditions of the permit; and

VII. Any other condition deemed reasonable in the circumstances by the Chief Fire Official.

4.3 No permit holder shall Sell Consumer Fireworks except in accordance with the conditions of the permit.

4.4 No Person shall cause, permit or allow Consumer Fireworks to be Sold at a location for which a Consumer Fireworks Sales Permit has been issued except in accordance with the conditions of that permit.

5. DISCHARGE OF CONSUMER FIREWORKS

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

I. Between dusk and 11:00 p.m. on Victoria Day;

II. Between dusk and 11:00 p.m. on Canada Day;

III. Such other times and such other dates as permitted by the Chief Fire Official in writing.

5.2 No person under the age of eighteen (18) years shall Discharge any Consumer Fireworks unless under the direct supervision of someone over the age of 18.

5.3 A person eighteen (18) years of age or older may Discharge Consumer Fireworks on any land belonging to them, or on privately owned land with permission from the owner.

5.4 No person shall Discharge Consumer Fireworks in a manner that creates danger, nuisance, or unsafe conditions or cause, permit or allow Consumer Fireworks to be Discharged in such a manner.

5.5 All persons Discharging Consumer Fireworks shall have means to extinguish them readily available, including a fire extinguisher, bucket of water, or other suitable means.

5.6 No Consumer Fireworks shall be discharged during an open-air burning ban or partial burning ban.

5.7 No Consumer Fireworks shall be discharged during a high wind warning issued by Environment Canada or where weather conditions otherwise create a fire or public safety risk.

6. DISPLAY FIREWORKS

6.1 No person or group of persons shall hold a display of Display Fireworks in the Municipality of Port Hope without first having obtained a permit to do so from the Chief Fire Official in accordance with this By-law.

6.2 A member of Port Hope Fire and Emergency Services shall be permitted to conduct a site inspection in relation to each permit application received pursuant to this By-law.

6.3 No person or group of persons shall hold a Public Fireworks Display using Consumer Fireworks.

6.4 Every application for a permit required under Part 6 of this By-law shall be made to the Chief Fire Official a minimum of fifteen (15) days prior to the event when the proposed display of Display Fireworks is to occur.

6.5 A person applying for a Display Fireworks Permit shall be required to submit the following:

I. A completed permit application, in the form provided by the Chief Fire Official;

II. A site plan providing a description of the site to be used for the Discharging of the Display Fireworks;

III. A description of the fire emergency procedures;

IV. Proof that the applicant is certified as a Display Supervisor;

V. Written consent of the owner of the property on which the Discharge of Display Fireworks is proposed, unless the Applicant is the owner of the property;

VI. The fee as prescribed by the Municipality's Prescribed Fees for Services By-law.

VII. Proof of insurance as described in Part 10 of this By-law;

VIII. Signed Indemnity as required by Part 11 of this By-law; and

IX. Such other information as required by the Chief Fire Official.

6.6 The Chief Fire Official may revoke a Display Fireworks Permit where:

I. The person to whom the permit is issued fails to comply with all provisions and conditions to which the permit is subject in accordance with this By-law.

II. The application for the Display Fireworks Sales permit contains false or misleading information.

III. Environmental concerns such as weather conditions, wind speed and/or wind direction are a factor.

IV. An Open-Air Fire Ban has been instituted.

V. The Chief Fire Official determines that the display may create a risk to persons, property, the environment, or emergency response operations.

7. CONDITIONS APPLYING TO DISPLAY FIREWORKS PERMIT

7.1 The Chief Fire Official may issue permits for displays of Display Fireworks with conditions outlined in Part 6 of this By-law and any additional reasonable conditions imposed by the Chief Fire Official.

7.2 The following conditions shall apply to all Display Fireworks Permits:

I. The permit is valid only for the display at the place and on the date or dates set forth in the permit;

II. The permit holder, who shall be a Display Supervisor, shall supervise the display of Display Fireworks at all times;

III. The permit holder, who shall be a Display Supervisor, shall Discharge the Display Fireworks;

IV. Every permit holder shall provide and maintain fully operational fire extinguishing equipment ready for immediate use;

V. The permit holder shall hold the display of Display Fireworks in conformance with the information provided to the Chief Fire Official pursuant to this By-law;

VI. Any other condition deemed reasonable in the circumstances by the Chief Fire Official.

7.3 No permit holder shall Discharge Display Fireworks except in accordance with the conditions of the permit.

7.4 The permit holder holding the display of Display Fireworks shall ensure that all unused Display Fireworks and all debris are removed forthwith from the site and safely disposed of.

8. PYROTECHNIC SPECIAL EFFECTS FIREWORKS

8.1 No person or group of persons shall Discharge any Pyrotechnic Special Effect Fireworks in the Municipality of Port Hope without first having obtained a permit authorizing the display of Pyrotechnic Special Effect Fireworks from the Chief Fire Official in accordance with this By-law.

8.2 A member of Port Hope Fire and Emergency Services shall be permitted to conduct a site inspection in relation to each permit application received pursuant to Part 8 of this By-law.

8.3 Every application for a permit required under Part 8 of this By-law shall be made to the Chief Fire Official a minimum of fifteen (15) days prior to the event when the proposed Discharge of Pyrotechnic Special Effect Fireworks is to occur.

8.4 A person applying for a Pyrotechnic Special Effect Fireworks Permit shall be required to submit the following:

I. A completed permit application, in the form provided by the Chief Fire Official;

II. A site plan of the facility and room capacity, the stage and the Pyrotechnics Special Effect Fireworks storage area;

III. A description of the fire emergency procedures;

IV. Proof that the applicant is certified as a Pyrotechnician;

V. Written consent of the owner of the property on which the Discharge of Pyrotechnic Special Effects Fireworks is proposed, unless the Applicant is the owner of the property;

VI. The fee as prescribed by the Municipality's Fees and Charges By-law as approved by Council for the Municipality of Port Hope as approved by Council from time to time;

VII. Proof of insurance as required by Part 10 of this By-law;

VIII. Signed Indemnity as required by Part 11 of this By-law; and

IX. Any other information as required by the Chief Fire Official.

8.5 A permit for the display of Pyrotechnics Special Effects Fireworks shall not be issued where:

I. The application is incomplete;

II. The applicant is not a Pyrotechnician under the Act; or

III. There are reasonable grounds for belief that holding a display of Pyrotechnic Special Effect Fireworks will result in a breach of this by-law, the FPPA or the Act; or

IV. The information provided in support of the Display Pyrotechnic Special Effect Fireworks Permit pursuant to this By-law is unacceptable to the Chief Fire Official in their sole discretion, acting reasonably.

8.6 The Chief Fire Official may revoke a Pyrotechnics Special Effects Fireworks Permit where:

I. The person to whom the permit is issued fails to comply with all provisions and conditions to which the permit is subject in accordance with this By-law;

II. The application for the Pyrotechnics Special Effects Permit contains false or misleading information;

III. Environmental concerns such weather conditions, wind speed and/or wind direction are a factor;

IV. An Open-Air Fire Ban has been instituted; or

V. The Chief Fire Official determines that the display may create a risk to persons, property, the environment, or emergency response operations.

9. CONDITIONS APPLYING TO PYROTECHNIC SPECIAL EFFECTS FIREWORKS PERMIT

9.1 The Chief Fire Official may issue permits for displays of Pyrotechnic Special Effect Fireworks on the conditions set forth in Part 9 of this By-law and any additional reasonable conditions imposed by the Chief Fire Official.

9.2 The following conditions shall apply to Pyrotechnic Special Effect Fireworks Permits:

I. The permit is valid only for the display at the place and on the date or dates set forth in the permit; and

II. The permit holder, who shall be a Pyrotechnician, shall supervise the display of Pyrotechnic Special Effect Fireworks.

9.3 The permit holder, who shall be a Pyrotechnician, shall Discharge the Pyrotechnic Special Effects Fireworks;

I. The permit holder shall provide and maintain fully operational fire extinguishing equipment ready for immediate use;

II. The permit holder shall comply at all times with the provisions of the Act, FPPA, the Pyrotechnics Special Effects Manual published by Natural Resources Canada or any successor publication, the Ontario Fire Code, and the provisions of this By-law;

III. The permit holder shall hold the display of Pyrotechnic Special Effects Fireworks in conformance with the information provided to the Chief Fire Official pursuant to this By-law;

IV. Any other condition deemed reasonable in the circumstances by the Chief Fire Official.

9.4 No permit holder shall Discharge Pyrotechnic Special Effect Fireworks except in accordance with the conditions of the permit.

9.5 The permit holder holding the display of Pyrotechnic Special Effect Fireworks shall ensure that all unused Pyrotechnic Special Effect Fireworks and all debris are removed forthwith from the site and safely disposed of.

10. INSURANCE

10.1 The applicant for a permit under Parts 6 and 8 of this By-law shall provide and maintain Commercial General Liability insurance subject to limits of not less than Five Million Dollars ($5,000,000) 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 Corporation of the Municipality of Port Hope as an additional insured thereunder. Such insurance shall include permission to conduct displays of Display Fireworks or Pyrotechnic Special Effects Fireworks. Such insurance policy shall contain an endorsement to provide the Municipality of Port Hope with (30) days prior written notice of cancellation or of a material change that would diminish coverage, and a Certificate of Insurance evidencing such insurance coverage shall be provided to the Municipality of Port Hope prior to the issuance of a permit.

11. INDEMNIFICATION

11.1 The applicant for a permit under Parts 6 and 8 of this By-law shall provide a signed indemnity which indemnifies and saves harmless The Corporation of the Municipality of Port Hope from any and all claims, demands, causes of action, losses, costs or damages that the Municipality may suffer, incur or be liable for resulting from the performance of the applicant as set out in this by-law whether with or without negligence on the part of the applicant, the applicant's employees, directors, contractors and agents.

12. Production of Permit

12.1 Every holder of a Consumer Fireworks Sales Permit, Display Fireworks Permit, or Pyrotechnic Special Effects Fireworks Permit shall produce their permit upon being so directed by the Chief Fire Official or an Enforcement Officer.

13. Offences and Penalties

13.1 This By-law is a designated by-law under the Municipality’s Administrative Monetary Penalty System By-law.

13.2 Every Person who contravenes a provision of this By-law that is designated in the Administrative Monetary Penalty System By-law may be issued a penalty notice and shall be liable to pay an administrative penalty in the amount established by the Administrative Monetary Penalty System By-law.

13.3 An Enforcement Officer who has reasonable grounds to believe that a Person has contravened a designated provision of this By-law may issue a penalty notice to that Person in accordance with the Administrative Monetary Penalty System By-law.

13.4 Every Person who is issued a penalty notice under this By-law may exercise the review rights and is subject to the procedures, administrative fees and timelines established by the Administrative Monetary Penalty System By-law.

13.5 An administrative penalty imposed under this By-law constitutes a debt of the Person to the Municipality and may be recovered in accordance with the Administrative Monetary Penalty System By-law and applicable law.

13.6 Every Person who contravenes any provision of this By-law, including an Order issued under 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.

13.7 An Enforcement Officer may elect to proceed by way of a penalty notice under the Administrative Monetary Penalty System By-law or by laying a charge under the *Provincial Offences Act*, as appropriate in the circumstances.

13.8 Where a penalty notice has been issued to a Person for a contravention of this By-law, no charge shall be laid against that same Person under the *Provincial Offences Act* for the same contravention.

13.9 Without limiting the Municipality's discretion under section 13.7, an Enforcement Officer may consider the nature, severity and duration of the contravention; the actual or potential risk to public safety; the risk of fire, injury, property damage or environmental harm; whether the Person has a history of non-compliance; and any other relevant circumstances.

13.10 Each day or part of a day that a contravention continues constitutes a separate offence and may constitute a separate contravention for which an administrative penalty may be imposed, subject to the Administrative Monetary Penalty System By-law and applicable law.

13.11 Where a corporation contravenes a provision of this By-law, any director, officer, employee, agent, manager, supervisor or other Person who caused, permitted, allowed, authorized, acquiesced in or participated in the contravention is also guilty of an offence and may be subject to an administrative penalty where applicable.

14. Enforcement and Administration

14.1 This By-law may be enforced by every Enforcement Officer.

14.2 No person shall obstruct, hinder or interfere with an Enforcement Officer in their enforcement of this By-law.

14.3 Subject to the FPPA, the *Municipal Act*, 2001, and any other applicable law, an Enforcement Officer may, at any reasonable time and without prior notice, inspect any land, property, places, premises, buildings or structures where Fireworks are stored or offered for sale.

14.4 Subject to the FPPA, the *Municipal Act*, 2001, and any other applicable law, an Enforcement Officer may, at any reasonable time and without prior notice, inspect any land, property, places, premises, buildings or structures for which an application for a permit under this By-law has been received for the purposes of conducting the site inspections required pursuant to Sections 3.4, 6.2 and 8.2 of this By-law.

14.5 Subject to the FPPA, the *Municipal Act*, 2001, and any other applicable law**,** an Enforcement Officer may, at any reasonable time and without prior notice, inspect any land, property, places, premises, buildings or structures for which a permit under this By-law has been issued for the purpose of ensuring compliance with the permit.

14.6 Subject to the FPPA, the *Municipal Act*, 2001, and any other applicable law, an Enforcement Officer may, at any reasonable time and without prior notice, inspect any land, property, places, premises, buildings or structures for the purpose of carrying out an inspection to determine if any section of this By-law is complied with.

14.7 No Person shall fail to comply with a lawful direction of an Enforcement Officer given for the purpose of enforcing this By-law.

15. VALIDITY

15.1 This By-law shall come into force effective January 1, 2027.

16. REPEAL

16.1 That By-law 102-2008 be repealed effective January 1, 2027.

READ and finally passed in Open Council this 15th day of September 2026.

_____
Olena Hankivsky, Mayor

_____
Shrishma Davé, Clerk

By signing this by-law on the 15th day of September, Mayor Olena Hankivsky will not exercise the power to veto this by-law.