



**TOWNSHIP OF ALFRED AND PLANTAGENET
AGENDA
COMMITTEE OF THE WHOLE**

**Tuesday, May 17, 2022, 7:00 P.M.
ELECTRONIC PARTICIPATION**

Pages

1. OPENING OF THE MEETING
2. ADOPTION OF THE AGENDA
3. DISCLOSURES OF PECUNIARY INTERESTS
4. DELEGATIONS AND PRESENTATIONS
 - 4.1. South Nation Conservation Authority - Update - By-law for the protection of locally significant wetlands.

Mrs. Alison McDonald
 - 4.2. IGS Hawkesbury - Terragraph Solution for Alfred. 1

Mr. Jamie Bogue and Mr. Ron Ziernicki
5. REPORTS FROM DEPARTMENTS/COMMITTEES
 - 5.1. CLERK - By-law to delegate authority. 18
 - 5.2. BY-LAW - Proposed amendment to the Garage Sales By-law 2010-95. 23
 - 5.3. BY-LAW - Proposed by-law to regulate Fireworks. 26
 - 5.4. PARKS AND RECREATION - LOI-3-2022 - Naming Policy for Municipal Parks and Facilities.
6. NOTICES OF MOTIONS
7. OTHER ITEMS
8. QUESTION PERIOD
9. ADJOURNMENT

60 GHz Terragraph Technology

*Mission: To bring affordable
ultra-high speed internet
everywhere*



OVERVIEW

Presenter name: Jamie Bogue, President
jbogue@hawkigs.net

Ron Ziernicki, Outside Plant Manager
rziernicki@hawkigs.net

Website address: www.hawkigs.net

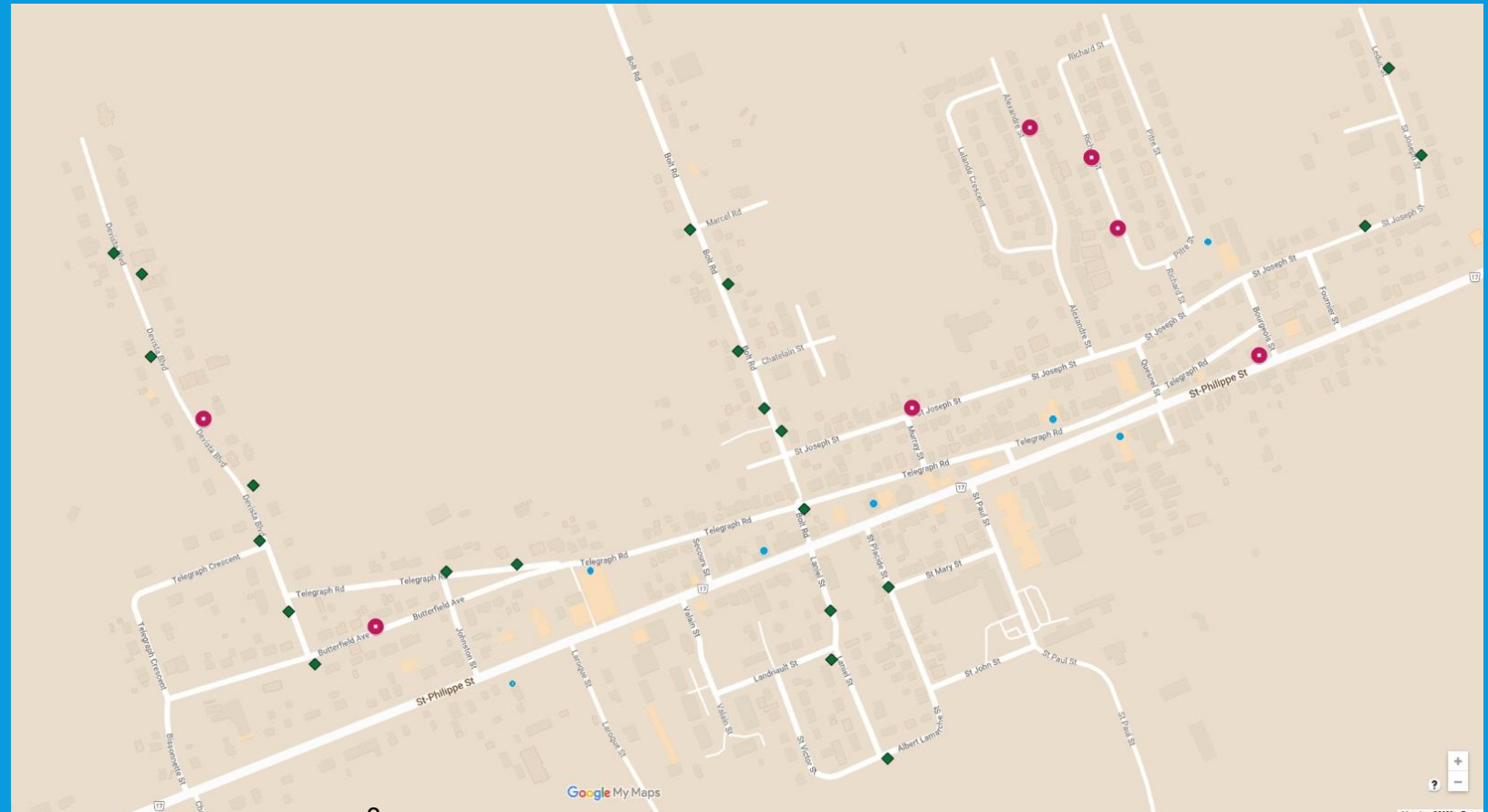
Aerial Image View of Network
Description of Infrastructure
Make Ready Requirements
Public Consultation Process
Service Packages Being Offered



AERIAL IMAGE OF NETWORK

Locations of all Distribution Nodes

- **Red:** Modification of existing structure or installation of new hydro pole or tower
- **Green:** Existing hydro poles
- **Blue:** Private building sites



DESCRIPTION OF INFRASTRUCTURE



Pole Mounted



Existing Tower
Mounted 4



New Tower
Mounted



Roof Mounted

STRUCTURAL MAKE READY REQUIREMENTS

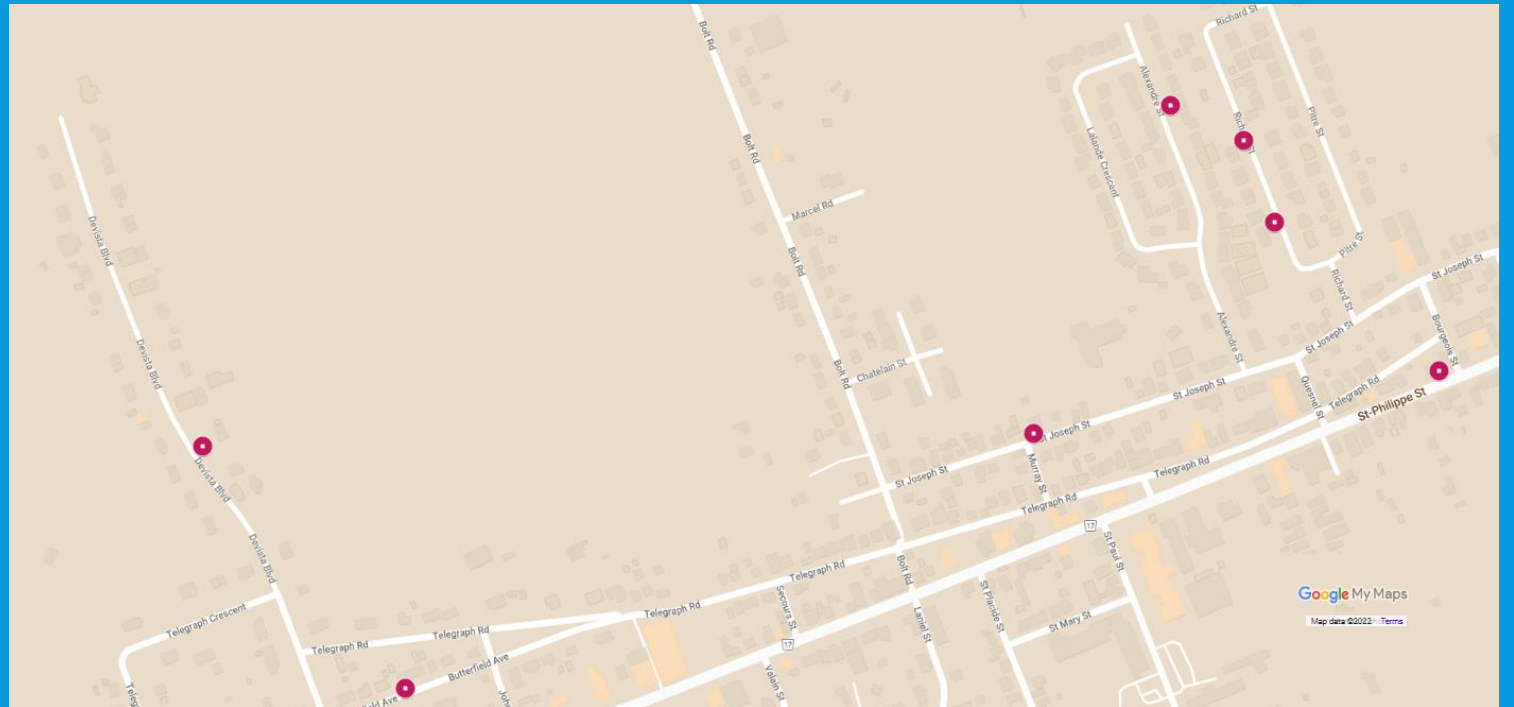
Installation of 4 New Utility Poles

- 1 on Devista Blvd
- 1 on Butterfield Ave
- 1 on St-Joseph St
- 1 on Alexandre St

Replace 2 light posts

- 2 on Richard St

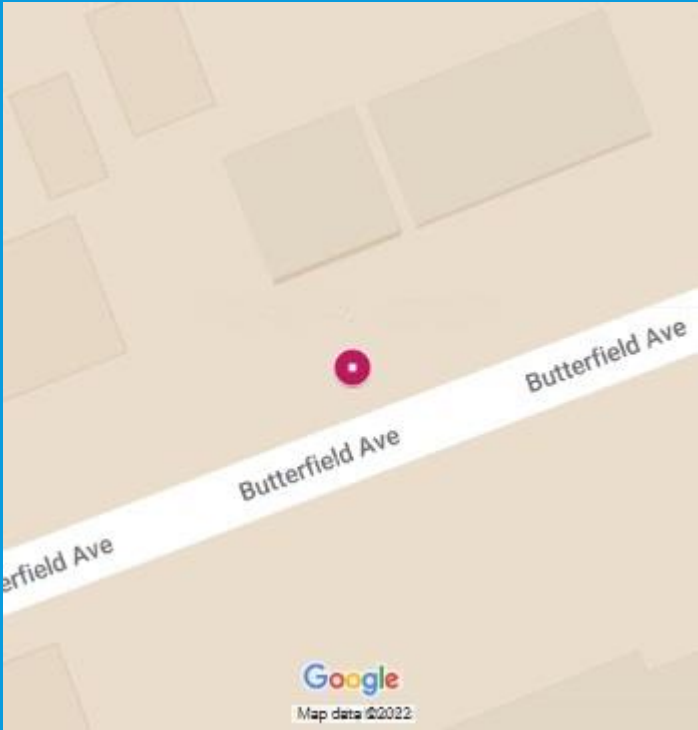
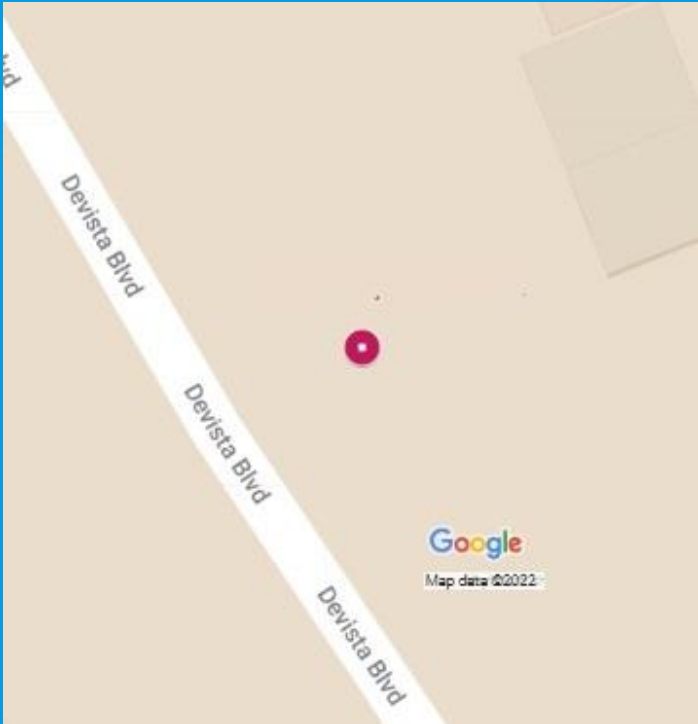
Install 1 tower at Besner Carwash on St-Philippe St



STRUCTUAL MAKE READY REQUIREMENTS

Installation of a new 35' hydro pole

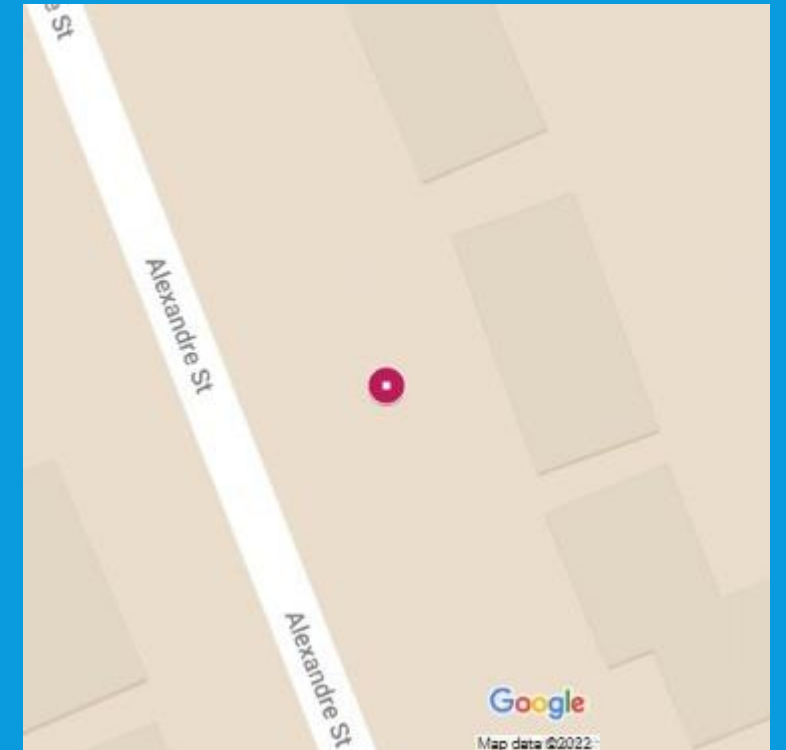
- **Devista St** GPS: 45.5591047, -74.8930805
- **Butterfield St** GPS: 45.556815, -74.890354



STRUCTURAL MAKE READY REQUIREMENTS

Installation of a new 35' hydro pole

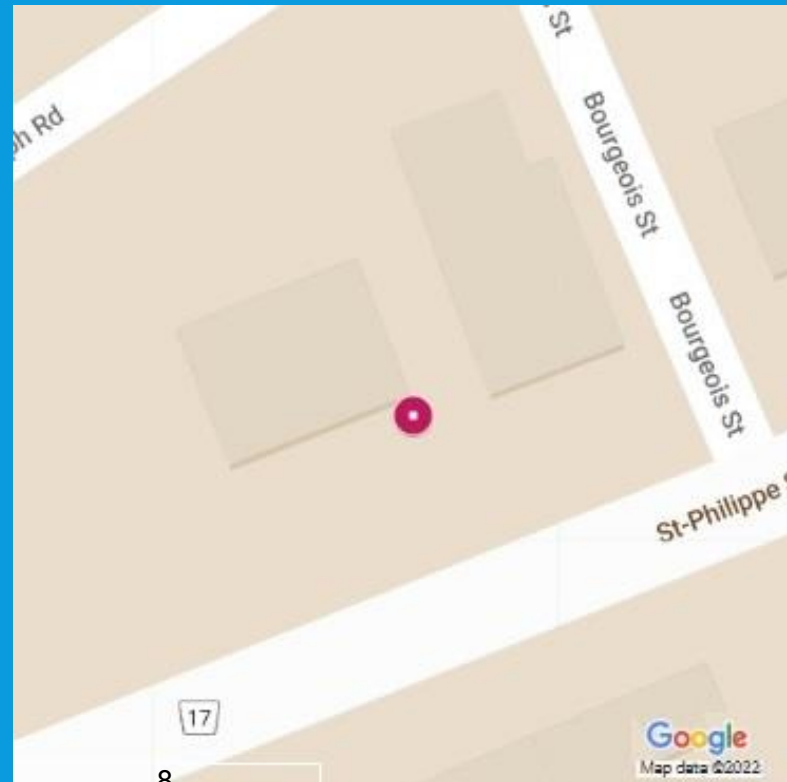
- St-Joseph St GPS: 45.559226, -74.8818861
- Alexandre St GPS: 45.5623212, -74.8800372



STRUCTUAL MAKE READY REQUIREMENTS

Installation of a new 40' tower

➤ St-Philippe St GPS: 45.5598103, -74.8764143



STRUCTURAL MAKE READY REQUIREMENTS

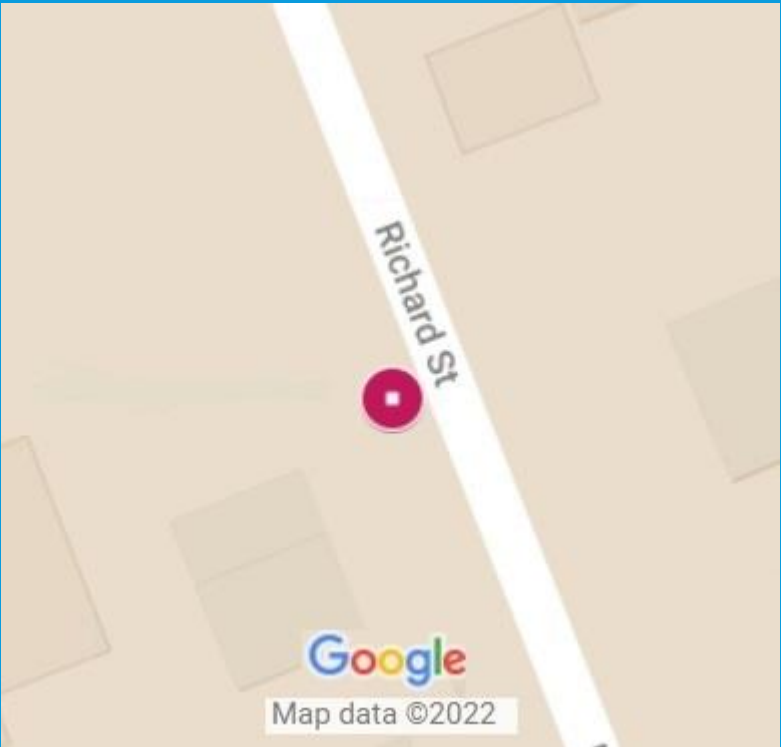
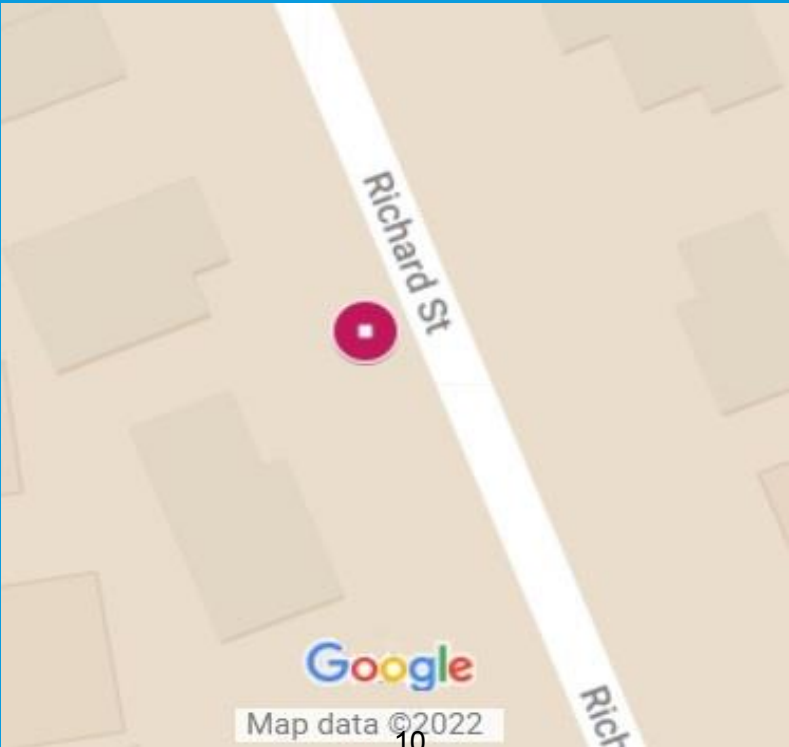
Installation of a 40' tower



STRUCTUAL MAKE READY REQUIREMENTS

Replacement existing light post with a 35' light post

- Richard St GPS: 45.5612184, -74.8786348
- Richard St GPS: 45.5619925, -74.8790577



STRUCTUAL MAKE READY REQUIREMENTS

Richard St light post

Example of before and after view



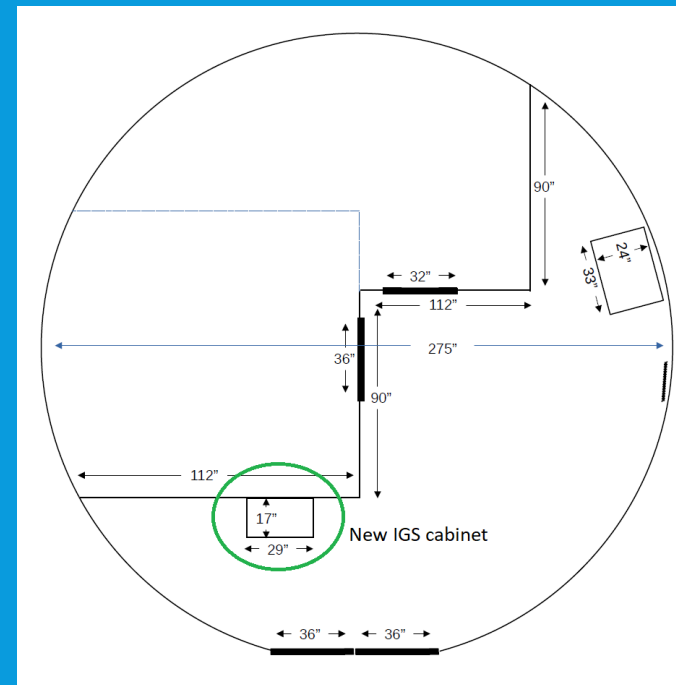
PUBLIC CONSULTATION PROCESS

Reference Industry
Canada CPC-2-00-03

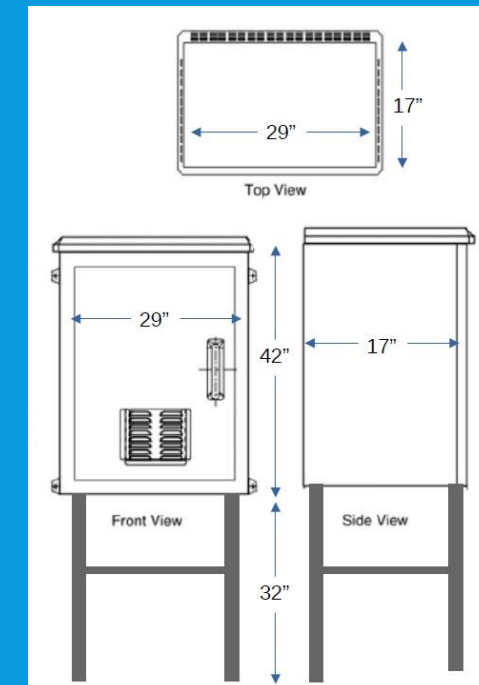
- Following process as outlined by ISED CPC-2-0-03.
- Public consultation process to be completed within 120 days.
- Public notification package sent by mail to all properties within a radius of 3x new or modified structure height.
- Recipients have 30 days to provide written public comment.
- IGS Hawkesbury must provide written response to comments within 60 days.
 - Party then has 21 days to reply to response.
- All correspondence will be kept and provided to ISED and Municipality of Alfred-Plantagenet.
- Consultation will be concluded when all reasonable and relevant concerns are addressed.
- We have identified 68 properties to be included in the public consultation.

STRUCTURAL MAKE READY REQUIREMENTS

Installation of 1 cabinet inside water
tower

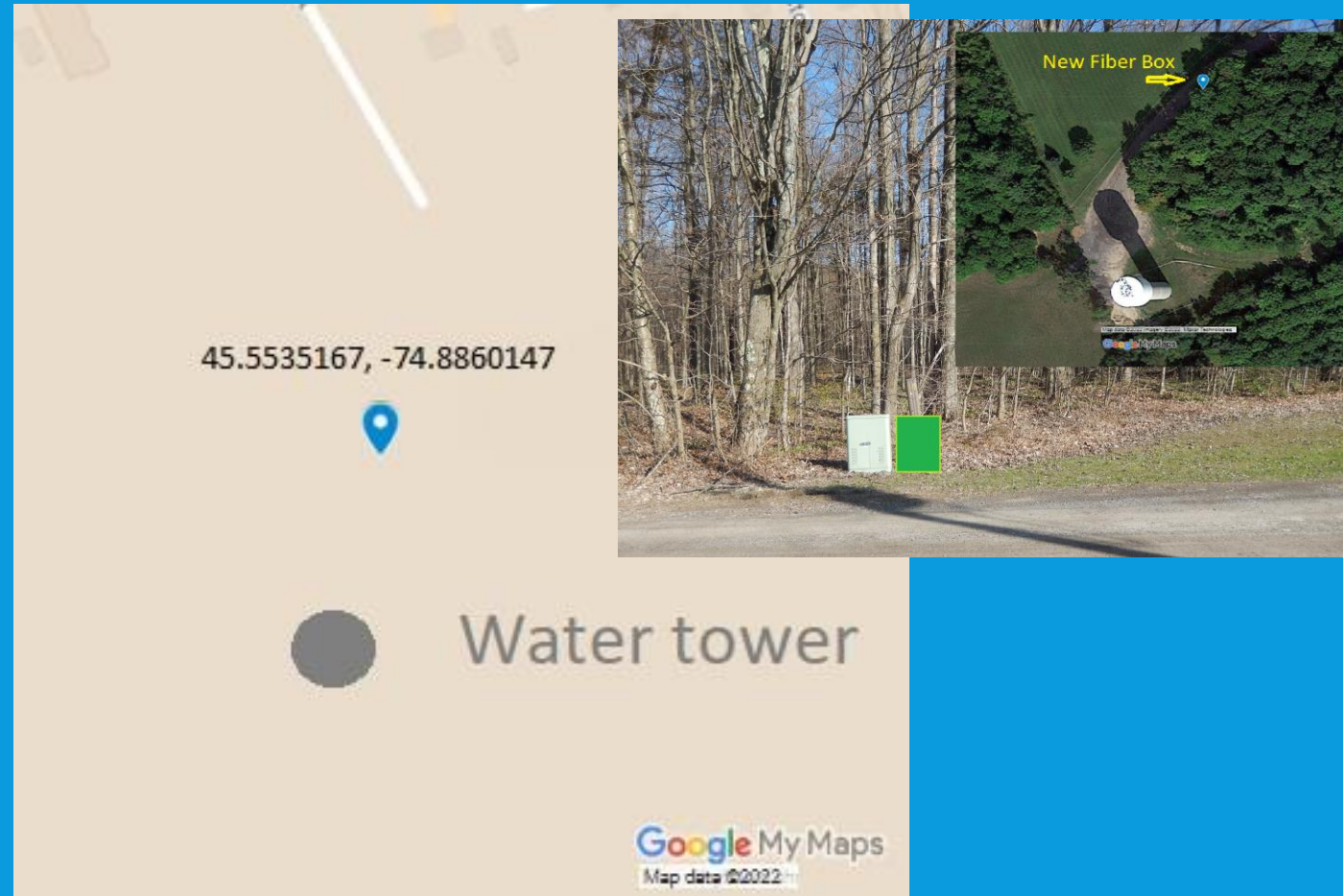


13



STRUCTURAL MAKE READY REQUIREMENTS

Installation of 1 fibre box on
Laroque St. next to existing Bell
fibre box



PROJECT STATUS

Task	Status
Asset Inventory	Complete
3d Model Upload	Complete
Network Design	Complete
Pole Surveying	Complete
Test site validation	Complete
Sign site leases	Complete
Pole engineering	80% complete
Fibre engineering	30% complete
Public consultation	Start date of May 20th
Network build	Start date TBD

SERVICE PACKAGES OFFERED

Service Packages Being Offered

- 50/50 Mbps -> \$49.99
- 100/100 Mbps -> \$69.99
- 200/200 Mbps -> \$89.99



REQUIREMENTS TO MOVE FORWARD

- Installation of new cabinet inside water tower
- Installation of fibre box at water tower site
- Proceed with project as presented
- Proceed with Public Consultation as presented





CORPORATION DU CANTON D'ALFRED ET PLANTAGENET

Grefte

Élections 2022 – Mesures Interdites

DATE: 17 mai 2022
FILIÈRE : GR-04-2022

INTRODUCTION

L'année 2022 est une année d'élection municipale en Ontario. Le 19 août 2022, jour de la déclaration de candidature lorsque les déclarations de candidatures seront certifiées, la municipalité pourrait se voir imposer des restrictions en vertu de la provision de la *Loi de 2001 sur les municipalités* (la Loi), concernant les mesures interdites après la date limite des mises en candidatures, communément appelées dispositions de « canard boiteux » (lame duck). Cette situation pourrait aussi se prolonger après le jour du scrutin, selon le résultat des élections.

La Loi prévoit que dans un tel cas, le conseil peut déléguer certains pouvoirs à l'administration afin de permettre le fonctionnement efficace de la municipalité.

NATURE DE LA DEMANDE

Le greffe propose au conseil l'adoption d'un règlement afin de déléguer certains pouvoirs à l'administration dans le cas où le conseil serait en position de « canard boiteux ».

CONTEXTE LÉGAL

En vertu de l'article 275 de la Loi, le conseil ne peut prendre aucune des mesures énumérées ci-dessous :

- La nomination d'un fonctionnaire de la municipalité ou sa destitution
- L'embauche ou le congédiement d'un employé de la municipalité,
- La disposition d'un bien meuble ou immeuble de la municipalité dont la valeur dépasse 50 000 \$ au moment de sa disposition,
- L'engagement d'une dépense ou la constitution d'une autre dette s'élevant à plus de 50 000 \$.

Si, à la date limite des mises en candidatures, l'une des dispositions suivantes s'applique au nouveau conseil qui entrera en fonction à la suite des élections :

- S'il doit se composer du même nombre de membres que le conseil sortant, le nouveau conseil comptera moins de trois quarts des membres du conseil sortant ;
- S'il doit se composer d'un plus grand nombre de membres que le conseil sortant, le nouveau conseil comptera moins de trois quarts des membres du conseil sortant, et si oui, que les trois quarts du conseil sortant ne constitueront pas la majorité des membres du nouveau conseil ; ou
- S'il doit se composer de moins de membres que le conseil sortant, qu'au moins les trois quarts des membres du nouveau conseil auront été membres du conseil sortant, ET si oui, que les trois quarts du conseil sortant ne constitueront pas la majorité des membres du nouveau conseil.

Cette vérification devra aussi être faite après le jour du scrutin, et selon le résultat des élections, la situation de « canard boiteux » pourrait se prolonger jusqu'à l'entrée en fonction des membres du nouveau conseil, le 15 novembre 2022.

COMMENTAIRES DES AUTRES SERVICES

Sans objet.

IMPLICATIONS FINANCIÈRES

Sans objet.

COMMENTAIRES

Le conseil a choisi, en 2021, de réduire le nombre de membres du conseil à 5, soit 4 conseillers et le maire. Cela veut dire qu'au moins 4 membres du conseil sortant devraient potentiellement être membre du nouveau conseil pour éviter une situation de « canard boiteux ».

Cette détermination se fera au lendemain de la date limite pour soumettre une candidature à un poste au sein du conseil, ainsi qu'au lendemain des élections, le 25 octobre 2022.

Il est important de préciser que cette mesure restrictive quant à la disposition de bien meuble ou immeuble, ou encore l'engagement d'une dépense excédant 50 000 \$ ne s'applique qu'aux décisions n'ayant pas été entérinées avec l'adoption du plus récent budget adopté.

Afin de pallier cette éventualité, et pour permettre que les affaires de la municipalité puissent se poursuivre sans interruption, il convient de déléguer l'autorité au directeur général, en vertu du règlement proposé en annexe. Ce règlement spécifie que cette autorité ne survient qu'au cas où l'autorité du conseil est restreinte après le 19 août 2022, ou au lendemain du jour du scrutin, le 25 octobre prochain, jusqu'à l'assermentation du nouveau conseil, le 15 novembre 2022.

Il est important de noter que cette autorité déléguée ne sert qu'à assurer le bon fonctionnement de la municipalité, et qu'elle ne sera utilisée qu'en cas de besoin. Si le directeur général doit agir en vertu du règlement proposé, un rapport détaillant les actions prises durant cette période sera présenté au nouveau conseil, pour expliquer les décisions prises, en toute transparence.

Les chefs de départements seront avisés de la possible situation de « canard boiteux » et seront invités à prévoir les demandes au conseil nécessaires au bon fonctionnement de leur département respectif afin qu'elles soient présentées au conseil d'ici le 12 juillet, dernière réunion ordinaire avant le 19 août 2022, date limite pour soumettre une candidature en vue des prochaines élections.

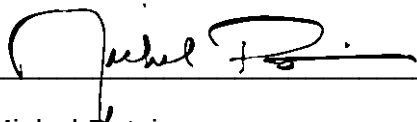
Le règlement proposé sera présenté au conseil lors de la réunion du 7 juin prochain pour adoption.

LIEN AVEC LE PLAN STRATÉGIQUE

L'adoption du règlement proposé rejoint la stratégie d'appui à la bonne gouvernance du Conseil du plan stratégique.



Annie Rochefort
Greffière



Michel Potvin
Directeur général

**DELEGATION POWERS FOR ELECTIONS PERIOD BY-LAW 2022-
THE CORPORATION OF THE TOWNSHIP OF
ALFRED AND PLANTAGENET**

By-law Number 2022-

Being a by-law to delegate certain authorities for the period of Nomination Day August 19, 2022 to November 15, 2022.

WHEREAS Section 5 of the Act provides that a municipality's power shall be exercised by by-law;

AND WHEREAS Section 23.1 of the Act states that Council is authorized to delegate certain powers and duties;

AND WHEREAS Section 275 of the *Municipal Act 2001, S.O. 2001*, Chapter 25, as amended, provides that if three quarters of the members of the outgoing Council of the municipality will not be returning, the following authorities of the Council will cease on Nomination Day, being August 19, 2022:

- a) The appointment or removal from office of any officer of the municipality;
- b) The hiring or dismissal of any employee of the municipality;
- c) The disposition of any real or personal property of the municipality which has a value exceeding \$50,000.00 at the time of disposal; and
- d) Making any expenditures or incurring any other liability, which exceeds \$50,000.

AND WHEREAS the Council of the Corporation of the Township of Alfred and Plantagenet deems it expedient and necessary to delegate authority to the Chief Administrative Officer to take action, where necessary, on certain acts during the "Lame Duck" period;

NOW THEREFORE the Council of the Corporation of the Township of Alfred and Plantagenet enacts as follows:

1. **THAT** the Chief Administrative Officer is hereby delegated authority as the financial signing authority for expenditures outside the current approved budgets exceeding \$50,000.
2. **THAT** the Chief Administrative Officer is hereby delegated the authority, including authority to execute the agreement of purchase and sale, pertaining to the disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal.
3. **THAT** the Chief Administrative Officer is hereby delegated the authority to appoint or remove from office any officer of the municipality.
4. **THAT** the Chief Administrative Officer will report on any actions taken under the restrictions listed in Section 275 (3) of the *Municipal Act, 2001*.
5. **THAT** this By-law is in effect for the 2022 Municipal Election, starting on August 19, 2022, and expires on November 15, 2022.
6. **THAT** this By-law shall come into force and effect upon its final passage.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 7TH DAY OF JUNE 2022.

Yves Laviolette, Acting Mayor

Annie Rochefort, Clerk



CORPORATION DU CANTON D'ALFRED ET PLANTAGENET

Réglementation

Proposition de modification du règlement régissant les ventes de garage dans le Canton d'Alfred et Plantagenet

DATE: 17 mai 2022
FILIÈRE : R-03-2022

INTRODUCTION

Ce rapport est présenté afin de considérer une modification au règlement régissant les ventes de garage dans le canton d'Alfred et Plantagenet.

NATURE DE LA DEMANDE

Certains résidents de la municipalité ont soumis des commentaires sur le fait qu'il est actuellement impossible pour les citoyens de tenir des ventes de garage durant deux weekends consécutifs. De plus, le règlement en vigueur n'autorise les ventes de garage qu'à des périodes déterminées.

Afin de répondre aux demandes des citoyens, nous proposons que le règlement soit modifié pour y inclure la possibilité de tenir des ventes de garage aux dates qui leur conviennent, moyennant le paiement d'un permis, émis par le département de la réglementation, jusqu'à concurrence de trois par année.

CONTEXTE LÉGAL

Le règlement actuel autorise les ventes de garage lors des périodes suivantes :

Le premier weekend complet des mois de mai, juin, juillet, août, septembre et octobre de chaque année.

Le long weekend du mois de mai, lors du congé de la Fête de la Reine.

Les longs weekends des mois d'août (congé civique) et de septembre (Fête du travail).

Cela offre une possibilité de neuf ventes de garage, ou de sept si les premiers longs weekends de septembre et août coïncident avec la Fête du travail et le Congé civique.

COMMENTAIRES DES AUTRES SERVICES

Sans objet

IMPLICATIONS FINANCIÈRES

Le département propose d'exiger des permis pour tenir des ventes de garage lors d'un weekend autre que ceux énumérés dans le règlement. Les frais pour un tel permis seraient 20 \$.

Si les officiers doivent se présenter sur les lieux d'une vente de garage pour laquelle aucun permis n'a été délivré, ils pourront en émettre sur le champ, au coût de 35 \$.

COMMENTAIRES

L'intention du règlement actuellement en vigueur est d'offrir la possibilité aux citoyens de tenir des ventes de garage, tout en évitant que ces mêmes ventes de garage aient lieu tous les weekends, afin de ne pas créer de nuisance pour le voisinage, avec la circulation accrue et l'achalandage.

Malgré que la municipalité reconnaisse la pertinence de pouvoir à l'occasion tenir une vente de garage sur deux weekends consécutifs, il convient d'encadrer le processus pour éviter les débordements.

Ainsi, nous proposons de modifier le règlement afin de permettre la tenue des ventes de garage sans permis, lors des trois weekends suivants :

Le long weekend de mai, lors du congé de la Fête de la Reine.

Les longs weekends d'août (congé civique) et de septembre (Fête du travail).

À ces weekends, s'ajouterait la possibilité pour les citoyens de demander un permis à trois occasions durant la période estivale, entre mai et octobre de chaque année.

Cette stratégie ferait en sorte que le nombre total de ventes permises demeure pratiquement le même, et offrirait tout de même la possibilité pour ceux qui le souhaitent de tenir une vente de garage sur deux weekends consécutifs.

Le département de réglementation recommande qu'un règlement modifiant le règlement 2010-95 soit adopté pour refléter les changements proposés et que le règlement 2015-73 soit abrogé.

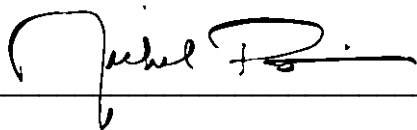
Si le conseil approuve cette recommandation, le règlement sera présenté pour adoption lors de la réunion ordinaire du 7 juin 2022.

LIEN AVEC LE PLAN STRATÉGIQUE

Sans objet.



Annie Rochefort
Greffière



Michel Potvin
Directeur général



NOTE DE SERVICE

DESTINATAIRES : Membres du Conseil

DATE : Le 17 mai 2022

EXPÉDITEUR : Annie Rochefort, Greffière

SUJET : Proposition de règlement pour régir les feux d'artifices dans le Canton d'Alfred et Plantagenet

Le département de la réglementation reçoit, chaque année, des plaintes concernant l'usage de feux d'artifice dans les secteurs résidentiels, sur le territoire du canton.

Le déploiement inattendu de ces feux d'artifice occasionne souvent des problèmes pour les propriétés voisines, en particulier à cause du bruit et aussi du fait que cela effraie les animaux de compagnie. De plus, en période de sécheresse estivale, les risques d'incendie sont accrus.

Ainsi, le département de la réglementation propose un règlement afin de mieux encadrer ces pratiques et permettre que les feux d'artifice, lorsque permis, se déroulent en toute sécurité. Le règlement proposé interdira les feux d'artifice, sauf à certaines dates précises :

Deux jours avant et après le Jour de l'an
Deux jours avant et après la fête de la Reine
Deux jours avant et après la St-Jean Baptiste (24 juin)
Deux jours avant et après la fête du Canada.

Un permis est également requis, et le département propose que les frais associés à ce permis soient de 50 \$ pour les particuliers (Consumer Fireworks) et de 250 \$ pour les spectacles pyrotechniques (Display Fireworks, Special Effect Pyrotechnic).



Annie Rochefort
Greffière

FIREWORKS BY-LAW 2022-

CORPORATION OF THE TOWNSHIP OF ALFRED AND PLANTAGENET

A By-law to prohibit and to regulate the sale and discharging of fireworks in the Township of Alfred and Plantagenet.

WHEREAS Section 11(2) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended permits council of local municipalities to pass by-laws and make regulations for the health, safety and well-being of persons within the municipality;

AND WHEREAS Subsection 120(1) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended provides that a local municipality may: (a) prohibit and regulate the manufacture of explosives in the municipality; (b) prohibit and regulate the storage of explosives and dangerous substances in the municipality; (c) regulate the keeping and transportation of explosives and dangerous substances in the municipality; and (d) prohibit the manufacture or storage of explosives 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

AND WHEREAS Paragraph (a) of section 121 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, provides that a municipality may prohibit and regulate the Sale of Fireworks and the discharging of Fireworks, as defined in this by-law;

AND WHEREAS Section 436 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, states that a municipality has the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with a by-law of the municipality passed under this Act, a direction or order of the municipality made under this Act or made under a by-law of the municipality passed under this Act, a condition of a licence issued under a by-law of the municipality passed under this Act or an order made under section 431 of this Act;

AND WHEREAS paragraph 7.1(1)(a) of the *Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4*, as amended, provides that a council of a municipality may pass by-laws regulating fire prevention, including the prevention of spreading fires;

NOW THEREFORE the Council of the Corporation of the Township of Alfred and Plantagenet enacts as follows:

DEFINITIONS

1. In this By-law:

- a) **“Act”** means the *Explosives Act, R.S.C. 1985, c. E-17*, as amended, and any regulations enacted thereto, or any act or regulations enacted in substitution thereof;
- b) **“Authorization”** means a permission of the Council of the Township of Alfred and Plantagenet granted by resolution or amendment to permit the discharging of fireworks;
- c) **“Corporation”** shall mean the Corporation of the Township of Alfred and Plantagenet;
- d) **“Council”** shall mean the Council of the Corporation of the Township of Alfred and Plantagenet;

- e) **“Explosives Act”** means the *Explosives Act, R.S.C. 1985, c. E-17*, as amended, and any regulations enacted thereto, or any act or regulations enacted in substitution thereof;
- f) **“Fire Chief”** means the person appointed by By-law as Fire Chief for the Township of Alfred and Plantagenet or his or her designate;
- g) **“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;
- h) **“Fire Protection and Prevention Act”** means the *Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4*, as amended, and any regulations enacted thereto, or any act or regulations enacted in substitution thereof;
- i) **“Fireworks”** shall consist of the following devices:
 - a. **“Display Fireworks”** means high hazard fireworks generally used for recreation that are classified under Class 7, Subdivision 2 of Division 2, as described in subsection 14(6) of Regulation C.R.C., c. 599 of the *Explosives Act* and includes but is not limited to rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, batteries, illuminations, set pieces and pigeons, but excluding firecrackers;
 - b. **“Consumer Fireworks”** means consumer fireworks that do not travel more than three (3) meters from the point of ignition are low hazard fireworks generally used for recreation that are classified under Class 7, Subdivision 1 of Division 2, as described in subsection 14(5) of Regulation C.R.C., c 599 of the *Explosives Act*, and includes but is not limited to, firework showers, fountains, lawn lights, pinwheels, volcanoes, sparklers and other similar devices, but excluding Christmas crackers and caps for toy guns;
 - c. **“Special Effect Pyrotechnic”** means a high hazard firework that is classed as a F.3 Special Effect Pyrotechnics under the Act and that is used to produce a special pyrotechnic effect for indoor or outdoor performances and includes black powder bombs, bullet effect, flash powder, air bursts, smoke compositions, gerbs, lances and wheels;
 - d. **“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 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 for time to time under the Act;
- j) **“Fireworks 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;
- k) **“Flying Lantern”** also known as Sky Lantern, Chinese Lantern, Kongming Lantern or Wish 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, uncontrollably, while ignited;

- l) **“FPPA”** see 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 therefore;
- m) **“Highway”** means and includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;
- n) **“Municipal Law Enforcement Officer”** shall mean the Municipal Law Enforcement Officer of the Township of Alfred and Plantagenet;
- o) **“Municipal Building”** means any building, or structure to which the Township holds right or ownership to;
- p) **“Municipal Property”** means any land and any indoor or outdoor facilities or installations located on this land which is owned, leased or operated by the Corporation of the Township of Alfred and Plantagenet;
- q) **“Outdoor”** means the whole or part of any outdoor area, and for the greater certainty includes any open space which is outside of a building, structure, including any temporary building, structure or part thereof, whether covered by a roof or not;
- r) **“Person”** shall mean and include any individual, corporation, partnership, company, association or party and the heirs, executors, administrators or other legal representatives of such person, to whom the context can apply according to the law;
- s) **“Permit”** means a Consumer Fireworks, Display Fireworks, or a Pyrotechnic Special Effects Fireworks Permit issued by the Township of Alfred and Plantagenet By-law Enforcement Department with the written approval of the Township of Alfred and Plantagenet Fire Services, the form of which may be amended from time to time;
- t) **“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;
- u) **“Sale” or “Sell”** means and shall include all attempts to offer to sell or invitations to purchase whether by express act or implication;
- v) **“Township”** shall mean the Township of Alfred and Plantagenet;
- w) **“Vehicle”** shall mean a motor vehicle, trailer, boat, motorized snow vehicle, mechanical equipment and any vehicle drawn, propelled or driven by any kind of power.

INTERPRETATION

2. Where a situation arises, that is not covered by a specific regulation or where two or more regulations are equally applicable, all provisions shall be complied with or, where it is not possible to comply with all the provisions applicable, the most restrictive provisions shall prevail.

GENERAL

3. No person shall possess or discharge any fireworks that are not authorized by the *Explosive Act*.
4. No person shall discharge fireworks when there is a fire ban in place.
5. No person shall discharge firecrackers.
6. No person shall ignite, release, or set off into the air an ignited Flying Lantern.

SALE OF FIREWORKS

7. No person shall knowingly sell or supply fireworks to a person less than eighteen (18) years of age.
8. No person shall sell or supply fireworks to a person who appears to be under the age of twenty-five (25) without a proof of age.
9. A person who accepts money from a person less than eighteen (18) years of age or apparently less than twenty-five (25) years of age without proof of age in return for fireworks purchased from a licensed retailer is deemed to have sold or supplied fireworks in contravention to section 7 or 8 of this by-law.

CONSUMER FIREWORKS

10. No person shall discharge Consumer Fireworks except pursuant to the terms of a permit issued by the Township of Alfred and Plantagenet, and on the days listed in Schedule A of this by-law.
11. No person shall discharge Consumer Fireworks except between sunset and 11:00 p.m. on the days designated in this by-law.
12. No person shall discharge Consumer Fireworks from, onto or over any building or vehicle.
13. No person less than eighteen (18) years of age shall discharge Consumer Fireworks except under the direct supervision and control of a person eighteen (18) years of age or older who shall, at all times remain physically present in the immediate area where the Consumer Fireworks are being discharged.
14. No parent or guardian of any person less than eighteen (18) years of age shall allow or permit that an underage person to discharge Consumer Fireworks except under the direct supervision and control of a person eighteen (18) years of age or older who shall at all times, remain physically present in the immediate area where the Consumer Fireworks are being discharged.
15. No person shall discharge Consumer Fireworks on any land that is not owned or legally possessed by him or her, unless written permission for the discharging of Consumer Fireworks has been obtained from the owner or person in charge of the land.
16. No person shall discharge Consumer Fireworks in any of the Township owned parks, land, building or in any other public place or storm water management land, without the prior authorization from Council.
17. No person shall discharge Consumer Fireworks from, onto or over any highway, street, lane, boulevard, roundabout private roadway or sidewalk.
18. Every person who sets off or is responsible for the discharging of Consumer Fireworks shall provide and maintain fully operational fire extinguishing equipment, including but not limited to portable fire extinguishers or a water supply, ready for immediate use and present at all times and for at least thirty (30) minutes after the discharging of the Consumer Fireworks has terminated, at the location of the discharging of Consumer Fireworks.
19. Every person who sets off Consumer Fireworks shall take all steps reasonably necessary, as would a reasonable and prudent person, to ensure that no harm to persons, animals or damage to property shall result from the discharging of or use of Consumer Fireworks.

DISPLAY FIREWORKS

20. No person shall discharge Display Fireworks in the Township of Alfred and Plantagenet except pursuant to the terms of a permit issued by the Township of Alfred and Plantagenet for such purpose and in compliance with the provisions of this By-law and all other applicable laws.

21. Display Fireworks shall only be discharged under the supervision of a person who is, at a minimum, certified as “display supervisor” under the Explosives Act.

a) Every permit application shall include:

A description of the event including:

- i. The date and time of the proposed discharge of display fireworks;
- ii. The type and kind of display fireworks that may be discharged;
- iii. The discharge techniques to be used;
- iv. The manner and means of restraining unauthorized persons from attending too close to the discharge site;
- v. The manner in which unused display fireworks are to be disposed of; and
- vi. The number of persons authorized to handle and discharge the display fireworks.

b) A site plan providing a description of the discharge site to be used for the discharging of the display fireworks;

c) A description of the fire emergency procedures;

d) The name and address of the applicant and the sponsoring organization if applicable;

e) Proof of certification of the applicant as a Firework Supervisor;

f) Proof of consent of the owner of the property to the discharge of Display Fireworks in writing if the applicant is not the owner of the property;

g) Proof of insurance and indemnification in accordance with Sections

h) Such other information as required by the Municipal Law Enforcement Officer and/or the Fire Chief; and

i) Payment of applicable fees as set out in Schedule B of this by-law;

22. The Municipal Law Enforcement Officer and/or Fire Chief may refuse any permit request if the application:

a) Is incomplete;

b) Is not submitted by a Fireworks Supervisor;

c) There are reasonable grounds for belief that the holding of the display of fireworks will result in a breach of this by-law, the FPPA or the Act.

23. Every Permit holder who sets off Display Fireworks shall:

a) Take all steps reasonably necessary, as would a reasonable and prudent person, to ensure that no harm to persons, animals or damage to property shall result from the discharging or use of Display Fireworks;

b) Comply at all times with the requirements of the Act, FPPA and the Display Fire Works Manual published by Natural Resources Canada or any successor publication.

24. If the Display Fireworks are to be discharged in any Township Park, on Township owned land, or in any other public place, the approval in writing of Director of Parks and Recreation must be obtained by the applicant prior to the issuance of a permit.

25. A permit issued under this by-law may be revoked at any time if a breach of this by-law, the FPPA or the Act occurs.

PYROTECHNIC SPECIAL EFFECTS FIREWORKS

26. No person shall discharge pyrotechnic special effects fireworks in the Township of Alfred and Plantagenet except pursuant to the terms of permit issued by the

Township of Alfred and Plantagenet for such purpose and in compliance with the provisions of this by-law and all other applicable laws.

27. Every permit application pursuant to Section 28 shall be made to the Municipal By-law Enforcement Officer a minimum of 30 days prior to the event where the proposed discharging of pyrotechnic special effect fireworks is to occur.

28. Every permit application shall include:

- a. a description of the event including:
 - i. a site plan of the area, the stage and the pyrotechnic special effect fireworks storage area;
 - ii. a list of all the pyrotechnic special effect fireworks to be employed;
 - iii. the location of all the pyrotechnic special effects fireworks; and
 - iv. the height, range of effect, fallout and duration of the display of pyrotechnic special effect fireworks;
- b. a description of the fire emergency procedures;
- c. the name and address of the applicant and the sponsoring business or organization if applicable;
- d. a proof of certification of the applicant as a pyrotechnician;
- e. a proof of insurance and indemnification in accordance to section 37;
- f. a proof of consent of the owner of the property to the discharge or pyrotechnic effect fireworks in writing if the applicant is not the owner of the property;
- g. such other information as required by the Municipal Law Enforcement Officer and/or the Fire Chief; and
- h. payment of applicable fees as set out in Schedule "A".

29. The Municipal By-law Enforcement Officer and / or Fire Chief may refuse any permit request if the application:

- a. is incomplete;
- b. there are reasonable grounds for belief that the holding of the display of fireworks will result in a breach of this by-law, the FPPA or the Act.

30. The following conditions shall apply to the holding of a display of pyrotechnic special effect fireworks under an authorization form the Municipal By-law Enforcement Officer and/or the Fire Chief issued under this by-law:

- a. the permit is valid only for the display at the place and on the date or dates set forth in the permit; or as approved by the Fire Chief;
- b. the permit holder shall supervise the display of pyrotechnic special effect fireworks;
- c. the permit holder shall provide and maintain a fully operational fire extinguishing equipment ready for immediate use; and
- d. the permit holder shall comply at all times with the requirements of the Act, FPPA and the Pyrotechnics Special Effects Manual published by Natural Resources Canada or any successor publication.

31. No permit holder shall discharge pyrotechnic special effect fireworks except in accordance with the conditions of the permit.

32. The permit holder shall ensure that all unused fireworks and all debris are removed.

33. Every permit holder shall produce his or her permit upon being so directed by any person authorized to enforce this by-law.

34. Every person who sets off pyrotechnic special effect fireworks shall take all steps reasonably necessary, as would a reasonable and prudent person, to ensure that no harm to persons, animals or damage to property shall result from the discharging off or use of Display Fireworks.
35. If pyrotechnic special effects fireworks are to be discharged in any Township Park, on Township-owned land, or in any other public space, the approval in writing of Director of Parks and Recreation must be obtained by the applicant prior to the issuance of a permit.
36. A permit issued under this by-law may be revoked at any time if a breach of this by-law, the FPPA or the Art occurs.

INSURANCE

37. The applicant for a permit of Display Fireworks and Pyrotechnic Special Effects Fireworks shall put insurance in effect and maintain it in full force with an insurer acceptable to the Township:
 - a) Commercial general liability insurance issued on an occurrence basis for an amount of not less than \$5,000,000.00 per occurrence / \$5,000,000. Annual aggregate for any negligent acts or omissions by the vendor / supplier / applicant relating to their obligations under the Fireworks by-law. Such insurance shall include but is not limited to bodily injury and property damage including loss of use; personal injury; contractual liability; premises, property & operations; non-owned automobile; broad form property damage; Owners & Contractors protective; occurrence property damage; products; broad form completed operations; employees and volunteers as additional Insured(s); contingent employer's liability; tenant's legal liability; cross liability and severability of interest clause. Such insurance shall not contain an exclusion for discharging fireworks.
 - b) The insurance shall add the Corporation of the Township of Alfred and Plantagenet as additional Insured. This insurance shall be non-contributing with and be primary to any insurance available to the Township.
 - c) Automobile liability insurance with respect to owned or leased vehicles used directly or indirectly in the performance of the services covering liability for bodily injury, death and damage to property with a limit of not less than \$2,000,000 inclusive for each and every loss.
 - d) Any and all deductibles applicable to the above-noted insurance policies shall be the sole responsibility of the Named Insured, and the Township shall bear no cost towards such deductibles.
 - e) The vendor / contractors / applicant are responsible to effect physical damage on their assets/equipment-failure to do so will no impose any liability on the Township.
 - f) The vendors / contractors / applicant shall provide the Township with a certificate of insurance evidencing coverage as noted above. Such policies shall not be cancelled, changed or lapsed unless the Insurer notifies the Township in writing at least thirty (30) days prior to the effective date of such cancellation, material change or lapse. The insurance policy will be in a form and with a company licensed to write business in the province of Ontario and which are, in all respects, acceptable to the Township.
 - g) The Township reserves the right to assess exposures and add additional insurance requirements where it is deemed necessary.
 - h) The applicant for a permit of Display Fireworks and Pyrotechnic Special Effects Fireworks shall indemnify and save harmless the Corporation of the Township of Alfred and Plantagenet, their elected officials, officers, employees, volunteers and agents from and against any and all claims, actions, losses,

expenses, fines, costs (including legal costs), interest, or damages of every nature and kind whatsoever, including, but not limited to, bodily injury or damage to or destruction of tangible property including loss of revenue arising out of or allegedly attributable to the negligence, acts, errors, omissions, whether willful or otherwise by the Vendor / Supplier / Applicant, their officers employees, volunteers, guests, invitees, agents, or others to who the Vendor / Supplier / Applicant is legally responsible. This indemnity shall be in addition to and not in lieu of any insurance to be provided by the Vendor / Supplier / Applicant in accordance with this agreement and shall survive this agreement.

EXEMPTION

38. This by-law shall not apply to any Consumer Fireworks, Display Fireworks or Pyrotechnic Special Effect Fireworks being discharged by or on behalf of the Township of Alfred and Plantagenet.

ENFORCEMENT

39. This by-law shall be enforced by the Municipal Law Enforcement Officer of the Township of Alfred and Plantagenet, the Fire Chief or his or her designate.

OBSTRUCTION

40. No person shall obstruct, hinder, or interfere with a Municipal Law Enforcement Officer, or the Fire Chief in the lawful performance of their duties.

OFFENCES AND PENALTIES

41. If any person/applicant or permit holder or contravenes any provision of this by-law, the Fire Department may enter upon any lands to extinguish the fire.

42. The owner of the land may be liable to any fees in relation to section 43 of this by-law.

43. Should the Fire Department cause work to be done under section 41 of this by-law, the owner shall be responsible for any damage to property or injury to persons or animal occasioned by the said discharge of fireworks and shall be liable to pay any fees together with any cost including but not limited to personnel, equipment and apparatus necessary and called in to extinguish the said fireworks. Such total amount, together with the administrative fee, shall be added to the collector's roll of taxes to be collected and shall be subject to the same penalty and interests charges as real property taxes, and shall be collected in the like manner and with the same remedies as real property taxes.

44. Before the certificate of the Clerk of the Corporation is issued under section 43 of this by-law, an interim certificate shall be delivered to the owner of the property that is used to the lien, as well as to all prior mortgagees or other encumbrances and the affected owner, mortgagees or other encumbrances shall have two (2) weeks from the date of the receipt of the interim certificate to appeal the amount shown thereon to the Council of the Corporation.

45. Any person who contravenes, causes, or permits any contraventions of any of the provisions 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 or any successor.

46. In addition to the imposing of a fine or other remedy, a Court of competent jurisdiction may, upon conviction of an offence under this By-law, issue an order;

- a) Prohibiting the continuation or repetition of the violation by the person convicted; and
- b) Requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

RIGHT OF ENTRY

47. Every person enforcing this by-law shall have the right of entry on any property or into any building not actually being used as a dwelling for the purpose of carrying out an inspection to determine whether this by-law is being complied with and for the enforcement of this by-law pursuant to section 436 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended from time to time.

SEVERABILITY

48. Every provision of this by-law is severable and if any provisions of this by-law should for any reason be declared invalid by any court, it is the intention and the desire of this Council that the remaining provisions shall remain in full force and effect.
49. Where a provision of this by-law conflicts with the provision of another by-law in force within the Township of Alfred and Plantagenet, the provision that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.
50. Nothing in this by-law relieves any person from complying with any provision of any Federal or Provincial legislation or any other by-law of the Township of Alfred and Plantagenet.

SHORT TITLE

51. This by-law may be referred to as the “Fireworks By-law”.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 7th DAY OF JUNE 2022.

Stéphane Sarrazin, Mayor

Annie Rochefort, Clerk

SCHEDULE “A”
2022-xx Fireworks By-law

Fireworks shall only be permitted on the following days:

Two days before and two days after New Year
Two days before and two days after Victoria Day
Two days before and two days after St-Jean Baptiste (June 24th)
Two days before and two days after Canada Day

Fees for fireworks permit:

Consumer Fireworks permit:	\$25.00
Display Fireworks permit:	\$250.00

THE CORPORATION OF THE TOWNSHIP OF ALFRED AND PLANTAGENET
Schedule "C"
FIREWORKS BY-LAW 2022-

A By-law to regulate the sale and discharging of fireworks in the Township of Alfred and Plantagenet

Short Title: Fireworks By-law – Part 1 – Provincial Offences Act

ITEM	COLUMN 1 Short Form Wording	COLUM 2 Provision creating or defining Offence	COLUMN 3 Set Fines
1	Possession/discharge of unauthorized fireworks		\$ 250.00
2	Discharging fireworks during a fire ban		\$ 250.00
3	Discharging firecrackers		\$ 150.00
4	Discharging prohibited fireworks		\$ 250.00
5	Setting off/ignite/release a flying lantern		\$ 150.00
6	Selling/supply fireworks to a person less than eighteen years of age		\$ 250.00
7	Sell/supply fireworks to a person less than twenty-five years of age without proof of age		\$ 150.00
8	Discharging fireworks on a prohibited day		\$ 250.00
9	Discharging fireworks during prohibited time		\$ 150.00
10	Discharging fireworks from/onto/over a building		\$ 150.00
11	Discharging fireworks from/onto/over a vehicle		\$ 150.00
12	Discharging fireworks to harass		\$ 250.00
13	Discharging fireworks to frighten		\$ 250.00
14	Discharging fireworks that constitute a nuisance		\$ 150.00
15	Person less than eighteen years of age discharging fireworks		\$ 150.00
16	Permit an underage person to discharge fireworks without supervision		\$ 150.00
17	Discharging fireworks on private land without permission		\$ 250.00

18	Discharging fireworks on Township property/public place without authorization		\$ 250.00
19	Discharging fireworks from/over/onto a highway		\$ 250.00
20	Discharging fireworks from/over/onto a street		\$ 150.00
21	Discharging fireworks from/over/onto a lane		\$ 150.00
22	Discharging fireworks from/over/onto a boulevard		\$ 150.00
23	Discharging fireworks from/over/onto a roundabout		\$ 150.00
24	Discharging fireworks from/over/onto a private roadway		\$ 150.00
25	Discharging fireworks from/over/onto a sidewalk		\$ 150.00
26	Permit debris to land on a building/fence/hedge/tree		\$ 150.00
27	Permit debris to land on a highway		\$ 150.00
28	Permit debris to land on a private property		\$ 150.00
29	Discharging fireworks causing harm		\$ 500.00
30	Discharging display fireworks without a permit		\$ 500.00
31	Discharging pyrotechnic fireworks without a permit		\$ 500.00
32	Discharging fireworks not in accordance to permit		\$ 500.00
33	Obstructing a Municipal Law Enforcement Officer/Fire Chief		\$ 500.00
34	Hindering a Municipal Law Enforcement Officer/Fire Chief		\$ 500.00
35	Interfering with a Municipal Law Enforcement Officer/Fire Chief		\$ 500.00

Schedule “B” to By-law 2022-xx
FIREWORKS PERMIT APPLICATION

The use of Fireworks is prohibited at all times except on the following dates, when a permit is required:

- Two days before and two days after New Year
- Two days before and two days after Victoria Day
- Two days before and two days after St-Jean Baptiste (June 24th)
- Two days before and two days after Canada Day

Name of the applicant:	
Email address:	
Phone number:	Home:
	Cellular:
Address where the fireworks will be held:	
Date and time of the event:	
Description and quantities of fireworks to be used:	

The following documentation must be submitted with the completed Application Form:

- Proof of Insurance
- Site plan indicating the location of proposed fireworks (launch area, clearance area, etc.)
- Proof of Property ownership or letter of permission from the Property owner where the fireworks are to be held.

I acknowledge that I have read the Fireworks By-law 2022-xx and agree to comply with all its requirements.

Signature: _____

Date: _____

This completed application must be submitted to the By-law Department fifteen (15) days prior to the date of the event, by email or in person.

eboivin@alfred-plantagenet.com

**By-law Department
205, Old Hwy 17
Box 350
Plantagenet, Ontario K0B 1L0
613-673-4797 ext. 204**