

CITY OF ST. CATHARINES

BY-LAW NO. 2004-291

A By-law to regulate the sale and use of fireworks and firecrackers in the City of St. Catharines.

WHEREAS section 121 of the Municipal Act, S.O. 2001, c.25, as amended, provides that a local municipality may prohibit and regulate the sale of fireworks and the setting off of fireworks and that such a by-law may prohibit the activities described therein unless a permit is obtained from the municipality for those activities and such a by-law may impose conditions for obtaining, continuing to hold, and renewing the permit including requiring the submission of plans;

AND WHEREAS the Council of The Corporation of the City of St. Catharines deems it expedient and necessary to regulate the sale and prohibition and regulation of the setting off of fireworks for the safety of its residents.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows:

1. DEFINITIONS

In this by-law:

- (a) "Act" means the Explosives Act, revised Statute of Canada and the regulations enacted thereunder as amended from time to time;
- (b) "Firecracker" means a pyrotechnic that explodes instantaneously when ignited and does not produce any visible effect after the explosion but does not include caps for toy guns.

- (c) "Family fireworks" means a pyrotechnic device producing quantities or effects of light, sound or smoke by the combustion of explosive or flammable composition and includes but is not limited to firework showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, volcano and sparklers, classed under the Act as low hazard fireworks but does not include caps for toy guns or firecrackers.
- (d) "Exhibition fireworks" means a manufactured pyrotechnic device producing spectacular effects of light or sound classed under the Act, as high hazard fireworks but does not include firecrackers.
- (e) "Fire Chief" means the Fire Chief for The Corporation of the City of St. Catharines or his designate.

2. SALE OF FIREWORKS AND FIRECRACKERS

- (a) No person shall sell fireworks unless the requirements of the Act, this by-law and any other federal, provincial statute or regulation have been complied with and any specific requirements of the Fire Chief or his designate.
- (b) No person shall sell, or offer for sale, any firecrackers.
- (c) No person shall display, offer for sale or sell family fireworks within the corporate limits of The Corporation of the City of St. Catharines, except ten days immediately preceding Victoria Day, and the day fixed for celebration of Victoria Day and ten days prior to the holiday known as Canada Day, July 1st and on July 1st of each year, and each of the three days immediately proceeding Chinese New Year and Hindu Religious Festival Diwali.

- 3. No person shall sell, give or distribute family fireworks to any person under the age of eighteen, save and except for caps for toy guns.

4. No person shall sell, offer for sale, give or distribute to any person under the age of eighteen, any exhibition fireworks.

5. No person shall sell, exhibition fireworks to a person who is not an approved purchaser under the Act.

6. Fireworks shall only be sold in stores, unless approval is obtained by the authority having jurisdiction. Fireworks displayed shall be mock samples only and shall not contain explosive composition. Family fireworks on public display shall not be accessible to the general public.

3. DISCHARGE OF FIRECRACKERS

No person shall discharge, fire or set off or cause to be discharged, fired, or set off any firecrackers within the corporate boundaries of The Corporation of the City of St. Catharines.

4. DISPLAYS OF FAMILY FIREWORKS

(a) The setting off of family works is prohibited except during the period in which time the sale of such fireworks is permitted pursuant to the provisions of section 2 of this by-law.

(b) A person eighteen (18) years of age or over may hold and display a family fireworks on any land belonging to him/her or any other privately owned land where the owner thereof has given written permission for such display or discharge of fireworks.

(c) No person shall use, set off or allow to be used or set off any family fire work or fireworks in such a place or in such a manner as to create a danger or constitute a nuisance to any person or property or to do or allow to be done, any unsafe act or omission at the time and place for setting off of any family fireworks. No person shall set off any

fire work or family fireworks in or onto any building, doorway, or automobile or any other place where such setting might create a danger or nuisance to any person or property.

(d) No person shall set off any family fireworks or fireworks in or on to any highway, street, lane, square, public park or other public place provided that this shall not be deemed to prohibit a display of exhibition fireworks in a public place in accordance with the provisions of this by-law.

(e) No person under the age of eighteen years shall set off any family fireworks or fire work except under the direct supervision of and control of a person eighteen years or over.

(f) No person being the parent or guardian of any child under the age of eighteen shall allow the child to set off any family fireworks or fireworks except when such parent or guardian or some other responsible person of eighteen years or over, is in direct supervision and control.

5. EXHIBITION - FIREWORKS

a) No person or group of persons shall hold a display of exhibition fireworks without first having obtained a permit authorized by the Fire Chief for The Corporation of the City of St. Catharines. Further, no person shall hold a display of family or exhibition fireworks on City owned property without written permission from the Director of Recreational and Community Services or his designate and a permit issued by the Fire Chief or his designate, who shall issue permits for display of exhibition fireworks on the conditions set forth therein.

b) An application for permit shall be made at least thirty days prior to the date in which it is desired to hold the display of exhibition

fireworks. The application shall disclose:

- i) the name of the Club, association or group to whom the permit is anticipated to be issued to;
 - ii) the name of the person under whose supervision the display shall be held;
 - iii) the purpose of the display;
 - iv) the place and time at which and on which the same be held; and
 - v) the method of restraining persons present at the display to the distance required by the Act.
- c) A display of exhibition fireworks shall be conducted in a manner consistent with all safety precautions with regards to all persons, public and private property in the area where the display is held.
- d) All unused fireworks and all debris shall be removed by the group holding the display immediately following its conclusion and safely disposed of.
- e) A permit issued under this section may be revoked at any time by the Fire Chief or designate in the event of non compliance with the provision of this by-law or any other regulation under applicable legislation.

6. CONDITIONS

The following conditions shall apply to the holding of a display of exhibition fireworks under permit issued under this section.

- a) The display shall be held by, or under the auspices of the club, association or group to whom the permit is issued at the place and time set forth in the said permit;

- b) The display shall be conducted under the direct supervision of the person to whom the permit is issued, or some other responsible person whose name and address shall be furnished to the Fire Chief in writing, not less than three days prior to the display and who has been certified as a fireworks supervisor under the Act.
- c) No person shall hold a display of exhibition fireworks without written notification to the Niagara Regional Police Services Board, thirty days in advance of the day of such display.
- d) If the display is to be held on City owned property the written approval of the Director of Recreational and Community Services or designate shall first be obtained prior to holding the fireworks display;
- e) If the display is to be held on City owned property, an application must be completed and submitted to the Director of Recreational and Community Services and the Fire Chief for approval.
- f) Every application for display fireworks permit on City owned property shall deposit with the Director of Recreational and Community Services, proof of liability insurance in the minimum amount as approved from time to time in the City's insurance coverage policies naming The Corporation of the City of St. Catharines as additional insured.
- g) The display shall be conducted in a manner consistent with all safety procedures as outlined in the Act.
- h) If the fireworks display is to be held on property other than that owned or occupied by the applicant the consent of the owner or occupant of such property shall first be obtained.
- i) All fireworks and all debris shall be removed by the permit holder immediately after the display and safely disposed of and an inspection of the site must be carried out on the following day.

- j) The application for permit with respect to a display of fireworks shall be made in writing to the Fire Chief for The Corporation of the City of St. Catharines at least thirty days in advance of the day of such display and copies provided to the Director of Corporate Support Services for The Corporation of the City of St. Catharines and the Niagara Regional Police Services Board.
 - k) The fireworks supervisor setting off exhibition fireworks must also submit the approval for purchase of display fireworks from form, thirty days prior to the event and
 - l) Every person to whom a display fireworks permit is issued shall comply with the enactment and regulations of this by-law even where they differ from the Act. It is the responsibility of the fireworks supervisor to be aware of relevant jurisdiction and to ensure that the most restrictive regulations shall prevail at all times.
 - m) The Fire Chief shall have the authority upon issuing permits for exhibition fireworks to impose any condition he deems appropriate for the safety of the public including the requirement of having a fire fighter present at the setting off of any fireworks at the cost of the permit holder. Further, such fire fighter shall have the right to enter any premises for that purpose and shall not be hindered or obstructed in any way whatsoever. Such fire fighter shall also have the right to require any precautions for the prevention of fire, which to him seem necessary before any fireworks may be set off.
7. The Fire Chief or designate or any municipal by-law enforcement officer, may at any time, inspect any premises for fireworks being stored or offered for sale to the public.

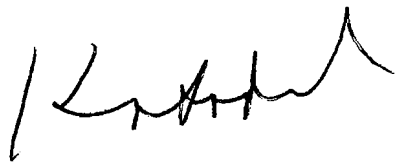
8. Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act.

9. That By-law Nos. 73-127, 85-221 and 74-144 be hereby repealed.

Read a first time this 27TH day of SEPTEMBER 2004.

Read a second time this 27TH day of SEPTEMBER 2004.

Read a third time and passed this 27TH day of SEPTEMBER 2004.



CLERK



MAYOR