

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
CENTRAL WEST REGION

COURTHOUSE
45 MAIN STREET EAST, SUITE 762
HAMILTON, ONTARIO L8N 2B7



CABINET DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DU CENTRE-OUEST

PALAIS DE JUSTICE
45 RUE MAIN EST, BUREAU 762
HAMILTON (ONTARIO) L8N 2B7
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November 25, 2009

Saskia Holditch
Fire Prevention Officer
177 Highway #20 West
P.O. Box 323
Fonthill, ON L0S 1E0

Dear Ms. Holditch:

Re: Set Fines - Provincial Offences Act - Part I, Town of Pelham

Enclosed herewith is an order, schedule of Set Fines and a certified copy of By-law Number 2951 (2008), the By-law indicated in the schedule.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

I have forwarded the original of the Order and the schedule of the set fines to the Provincial Offences Court in St. Catharines, together with a certified copy of the By-law.

Yours truly,

A handwritten signature in black ink, appearing to read 'K. Hawke', written over a horizontal line.

Kathryn Hawke
A/Regional Senior Justice
Central South Region


Enclosures

PROVINCIAL OFFENCES ACT

Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 2951 (2008), of the Corporation of the Town of Pelham, attached hereto is the set fine for that offence. This Order is to take effect November 25, 2009.

Dated at Hamilton this 25th day of November 2009.



Kathryn Hawke
A/Regional Senior Justice
Central South Region

**PART 1 – PROVINCIAL OFFENCES ACT
FIREWORKS BY-LAW NO. 2951 (2008)**

SHORT FORM WORDING & SET FINES

THE CORPORATION OF THE TOWN OF PELHAM

*2nd
Nov/08*

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 SET FINE
1.	Fail to produce license or certificate	Section 5.1.1	\$200
2.	Fail to notify of action involving fireworks	Section 5.1.5	\$200
3.	(Use/sell/set off/store prohibited fireworks	Section 5.2.3	\$200
4.	Interfere with intended operation of (public utility/traffic control/fire route/building health/safety system)	Section 5.2.4	\$200
5.	(Store/sell) fireworks without permit	Section 6.2.1	\$200
6.	(Use/set off) Display Fireworks without permit	Section 6.3.1	\$200
7.	Fail to notify Fire Chief of Display Fireworks	Section 6.6.1	\$200
8.	Fail to follow instructions for Display Fireworks	Section 6.6.3	\$200
9.	(Sell/purchase) Consumer Fireworks outside permissible dates	Section 7.1.1	\$200
10.	(Sell/give/distribute) fireworks to a person under 18	Section 7.1.2	\$200
11.	(Sell/give/distribute) fireworks as a person under 18	Section 7.1.3	\$200
12.	Keep explosives where fireworks are kept	Section 7.2.1	\$200
13.	Display fireworks with explosive composition (in store windows/in locations accessible to public)	Section 7.2.2	\$200
14.	Low Hazard Fireworks for sale, lots exceeding 25 kgs	Section 7.2.3	\$200
15.	Low Hazard Fireworks for sale near inflammable goods	Section 7.2.3	\$200
16.	Low Hazard Fireworks for sale accessible to public	Section 7.2.3	\$200
17.	Low Hazard Fireworks for sale exposed to (rays of the sun/excess heat)	Section 7.2.3	\$200
18.	Store Low Hazard Fireworks over 100 kgs in container	Section 7.2.4	\$200
19.	Store Low Hazard Fireworks over 1000 kgs in warehouse	Section 7.2.4	\$200
20.	Store High Hazard Fireworks over 25 kgs in container	Section 7.2.5	\$200
21.	Store High Hazard Fireworks over 100 kgs in warehouse	Section 7.2.5	\$200
22.	Store Consumer Fireworks outside of lawful dates	Section 7.2.7	\$200

**PART 1 – PROVINCIAL OFFENCES ACT
FIREWORKS BY-LAW NO. 2951 (2008)**

SHORT FORM WORDING & SET FINES

THE CORPORATION OF THE TOWN OF PELHAM

*2A /
Nov/08*

23.	Store Display Fireworks without permit	Section 7.2.8	\$200
24.	Have (flame/heat source) within 6 meters of fireworks	Section 7.2.9	\$200
25.	(Set off/sell) damaged fireworks	Section 7.2.10	\$200
26.	(Set off/discharge) Consumer Fireworks outside of lawful dates	Section 7.3.1	\$200
27.	(Use/discharge/set off) Low Hazard fireworks so it creates danger to public	Section 7.3.3	\$200
28.	Set off fireworks within 50 meters of woodlands	Section 7.3.4(a)	\$200
29.	Set off fire works within 50 meters of highly flammable substances	Section 7.3.4(b)	\$200
30.	Set off fireworks within 50 meters of (hospital/nursing home/home for the aged)	Section 7.3.4(c)	\$200
31.	Set off fireworks within 50 meters of (zoo/stable/place where animals are kept)	Section 7.3.4(d)	\$200
32.	Set off fireworks within 50 meters of (church/childcare facility/school) without consent	Section 7.3.4(e)	\$200
33.	Have debris land on property owned by other than person responsible for display	Section 7.3.5	\$200
34.	(Use/discharge/set off) Low Hazard Fireworks within 10 meters (of/ into) (building/tent/trailer/canvas shelter/motor home) without authorisation	Section 7.3.6	\$200
35.	(Use/discharge/set off) Low Hazard Fireworks contrary to manufacturer's instructions	Section 7.3.8	\$200
36.	(Use/handle/discharge/set off/store) Low Hazard Fireworks while under 18 without supervision	Section 7.3.9	\$200
37.	Allow child under 18 to (use/handle/discharge/set off/store) Low Hazard Fireworks without supervision	Section 7.3.10	\$200
38.	Not immediately collecting debris	Section 7.3.11	\$200
39.	(Set off/discharge) Display Fireworks without permit.	Section 7.4.1	\$200
40.	(Set off/discharge) Display Fireworks before inspections completed	Section 7.4.2	\$200

**PART 1 – PROVINCIAL OFFENCES ACT
FIREWORKS BY-LAW NO. 2951 (2008)**

SHORT FORM WORDING & SET FINES

THE CORPORATION OF THE TOWN OF PELHAM

*7.11/11
Moc/05*

41.	(Undertake/plan/conduct/execute) Display Fireworks event without direction of Supervisor	Section 7.4.3	\$200
42.	(Undertake/plan/conduct/execute) Display Fireworks event not in compliance with Manual	Section 7.4.4	\$200
43.	(Set off/discharge) Display Fireworks where firing point is less than (fallout/separation distance) from (public/structures/vehicles/overhead objects)	Section 7.4.5	\$200
44.	(Set off/discharge) Display Fireworks where wind speed exceeds 45 kph	Section 7.4.5	\$200
45.	Fail to establish danger zone around firing site	Section 7.4.6	\$200
46.	Fail to identify and restrict access to danger zone	Section 7.4.6	\$200
47.	Possess (matches/cigarettes/spark producing devices/alcohol/drugs) within danger zone	Section 7.4.7	\$200
48.	Being under influence of (alcohol/narcotics/medication) within danger zone	Section 7.4.7	\$200
49.	(Set off/discharge) High Level Display Fireworks with insufficient insurance	Section 7.4.9	\$200
50.	Fail to remove debris from property	Section 7.4.10	\$200
51.	(Set off/discharge) Display Fireworks without proper (fire/first aid) equipment	Section 7.4.13	\$200
52.	(Use/sell/set off/store) fireworks (in/on/into) (highway/street/lane/road allowance/park/other Town property) without authorisation	Section 8.1	\$200

Note: the general penalty provision for the offences listed above is section 10.1 of by-law 2951 (2008), a certified copy of which has been filed.