

THE CORPORATION OF THE
T O W N O F P E L H A M
BY-LAW #913 (1984)

Being a by-law to regulate the sale and the
setting off of fireworks and any class or
classes thereof; and

Being a by-law to rescind Town of Pelham
By-law #45 (1970)

WHEREAS the Municipal Act R.S.O. 1980 Chapter 302 Section 210 paragraph 30 authorizes the Council of a local municipality to pass a by-law for regulating the sale of fireworks or any class or classes thereof and for prohibiting the sale of fireworks or any class or classes thereof on any day or days during the year or to any person under such age as the by-law may prescribe:

AND WHEREAS the Municipal Act R.S.O. 1980 Chapter 302 Section 210 paragraph 31 authorizes the Council of a local municipality to pass a by-law for prohibiting or regulating the setting off of fireworks or any class or classes thereof in the municipality or in any defined area or areas thereof and for requiring a permit for the holding of fireworks displays and prescribing the conditions under which fireworks displays may be held under such permit;

AND WHEREAS the Council of the Corporation of the Town of Pelham deems it advisable and in the public interest to pass a by-law pursuant to the foregoing provisions;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

1. DEFINITIONS:

For the purposes of this By-law:

- (a) "Town" shall mean the Corporation of the Town of Pelham.
- (b) "Council" shall mean the Council of the Corporation of the Town of Pelham.
- (c) "Fire Chief" shall mean the Fire Chief of the Corporation of the Town of Pelham.
- (d) "Enforcement Officer" shall mean a person appointed by the Council for the enforcement of this by-law and shall include the Fire Chief or Fire Prevention Officer, any officer of the Niagara Regional Police Department and the By-law Enforcement Officer of the Town.
- (e) "By-law Enforcement Officer" shall mean the person or persons appointed by the Town for the enforcement of Municipal By-laws.
- (f) "Firework" shall include firecracker, firework shower, fountain, golden rain, lawn light, pinwheel, Roman candle, rocket, mortar, sparkler and other pyrotechnics of any kind.
- (g) "Fireworks Display" shall mean a show of pyrotechnics presented by an individual, group or organization for the entertainment of the general public on public lands or at a place accessible to the general public.

(h) "Person" shall include but not be limited to any firm, partnership, company, corporation, club, organization or individual.

2. SALE OF FIREWORKS:

(a) No person shall display, offer for sale to the general public or sell to the general public fireworks on any day during the year except as follows:

- (i) Dominion Day
- (ii) The five (5) days immediately preceding Dominion Day
- (iii) The day fixed by proclamation of the Governor-General for the observance of Victoria Day.
- (iv) The five (5) days immediately preceding Victoria Day
- (v) Any other days authorized by Resolution of Council.

(b) No person shall sell, either directly or indirectly, fireworks or any class or classes thereof to any person under the age of eighteen (18) years.

(c) Fireworks displayed in store windows shall be mock samples only and not contain explosive composition.

(d) No Fireworks shall be stored or displayed in any store in a location or position which is accessible or within reach of the general public.

(e) All Fireworks shall be stored in a manner and location which is dry, absent of heat sources and satisfactory to the Fire Chief.

(f) In any store, any year to year storage of fireworks on the premises is prohibited.

(g) The person selling fireworks shall package the same in a suitable receptacle at the time of delivery to the purchaser.

(h) The person selling fireworks for the purpose of a fireworks display shall deliver the same only to the person to whom a permit for the holding of a fireworks display has been issued pursuant to the provisions of this by-law.

3. PROHIBITIONS AND REGULATIONS RELATING TO THE
SETTING OFF OF FIREWORKS:

(a) No person shall set off fireworks except on the days authorized for the sale thereof, as set forth in paragraph 2(a) of this By-law.

(b) Except for the purposes of a fireworks display, no person shall set off fireworks of the types known as sky rockets, torpedoes, or firecrackers exceeding two inches (2") (50mm) in length and one-quarter of an
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inch (1/4") (6.5mm) in diameter or other type of fireworks designed or intended for the purposes of a fireworks display only.

(c) No person under the age of eighteen (18) years shall set off fireworks except under the direct supervision and control of his or her parent or other responsible adult.

(d) No person being the parent or guardian of any child under the age of eighteen (18) years shall knowingly allow such child to set off fireworks contrary to the provisions of this By-law or contravene any of the provisions of this By-law.

(e) No person shall set off fireworks in such a place or in such a manner or under conditions or circumstances likely to cause damage to property or injury to person, animal or fowl and, without in any way limiting the generality of the foregoing, no person shall set off fireworks

- (i) in or near any group or assembly of persons,
- (ii) in any street, lane, park or other public place unless authorized so to do by Resolution of Council,
- (iii) in, on or near any building, structure, telephone booth, mail box, newspaper box or other similar container or any container likely to shatter or explode,
- (iv) in, on or near any boat, automobile or other vehicle,
- (v) near any explosives plant, chemical plant, gasoline station, inflammable liquid or any combustible material, substance or object.
- (vi) in or near any place where there is danger of causing a forest fire, bush fire, grass fire or a fire to a hay field, hay stack or grain field,
- (vii) on the grounds of or near any hospital, convalescent home, home for the aged or other similar institution.

(f) No person shall authorize, cause, permit or allow any unsafe act at the time and place of the setting off of fireworks.

4. FIREWORKS DISPLAY

(a) The Fire Chief is hereby authorized and empowered to grant a permit for the holding of a fireworks display upon and subject to the terms and conditions hereinafter set forth.

(b) No person shall hold any fireworks display without first having obtained a permit to do so signed by the Fire Chief.

(c) No permit shall be issued to any person who is not in possession of a licence to set off fireworks issued by the Ministry of Energy Mines and Resources Canada.

(d) The applicant for a permit shall make written application therefore on a form to be provided by the Town in accordance with Schedule "A" to this By-law.

(e) The application for a permit shall be made at least one week prior to the date on which it is desired to hold the fireworks display.

(f) The permit shall be in accordance with Schedule "B" to this By-law.

(g) The fireworks display shall be conducted under the direct supervision of the person to whom the permit is issued, whose name and address shall be included in the application for the permit.

(h) The permit holder or person supervising the fireworks display shall not authorize, allow or permit any incompetent person to assist in the fireworks display.

(i) The fireworks display shall be held only at the time and place specified on the permit.

(j) The fireworks display shall be carried out and conducted in a manner consistent with all proper safety precautions for the protection of persons and property and, without in any way limiting the generality of the foregoing, the permit holder shall

- (i) take all necessary steps and precautions to keep spectators at a safe distance,
- (ii) carry out and conduct the fireworks display at a safe distance from the nearest building, highway, railway, overhead wire, tree or combustible material,
- (iii) have immediately available all necessary fire extinguishers or other means of extinguishing fire which might result from the fireworks display.
- (iv) promptly remove and safely dispose of all debris resulting from the fireworks display,
- (v) promptly remove and safely store or safely dispose of all fireworks which have not been set off during the fireworks display,
- (vi) comply with all of the applicable provisions of this by-law and such further and other requirements and conditions as the Fire Chief may deem necessary and advisable for the protection of persons and property.

5.

GENERAL

(a) It shall be the duty of the Enforcement Officer to enforce the provisions of this By-law and he shall have the right to be present at any fireworks display and he shall not be hindered or obstructed in any way whatsoever.

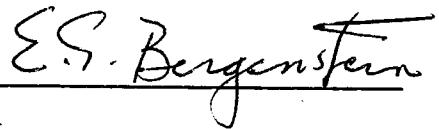
(b) The Enforcement Officer shall have the right to require the permit holder to take such steps, measures or precautions as he may deem advisable and necessary for the protection of persons and property and such permit holder shall promptly comply with the orders, directions or requirements of the Enforcement Officer, as aforesaid.

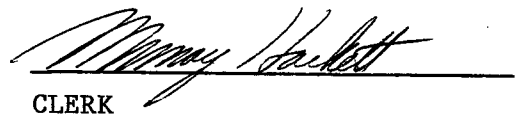
6. The provisions of this By-law shall not apply to the lawful sale or use of truck flares, railway flares, railway torpedoes, marine or military rockets or other like devices.

7. Any person who contravenes any provision of this by-law shall be guilty of an offence and liable upon conviction to a penalty not exceeding Two Thousand Dollars (\$2,000.00).

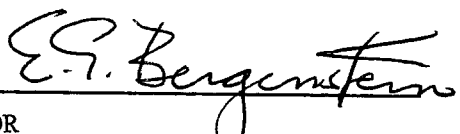
8. By-law No. 45 (1970) of the Town of Pelham is hereby repealed.

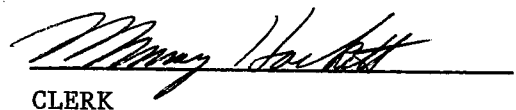
READ A FIRST TIME BY COUNCIL
THIS 5th. DAY OF MARCH, 1984 A.D.


MAYOR


CLERK

READ A SECOND AND THIRD TIME AND
FINALLY PASSED BY COUNCIL THIS
2nd. DAY OF APRIL , 1984 A.D.


MAYOR


CLERK