



OFFICE CONSOLIDATION
BY-LAW NUMBER 2003-127
THE FIREWORKS BY-LAW

SEPTEMBER 23, 2003

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THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER 2003-127

BEING A BY-LAW FOR PROHIBITING AND REGULATING
THE SALE OF FIREWORKS AND THE SETTING OFF OF
FIREWORKS AND TO REPEAL BY-LAWS 5385 AND 7543

WHEREAS Subsection 121.(1) of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended provides that a local municipality may prohibit and regulate the sale of fireworks and the setting off of fireworks;

AND WHEREAS Subsection 121.(2) of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended provides that a By-law passed under Subsection (1) may prohibit the activities described in that Subsection 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 WHEREAS Section 128 of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become public nuisances; and the opinion of Council with respect to public nuisances, if arrived at in good faith, is not subject to review by any court;

AND WHEREAS Section 129 of the Municipal Act, 2001, S.O. 2001, Chapter 24, as amended provides that a municipality may prohibit and regulate with respect to noise;

AND WHEREAS Section 130 of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended provides that a municipality may regulate matters not specifically provided for by the Municipal Act or any other Act for purposes related to the health safety and well-being of the inhabitants of the municipality;

AND WHEREAS Section 427 of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended provides that where a municipality has the authority by By-law to direct or require that a matter or thing be done, the municipality may in the same or another By-law direct that, in default of it being done by the person directed or required to do so, such matter or thing shall be done at the person's expense and the municipality may recover the costs by action or by adding the costs to the tax roll and collecting them in the same manner as taxes;

AND WHEREAS it is the desire of the Council of the Corporation of the City of Welland to regulate the sale and setting off of fireworks with a view to ensuring the safety of the public in respect to the sale and setting off of fireworks;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF WELLAND ENACTS AS FOLLOWS:

SECTION 1 SHORT TITLE

- 1.1 This By-law may be cited as "The Fireworks By-law"

SECTION 2 SCOPE

- 2.1 The provisions of this By-law shall be applicable on all lands and properties within the limits of the Corporation of the City of Welland.
- 2.2 This By-law shall be considered separate from the Explosives Act and Explosives Regulations and passage of this By-law does not mean the City or By-law Enforcement Officer is responsible for any aspect of enforcement of the Explosives Act or Explosives Regulations, which is the sole responsibility of the Federal Government of Canada.
- 2.3 By-law Exemptions
- 2.3.1 This By-law does not apply to the Federal Government of Canada, the Province of Ontario, the Regional Municipality of Niagara, the City of Welland, or any public utility or local board as described in Section 5.16 (b) of Zoning By-law 2667 of the City of Welland, however it does apply to land, buildings and undertakings not managed directly by such governments and agencies.

SECTION 3 DEFINITIONS

- 3.1 In this By-law,
- 3.1.1 Definitions in the Zoning By-laws of the City shall be used with respect to matters pertaining to use and which are undefined in this By-law.
- 3.1.2 Definitions in the Building Code Act and the Building Code shall be used with respect to matters pertaining to buildings and which are undefined in this By-law.
- 3.1.3 Definitions in the Explosives Act and the Explosives Regulations shall be used with respect to matters pertaining to fireworks which are undefined in this By-law.
- 3.1.4 "Applicant" means the applicant for a Permit required by this By-law;
- 3.1.5 "Authority Having Jurisdiction" means the Fire Chief.
- 3.1.6 "By-law Enforcement Officer" means a Law Enforcement Officer appointed by the City for enforcement of its regulatory By-laws or the Fire Chief or the Chief Building Official or other person appointed or otherwise delegated the authority

for enforcement of this By-law.

- 3.1.7 "City" means the Corporation of the City of Welland and includes all land and properties within its limits.
- 3.1.8 "City Property" means any property owned by the City including parkland, buildings and lands, vacant land, pathways, streets, opened and unopened road allowances.
- 3.1.9 "Council" means the Council of the Corporation of the City of Welland.
- 3.1.10 "Container" means a container described in the Explosives Regulations as a box or other suitable receptacle that may be placed inside a building; and
- is kept in a part of the premises away from inflammable goods;
 - is provided with a closely-fitting lid and kept securely closed and locked except when the container is required to be open for the receipt or issue of fireworks, or for other necessary purpose;
 - not used for any other purpose other than the keeping of fireworks;
 - the interior of the container is kept scrupulously clean;
 - the container shall have the word "FIREWORKS" conspicuously displayed thereon on a contrasting background.
- 3.1.11 "Display Fireworks Manual" means the latest edition manual produced by The Explosive Regulatory Division of the Department of Natural Resources Canada and published under Section 7 of The Explosives Act.
- 3.1.12 "Explosives Act" means the Explosives Act, revised Statutes of Canada 1990, Chapter E-15.
- 3.1.13 "Explosives Regulations" means regulations made under the Explosives Act.
- 3.1.14 "Fire Chief" means a the Fire Chief appointed by the City for purposes described in the Fire Protection and Prevention Act or his/her designate.
- 3.1.15 "Firecracker" means a high hazard device that explodes instantaneously 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 for toy guns.

- 3.1.16 "Fireworks" means Class 7 Division 2 Subdivisions 1 to 5 inclusive fireworks as defined in the Explosives Regulations.
- 3.1.17 "Fireworks Supervisor" means a person certified by the Minister to conduct a Display Fireworks show as a Level 1 or Level 2 Fireworks Supervisor.
- 3.1.18 "High Hazard Fireworks" means fireworks determined under the Explosives Regulations to present a special hazard to persons, including Class 7 Division 2 Subdivisions 2 and 5 fireworks.
- 3.1.19 "License or Certificate" means written approval from the Federal Minister responsible for enforcement of the Explosives Act.
- 3.1.20 "Low Hazard Fireworks" means fireworks determined under the Explosives Regulations to be relatively innocuous themselves and are not liable to explode violently or all at once, and including Class 7 Division 2 Subdivisions 1, 3, and 4 fireworks.
- 3.1.21 "Minister" means the Minister of Natural Resources Canada or other Federal Minister and persons assigned the responsibility for enforcement of the Explosives Act and Explosives Regulations.
- 3.1.22 "Owner" means the building or property owner or other person in control of the building or property from which the subject fireworks are used, sold or set off or proposed to be used, sold or set off.
- 3.1.23 "Operator" includes the owner, manager or person in charge of the fireworks and includes a Fireworks Supervisor.
- 3.1.24 "Permit" means written permission or written authorization from the Fire Chief to set off fireworks in accordance with this By-law and the Display Fireworks Manual.
- 3.1.25 "Residential Lands or District" means property actually used for residential purposes.
- 3.1.26 "Street" means a highway, road, or other public right-of-way as defined by "The Highway Traffic Act" and "The Municipal Act" but does not include a private lane

or an unopened road allowance.

SECTION 4 FIREWORKS CLASSIFICATION

- 4.1 Fireworks regulated by this By-law include Class 7 Division 2 Fireworks described in the Explosives Regulations as manufactured fireworks.
- 4.2 Fireworks not regulated by this By-law include Class 7 Division 1 Fireworks described in the Explosives Regulations as fireworks composition which are regulated by the Explosives Act.
- 4.3 Low Hazard Fireworks
- 4.3.1 “Consumer Fireworks” are Low Hazard outdoor recreational fireworks described as Class 7 Division 2 Subdivision 1 in the Explosives Regulations including but not limited to the following:
- showers;
 - fountains;
 - golden rain;
 - lawn lights;
 - pin wheels;
 - Roman candles;
 - Volcanoes;
 - Sparklers;
 - Christmas crackers;
 - caps for toy guns.
- 4.3.2 “Model Rockets” are Low Hazard outdoor fireworks described as Class 7 Division 2 Subdivision 3 in the Explosive Regulations and include model rocket engines (toy propellant devices) containing a propellant the total impulse of which does not exceed 80 Newton-seconds (17.92 pound-seconds) and does not exceed a net propellant weight of 125 grams (approximately four ounces).
- 4.3.3 “Low Hazard Practical Use Fireworks” are Low Hazard outdoor fireworks described as Class 7 Division 2 Subdivision 4 in the Explosives Regulations

generally having a small practical use including small highway flares, fuses and other small distress signals.

4.4 High Hazard Fireworks

4.4.1 "Display Fireworks" are High Hazard outdoor recreational fireworks described as Class 7 Division 2 Subdivision 2 in the Explosives Regulations and include both public and private display fireworks including but not limited to the following:

- rockets;
- serpents;
- shells;
- bombshells;
- tourbillions;
- maroons;
- large wheels;
- bouquets;
- barrages;
- bombardos;
- waterfalls;
- fountains;
- batteries;
- illumination;
- set pieces;
- pigeons;
- firecrackers;
- mines;

and further classified as follows with respect to the height of the display:

- High Level for heights of 50 metres or more above grade;
- Low Level for heights of 15 metres to 50 metres above grade; or

- Ground Level for heights of less than 15 metres above grade.

4.4.2 “Pyrotechnic Special Effect Fireworks” are High Hazard fireworks described as Class 7 Division 2 Subdivision 5 in the Explosives Regulations such as the firing of pyrotechnic, propellant, and explosive materials and devices used by the entertainment industry for indoor and outdoor performances including but not limited to the following:

- bullet effects;
- flash powders;
- smoke compositions;
- gerbs;
- lances;
- saxons;
- theatrical effects.

4.4.3 “High Hazard Practical Use Fireworks” are High Hazard outdoor fireworks described as Class 7 Division 2 Subdivision 5 in the Explosives Regulations generally having a larger practical use including railway track signals, line-throwing rockets, salutes, wildlife control devices and other larger distress signals.

SECTION 5 GENERAL PROVISIONS

5.1 General Regulations Applicable

5.1.1 Every owner, every operator and every Fireworks Supervisor required to hold a license or certificate pursuant to the Explosives Act or Explosives Regulations shall forthwith produce a copy of such license or certificate to the By-law Enforcement Officer.

5.1.2 No person shall use, sell, set off, or cause to be used, sold or set off, fireworks in the City except in accordance with the provisions of this By-law.

5.1.3 Except as provided in Section 8, no person shall use, sell, set off, or cause to be used, sold or set off, fireworks located on City property.

5.1.4 Except as permitted in Section 6.3, no person shall set off, or cause to be set off,

fireworks unless a Permit has been issued by the Fire Chief.

- 5.1.5 Every owner, every operator and every Fireworks Supervisor shall ensure the provisions of this By-law are complied with.
- 5.1.6. No person shall use, sell, purchase, set off, or cause to be used, sold, purchased or set off fireworks manufactured using child labour.
- 5.1.7. Fireworks set off or discharged in conformance with this By-law shall be deemed exempt from the City Noise By-law.
- 5.1.8. A licensed Fireworks Supervisor shall notify the By-law Enforcement Officer and the Fire Chief of his or her intention to do business or perform any action within the City which involves fireworks, prior to undertaking the business or action.

5.2 Prohibitions

- 5.2.1 The following fireworks are hereby prohibited by this By-law and unauthorized by the Explosives Act:
- (a) Violent effects:
- M-80 salutes;
 - silver salutes;
 - cherry bombs;
 - firecrackers;
 - flashcrackers.
- (b) Joke effects:
- cigarette loads or plugs;
 - exploding golf balls;
 - sparkling or exploding matches.
- (c) Miscellaneous effects:
- table rockets and bottle rockets;
 - champagne party poppers;

- throw-down torpedoes, snap caps, cracker balls.

(d) Any fireworks not included in Part 3 of the List of Authorized Explosives published by the Explosives Regulatory Division.

5.2.2. Pyrotechnic Special Effects Fireworks are deemed a public nuisance and hereby prohibited by this By-law.

5.2.3 No person shall use, sell, set off or store or cause to be used, sold, set off, or stored prohibited fireworks within the City.

5.3 General Location Restrictions for Public Safety

5.3.1 Fireworks, which, in the opinion of the City Engineer or designate, may by reason of size, location, content, colouring or manner of illumination obstruct or interfere with the visibility or effectiveness of any motorist or pedestrian, are hereby prohibited.

5.3.2 Fireworks obstructing or interfering with the intended operation of any public utility, traffic control, fire route or building health/safety system, are hereby prohibited.

SECTION 6 PERMITS, INSPECTIONS, AND FEES

6.1 Permit Requirements

6.1.1 Every applicant for a Permit shall submit to the office of the Fire Chief, a written and signed Application, on a form developed from time to time by the Fire Department, at least 14 days in advance of each event proposed for Display Fireworks, along with 2 copies of a site location plan drawn to scale showing in detail the kind and character of fireworks proposed to be stored and set off together with the actual dimensions and weight thereof and the manner in which it is proposed to be used, stored and set off. The site location plan shall indicate the information specified for a site plan in the Display Fireworks Manual. The Fire Chief may require additional information where he/she deems necessary. Upon the requirements of this By-law being complied with, and upon payment of the fees hereinafter imposed, the Fire Chief may grant the necessary Permit.

6.1.2 Prior to issuance of a Permit for Display Fireworks, the City will require a security deposit equivalent to the Permit Application fee in the form of cash, certified cheque, or Letter of Credit satisfactory to the City Treasurer, to be used by the

City as security to pay for costs incurred by the City as a result of non-compliance with this By-law or to remediate the site or adjacent properties after completion of the event, as described in Section 9. At completion of the event and upon compliance with this By-law including Subsection 7.4.11, the City shall return the deposit.

- 6.1.3 If a License or Certificate or other form of approval is required from the Federal Minister responsible for enforcement of the Explosives Act, the Fire Chief will require proof of such License, Certificate or other approval be submitted in writing prior to issuance of the City Permit.
- 6.1.4 The Permit may be issued subject to such terms and conditions the Fire Chief deems necessary to ensure compliance with this By-law and the health and safety of the public.
- 6.1.5 A Permit issued for Display Fireworks shall be conditional on the event being in compliance with the Display Fireworks Manual, latest addition, or any part of Manual specified, published by the Explosives Regulatory Division of the Department of Natural Resources Canada. For purposes of the Manual, the Welland Fire Department is the Authority Having Jurisdiction.
- 6.1.6 A Permit issued for Display Fireworks shall state the name of the club, association or group to whom the Permit is issued; the name of the executive officer or other person responsible; the place and date upon which the display is to be held; the name and address of the Fireworks Supervisor under whose supervision the event is to be held; the manner in which unused fireworks are to be disposed of; and the manner and means of restraining unauthorized persons from attending within the danger zone or too close to the location where the display is to be held.
- 6.1.7 Any Permit may be revoked by the Fire Chief without notice where:
 - (a) an owner, operator or Fireworks Supervisor fails to comply with the requirements of this By-law;
 - (b) the Permit was issued on false or mistaken information or was issued in error;
 - (c) the matter in respect of which the Permit was issued has not been seriously commenced;

(d) an owner, operator or Fireworks Supervisor fails to comply with a direction, instruction, or order of the Fire Chief given under Subsection 6.4.

6.1.8 The issuance of a Permit under this By-law in no way constitutes absolute permission to use, sell or set off fireworks. Enforcement of regulations pursuant to the Explosives Act are the responsibility of the Federal Government and outside of the jurisdiction of the City, and it is the responsibility of the owner and operator to ensure all applicable federal laws are complied with in addition to the requirements of this By-law.

6.2 Permit Application Fees

6.2.1 No Application for Permit under this By-law shall be considered until the Application fee described in Schedule "A" attached hereto has been paid to the City.

6.3 Permit Exemptions

6.3.1 No Permit shall be required for the following provided their use complies with this By-law and the Explosives Act and Regulations:

- to set off or cause to be set off Consumer Fireworks or Model Rockets;
- to set off or cause to be set off Low Hazard or High Hazard Practical Use Fireworks provided their use is necessary and not for recreational or entertainment purposes.

6.4 Inspections

6.4.1 The Fireworks Supervisor shall notify the Fire Chief at least 24 hours prior to the following stages of Display Fireworks:

- (a) commencement of preparation of the site for Display Fireworks;
- (b) completion of preparation of the site for Display Fireworks;
- (c) commencement of the Display Fireworks show.

6.4.2 The Fire Chief shall inspect the Display Fireworks site, before, during and after the display as deemed necessary, and may issue directions, instructions, or orders to the Fireworks Supervisor, owner or operator or any other person.

- 6.4.3 Upon receipt of directions, instructions or orders from the Fire Chief, the Fireworks Supervisor, owner operator, or person shall comply with the directions, instructions or orders.

SECTION 7 SPECIFIC REGULATIONS

7.1 Sale of Fireworks

- 7.1.1 No person shall sell, offer for sale or purchase firecrackers or other fireworks prohibited in this By-law.
- 7.1.2 No person shall sell, offer for sale or purchase fireworks unless specifically permitted in this By-law, and licensed or authorized to do so by the Minister, where so required.
- 7.1.3 No person shall sell, offer for sale or purchase Consumer Fireworks except on the following days:
- Victoria Day;
 - the six days immediately preceding Victoria Day;
 - Canada Day, and
 - the six days immediately preceding Canada Day.
- 7.1.4 No person shall sell, offer for sale or purchase Display Fireworks except in accordance with the Explosives Regulations, and only if a copy of the authorizing regulation is submitted to the satisfaction of the Fire Chief.
- 7.1.5 No person shall sell, give or distribute fireworks to any person under the age of eighteen (18) years or who appears to be under the age of eighteen (18) years and does not produce evidence that he or she is eighteen (18) years of age or older.

7.2 Keeping, Display and Storage of Fireworks for Sale or for Setting Off

- 7.2.1 No person shall keep or permit to be kept any explosive other than ammunition at the same location where fireworks are kept for sale.
- 7.2.2 Fireworks displayed in store windows and in locations accessible to the public shall be mock samples only, and not contain explosive composition.

- 7.2.3 Low Hazard Fireworks on display for sale shall be displayed:
- in lots that do not exceed 25 kilograms (55 pounds) each in gross weight;
 - in a package, glass case or other suitable receptacle away from inflammable goods and not accessible to the public, and
 - in a place where they are not exposed to the rays of the sun or excess heat.
- 7.2.4 Low Hazard Fireworks being stored for sale or future use, but not on display, shall not exceed 100 kilograms (220 pounds) gross weight if stored in a Container or 1000 kilograms (2200 pounds) gross weight if stored in a separate store or warehouse as described in the Explosives Regulations.
- 7.2.5 High Hazard Fireworks being stored for sale or future use, but not on display, shall not exceed 25 kilograms (55 pounds) gross weight if stored in a Container or 125 kilograms (275 pounds) gross weight if stored in a separate store or warehouse as described in the Explosives Regulations.
- 7.2.6 Low and High Hazard Fireworks being stored for sale or future use, may exceed the weight and receptacle limitations in Subsection 7.2.4 and 7.2.5 if kept in a fireworks factory or magazine licensed and authorized according to the Explosives Regulations.
- 7.2.7 Consumer Fireworks are prohibited from being stored for sale or future use except during the 30 day period prior to any of the lawful date(s) for the sale thereof and not longer than 30 days after the lawful date(s) for sale thereof, unless stored by a licensed Fireworks Supervisor and permitted in the Explosives Regulations.
- 7.2.8 Display Fireworks are prohibited from being stored for sale or future use unless stored by a licensed Fireworks Supervisor and permitted in the Explosives Regulations.
- 7.2.9 No person shall have in his or her possession within six (6) metres (20 feet) of any fireworks kept or displayed for sale any:
- lighted match;
 - lighted lighter;

- lighted pipe;
- lighted cigar;
- lighted cigarette; or
- other flame or heat source which may ignite fireworks.

7.2.10 No person shall permit access to fireworks, unless there are sufficient signs posted stating that the items listed in Subsection 7.2.8 are prohibited within six (6) metres (20 feet) of the fireworks.

7.2.11 A copy of this By-law must be posted on the premises where Consumer Fireworks are sold during each of the lawful sales periods.

7.3 Setting Off or Discharge of Low Hazard Fireworks

7.3.1 No person shall set off or discharge or permit the setting off or discharge of Consumer Fireworks except on the following days:

- Victoria Day;
- the three days immediately preceding Victoria Day;
- Canada Day; and
- the three days immediately preceding Canada Day.

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

7.3.3 No person shall use, discharge or set off, or permit to be used, discharged or set off Low Hazard Fireworks in such a place or in such a manner as might create a danger or constitute a nuisance to any person or property.

7.3.4 No person shall use, discharge or set off, or permit to be used, discharged or set off Low Hazard Fireworks in or into any building, tent, structure, doorway, automobile or other place unless authorized in writing by the Fire Chief and permitted by the Explosives Regulations.

7.3.5 No person under the age of eighteen (18) years or who appears to be under the

age of eighteen (18) years and does not produce evidence that he or she is eighteen (18) years of age or older shall use, handle, discharge, set off or store Low Hazard Fireworks, unless under the direct supervision of a person eighteen (18) years of age or older, who has produced evidence that he or she is eighteen (18) years of age or older.

7.3.6 No person being the parent or guardian of a child under the age of eighteen (18) years or who appears to be under the age of eighteen (18) years and does not produce evidence that he or she is eighteen (18) years of age or older shall allow the child to use, handle, discharge, set off or store Low Hazard Fireworks, unless such parent or guardian of age eighteen (18) years or older, who has produced evidence that he or she is eighteen (18) years of age or older is in direct supervision and control of the child.

7.3.7 No person shall use, discharge or set off, or permit to be used, discharged or set off Low Hazard Fireworks in an area containing dead undergrowth, dry grass, highly flammable substances or any other thing susceptible to combustion.

7.4 Setting Off or Discharge of High Hazard Fireworks

7.4.1 No person, owner, operator or Fireworks Supervisor shall set off or discharge, or permit to be set off or discharged Display Fireworks unless a Permit to do so has been issued by the Fire Chief.

7.4.2. No person, owner, operator or Fireworks Supervisor shall set off or discharge, or permit to be set off or discharged Display Fireworks unless the Fire Chief has completed inspections required by Subsection 6.4.1. and until all directions, instructions and orders arising from such inspections have been complied with.

7.4.3. Every Display Fireworks event shall be undertaken, planned, conducted and executed under the direction of a Fireworks Supervisor, who shall be responsible to ensure all requirements of this By-law have been met prior to setting off any fireworks.

7.4.4. Every Display Fireworks event shall be undertaken, planned, conducted and executed in compliance with the Display Fireworks Manual, latest edition, or any part of the Manual specified. For purposes of the Manual, the Welland Fire Department is the Authority Having Jurisdiction.

7.4.5. No person, owner, operator or Fireworks Supervisor shall set off or discharge or

permit to be set off or discharged Display Fireworks where the firing point is less than the fallout and separation distance from the public, structures, vehicles and overhead objects specified in the Display Fireworks Manual or where the surface wind speed exceeds 45 kilometres per hour (28 miles per hour).

- 7.4.6. A danger zone with a 100 metre radius must be established around the firing site for High Level Display Fireworks and a means of identifying and restricting access to the danger zone such as security personnel, barricades, delineators, barricades or fences must be provided. No person shall enter or remain in the danger zone unless authorized.
- 7.4.7. No person shall possess matches, cigarettes, spark producing devices, alcohol or drugs or be under the influence of alcohol, narcotics or medication within the danger zone.
- 7.4.8. A trial shot of at least one (1) large shell shall be fired in the presence of the Fire Chief, ten (10) minutes before commencement of a Display Fireworks show to check trajectory, wind effect and proper location of the fallout zone.
- 7.4.9. No person, owner, operator or Fireworks Supervisor shall set off or discharge or permit to be set off or discharged High Level Display Fireworks unless all owners of property within 120 metres (394 feet) of the firing point are notified of the event at least 48 hours before commencement of the event by hand delivered card placed in their mailbox. Such card will advise residents of the scope, nature and time of the Display and list the Fireworks Supervisor's name and telephone number to call for information concerning the display.
- 7.4.10. No person, owner, operator or Fireworks Supervisor shall set off or discharge or permit to be set off or discharged High Level Display Fireworks unless liability insurance has been obtained by the person, owner or operator to the satisfaction of the City. The insurance policy must be in the amount of \$5,000,000.00 or greater and must list the City as a co-insured. A certified copy of the policy must be submitted to the City 5 days prior to the event.
- 7.4.11. The Fireworks Supervisor shall remove all unused fireworks and all debris resulting from Display Fireworks from the property on which the event was held and from any adjacent property affected no later than 10:00 a.m. on the day following the event.

7.4.12 For Low Level Display Fireworks only, a danger zone of radius 45 metres and liability insurance of \$2,000,000.00 will apply.

7.4.13 For Ground Level Display Fireworks only, a danger zone of radius 35 metres and liability insurance of \$2,000,000.00 will apply.

7.4.14 No person, owner, operator or Fireworks Supervisor shall set off or discharge, or permit to be set off or discharged Display Fireworks unless the fire and first aid equipment specified in the Display Fireworks Manual is available at the event site, including a fire blanket, eye wash, fire extinguishers and personal protection for all crew members.

7.5 Exemptions for Caps and Model Rockets

7.5.1 Subsections 7.1.3, 7.1.5, 7.2.7, 7.3.1 7.3.5 and 7.3.6 do not apply to caps for toy guns.

7.5.2 Subsections 7.1.3, 7.1.5, 7.2.7, 7.3.1, 7.3.5 and 7.3.6 do not apply to Model Rockets, provided the requirements of Explosives Regulations are complied with.

SECTION 8 USE OF CITY PROPERTY

8.1 No person shall set off fireworks in or on or into any highway, street, lane, square, park, Canal Lands or other City property unless authorized in writing by Council.

SECTION 9 REMOVAL AND REINSTATEMENT

9.1 Where an owner or person is in contravention of any provision of this By-law, the City, in addition to any other action, may give or send notice to the owner or person, requiring the property to be made to conform with this By-law. In the event that a notice is given or sent and the property is not reinstated to conform with the provisions of this By-law within the time period set out or stated in the notice, the City, its employees, agent or contractor may enter upon the land and remove such things or carry out the work required to make the property comply with this By-law, and may charge any costs incurred for such work to the owner or person.

9.2 Where the owner or person refuses to pay the costs incurred by the City in Subsection 9.1, the City may recover the costs in accordance with Section 427 of the Municipal Act.

9.3 Any notice given under this By-law may be given by ordinary mail to the owner or person according to the last revised Assessment Roll of the property which does not comply with

this By-law.

9.4 The City, its employees, agent or contractor may, without notice, remove any thing which contravenes this By-law and the cost of removal may be charged to the owner or person as in Subsection 9.1 or recovered as in Subsection 9.2.

9.5 Any thing removed by this Section may be deposited elsewhere on the property on which it is located, or may be stored by the City, its employees, agent or contractor. Where a thing has been removed and stored, the owner or person may reclaim such thing upon payment to the City any costs incurred by the City, its agent or contractor in the removal of such thing. Where the thing has not been reclaimed within 30 days of its removal, such thing may be forthwith destroyed or otherwise disposed of by the City, its employees, agent or contractor.

SECTION 10 ADMINISTRATION, ENFORCEMENT AND RIGHT OF ACCESS

10.1 This By-law shall be administered and enforced by the City, the By-law Enforcement Officer, Fire Chief or any person appointed or otherwise delegated the authority of administration and enforcement.

10.2 The By-law Enforcement Officer may inspect any land, property, building or structure at any time to determine if any section of this By-law is complied with.

10.3 Notwithstanding Section 10.2, the By-law Enforcement Officer shall not enter or remain in any room or place actually used as a dwelling unless the provisions of Section 430 of the Municipal Act, 2001 are complied with.

SECTION 11 PENALTIES

11.1 Every person who contravenes any provision of this By-law is guilty of an offence and is liable upon conviction to a fine of not more than \$5000, except as otherwise expressly provided by law, according to Section 61 of the Provincial Offences Act, R.S.O.1990.

SECTION 12 SCHEDULES

12.1 Schedule "A" attached hereto shall be read with and form part of the By-law.

SECTION 13 VALIDITY

13.1 Should any section, clause or provision of this By-law be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the By-law shall not be affected.

- 13.2 Nothing in the Explosives Act relieves any person of the obligation to comply with this By-law as stated in section 29 of the Explosives Act.

SECTION 14 REPEAL OF OTHER BY-LAWS

- 14.1 By-laws 5385 and 7543 be and the same are hereby repealed.

SECTION 15 EFFECTIVE DATE

- 15.1 This By-law shall come into force and take effect on the date of passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS 12TH DAY OF AUGUST, 2003.

NOTE: This Office Consolidation is prepared for purposes of convenience only, and for accurate reference, recourse should be had to the original By-laws.

SCHEDULE "A"

TO BY-LAW NUMBER 2003-127 OF THE CITY OF WELLAND AS AMENDED
PERMIT APPLICATION FEES FOR DISPLAY FIREWORKS

Permit Application Fee for every Display Fireworks event	\$250.00
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Note: Permit Application fees under this By-law are non-refundable, except where an event is cancelled by the applicant for Permit prior to any inspection by the Fire Chief, a refund of 60% of the Permit Application fee will be granted.