

BY-LAW NUMBER 59 OF 1999  
OF THE CITY OF SARNIA

"A By-Law to Regulate the Sale and Setting off of Fireworks"

WHEREAS by Paragraphs 210.37 and 210.38 of the Municipal Act, R.S.O. 1990, c M.45, Councils of local municipalities may pass by-laws for regulating the sale of fireworks and prohibiting the sale of same on any days during the year specified in the by-law, and for prohibiting or regulating the setting off of fireworks or any class thereof and for requiring a permit for the holding of fireworks displays and prescribing the conditions under which fireworks displays may be held;

AND WHEREAS it is deemed expedient and appropriate to regulate the sale and setting off of fireworks within the limits of the City of Sarnia;

NOW THEREFORE the Municipal Council of The Corporation of the City of Sarnia enacts as follows:

- I. In this By-Law:
  - a) "Fire Chief" means the Chief of the Fire Department of the City of Sarnia and includes the Deputy Chief, the Chief Fire Prevention Officer, and all Platoon Chiefs;
  - b) "Fireworks" means "Recreation Fireworks" as defined herein and "Performance Fireworks" as defined herein and includes other pyrotechnics of any description;
  - c) "Fireworks Display" means both Public and Private Displays;
  - d) "Fireworks Display Permit" means a permit in the form attached hereto as Schedule "A";
  - e) "Performance Fireworks" includes rockets, serpents, shells, bomb shells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, mines, fire crackers, and all similar fireworks falling into the category of Class 7.2.2 of the Explosives Regulations of the Explosives Act, R.S.C. 1985, c.E.17;
  - f) "Private Fireworks Display" means a display held on private property, not open to the public at large, and includes firework displays intended for a community or neighbourhood contiguous to the private property;

- g) "Public Fireworks Display" means a display of fireworks in a public place or other location approved by the Fire Chief, under a permit issued pursuant to paragraph 5 herein, and does not include a "Private Fireworks Display" as herein defined;
  - h) "Recreation Fireworks" includes firework showers, fountains, golden rain, lawn lights, pinwheels, roman candles, volcanoes, sparklers, Christmas crackers, and any other similar fireworks falling into Class 7.2.1 of the Explosives Regulations of the Explosives Act, R.S.C. 1985, c.E.17.
2. No person shall:
- a) sell any fireworks to any person under the age of eighteen years;
  - b) sell by retail any fireworks (except sparklers) on any day other than the first day of July, the 4th day of July, the day fixed for observance of Victoria Day in each year, and the seven days preceding each such day;
  - c) display any fireworks for sale in any window, doorway or open stall in, or immediately adjoining, a public street, except during the seven days preceding the first of July, the 4th day of July, and the day set for observance of Victoria Day in each year.
3. a) All fireworks vendors shall:
- 1) be satisfied that the purchaser is over the age of eighteen years;
  - 2) ensure that "lots" or "bins" of fireworks displayed for sale do not exceed twenty five kilograms, and are not exposed to direct sunlight;
  - 3) ensure that smoking in the premises is absolutely prohibited;
  - 4) supply to every purchaser for private fireworks displays a copy of the "Regulations for a Private Display" annexed hereto as Schedule "B".
- b) Where the premises from which the fireworks will be sold is a mobile trailer, the following additional provisions apply:
- 1) the trailer shall be located at a safe distance from parking areas, public roadways, railways, occupied buildings and dwellings, and any other area which the Fire Chief may deem vulnerable;
  - 2) pylons, snow fence or other suitable demarcation shall be used to establish a "no encroachment zone" to a distance of sixty feet from the trailer with respect to roads, parking and similar uses; and to a distance of one hundred twenty feet from the trailer with respect to occupied buildings, dwellings and gas stations;

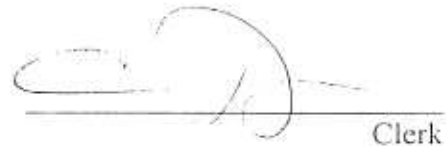
- 3) "No Smoking" signs shall be posted at the approach to the trailer, and an employee posted at the entrance to enforce the "No Smoking" prohibition and to ensure that the number of purchasers permitted therein at any one time does not exceed fifteen;
  - 4) 2A-10 B.C. rated fire extinguisher shall be available in or immediately beside the premises.
4. a) No person shall set off any fireworks in any highway, street, alley, park or other public place except as part of a Public Fireworks Display.
  - b) No person shall set off anywhere in the City of Sarnia any Performance Fireworks, except as part of a Public Fireworks Display.
  - c) No person shall set off anywhere in the City of Sarnia any Recreation Fireworks except as part of a Private Fireworks Display.
5. a) No person shall hold a Public Fireworks Display without first having obtained a Fireworks Display Permit, duly signed by the Fire Chief.
  - b) The Fire Chief may issue a permit for a Fireworks Display to any person over the age of eighteen years upon such terms and conditions as he deems necessary to ensure public safety.
  - c) The Fire Chief may issue a permit for a Public Fireworks Display in the form attached hereto as Schedule "A";
    - 1) The Fireworks Display shall be held on lands for which the written permission of the owner has been obtained and a copy provided to the Fire Chief, at the time and place set out in the permit, and under the direct supervision of the applicant for the permit.
  - d) All Fireworks Displays shall be held at a safe distance from all streets, highways, buildings or other structures and the person holding the display shall take every reasonable precaution for the safety of others and shall provide such fire fighting equipment as may be directed by the Fire Chief.
  - e) The permit applicant assumes all responsibility for any personal injury, property damage, claims, causes of action or damages of any nature or kind whatsoever, which may arise as a result of the Fireworks Display.
  - f) A permit issued under this By-Law may be revoked at any time by the Fire Chief in the event of non-compliance with either the provisions of this by-law or the directions of the Fire Chief, or if, in the opinion of the Fire Chief, a public safety concern exists.

- g) A Public Fireworks Display shall only be fired under the supervision of a Fireworks Supervisor who is qualified and registered in accordance with the regulations under the Explosives Act, R.S.C. 1985, c.E.17, who may, in the discretion of the Fire Chief, be required to provide proof of insurance.
  
- 6. Any person who contravenes any provision of this By-Law is guilty of an offence subject to the provisions of the Provincial Offences Act.
  
- 7. This By-Law repeals By-Law 87 of 1996 of the City of Sarnia.
  
- 8. The short title of this By-Law is the "Fireworks By-Law".
  
- 9. This By-Law comes into force and effect upon being finally passed.

FINALLY PASSED this 19<sup>th</sup> day of April, 1999,

  
\_\_\_\_\_

Mayor

  
\_\_\_\_\_

Clerk

SCHEDULE "A"

FIREWORKS DISPLAY PERMIT  
(PUBLIC)

City of Sarnia Fireworks By-Law

OBLIGATION OF APPLICANT - Section 5

No-one under the age of eighteen (18) years may apply for, or be granted, a Fireworks Display Permit.

The display shall be held at the time and place set out herein.

The fireworks display shall be held at a safe distance from all streets, highways, buildings and other structures.

The applicant certifies that he/she has read and understands the by-law, and will comply with its provisions, and any lawful orders of the Fire Chief.

The applicant acknowledges that he/she is assuming all responsibility for any personal injury, property damage, claims, causes of action or damages of any nature or kind whatsoever.

The applicant certifies that he/she has obtained the written permission of the owner of the land, and that a copy of same has been provided to the Fire Chief.

Public Fireworks Display to be held at \_\_\_\_\_  
(Address)

on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, between the hours of \_\_\_\_\_ and \_\_\_\_\_, under the supervision of \_\_\_\_\_

\_\_\_\_\_  
(Name of Owner of Land/Fireworks Supervisor)

who can be reached at \_\_\_\_\_  
(Telephone Number)

\_\_\_\_\_  
Signature of Owner of Land

\_\_\_\_\_  
Permit Number

\_\_\_\_\_  
Fire Chief

c.c. Fire Department ( )  
Applicant ( )

## SCHEDULE "B"

### REGULATIONS PERTAINING TO THE SALE AND DETONATION OF FIREWORKS FOR A PRIVATE DISPLAY

#### Obligation of Persons using Fireworks.

No one under the age of eighteen (18) years may purchase or detonate fireworks.

The fireworks display shall be held at a safe distance from all streets, highways, buildings and other structures.

Only "Recreation Fireworks" that include firework showers, fountains, golden rain, lawn lights, pinwheels, roman candles, volcanoes, sparklers, Christmas crackers, and any other similar fireworks falling into Class 7.2.1. of the Explosives Regulations of the *Explosives Act, R.S.C. 1985, c.E.17* shall be used for private fireworks displays.

No person shall set off anywhere in the City of Sarnia, any "Performance Fireworks", as defined in the Fireworks By-Law of the City of Sarnia, except as part of a Public Fireworks Display.

Anyone who holds a Private Fireworks Display assumes all responsibility for any personal injury, property damage, claims, causes of action or damages of any nature or kind, whatsoever.

Any person holding the display shall take every reasonable precaution for the safety of others and shall provide such firefighting equipment as may be directed by the Fire Chief.

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OF THE CITY OF SARINIA

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READINGS:

FIRST: April 19, 1999

SECOND: April 19, 1999

THIRD: April 19, 1999

THE CORPORATION OF THE CITY  
OF SARINIA (cfd)  
Legal Services  
City Hall  
Sarnia, Ontario  
N7T 7N2