

CITY OF ST. THOMAS

BY-LAW NO. 96-97

A by-law to regulate the discharge and
sale of fireworks.

AS AMENDED BY:

B/L 117-99	August 17th, 1999
B/L 96-2007	June 18th, 2007
B/L 70-2024	May 21st, 2024

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A by-law to regulate the discharge
and sale of fireworks.

WHEREAS by paragraphs 37 and 38 of section 210 of the Municipal Act, R.S.O. 1990, c.M.45 the Council of the Corporation is authorized to pass by-laws relating to the sale and setting off of fireworks.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. THOMAS ENACTS AS FOLLOWS:

1. In this by-law:
 - (a) “Act” means the Explosive Act, R.S.O. 1990, c.E.15 and Regulations.
 - (b) “Chief Fire Official” means that person who has been appointed by Council of the City Corporation to the position of Chief of the St. Thomas Fire Department.
 - (c) “Chief of Police” means that person who has been appointed by The St. Thomas Police Services Board to the position of Chief of the St. Thomas Police Department.
 - (d) “City Corporation” means The Corporation of the City of St. Thomas.
 - (e) “exhibition fireworks” means fireworks classified in Class 7, Division 2 Subdivision 2 of the Act and includes high-hazard fireworks for recreation such as rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, mines and firecrackers.
 - (f) “family fireworks” means fireworks classified in Class 7, Division 2 Subdivision 1 of the Act and includes low-hazard fireworks for recreation commonly known as firework showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, volcanoes, sparklers and Christmas crackers.
 - (g) “firecracker” means any pyrotechnic device that explodes when ignited and does not make any subsequent display or have any visible effect after the explosion and includes those devices commonly known as cherry bombs, silver salutes, m80 salutes, flash crackers, throwdown torpedoes, trick matches and auto alarms.
 - (h) “fireworks” includes firecrackers, family fireworks and exhibition fireworks.
 - (i) “fireworks supervisor” means a person who has successfully completed an approved fireworks supervisor course offered pursuant to the Act.
 - (j) “person” includes a partnership and a corporation.
2.
 - (1) No person shall sell, offer for sale or set off any firecracker within the limits of the City of St. Thomas.
 - (2) No person shall sell or offer for sale any fireworks unless such works are stored away from flammable goods and are not exposed to direct sun or heat or displayed in any window.
 - (3) No person shall sell or offer for sale any fireworks in the City of St. Thomas to any person under the age of eighteen years.

- (4) No person shall sell or offer for sale any fireworks within the City of St. Thomas at any time except on Victoria Day and Canada Day and on the seven (7) days immediately preceding either of such days and with exception to 2.(4)(a) below. Nothing in this by-law shall prevent the sale of fireworks to the holder of a permit, issued by the City Corporation, for the purpose of an exhibition fireworks display.
 - (a) With exception the sale of fireworks for the immediate preceding two (2) weeks to December 31st, 1999. (December 17th to December 31st, 1999) (B/L 117-99)
 - (5) No person shall sell or offer for sale family fireworks or exhibition fireworks from a stationary trailer, roadside stand or from any vehicle or other conveyance unless the person first complies with the requirements of Appendix 1.
3. (1) (1) No person shall set off any family fireworks within the city of St. Thomas at any time except on Victoria Day, Canada Day and on the first day immediately preceding and the first day immediately following Victoria Day and Canada Day. (B/L 96-2007) (B/L 70-2024)
- (2) A person eighteen (18) years of age or older may hold a display of family fireworks on any land belonging to him or her or on any other privately owned land where the owner thereof has given permission for such display or discharge of fireworks. (B/L 96-2007)
 - (3) No person under the age of eighteen (18) years shall discharge any family fireworks except under the direct supervision of and control of a person eighteen (18) years of age or over. (B/L 96-2007)
 - (4) No person being the parent or guardian of any person under the age of eighteen (18) years shall allow the person to discharge any family fireworks except when such parent or guardian or some other responsible person of eighteen (18) years of age or over is in direct supervision and control. (B/L 96-2007)
 - (5) No person shall discharge any family fireworks in such a manner as might create danger or constitute a nuisance to any person or property, or to do or cause or allow any unsafe act or omission at the time and place for the discharging of any fireworks. (B/L 96-2007)
 - (6) No person shall discharge any family fireworks in or into any building, doorway, or automobile. (B/L 96-2007)
 - (7) No person shall discharge any fireworks in or on or into any park, highway, street, lane, square or other public place, unless under a exhibition fireworks permit to do so issued by the Fire Chief. (B/L 96-2007)
- (2) No person shall discharge any exhibition fireworks on any land or within any building unless:
- (i) that person has obtained written permission to do so from the person which owns or leases the lands, building or structure on or within which the fireworks shall be discharged.
 - (ii) that person has obtained written permission from the person who owns or leases the lands upon which any debris may reasonable be expected to fall.
 - (iii) a copy of the documents in which the written permission is granted shall be filed with the application for the permit.

4. No person shall discharge exhibition fireworks or conduct an exhibition fireworks display except under the authority of a permit issued by the City Corporation pursuant to section 5 and subject to the conditions outlined in Article 6.
5.
 - (1) The application for a permit for an exhibition fireworks display shall be made to the Chief Fire Official in the prescribed form.
 - (2) Each permit for an exhibition fireworks display shall be subject to the conditions in section 6 and include the following:
 - (a) the name of the person to whom it is issued and, where the permittee is not an individual, the name of an agent or representative of the permittee;
 - (b) the address and telephone number of the person, and (where applicable) any agent or representative thereof
 - (c) the place, date and alternate (rain) date on which the display is to be held;
 - (d) the name, address, phone number and registration number of the fireworks supervisor under whose supervision the display shall be held.
6. Each permit for an exhibition fireworks display shall be issued on the following conditions:
 - (a) the fireworks supervisor must have submitted with the application for permit a drawing of the site identifying the type of display, dimensions of firing zone and direction he/she will be firing the display.
 - (b) the written permissions required by paragraphs (i) and (ii) of subsection 2 of section 3 shall be filed with the permit issuer and a copy of said permit shall be sent to the Chief of Police and the Chief Fire Official for their information.
 - (c) the display shall be held by a person who shall have obtained a policy of public liability and property damage insurance in respect of the display with policy limits not lower than Five Million dollars per occurrence and a copy of such policy shall be filed with the application for the permit.
 - (d) the display shall be held only at the place and on the date set forth in the permit.
 - (e) the display shall be under the supervision of a fireworks supervisor.
 - (f) all persons present at the display, other than those engaged in the conducting or supervising, shall be kept a safe distance from the firing zone in accordance with the requirements of the Fireworks Manual, Explosives Division Class 7.2.2 Energy, Mines and Resources Canada.
 - (g) exhibition fireworks shall be stored in compliance with the requirements of the regulations under the Act and in accordance with any direction of the Chief Fire Official.
 - (h) all exhibition fireworks and the firing area shall be secured by the person to whom the permit is issued against interference or trespass by unauthorized persons from the time the fireworks are obtained until following the display.
 - (i) no exhibition fireworks shall be discharged within 300 metres of any place where explosives, gasoline or other highly flammable substances are manufactured or stored in bulk or within 300 metres of a hospital, nursing home, retirement home or home for the aged.
 - (j) only exhibition fireworks authorized by the regulations under the Act may be purchased and displayed.

- (k) a fire extinguisher having a 4A60BC rating must be provided at the firing zone during the setup and display of the fireworks.
 - (l) the Chief Fire Official shall have received from the fireworks supervisor for the display a plan, satisfactory to the Chief Fire Official, which explains the manner in which all unused fireworks are to be disposed of.
 - (m) the person to whom the permit was issued shall, following the display, leave the land or building on or within which the display was held, and the land on which any debris may have fallen, free from debris from the display and from unexploded fireworks.
7. Every person who contravenes any of the provisions of this By-Law is guilty of an offence.
8. Bylaw No. 14-70 and all other by-laws or parts of by-laws inconsistent herewith, shall be and are hereby repealed.

READ a First and Second time this 23rd day of June, 1997.

READ a Third time and Finally passed this 23rd day of June, 1997.

Original Signed

Peter J. Leack, City Clerk

Original Signed

Stephen J. Peters, Mayor

APPENDIX 1

REQUIREMENTS FOR SALE AND DISPLAY OF FIREWORKS BY TEMPORARY VENDORS.

- (a) a site plan must be provided to the Chief Fire Official showing the location of the trailer, roadside stand, vehicle or other conveyance from public streets, buildings on the property and areas parking complying to the following:
 - (i) the trailer, roadside stand, vehicle or other conveyance shall be located a safe distance from parking areas, public streets and railways as well as occupied buildings and dwellings, which distance shall comply with Table 1.
 - (ii) in all cases pylons or fencing shall be used to establish a “No Encroachment” zone around the trailer, roadside stand, vehicle or other conveyance.
 - (iii) self-serve trailers must have two (2) separate doors, and visible “No Smoking” signs posted at the entrance to the trailer to enforce the “No Smoking” rule and to limit the number of persons in the trailer, which shall not exceed fifteen (15).
 - (iv) at least one 2A 10BC rated fire extinguisher must be provided for each employee’s working area. In the event of fire all persons shall immediately be evacuated from the area and the Fire Department contacted.
 - (v) when the trailer is left unmanned it shall be properly secured to prevent unauthorized entry.

TABLE 1

Quantity of Finished Family Fireworks	Minimum distance to railway; aerodrome; market place; public recreation; sports ground, or other place where the public are accustomed to assemble; public highway; private road to a Church, Chapel, College. School, Hospital or Factory;	Minimum distance to a Dwelling House; Retail Shop; Government and Public buildings; Church; Chapel; College; or other building where the public are accustomed to assemble; Factory; Building or works used for the storage in bulk of petroleum spirit, gas or other inflammable substances; Buildings or works used for the storage and manufacture of explosives or of articles which contain explosives
lbs	feet	feet
100	25	50
200	30	60
400	35	70
600	40	80
800	45	90
1000	50	100
2000	58	115

Guide from information supplied by Energy, Mines and Resources Canada.