



# The Municipal Corporation of the Town of Fort Erie

## By-law No. 103-2020

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### Being a By-law to Regulate the Sale of and Use of Fireworks within the Town of Fort Erie and to Repeal By-law No. 70-09

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**Whereas** Section 7.1(1) of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, as amended, provides that the council of a municipality may pass by-laws regulating fire prevention, including the spreading of fires, and

**Whereas** Section 7.1(3) of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, as amended, provides that a by-law under this section may deal with different areas of the municipality differently, and

**Whereas** Article 5.2.1.2. of the *Ontario Fire Code O. Reg. 213/07*, as amended, provides that the manufacture, storage, handling, transportation, sale and use of explosives shall meet the requirements of the *Explosives Act (Canada)* and the *Explosives Regulations* made under the *Explosives Act (Canada)*, and

**Whereas** Article 5.2.1.4. of the *Ontario Fire Code O. Reg. 213/07*, as amended, provides that the handling and discharge of fireworks and pyrotechnics shall comply with NRCan, "Display Fireworks Manual" and NRCan, "Pyrotechnics Special Effects Manual", and

**Whereas** Section 7.1(4) of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, as amended, provides that a municipality may appoint an officer to enter upon land and into structures at any reasonable time to inspect the land and structures to determine whether by-laws enacted in accordance with Section 7.1 are being complied with, and

**Whereas** Section 12(4) of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, as amended, provides that if there is a conflict between a provision of the fire code and a provision of a municipal by-law respecting the keeping and manufacturing of explosives, the provision that is most restrictive prevails, and

**Whereas** Section 19(2) of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, provides an inspector may, without a warrant, enter and inspect land and premises for the purposes of assessing fire safety, and

**Whereas**, Section 121 of the *Municipal Act 2001*, S.O. 2001, c. 25 provides that by-laws may be passed to prohibit, and regulate the sale of fireworks and the setting of fireworks, and for requiring a permit for the sale and/or the setting off of fireworks and prescribing the conditions for obtaining, continuing to hold, and renewing the permit, including the submission of plans, and

**Whereas** Section 120 of the *Municipal Act 2001*, S.O. 2001, c. 25, as amended, authorizes a municipality to pass by-laws to regulate the manufacture of explosives, to prohibit and

regulate the storage, keeping, and transportation of explosives and dangerous substances, including requirements that a permit be obtained from the municipality for the storage of explosives and dangerous substances, and imposing conditions on such permits, and continuing to hold and renewing the permit, including requiring the submission of plans

**Whereas** Section 128 of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides that a municipality may pass by-laws to prohibit, and regulate public nuisances including matters that, in the opinion of Council, are, or could become, or cause public nuisance, and

**Whereas** Section 391 of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides that a municipality and a local board may pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of it, or for costs payable by it for services, or activities provided, or done by or on behalf of any other municipality or local board, and

**Whereas** Section 425 of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides by-laws may be passed by a municipalities providing that a person who contravenes a by-law of the municipality passed under this Act, is guilty of an offence, and

**Whereas** Section 446 of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides that where the municipality has the authority by any act, or under a by-law, to direct or require a person to do a matter or thing, the municipality may also provide that in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense, and in default of it being done by the person directed or required to do it, the municipality may enter upon the land at any reasonable time, and recover the costs of doing the matter or thing from the person required to do it, by action or by adding the costs to the tax roll, and collecting them in the same manner as property taxes, and

**Whereas** the Council of the Town of Fort Erie deems it expedient and necessary for the safety and well-being of the community to regulate the sale and use of Fireworks, and Pyrotechnic Special Effects within the Town of Fort Erie,

**Now therefore** the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

## **SECTION 1 DEFINITIONS**

For the purposes of this by-law, definitions in the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4., shall be used with respect to matters pertaining to fire prevention, and fire safety and which are undefined in this by-law, otherwise the following definitions will apply:

- 1.1 "**Act**" means *The Explosives Act*, R.S.C. 1985, C. E-17, as amended and the Explosives Regulations made thereunder as amended from time to time and any act or any Regulation enacted in substitution.
- 1.2 "**Consumer Fireworks**" means outdoor, low hazard, recreational fireworks that are classed as F.1 Consumer Fireworks under the **Act** and includes fireworks showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, volcanoes, and sparklers but does not include Christmas crackers and caps for toy guns containing in excess of

twenty-five one-hundredths of a grain of explosive used per cap.

- 1.3 "**Deputy Fire Chief**" means a Town of Fort Erie Deputy Fire Chief.
- 1.4 "**Discharge**" means to fire, ignite, explode or set off or cause to be fired, ignited, exploded or set off, and the words "Discharged" and "Discharging" have a similar meaning.
- 1.5 "**Display Assistant**" means a certified person who is qualified under the setup **Display Fireworks** by assisting the **Display Supervisor**.
- 1.6 "**Display Fireworks**" means outdoor, high hazard, recreational fireworks classed as F.2 Display Fireworks under the **Act**, and includes rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, mines, batteries, illumination, set pieces and pigeons but does not include **Firecrackers**.
- 1.7 "**Display Supervisor**" means a certified person who is qualified under the **Act** to supervise the **Discharge** of **Display Fireworks**.
- 1.8 "**Fire Ban**" means a prohibition on all burning, including the **Discharge** of **Fireworks**, issued by the Fire Department of The Corporation of the Town of Fort Erie.
- 1.9 "**Fire Chief**" means the appointed Fire Chief in the Town of Fort Erie and, whether stated or not, also means his/her designates which may include a **Deputy Fire Chief**, a **Fire Prevention Officer** or a **Firefighter**; unless it is stated as Fire Chief only, in which case there is no designate.
- 1.10 "**Fire Prevention Officer**" means a Town of Fort Erie Fire Prevention Officer or Fire Prevention Inspector.
- 1.11 "**Firecracker**" means a pyrotechnic device that explodes 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 containing not more than twenty-five one-hundredths of a grain of explosive on average per cap, or devices for use with such caps, safety flares, marine rockets, and other distress signals.
- 1.12 "**Fireworks**" means **Display Fireworks**, **Pyrotechnic Special Effects Fireworks** and **Consumer Fireworks**.
- 1.13 "**Fireworks Display**" means an exhibition of **Fireworks** in an outdoor assembly or open-air occupancy to which the public is invited, attends, may attend, or is admitted with or without a fee being charged and includes private functions such as weddings, or other celebrations.
- 1.14 "**Flying Lantern**" means a small hot air balloon or similar device made of treated paper or any other material, with an opening at the bottom, which is propelled by an open flame generated by a small candle or fuel cell, allowing the balloon or similar device to rise and float in the air.

- 1.15 "**FPPA**" means the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, as amended, and the regulations enacted thereunder, as amended from time to time, or any **Act** and Regulations enacted in substitution therefor.
- 1.16 "**Owner**" means the person registered on title as the owner of a property upon which the **Discharge of Fireworks** occurs.
- 1.17 "**Permit**" means a **Consumer Fireworks Sales Permit** and/or a **Public Fireworks Display Permit** issued by the **Fire Chief** of the Fort Erie Fire Department.
- 1.18 "**Prohibited Fireworks**" includes but is not limited to cigarette loads or pings, exploding matches, sparkling matches, ammunition for miniature tie clip, cufflink or key chain pistols, auto alarms or jokers, cherry bombs, M-80 and silver salutes and flash crackers, throw down torpedoes and crackling balls, exploding golf balls, stink bombs and smoke bombs, tear gas pens and launchers, party peppers and table bombs, table rockets and bottle rockets, fake **Firecrackers**, champagne party poppers, snap caps, sprite bombs, and other trick devices or practical jokes as included on the most recent list of **Prohibited Fireworks** as published from time to time under the **Act**.
- 1.19 "**Pyrotechnician**" means a person who is certified under the **Act** as a Theatrical User, an Assistant, a Pyrotechnician or a Special Effects Pyrotechnician and is qualified to purchase and supervise the display of **Pyrotechnic Special Effect Fireworks** under the **Act**.
- 1.20 "**Pyrotechnic Special Effect Fireworks**" means high hazard fireworks that are classed as F.3 Special Effect Pyrotechnics under the **Act** and are used to produce a special pyrotechnic effect for indoor or outdoor performances and includes but is not limited to; black powder bombs, bullet effect, flash powder, air bursts, smoke compositions, gerbs, lances and wheels.
- 1.21 "**Sell**" includes offer for sale, cause or permit to be sold and to possess for the purpose of sale and the words "Selling" and "Sold" have similar meaning,
- 1.22 "**Shop**" means a building or part of a building, booth, stall or place where goods are exposed or offered for sale.
- 1.23 "**Tent**" means a portable shelter/structure made of cloth or other pliable material, supported by one or more poles which can be stretched tight by cords or loops, attached to pegs, driven into the ground or other measures sufficient to secure them.
- 1.24 "**Town**" means The Corporation of the Town of Fort Erie.

**SECTION 2 DELEGATION OF AUTHORITY**

The Municipal Council of the Town of Fort Erie hereby delegates to the **Fire Chief** the authority to issue, and revoke **Permits** for the sale, and setting off of **Fireworks** as set out herein.

**SECTION 3 SALE OF FIREWORKS AND FIRECRACKERS**

- 3.1 No person shall **Sell** any **Firecrackers**,
- 3.2 No person shall **Sell** any **Prohibited Fireworks**,
- 3.3 No person shall **Sell** any **Flying Lanterns**,
- 3.4 No person shall **Sell Consumer Fireworks** except during the annual period commencing on May 1<sup>st</sup> and ending on July 8<sup>th</sup>, or on such other dates as set out by the **Fire Chief**,
- 3.5 No person shall **Sell Consumer Fireworks** unless they have a current and valid business license for the sale of **Fireworks** issued by the **Town Clerk**,
- 3.6 Persons wishing to **Sell Consumer Fireworks**, at a location or on property that is not owned by the seller, shall obtain written consent from the **Owner** prior to the issuance of a **Consumer Fireworks Sales Permit**. Written consent shall be submitted to the **Fire Chief** with the **Consumer Fireworks Sales Permit** application,
- 3.7 No person shall **Sell** individual **Consumer Fireworks** unless prior to sale, the **Fireworks** are kept and maintained under a locked glass or plexiglass case or other approved means, which is not accessible to the public. No person, other than the seller, shall handle **Fireworks** that are not in consumer packs, until after the time of purchase. Sealed packages of **Consumer Fireworks** may be displayed prior to sale in a location accessible to the public that is approved by the **Fire Chief**,
- 3.8 No person shall exhibit or display **Consumer Fireworks** for sale unless:
  - 3.8.1 the **Fireworks** are separated into individual lots that do not exceed 25 kilograms in gross weight, and
  - 3.8.2 such separation between lots is sufficient to prevent fire from spreading rapidly from one lot to the next by a fire break which may consist of:
    - 3.8.2.1 maintaining a minimum aisle width of 1.2 metres between lots,
    - 3.8.2.2 6 mm plywood partition that extends 15 cm above the height of the lot or display shelf above, or
    - 3.8.2.3 any other method approved by the **Fire Chief**.
- 3.9 No person shall exhibit or display **Consumer Fireworks** that are

exposed to direct sunlight, open flame, excess heat, or within close proximity of accelerants or other sources of ignition,

- 3.10 No person shall exhibit or display **Consumer Fireworks** in **Shop** windows that contain explosive composition. Only mock samples that do not contain explosive composition may be displayed in **Shop** windows,
- 3.11 No person shall smoke or vape within eight (8) metres of any **Consumer Fireworks**,
- 3.12 No person shall **Sell** or display **Consumer Fireworks** inside a building, **Tent**, trailer, or other enclosed location, unless there are a minimum of two (2) unobstructed, clearly identified public exits to ensure that occupants can quickly evacuate in the event of a fire or emergency,
- 3.13 No person shall **Sell** or store **Consumer Fireworks** in a location that is not designated and approved for such use,
- 3.14 No person shall store or transport **Consumer Fireworks** for sale except in conformance with the **Act**,
- 3.15 No person shall **Sell Consumer Fireworks** to any person(s) under the age of 18,
- 3.16 **Tents** used to **Sell** or display **Consumer Fireworks** shall conform to *CAN/ULC S-109*, "Standard Method for Flame Tests of Flame-Resistant Fabrics and Film",
- 3.17 Each location, where **Consumer Fireworks** are offered for sale, shall have at least two (2) portable fire extinguishers having a minimum rating of 3A:10BC, and
- 3.18 No person shall offer for sale, display for sale, or **Sell Consumer Fireworks** in a manner that contravenes the sale of **Consumer Fireworks** regulations.

#### **SECTION 4 DISCHARGE OF FIRECRACKERS AND PROHIBITED FIREWORKS**

- 4.1 No person shall **Discharge** any **Firecrackers**,
- 4.2 No person shall **Discharge** any **Prohibited Fireworks**, and
- 4.3 No person shall **Discharge** a **Flying Lantern**.

#### **SECTION 5 DISCHARGE OF CONSUMER FIREWORKS**

- 5.1 No person shall **Discharge Consumer Fireworks** except on the following days:
  - 5.1.1 Victoria Day and Canada Day,
  - 5.1.2 each of the ten (10) days immediately preceding, and the three (3) days immediately following Victoria Day, and Canada Day,

- 5.1.3 American Independence Day,
  - 5.1.4 each of the three (3) days immediately preceding, and the three (3) days immediately following the American Independence Day,
  - 5.1.5 the first day of Eid al-Fitr,
  - 5.1.6 Chinese New Year's Day,
  - 5.1.7 Labour Day,
  - 5.1.8 any celebratory holidays with prior written approval from the **Fire Chief**, and
  - 5.1.9 the date(s) authorized in a current, and valid **Permit** issued by the **Fire Chief**.
- 5.2 No person shall **Discharge Consumer Fireworks** on the days specified in Section 5.1, except between 6:00 PM to 11:00 PM,
- 5.3 A person 18 years of age or over may hold a display of **Consumer Fireworks** in accordance with the provisions of this by-law, on any land belonging to him, or her, or on any other privately-owned land, where the **Owner** thereof has given permission in writing for such a display or **Discharge of Fireworks**,
- 5.4 No person shall **Discharge** any **Consumer Fireworks** in such a place, or in such a manner as to endanger, injure, harass, frighten, or constitute a nuisance to any person, animal, or property,
- 5.5. No person shall commit, or cause, or allow to be done any unsafe act, or omission at the time, and place for the discharging of any **Consumer Fireworks**,
- 5.6 For the purposes of Section 5.4, the **Discharge** of any **Consumer Fireworks** in or onto any building, doorway, or automobile shall be deemed to create a danger, and to be an unsafe act,
- 5.7 No person shall **Discharge** any **Consumer Fireworks** in or onto any highway, street, land, square, public park, or other public place, except in accordance with a current, and valid **Permit** issued by the **Fire Chief** authorizing such a display,
- 5.8 No person under the age of eighteen (18) years shall **Discharge** any **Consumer Fireworks** except under the direct supervision of, and control of, a person(s) eighteen (18) years of age or over,
- 5.9 No person being the parent, or guardian of any person under the age of eighteen (18) years shall allow the person to **Discharge** any **Consumer 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,

- 5.10 No person shall **Discharge Consumer Fireworks** during a **Fire Ban** authorized by the **Fire Chief**, and
- 5.11 No person or group of persons shall hold a **Fireworks Display** of **Consumer Fireworks** in the **Town**, without first having obtained a **Display Fireworks Permit** issued by the **Fire Chief**.

## **SECTION 6 DISPLAY FIREWORKS**

- 6.1 No person or group of persons shall **Discharge**, or hold a **Fireworks Display** without having first obtained a **Permit** to do so issued by the **Fire Chief**,
- 6.2 No **Permit** holder shall **Discharge Display Fireworks** except in accordance with the conditions of the **Permit**,
- 6.3 No **Permit** holder shall **Discharge** or hold **Display Fireworks** at a date, time, location, or site other than as specified in the **Permit**,
- 6.4 Every application for a **Permit** shall be made to the **Fire Chief** a minimum of 28 days prior to the event when the proposed **Discharge** of **Fireworks** is to occur,
- 6.5 Every application for a **Permit** shall include:
  - 6.5.1 a description of the event including:
    - 6.5.1.1 the date, and time of the proposed **Discharge** of **Display Fireworks**,
    - 6.5.1.2 the type, kind, and quantity of **Display Fireworks** that may be **Discharged**,
    - 6.5.1.3 the **Discharge** techniques to be used,
    - 6.5.1.4 the manner, and means of transporting, and storing the **Fireworks** prior to, and after the event, and
    - 6.5.1.5 the manner in which unused **Display Fireworks** are to be disposed of.
  - 6.5.2 a site plan providing a description of the **Discharge** site to be used for the discharging of the **Display Fireworks**,
  - 6.5.3 a description of the fire emergency procedures,
  - 6.5.4 the manner, and means of prohibiting unauthorized persons access to the **Discharge** site,
  - 6.5.5 the name, and address of the applicant and the sponsoring organization, if applicable,



- 6.5.6 proof of certification of the applicant as a **Display Supervisor** and any **Display Assistants**,
  - 6.5.7 proof of the consent of the **Owner** to the **Discharge of Display Fireworks** in writing,
  - 6.5.8 the prescribed fee,
  - 6.5.9 proof of insurance, and indemnification in accordance with this by-law, and
  - 6.5.10 such other information as required by the **Fire Chief**.
- 6.6 An applicant for a **Permit**, subject to the provisions of this by-law, may be entitled to be issued the **Permit**, except where:
- 6.6.1 the application is incomplete,
  - 6.6.2 the applicant is not a **Display Supervisor**, or
  - 6.6.3 there are reasonable grounds for belief that the holding of the **Display Fireworks** will result in a breach of this by-law, the **FPPA** and the Regulations enacted thereunder or the **Act**.
- 6.7 The **Permit** holder holding the display of **Display Fireworks** shall ensure that all unused, or partly used **Fireworks**, and all debris are removed,
- 6.8 A site inspection may be required at the discretion of the **Fire Chief**, and the applicant for a private **Display Fireworks Permit** shall pay the prescribed fee for this inspection,
- 6.9 The applicant shall provide, and maintain Commercial General Liability Insurance subject to limits of not less than Five Million Dollars (\$5,000,000.00) inclusive per occurrence for bodily injury, death, and damage to property, including loss of use thereof. Such insurance shall be in the name of the applicant, and shall name the **Town** as an additional insured thereunder. Such insurance shall include permission to conduct displays of **Pyrotechnic Special Effects Fireworks**, or **Display Fireworks**. The **Fire Chief** at their sole discretion may request an increase in the amount of insurance required,
- 6.10 A copy of the Public **Fireworks Display Permit** shall be kept at the site of the display from the time of initial event set up, to the time of event conclusion, and shall be produced upon being so directed by the **Fire Chief**, and
- 6.11 The applicant shall indemnify, and save harmless the **Town** from any, and all claims, demands, causes of action, loss costs, or damages that the **Town** may suffer, incur, or be liable for, resulting

from the performance of the applicant as set out in the by-law whether with, or without negligence on the part of the applicant, the applicant's employees, directors, contractors, and agents.

## **SECTION 7 CONDITIONS APPLYING TO DISPLAY FIREWORKS PERMITS**

- 7.1 Each **Permit** shall state the name of the sponsoring club, association or group, the purpose of the display, the place and date at which the same may be held, and the name of the person under whose supervision the display shall be held,
- 7.2 The following conditions shall apply to holding **Display Fireworks** under a **Permit** issued under this by-law:
- 7.2.1. The **Permit** is valid only for the display at the place and on the date, or dates set forth in the **Permit**,
- 7.2.2 the **Permit** holder shall provide direct, immediate, and physical supervision of the display of **Display Fireworks**,
- 7.2.3 the **Permit** holder shall **Discharge** the **Display Fireworks**,
- 7.2.4 every **Permit** holder shall provide, and maintain fully operational, fire extinguishing equipment, including a pail of water, and either a 2A10BC rated fire extinguisher (5 lb. Dry Chemical), or charged garden hose, ready for immediate use, and be present at all times, and for a reasonable period thereafter, at the location or site specified in the **Permit**, and
- 7.2.5 the **Permit** holder shall comply at all times with the provisions of the **Act**, the **FPPA** and the Regulations enacted thereunder, and the **Display Fireworks** Manual published by Natural Resources Canada, or any successor publication.
- 7.3 The **Permit** holder holding the display of **Display Fireworks** shall ensure that all unused, or partly used **Fireworks**, and all debris are removed, and
- 7.4 Where the **Act** requires that there be a Fire Department apparatus, and crew on location, the **Permit** holder shall pay the prescribed fee for this standby duty, and supervision.

## **SECTION 8 PYROTECHNIC SPECIAL EFFECTS FIREWORKS**

- 8.1 No person or group of persons shall hold a display of **Pyrotechnic Special Effects Fireworks** in the **Town** without having first obtained a **Permit** to do so issued by the **Fire Chief**,
- 8.2 No **Permit** holder shall **Discharge Pyrotechnic Special Effects Fireworks** except in accordance with the conditions of the **Permit**,

- 8.3 Every holder of a **Display Fireworks**, or **Pyrotechnic Special Effect Fireworks Permit** shall produce his or her **Permit** upon being so directed by the **Fire Chief**,
- 8.4 Every application for a **Permit** shall be made to the **Fire Chief** a minimum of 28 days prior to the event when the proposed **Discharge of Pyrotechnic Special Effects Fireworks** is to occur,
- 8.5 Every application for a **Permit** shall include:
- 8.5.1 a description of the event including,
    - 8.5.1.1 a site plan of the facility, and room capacity, the stage, and the **Pyrotechnic Special Effect Fireworks** storage area,
    - 8.5.1.2 a list of all **Pyrotechnic Special Effect Fireworks** to be used,
    - 8.5.1.3 location of all **Pyrotechnic Special Effect Fireworks**,
    - 8.5.1.4 height, range of effect fallout, and duration of the display of **Pyrotechnic Special Effects Fireworks**,
    - 8.5.1.5 sequence of firing,
    - 8.5.1.6 location of audience, and all exits, and
    - 8.5.1.7 date, and time of the proposed event using **Pyrotechnic Special Effects Fireworks**.
  - 8.5.2 description of fire emergency procedures,
  - 8.5.3 name, and address of the applicant, and the sponsoring business, or organization, if applicable,
  - 8.5.4 proof of certification of the applicant as a **Pyrotechnician**,
  - 8.5.5 proof of insurance, and indemnification in accordance with this by-law,
  - 8.5.6 proof of consent of the **Owner** to the **Discharge of Pyrotechnic Special Effect Fireworks** in writing if the applicant is not the **Owner**,
  - 8.5.7 the prescribed fee, and
  - 8.5.8 such other information as required by the **Fire Chief**.
- 8.6 An applicant for a **Permit**, subject to the provisions of this by-law, may be entitled to be issued the **Permit**, except where:
- 8.6.1 the application is incomplete,

- 8.6.2 the applicant is not a **Pyrotechnician** under the **Act**, or
- 8.6.3 there are reasonable grounds for belief that the holding of the **Pyrotechnic Special Effects Fireworks** will result in a breach of this by-law, the **FPPA**, and the Regulations enacted thereunder or the **Act**.
- 8.7 The applicant shall provide, and maintain Commercial General Liability insurance subject to limits of not less than Five Million Dollars (\$5,000,000.00), inclusive per occurrence for bodily injury, death, and damage to property including loss of use thereof. Such insurance shall be in the name of the applicant, and shall name the **Town** as an additional insured thereunder. Such insurance shall include permission to conduct displays of **Pyrotechnic Special Effects Fireworks** or **Display Fireworks**. The **Fire Chief** at their sole discretion may request an increase in the amount of insurance required, and
- 8.8 The applicant shall indemnify and save harmless the **Town** from any and all claims, demands, causes of action, loss costs, or damages that the **Town** may suffer, incur, or be liable for, resulting from the performance of the applicant as set out in the by-law whether with, or without negligence on the part of the applicant, the applicant's employees, directors, contractors, and agents.

## **SECTION 9 CONDITIONS APPLYING TO PYROTECHNIC SPECIAL EFFECTS FIREWORKS PERMITS**

- 9.1 Each **Permit** shall state the name of the sponsoring business, club, association, or group, the purpose of the display, the place, and date at which the display may be held, and the name of the **Pyrotechnician** under whose supervision the same shall be held,
- 9.2 The following conditions shall apply to the holding of a display of **Pyrotechnic Special Effect Fireworks** under a **Permit** issued under this by-law:
  - 9.2.1 the **Permit** is valid only for the display at the place, and on the date, or dates set forth in the **Permit**,
  - 9.2.2 the **Permit** holder shall supervise the display of **Pyrotechnic Special Effect Fireworks**,
  - 9.2.3 the **Permit** holder shall **Discharge** the **Pyrotechnic Special Effects Fireworks**, and
  - 9.2.4 the **Permit** holder shall provide and maintain fully operational fire extinguishing equipment ready for immediate use.
- 9.3 The **Permit** holder shall comply at all times with the requirements of the **Act**, the **FPPA**, and the Regulations, and the Pyrotechnics

Special Effects Manual published by Natural Resources Canada, or any successor publication, and

- 9.4 The **Permit** holder holding the **Pyrotechnic Special Effects Fireworks** shall ensure that all unused **Fireworks**, and all debris are removed.

## **SECTION 10 GENERAL**

- 10.1 No provisions of this by-law shall obligate the **Town** to authorize the issuance of a **Permit**.

## **SECTION 11 OFFENCES AND 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 pursuant to the provisions of the *Provincial Offences Act, R.S.O., 1990, Chapter P 33*, as amended from time to time, or any replacement legislation,
- 11.2 Any **Owner** who contravenes this by-law may have the costs associated with the Fire Department response to the contravention, as established by Fees & Charges By-Law No. 40-09, as amended, in effect at the time of the attendance by the Fire Department, added to the property taxes for the property regardless of whether the **Fireworks** were **Discharged** with the permission, or knowledge of the **Owner**, or by **Permit**, and same shall be collected in the same manner as taxes in accordance with *Section 446 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended*,
- 11.3 Any member of the Fort Erie Fire Department may enter onto property in the course of their duty at any time, without prior notice, for the purpose of carrying out an inspection to determine whether the provisions of this by-law have been complied with,
- 11.4 No person shall hinder or obstruct, or attempt to hinder or obstruct, a member of the Fort Erie Fire Department who is performing a duty which is authorized under this by-law, and
- 11.5 No person shall knowingly furnish false, or misleading information to the **Town**, or the Fire Department with respect to this by-law.

## **SECTION 12 SHORT TITLE**

- 12.1 This by-law may be referred to as the "Fireworks By-law".

## **SECTION 13 ENACTMENT**

- 13.1 Severability

If any section or sections of this by-law or parts thereof shall be found by any court to be illegal, or beyond the power of municipal council of the **Town** to enact, such section, or sections, or parts thereof, shall be deemed to be severable, and all other sections, or parts of this by-law

shall be deemed to be separate, and independent therefrom, and shall continue in full force, and effect unless, and until similarly found, and this by-law shall be enacted as such,

13.2 Clerk’s Correcting Clause

The Clerk of the **Town** is authorized to effect any minor modifications, corrections, or omissions, solely of an administrative, numerical, grammatical, semantical, or descriptive nature, to this by-law, or its schedules of the passage of this by-law, and

13.3 Effective Date

This by-law shall come into force, and effect on its final passage thereof.

**SECTION 14 REPEAL FORMER BY-LAW**

14.1 By-law No. 70-09 is repealed.

**Read a first, second and third time and finally passed this 19<sup>th</sup> day of October, 2020.**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certify the foregoing to be a true copy of By-law No. 103-2020 of the said Town. Given under my hand and the seal of the said Corporation, this     day of                     , 2020.