

CITY OF WATERLOO

BY-LAW NO. 06 - 030

A BY-LAW TO REGULATE THE SALE AND USE OF FIREWORKS

WHEREAS the *Municipal Act*, 2001 as amended, authorizes the prohibition and regulation of the sale and use of fireworks;

AND WHEREAS it is in the interest of the people of the City of Waterloo to standardize the regulations and prohibitions applicable to the sale and use of fireworks;

NOW THEREFORE The Corporation of the City of Waterloo enacts as follows:

1. DEFINITIONS:

In this by-law:

- (a) "Child" means a person who is under 18 years of age;
- (b) "City" means The Corporation of the City of Waterloo;
- (c) "Chief of Police" means the Chief of Police of the Regional Municipality of Waterloo;
- (d) "Display fireworks" means high-hazard fireworks for recreation, including firecrackers that are classed under Class 7, Division 2, Subdivision 2 under the *Explosives Act*, R.S.C. 1985, c. E-17, as amended and the *Explosives Regulations* under that Act, and includes but is not limited to the classes of fireworks known within the fireworks industry as rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, batteries, illuminations, set pieces and pigeons;
- (e) "Family Fireworks" means low hazard fireworks for recreation that are classed under Class 7, Division 2, Subdivision 1 of the *Explosives Act*, R.S.C. 1985, c. E-17 as the *Explosives Regulations* under that Act, and includes but is not limited to fireworks showers, fountains, golden rain, lawn lights, pin wheels, roman candles, volcanoes, sparklers, and other similar devices, but does not include Christmas crackers and paper caps containing not more than twenty-five one-hundredths of a grain of explosive;
- (f) "Firecracker" means a pyrotechnic device that is designed to explode after being ignited without subsequent display or simultaneous visible effect, but does not include paper caps containing not more than twenty-five one-hundredths of a grain of explosive on average per cap, devices for use with such caps, safety flares or marine rockets;
- (g) "Fire Department" means the City of Waterloo Fire Department;
- (h) "Magazine" means magazine as defined in the *Explosives Act*, R.S.C. 1985, c. E-17;
- (i) "Motor Vehicle" or "Vehicle" includes an automobile, bus, truck, motorcycle, motor assisted bicycle and any other vehicle propelled or driven other than by muscular power, but does not include a motorized snow vehicle, traction engine, farm tractor, other farm vehicle or road-building machine;

- (j) "Pyrotechnics" means pyrotechnics as described in the *Pyrotechnics Special Effects Manual* issued by the Explosives Regulatory Division of Natural Resources Canada;
- (k) "Public display" means every setting off of or other display of family fireworks or display fireworks except for a display within the scope of section 6.1, and for the sake of greater certainty but without limiting the generality of the foregoing, includes any display that is open to:
  - (a) the general public;
  - (b) persons who have purchased tickets to attend the display or a related event; or
  - (c) members of the organization sponsoring the display or a related event;
- (l) "Offer for sale" includes the display of goods as an invitation to treat;
- (m) "Owner" means the person having effective control over or apparent possession of property or the relevant portion thereof, or where that person cannot be determined, the registered owner of that property, and for the purposes of this by-law, a mortgagee-in-possession of property, or a receiver and manager, personal representative or trustee in bankruptcy who has taken possession of that property shall be deemed to have effective control over the property;
- (n) "Prohibited fireworks" means firecrackers, and also those types of fireworks more particularly described in Schedule "A" attached hereto;
- (o) "Property" means any public or private land, building, structure or other real property within the City;
- (p) "Retail Sale" means a sale for the purpose of consumption or use and not for resale;
- (q) "Set off" includes any method of detonating or igniting a firework;
- (r) "Shop" means a building or part of a building, booth, stall or place where goods are exposed or offered for sale;

1.2 In this By-law:

- (a) a word importing the masculine, feminine or neuter gender only includes members of other genders;
- (b) a word defined in or importing the singular number has the same meaning when used in the plural number, and vice versa;
- (c) a reference to any Act, by-law, rule or regulation or to a provision thereof shall be deemed to include a reference to any Act, by-law, rule or regulation or provision enacted in substitution therefor or amendment thereof;
- (d) the headings to each section are inserted for convenience of reference only and do not form part of the by-law;
- (e) words and abbreviations which have well-known technical or trade meanings are used in the by-law in accordance with those recognized meanings; and
- (f) where an Officer of the City is named, or a reference is made to an Office of the City, that reference shall be deemed to include a reference to the designate of that person, as appointed in accordance with policies and procedures of the City in force from time to time.

## **2. BAN AGAINST POSSESSION OR USE OF FIRECRACKERS AND PROHIBITED FIREWORKS.**

- 2.1 No person within the City shall possess, offer for sale, cause or permit to be sold, or sell any firecrackers or other prohibited fireworks.
- 2.2 No person within the City shall discharge, fire, set off or cause, or permit to be discharged or set off any firecrackers or other prohibited fireworks.
- 2.3 The prohibition against the possession of firecrackers under subsection 2.1 does not apply with respect to firecrackers that are within the City solely as a result of their being in transit while being transported by a railway, airline, trucking company or other public carrier.

## **3. SALE AND POSSESSION OF FAMILY FIREWORKS, ETC.**

- 3.1 No person shall offer for sale, cause or permit to be sold, sell or otherwise distribute family fireworks unless:
  - (a) the fireworks are included on the most recent list of authorized explosives as published from time to time by the Explosives Branch of the Department of Natural Resources (Canada), or its successor;
  - (b) the fireworks are displayed in individual lots that do not exceed 25 kilograms in gross weight;
  - (c) the fireworks are displayed in a package, glass case or other suitable receptacle away from inflammable goods; and
  - (d) the fireworks are displayed in a place where they are not exposed to the rays of the sun or to excess heat.
- 3.2 No person shall offer for sale, cause or permit to be sold, or sell family fireworks from an outdoor stand, tent, unenclosed trailer or motor vehicle.

## **4. DISPLAY OF FIREWORKS FOR SALE**

- 4.1 Fireworks displayed in any shop window shall be mock samples only that contain no explosive compound.
- 4.2 No person who offers for sale any family fireworks shall, at any time, keep or permit the keeping of any family fireworks in any location in a shop or trailer unless the location is designated and posted as a "no-smoking" area.
- 4.3 No person shall offer for sale, cause or permit to be sold, or sell family fireworks except on Victoria Day, Canada Day, and during the seven day period immediately preceding each of those days.
- 4.4 No person shall offer for sale, cause or permit to be sold, or sell family fireworks to any person who is or who appears to be under the age of eighteen years and can not produce evidence that he/she is eighteen years of age or older.
- 4.5 No person storing family fireworks for sale shall store them except as permitted under the *Explosives Act*.

## **5. USE OF FAMILY FIREWORKS**

- 5.1 No person shall set off family fireworks except on Victoria Day, Canada Day, Chinese New Year and Hindu Religious Festival Diwali and the seven days immediately preceding and following each of those days.
- 5.2 No child shall set off any fireworks, other than a sparkler where the child is under the supervision of an adult at all times.

- 5.3 No parent, guardian or person standing in the place of a parent with respect to a child shall permit that child to set off any firework, other than a sparkler where the child is under the supervision of an adult at all times.
- 5.4 No person shall set off family fireworks on any land of which he or she is not the owner, without obtaining the prior written permission of the owner to do so.
- 5.5 No person shall set off family fireworks into, inside of, or on any building, accessory building, structure, or motor vehicle.
- 5.6 No person shall store, handle or set off family fireworks in an unsafe manner, or in a manner that creates a nuisance, taking into account the noise, danger from fire and explosion, and risk of death, injury and damage to property inherent in the storage, handling or use of fireworks.
- 5.7 A person who stores fireworks shall use reasonable care to ensure that those fireworks are not accessible to children.

## **6. DISPLAY FIREWORKS**

- 6.1 No person shall sell or otherwise distribute, offer for sale, cause or permit to be sold, or possess for the purposes of sale or distribution, any display fireworks unless:
- (a) those fireworks are included on the most recent list of authorized explosives as published from time to time by the Explosives Branch of the Department of Natural Resources (Canada) or its successor;
  - (b) the fireworks are kept and maintained in a magazine licensed by the Explosives Branch of the Department of Natural Resources (Canada).
  - (c) No person shall give, offer for sale, cause or permit to be sold or sell Display fireworks to any person unless that person;
    - (i) is at least eighteen years of age; and
    - (ii) holds a valid Fireworks Supervisor's Card issued by the Explosives (Regulatory) Division of the Ministry of Natural Resources.

## **7. ENFORCEMENT**

- 7.1 The following persons are authorized to enforce this by-law:
- (a) the Fire Chief, the Chief Fire Prevention Officer, and each member of the Fire Department designated as an Assistant to the Fire Marshal;
  - (b) every authorized Municipal By-law Enforcement Officer for the City; and
  - (c) every Police Constable.

## **8. PYROTECHNICS**

- 8.1 No person, other than a person who holds a current and appropriate level of certificate for the type, size, number and location of the pyrotechnic materials in question for the type of pyrotechnic materials being used, shall:
- (a) have in his or her custody or control, any pyrotechnic materials, unless that person is:
    - (i) a manufacturer, wholesaler or retailer of such materials who holds all requisite license to act in that capacity, and the materials in question are in that person's custody solely in connection with that business, or
    - (ii) lawfully carrying the pyrotechnic materials in transit through the City, whether as a public carrier or as an employee of a person described in sub-clause (i); or
  - (b) perform or carry out any pyrotechnic display, special effects, event, exhibition or operation.

8.2 Every pyrotechnic display, special effects, event, exhibition or operation carried out in the City shall be performed or carried out safely, in accordance with:

- (a) prevailing best practise in the pyrotechnic trade, and
- (b) the specifications, recommendations or requirements, as the case may be, set down in the Pyrotechnics Special Effects Manual as issued and updated from time to time by the Explosives Regulatory Division of Natural Resources Canada.

8.3 For the purposes of this section, "certificate" means a current certificate issued by or under the authority of Natural Resources Canada.

**9. PENALTIES**

9.1 Every person who contravenes any provision of this by-law is guilty of an offence.

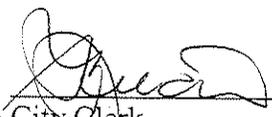
9.2 By-law No. 94-27 is hereby repealed.

9.3 This by-law shall come in to effect on the date of its passing and enactment.

9.4 This by-law may be cited as the Fireworks By-law.

PASSED this 20th day of March 2006.

  
Mayor

  
Interim City Clerk

Approval	Date	Authorized By	Initials
PS/PL	Feb. 21/06	Cheryl Greeninski	CC
Legal	Feb. 23/06	Mark Loh	ML
Financial	Feb. 21/06	P/R	CC

SCHEDULE "A"

PROHIBITED FIREWORKS

COMMODITY	DESCRIPTION
Cigarette loads or plugs	Small explosive charges designed for insertion in cigarettes or cigars which will cause them to explode after the victim takes a few pulls.
Exploding matches	Resemble ordinary book matches and are designed to explode after a certain delay, usually about the time they are in position to light a cigarette.
Sparkling matches	Also resemble the normal book matches but send out a shower of sparks.
Ammunition for miniature tie clip, cufflink or key chain pistols	A violent type of blank ammunition made up for use as a novelty.
Auto alarms or jokers	Supposedly designed as burglar alarms but are really for a practical joke; when wired to the ignition system of a car they operate with a loud screeching whistle followed by copious emission of smoke and a loud explosion.
"Cherry" bombs, M-80 and silver salutes and flash crackers	Very violent firecrackers which annually cause serious injuries; they are considered far too violent and contain an excessive charge of a prohibited fireworks composition.
Throw-down and step-on torpedoes, and cracking balls	Small objects designed to explode on impact; some of the latter are so shaped and coloured as to look like children's breakfast cereal or candy balls.
Exploding golf balls	Designed to explode and emits a cloud of smoke on impact.
Stink bombs and smoke bombs	Often made to resemble cherry bombs and salutes; are used for practical jokes (also prohibited from importation under Memorandum D33-1 Importation of Offensive Weapons).
Tear gas pens and launchers	Resemble a pen, may contain a mechanism activated by an explosive, and are supposedly for protection against muggers, but are more commonly used as offensive weapons or as practical jokes (also prohibited under Memorandum D33-1).
Party poppers and table bombs	Designed to project paper streamers or dispense party favours. The smaller ones are made of coloured plastic, shaped like champagne bottles.
Table rockets and bottle skyrockets	Small fireworks designed to be launched from a table or a bottle and bursting in a shower of sparks or a cloud of smoke.
Fake firecrackers and other trick devices or practical jokes	Any article which employs or stimulates an explosive or a pyrotechnic for a trick or a joke.