

**BY-LAW #**

**AMENDMENT NO.**

**FIREWORKS BY-LAW**

**PASSED BY COUNCIL:**

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Pursuant to the powers vested in it under the City of St. John's Act, RSNL 1990, c C-17, as amended, and all other powers enabling it, the City of St. John's enacts the following By-Law relating to the discharge of fireworks in the City of St. Johns.

**FIREWORKS BY-LAW**

1. This By-Law may be cited as the "St. John's Fireworks By-Law".
2. In this By-Law:
  - (a) "discharge" means firing, igniting, exploding, using, and setting off fireworks;
  - (b) "fireworks" means family fireworks, aerial fireworks, and pyrotechnics and:
    - (i) "aerial fireworks" means high hazard fireworks as described in Class 7, Division 2, Subdivision 2 of the *Explosives Regulations* under the *Explosives Act*, RSC 1985, c E-17, as amended;
    - (ii) "family fireworks" means low-hazard fireworks for recreation commonly referred to as consumer fireworks, and as described in Class 7, Division 2, Subdivision 1 of the *Explosives Regulations* under the *Explosives Act*, RSC 1985, c E-17, as amended;
    - (iii) pyrotechnics means theatrical explosives as described in Class 7, Division 2, Subdivision 5 of the *Explosives Regulations* under the *Explosives Act*, RSC 1985, c E-17, as amended; and
  - (c) "Inspector" means any person designated by Council to administer and enforce this By-Law.

**GENERAL**

3. No person shall discharge fireworks within the boundaries of the City unless authorized under this By-Law.
4. No person shall discharge or cause or allow to be discharged fireworks in such a manner as might create danger to any person or property, or do or cause or allow any unsafe act or omission in the discharging of any fireworks.

5. Nothing in this By-Law shall or shall be deemed to alter, amend, or abrogate in any way the requirements and responsibilities set out in the *Fire Protection Services Act*, SNL 2008, c F-11.01, as amended, and its Regulations, or the *Explosives Act*, RSC 1985, c E-17, as amended, and its Regulations.

### **FAMILY FIREWORKS**

6. (1) No person shall discharge family fireworks within the boundaries of the City except:

(a) between the hours of 7:30PM at night on July 1 (Canada Day) and 12:30AM in the morning of the following day;

(b) between the hours of 7:30PM at night on December 31 (New Year's Eve) and 12:30AM in the morning of the following day; and

(c) any other day and time as designated by Council.

6. (2) The City may, for weather-related or any other reason, declare that family fireworks shall not proceed on July 1 (Canada Day) or December 31 (New Year's Eve), and may announce an alternate day and time when the discharge of family fireworks is permitted.

6. (3) Notice of the alternate day and time as referenced in section 6(2) shall be given by posting on the City's website.

6. (4) Notwithstanding section 6(1), a person may discharge family fireworks outside July 1 (Canada Day) and December 31 (New Year's Eve) if Special Event approval is first obtained.

7. No person shall discharge family fireworks in, into, or on:

(a) any building, structure, doorway, or vehicle;

(b) any highway, street, lane, square, road, or other public place; and

(c) any land that they do not own unless the owner thereof has given written permission.

8. No person under the age of eighteen (18) shall discharge family fireworks.

9. Every person who discharges family fireworks shall have access to a fire extinguisher and bucket of water ready for immediate use at the site where the family fireworks are discharged.

10. Every person who discharges family fireworks shall do so in accordance with the instructions printed on each item or package.

## **AERIAL FIREWORKS AND PYROTECHNICS**

11. No person shall discharge aerial fireworks or pyrotechnics within the boundaries of the City without first obtaining Special Event approval.

## **SPECIAL EVENT APPROVAL**

12. Every applicant for a Special Event shall meet the requirements set out in the City's Special Events Policy and Procedures Manual and provide any additional information as required by the City.

13. Approval of a Special Event may be subject to any terms and conditions Council approves, and no person shall discharge fireworks except in accordance with those terms and conditions.

14. Approval of a Special Event may, by oral or written notice, be cancelled or suspended at any time by the Inspector, and upon receiving notice of a cancellation or suspension, the discharging of any fireworks must immediately cease.

15. Approval of a Special Event does not relieve the approval holder from responsibility for damage resulting from the discharge of fireworks.

16. Proof of Special Event approval must be produced by the approval holder upon being so directed by the Inspector.

## **FIRE BAN**

17. Notwithstanding the above sections, where a prohibition on the setting of fires in relation to forest lands within or adjacent to the boundary of the City of St. John's has been proclaimed under the *Forestry Act*, RSNL 1990 c F-23, as amended, and remains in effect, no person shall discharge fireworks within the boundaries of the City.

## **PENALTY**

18. Any person who contravenes the provisions of this By-Law shall be guilty of an offence and liable upon summary conviction to a penalty as provided for in Section 403 of the City of St. John's Act.

19. In the event of any person failing to do anything which under this By-Law they ought to have done, the City may do that act and recover the expenses thereof from the person so in default as a civil debt.

### **EFFECTIVE DATE**

20. The St. John's Fireworks By-Law shall come into force and take effect as of 12:01AM on December 31, 2021.