

CITY OF NIAGARA FALLS

A CONSOLIDATED BY-LAW

Being **By-law No. 70-86** as amended by:
By-law 73-104, By-law 73-198, By-law 81-65, By-law 88-321 and By-law 91-10.

A by-law respecting the sale and setting off of fireworks in the City of Niagara Falls.

WHEREAS paragraphs 30 and 31 of subsection 1 of section 379 of the Municipal Act provide that by-laws may be passed by the councils of the local municipalities for regulating the sale of fireworks and for prohibiting the sale of fireworks on any day or days during the year or to any person under such age as the by-law may prescribe and for prohibiting or regulating the setting off of fireworks in the municipality or in any defined area or areas thereof and for requiring a permit for the holding of fireworks displays and prescribing the conditions under which fireworks displays may be held under such permit; and

WHEREAS it is deemed desirable to enact a by-law pursuant to the said provisions;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:

1. In this by-law,
 - (a) “firecracker” means a pyrotechnic device that explodes when ignited and does not make any subsequent display or visible effect after the explosion; and
 - (i) includes those devices commonly known as Chinese firecrackers, but
 - (ii) does not include paper caps containing not in excess of an average of twenty-five one-hundredths of a grain of explosive used per cap, or device for use with such caps;
 - (b) “firework” includes firework shower, fountain, golden rain, lawn light, pin wheel, Roman candle, sparkler and other pyrotechnic devices producing quantities or effects of light, sound or smoke by the combustion of explosive or flammable composition but does not include firecracker.
- 1A. No person shall within the City of Niagara Falls sell or offer for sale any firecracker.
- 1B. No person shall within the City of Niagara Falls set off any firecracker unless specifically authorized to do so by resolution of the City Council.
2. No person shall within the City of Niagara Falls sell any firework on any day during the year except during the period from the 5th day of May to the 15th day of September, inclusive, in each year.
3. No person shall within the City of Niagara Falls sell any firework to any person under the age of 18 years.

4. Every person offering for sale or selling fireworks within the City of Niagara Falls shall at all times during which fireworks are displayed, offered for sale or sold maintain in a prominent position in the immediate area in which the fireworks are displayed a sign reading "Sale of fireworks to persons under 18 is prohibited" and the dimensions of such sign shall be not less than 12 inches by 18 inches and the letters on such sign shall be not less than 1.5 inches high and not less than 1 inch wide.
5. No person shall within the City of Niagara Falls display any fireworks for sale unless all fireworks so displayed are kept in a fully enclosed non-combustible display case or container.
6.
 - (1) No person shall within the City of Niagara Falls set off any firework on any day during the year except (1) on Victoria Day and Dominion Day and the three days preceding each of such days and (2) on the 4th day of July.
 - (b) This section shall not apply to the setting off of fireworks at a fireworks display for which a permit has been issued in accordance with the provisions of this by-law.
7. No person shall set off any firework in any highway, street, alley, park or other public place in the City of Niagara Falls unless specifically authorized to do so by resolution of the City Council.
8. No person, not being the owner, tenant or lessee of privately owned land, shall set off any firework on such privately owned land without the consent of the owner, tenant or lessee thereof.
9.
 - (1) No person shall set off or cause to be set off any firework in any place or manner as to create a danger or nuisance to any person or property.
 - (b) Without limiting the generality of subsection 1, no person shall set off or cause to be set off any firework in any building, doorway or automobile.
10. No person under the age of 18 years shall set off any firework except under the direct supervision and control of a responsible person 21 years of age or over.
11. No person being the parent or guardian of any child under the age of 18 shall allow such child to set off any firework except when such parent or guardian or some other responsible person 21 years of age or over is in direct supervision and control of such setting off.
12. No person shall hold a fireworks display on public or private property in the City of Niagara Falls to which the public is invited or permitted to attend without first having obtained a permit so to do authorized by resolution of the City Council and signed by the Clerk of the City of Niagara Falls.
13.
 - (1) Application for such permits shall be made in writing addressed to the Clerk of the Corporation of the City of Niagara Falls and shall be submitted not less than 3 days prior to the date of such fireworks display.

- (2) All applications for such permits shall set out the name and address of the applicant, the day for which the permit is desired, the location where such display is to be held and the name, qualification and experience of the person or persons who is or are to discharge the display.
14. Every fireworks display shall be held in accordance with such requirements and conditions as may be designated in the resolution of the City Council authorizing the issuance of the permit for such display.
15. Every fireworks display shall be held at the time and place set out in the permit therefor and shall be under the direct supervision of the applicant for the permit.
16. Every fireworks display 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 persons and property
17. No person holding a fireworks display shall permit fireworks to be discharged anywhere on the property designated in the permit except by the person or persons designated in the application for such permit.
18. All fireworks that remain unfired after the holding of every fireworks display shall be disposed of immediately in a safe manner having regard to the particular type of fireworks remaining.
19. Every person who contravenes this by-law is guilty of an offence and is subject to a penalty not to exceed \$2,000.00 exclusive of costs, pursuant to the Provincial Offences Act.
20. By-law No. 7910, 1969 of the City of Niagara Falls and amending By-law No. 8062, 1969 of the City of Niagara Falls are hereby repealed.
21. By-law No. 537 of the former Village of Chippawa and By-laws Nos. 1095, 1959 and 1100, 1959 of the former Village of Chippawa are hereby repealed.
22. This by-law shall come into force and take effect on the day of the passing thereof.

(Original By-law 70-86 was) passed this 4th day of May, 1970.

J. L. COLLINSON, CITY CLERK

F. J. MILLER, MAYOR

First Reading: May 4, 1970

Second Reading: May 4, 1970

Third Reading: May 4, 1970