

CITY OF WEYBURN

BYLAW NO. 2018-3375

A BYLAW OF THE CITY OF WEYBURN TO REGULATE FIREWORKS AND PYROTECHNICS IN THE CITY OF WEYBURN

WHEREAS the Council of the City of Weyburn wishes to enact the measures herein to provide a mechanism for the regulating, permitting, safe sale and discharge of fireworks within the City.

WHEREAS Section 8 of *The Cities Act* enables Council to pass a bylaw for the purposes of establishing minimum standards for the safety, health and welfare of people and the protection of people and property.

WHEREAS the passing of bylaw will repeal the City of Weyburn Firecrackers and Fireworks Bylaw Number 1147.

Therefore, the Council of the City of Weyburn, in the Province of Saskatchewan, enacts as follows:

Title and Purpose

1. This Bylaw may be referred to as "The Fireworks Bylaw".

The purpose of this Bylaw is to provide for the safe and appropriate storage, sale, use, discharge and disposal of fireworks within the City of Weyburn.

Definitions

2. "Act" means *The Cities Act*

"Approved", means approved by the Fire Chief or his designate of the City of Weyburn Fire Department and/or the Police Chief or his designate of the City of Weyburn.

"**Authority Having Jurisdiction (AHJ)**", means the City of Weyburn as the agency responsible for granting approvals for fireworks and pyrotechnics displays. Typically represented by the Fire Chief or designate, but may be represented by any Peace Officer, as defined by this document.

"**Building**", means any structure used or intended to be used for supporting or sheltering any use or occupancy.

"**Council**", means the Municipal Council of the City of Weyburn.

"**City**", means the City of Weyburn as defined by Municipal Boundary.

"**Consumer Fireworks**", commonly referred to as family grade fireworks, are those classified as Type F.1 explosives under Federal Explosive Regulations. These include, but are not limited to, outdoor low-hazard recreational fire works such as showers, fountains, golden rain, roman candles, volcanoes, sparklers and caps for toy guns and other similar devices, but does not include Christmas crackers and paper containing not more than twenty five one-hundredths of a grain of explosives on average per cap, devices for use with such caps, safety flares or marine rockets.

"**Discharge**", means to ignite, fire, explode or set off or cause to be fired, ignited, exploded or set off and the words "discharged" and "discharging" have a similar meaning.

"**Display Fireworks**", commonly referred to as professional grade fireworks, are those classified as Type F.2 explosives under Federal Explosive Regulations. These include, but are not limited to, outdoor high-hazard recreational fireworks such as display shells, bombshells, large wheels, bombardos, waterfalls, fountains, batteries, illuminations, set pieces, pigeons and mines.

"**Display Fireworks Assistant**", means an individual certified by Natural Resources

Canada to detonate display fireworks under the direct supervision of a Display Fireworks Supervisor.

“Display Fireworks Event”, means the observance or celebration of a special event or festival where a special permit has been issued to allow for the discharge of display fireworks.

“Display Fireworks Supervisor”, means an individual certified by Natural Resources Canada as being qualified and experienced to plan and carry out a display fireworks show and to directly supervise qualified display fireworks assistants in the execution of the same.

“ Explosive”, means gunpowder, nitroglycerin, gun cotton, dynamite, blasting gelatin, gelignite, fulminate or mercury, or other metals, coloured fire and every other substance used or manufactured to produce a violent effect by explosion or pyrotechnic effect, and shall include fireworks, fuses, rockets, percussion caps, detonators, tannerite, cartridges and ammunition.

“ Fire Chief”, means the person who as appointed by Council of the City of Weyburn to be the Head of the City of Weyburn Fire Department and may include an individual or individuals to act in place of the Fire Chief.

“Fire Department”, means the organization known as the City of Weyburn Fire Department.

“ Firecracker”, means a small firework with entwined fuses used solely as noise makers, not for pyrotechnic effects or have little or no pyrotechnic effect and without limitation includes bottle rockets, screechers, screecharos, humaroots, supersonic bang, butterfly thunder, air bombs, cherry bombs and other items similarly named or are in the same noise making category.

“Fireworks”, means any manufactured goods intended to be used for the pyrotechnic effect that are classified by the Canada Explosives Regulations.

“Occupant”, means an owner, tenant, lessee, agent, licensee and any other person who has access to, and control of any land, building, dwelling or premises to which this Bylaw applies.

“ Peace Officer” means any person employed by the City of Weyburn in the Capacity of a sworn member of the City of Weyburn Police Department, a Bylaw enforcement Officer, a sworn member of the Royal Canadian Mounted Police, Provincial Conservation Officer, and any other individual as designated by the City of Weyburn Police Chief or designate.

“Permanent Fireworks Premise”, means a premises, or part of a premises in which the principle year round business is the sale of fireworks.

“Person”, includes a corporation, partnership or party, and the personal or other legal representatives of a person to whom the context can apply according to this Bylaw.

“ Possession”, a person has anything in possession when they have it in their personal possession or knowingly, have it in actual possession or custody of another person, or, has it in any place, whether or not that place belongs to or is occupied by him, for the use or benefit of himself or of another person; and, where one or two or more persons, with the knowledge and consent of the rest, has anything in his or her custody or possession, it shall be deemed to be in the custody and possession of each and all of them.

“Prohibited Fireworks”, includes but is not limited to aftermarket modified fireworks, firecrackers, exploding matches, Chinese and sky lanterns, sparkling matches, ammunition for miniature guns, cherry bombs, roman candles, stink bombs, smoke bombs, bottle rockets, and all other trick devices or practical jokes as included on the most recent list of prohibited fireworks as published from time to time under the various acts or bulletins.

“Pyrotechnic Event”, means an event or production, generally for the entertainment industry, where a pyrotechnic event use permit has been issued to allow for the use and discharge of pyrotechnics.

“ Pyrotechnician”, means an individual certified by Natural Resources Canada as

qualified and experienced to organize, plan and carryout a pyrotechnic special effects event and to directly supervise qualified pyrotechnics assistants in the execution of same.

"Sell", includes the offering for sale, causing or permitting to be sold and possessing for the purpose of sale.

"Sky Lantern", also known as **Chinese Lanterns, Kongming Lanterns** or **Wish Lanterns**, means a small airborne, fire-holding device made of paper or other lightweight material, not under the direct control of the user, and with a small fire within it.

PROHIBITIONS

- 3.1 No person shall discharge family fireworks except on the day proceeding New Years Day, on New Year's Day, on the day proceeding Canada Day and on Canada Day or pursuant to a permit.
- 3.2 No person shall possess or discharge Fireworks except in accordance with the provisions of this Bylaw.
- 3.3 No person shall possess or discharge any Firecrackers or other prohibited Fireworks.
- 3.4 No person shall sell any Firecrackers or Prohibited Fireworks.
- 3.5 No person shall sell any Fireworks except in accordance with the Bylaw
- 3.6 No person may discharge or possess for the purpose of discharge any Display Fireworks or Pyrotechnic Event materials except pursuant to a permit.
- 3.7 In circumstances where a permit is obtained for the discharge of Fireworks, no permit applicant shall discharge Fireworks at a date, time and location or site other than that specified in the permit and all conditions of such permit shall be observed.
- 3.8 No person shall discharge Fireworks in a manner that creates or may create a nuisance or that creates or may create an unsafe condition, danger from fire or from risk of injury or damage at or in respect of any place, location or site, or in respect of any person, property or thing.
- 3.9 No person shall discharge Fireworks into, in or on any highway, street, lane, public thoroughfare, square, school yard, Public Park or other public place without first obtaining a Permit for such purpose.
- 3.10 No person shall store Fireworks unless such storage is in compliance with the *Explosives Act* and other such regulations thereto

Regulations affecting the discharge of Family Fireworks

- 4.1 No parent or guardian of any person under the age of eighteen years shall allow or permit that person to discharge Family Fireworks, except under the direct supervision and control of a person's eighteen years of age or older, who shall, at all times, remain physically present in the immediate area where the Family Fireworks are being discharged.
- 4.2 No person shall discharge or hold a display of Family Fireworks on any land that is not owned by him or her, unless written permission for the discharge or holding of a display of Family Fireworks, on a date to be clearly specified in the written permission, has been obtained from the owner. This written permission must be in the possession of the discharge during the event.
- 4.3 Every person who discharges Family Fireworks shall:
 - a) Provide and maintain fully operational fire extinguishing equipment ready for immediate use.
 - b) Ensure that such fire extinguishing equipment is present at all times and for such a reasonable period of time thereafter, at the location or site where the discharge of Family Fireworks has taken place.
 - c) Possess knowledge of the operating procedures of such fire extinguishing equipment and be capable of employing such fire extinguishing equipment.
 - d) Permit the inspection of any location or site where Family Fireworks may be stored, discharged or displayed, and of the Family Fireworks themselves, together with all associated equipment, by anyone authorized to enforce this Bylaw, forthwith upon demand.
 - e) Ensure that all fireworks whether discharged or not are disposed of in accordance with the manufactures instructions.
 - f) Comply with the minimum distance requirements as outlined with the fireworks instruction.
- 4.4 No person shall discharge Family Fireworks into, inside of, or on a building, accessory building, structure or motor vehicle.

Permits for the Discharge of Display Fireworks or Theatrical/ Pyrotechnic Event

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- 5.1 Every application for a permit shall be made to the City of Weyburn Fire Department.
- 5.2 The fees for permits are set out in an appendix to this Bylaw.
- 5.3 No permit shall be issued to any person under the age of eighteen.
- 5.4 Every permit application shall include:
 - a) a description of the type and kind of Fireworks which may be discharged, the discharge techniques to be used, the manner and means of restraining unauthorized persons from attending too near the discharge location, the manner in which unused Fireworks are disposed of and the number of persons authorized to handle and discharge Fireworks.
 - b) A description of the discharge site to be used for the discharging of the Fireworks sufficient to identify and locate the site upon the property where the discharge is proposed.
 - c) Proof from the owner of the land that authorization has been granted to use those lands for the discharge of Fireworks.
 - d) The name of the applicant and the name of the sponsoring organization, if applicable.
 - e) The date and time of the proposed discharge of Fireworks and an alternative date and time in the event of inclement weather.
- 5.5 Every application for a Permit for Display Fireworks, Theatrical/Pyrotechnic Event shall include:
 - a) proof of commercial general liability insurance in the amount of not less than Two Million Dollars (\$ 2,000,000) naming the City of Weyburn as an additional insured and containing a cross liability clause.
 - b) Proof that the applicant has been approved by the Chief INSPECTOR OF Explosives pursuant to the *Explosives Act* as a Fireworks Supervisor by providing a copy of the Fireworks Supervisor's Permit.
 - c) An Indemnification and Hold Harmless Undertaking in favour of the City of Weyburn and signed by the applicant or an individual having authority to bind the applicant.
 - d) Such further and other information as requested by the City of Weyburn, the City of Weyburn Fire and Police Departments respectively.
- 5.6 Every Person to whom a permit has been issued shall:
 - a) Provide and maintain fully operational fire extinguishing equipment ready for immediate use, and shall be present at all times and for a reasonable period thereafter, at the location or site of the display.
 - b) Possess knowledge of the operation procedures of such fire extinguishing equipment and be capable of employing such fire extinguishing equipment.
 - c) Conform to the current provisions of a Fireworks Manual as published from time to time by the Explosives Branch of Natural Resources Canada or any successor publication, applicable to the discharge of Fireworks or Pyrotechnics authorized in the permit.
 - d) Produce the permit on demand by any persons authorized to enforce this Bylaw; and
 - e) Permit the inspection of the Fireworks and any site where the Fireworks may be stored or discharged together with all associated equipment.
- 5.7 Every Permit Issued shall include the following conditions:
 - a) That the permit holder shall only discharge the Fireworks at the date(s), time(s), location and discharge site shown on the permit.
 - b) That no person, except a Fireworks Supervisor or their Assistant shall discharge any Display or Theatrical/Pyrotechnic devices
 - c) That the Fireworks Supervisor, who is named on the Permit application, shall be present in person at the display at all times during which the display is being set up, discharged and cleaned up;
 - d) that no person shall discharge Display or Theatrical/ Pyrotechnic devices within three hundred metres (300 m) of any premises or place where explosives, gasoline or other highly flammable substances are manufactured or stored.
 - e) that no persons shall discharge Display or Theatrical/ Pyrotechnic devices within three hundred metres (300m) of a hospital, nursing home, home for the aged, church or school unless the owner of such premises has provided such consent in writing.
- 5.8 The Chief Fire Official and or Chief Police Official or designate of the City of Weyburn may attach additional conditions to the Permit upon issuance of the Permit.

Regulations Affecting the Sale of All Fireworks

- 6.1 All Vendors of Fireworks in the City of Weyburn are required to conduct the sales of Fireworks within a Permanent Fireworks Premise, Temporary Fireworks Premise or Temporary Lease Fireworks Premise, and in accordance with this Bylaw and all applicable law.

- 6.2 Notwithstanding 5.1, mobile sales Premises may be approved within the City provided the vendor conforms to Section 7 of this Bylaw.
- 6.3 No persons shall sell Fireworks unless:
- The Fireworks are included in the most recent list of authorized explosives as published from time to time in the most recent publication as provided by the explosives branch of Natural Resources Canada, or their successors.
 - The Fireworks are sold in accordance within the standards of Natural Resources Canada.
 - The Fireworks are displayed for sale in a package, glass case or other suitable receptacle away from heat sources and other flammable goods; and
 - The fireworks are displayed in a place where they are not exposed to the rays of the sun or excess heat or adjacent to any exit door.
 - All Vendors of Fireworks within the City of Weyburn must possess and display a valid yearly City business license and yearly Fireworks vendors permit.
- 6.4 All vendors of Fireworks within the City of Weyburn must display and make available to purchasers of Fireworks, a manufactures brochure outlining the safe handling of Fireworks and a copy of this Bylaw.
- 6.5 Within an area of six metres (6m) in every direction from the area in which the Fireworks are sold or stored for the purposes of sale shall be designated and posted as "non smoking" area and no person may smoke or ignite any flammable material, or have in his or her possession any lighted match, lighter, pipe, cigar, cigarette, open flame or spark emitting device in such area.
- 6.6 No person shall sell Fireworks to any person under the age of eighteen years.
- 6.7 No vendor of Fireworks may permit any employee to sell Fireworks without first instructing such employee(s) in the regulations of this Bylaw and ensuring that such employee(s) complies with these regulations.
- 6.8 All locations and buildings used for the sale of Fireworks must comply with the City of Weyburn Zoning Bylaw as may be amended from time to time.

Regulations Affecting the Sale of Family Fireworks

- 7.1 In addition to the regulations affecting the sale of Fireworks, no person shall sell Family Fireworks unless;
- The Fireworks are displayed for sale in lots that do not exceed twenty five kilograms (25 kg) each in gross weight.
 - The Fireworks are displayed in a place that they are not handled by the public, exposed to the rays of the sun or to excess heat or adjacent to any exit door.
 - The Fireworks displayed in any shop windows are mock samples only and they do not contain any explosive composition.
- 7.2 The weight of Family Fireworks stored on site cannot exceed one thousand kilograms (1000 kg) unless the vendor holds a valid and appropriate license to do so from the Explosives Branch of Natural Resources Canada, or its successors

Regulations Affecting Mobile Sales of Fireworks

- 8.1 In addition to the regulations affecting the sale of Fireworks, no person shall sell Fireworks from a Mobile Sales Premise except in accordance with the following regulations:
- That no fewer than two (2) signs are posted in prominent locations on the outside of the Mobile Sales Premises indicating that persons shall not smoke or ignite any flammable materials, or have in their possession any lighted match, lighter, pipe, cigar, cigarette, open flame or spark emitting device within six metres (6 m) of the Mobile Sales Premise.
 - That the Mobile Sales Premise is not located within twenty metres (20 m) or occupied parking space and is not located within forty metres (40 m) of any occupied building, or any dwelling or gas station and as otherwise regulated by the Explosives Branch of NATURAL Resources Canada, or its successors;
 - That the public not be permitted to enter any Mobile Sales Premise for the purpose of purchasing Fireworks unless there are at least two (2) operational doors complete with self closing devices providing a means to access and egress from the Mobile Sales Premise.
 - That no more than fifteen (15) customers are permitted in the Mobile Sales Premise at the same time;
 - That any portable power supply to the Mobile Sales Premise is located not less than twelve metres (12 m) from the Mobile Sales Premise;
 - That with the exception of its entrance and exit, every Mobile Sales Premise has a " no-encroachment" zone; of at least six metres (6m) established around its perimeter by means of a barrier, such as snow fencing or pylons or other such materials

- satisfactory to the Authority Having Jurisdiction.
- g) That such barrier will exclude the public and parking from this area;
 - h) That every vendor of Fireworks from a Mobile Sales Premise provides and maintains fully operational fire extinguishing equipment, ready for immediate use, on site at all times.
 - i) Possess knowledge of the operational procedures of such extinguishing equipment and be capable of employing such fire extinguishing equipment.
 - j) Have a fully tested and operational emergency plan for the Mobile Sales Premise.

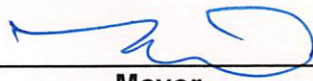
Application, Renewal and Revocation of Permit

- 9.1 The Licensing Officer shall;
 - a) Perform all administrative functions conferred upon them by this Bylaw
- 9.2 The Chief Fire Officer or designate shall:
 - a) Review all Fireworks Permit applications and conduct further inspections or inquires as required
 - b) Make or cause to be made all investigations and inspections which he deems necessary to determine whether an applicant meets the requirements of this Bylaw and all applicable laws
- 9.3 The Chief Police Official or designate shall:
 - a) Co-ordinate the enforcement of this By-law;
 - b) Make or cause to be made all investigations and inspections which he deems necessary to determine whether an applicant meets the requirements of this Bylaw and all applicable laws.

READ a first time this 14rd day of May, A.D., 2018.

READ a second time this 14TH day of May, A.D., 2018.

READ a third time this 14th day of May, A.D., 2018, and passed.



Mayor



City Clerk

