

THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 5172A-21

A BY-LAW TO AMEND BY-LAW NO. 5172-19 TO REGULATE THE SALE
OF AND USE OF FIREWORKS WITHIN THE TOWN OF NIAGARA-ON-
THE-LAKE

WHEREAS the Council of The Corporation of The Town of Niagara-on-the-Lake passed By-law No. 5172-19 on July 15, 2019;

AND WHEREAS the Council of The Corporation of The Town of Niagara-on-the-Lake passed By-law No. 5334-21 on June 21, 2021;

AND WHEREAS The Town of Niagara-on-the-Lake considers it desirable to have one administrative penalty system for all non-parking related offences;

NOW THEREFORE BE IT ENACTED AS A BY-LAW OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE as follows:

1. That By-law No. 5172-19 be amended by adding Schedule "A" attached hereto.
2. That By-law No. 5172-19 be amended by adding the following Section as 9(b):
 - 9(b) Any person who contravenes this By-law may be issued an administrative penalty in accordance with the AMPS By-law 5334-21 for Non-Parking Offences in accordance with Schedule "A," attached hereto and forming part of this By-law
3. That By-law No. 5172-19 be amended by renumbering Section 9(b) and (c) as follows:
 - (c) costs associated with the Fire Department response to the contravention, as determined by the Fire and Emergency Services Fee Schedule, in effect at the time of the attendance by the Fire Department, will be billed to the property owners regardless of whether the Fireworks were discharged with the permission or knowledge of the property owner or by granted Approval, and if not paid within a reasonable amount of time, will be added to the property taxes for the property, 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.
 - (d) Neither the Fire Department nor the Town shall be responsible to notify the owner of a property, in advance, of its intention to charge for services or costs associated with the response to the Discharge of Fireworks.
4. That this By-law shall come into force and take effect immediately upon the passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 30TH DAY OF AUGUST 2021

LORD MAYOR BETTY DISERO

ACTING TOWN CLERK COLLEEN HUTT

Item	Column 1 - Short Form Wording	Offence	Set Fine
Schedule "A" - Fireworks By-law No. 5172-19			
1	Discharging prohibited fireworks/firecrackers/flying lantern	Section 3.(a)(b)(c)	\$500.00
2	Selling consumer fireworks without Fire Chief approval	Section 4.(a)	\$500.00
3	Selling fireworks earlier then 7 days prior to the holidays outlined in this by-law	Section 4.(d)	\$500.00
4	Selling fireworks at a location not specified in approval	Section 4.(f)	\$500.00
5	Selling consumer fireworks from a motor vehicle/uncovered trailer/residential dwelling	Section 4.(g)	\$500.00
6	Selling consumer fireworks to persons under the age of 18	Section 4.(h)	\$500.00
7	Selling fireworks not authorized by the Explosives Branch of Natural Resources Canada	Section 4.(i)	\$500.00
8	non-permitted transportation of consumer fireworks under the Act	Section 4.(k)	\$500.00
9	To exhibit or display fireworks in lots that exceed 25 kilograms	Section 4.(l)(i)	\$500.00
10	To exhibit or display fireworks in lots that are not properly separated	Section 4.(l)(ii)	\$500.00
11	To exhibit or display fireworks that are exposed directly to sunlight, open flame, excess heat, or within close proximity of accelerants or other sources of ignition. in lots that are not properly separated	Section 4.(p)	\$500.00
12	Storing fireworks in areas that are not designated and approved	Section 4.(m)	\$500.00
13	Improper display of consumer fireworks	Section 4.(n)(i)(ii)	\$500.00
14	Improper handling of fireworks not in consumer packs prior to purchase	Section 4.(o)	\$500.00
15	Smoking within eight (8) metres of an consumer fireworks	Section 4.(q)	\$500.00
16	Sell or offer for sale, consumer fireworks in a location where prominent no smoking signs are not on display	Section 4.(r)	\$500.00
17	Sell or display fireworks in any enclosed space without min two (2) unobstructed, clearly identified exits	Section 4.(s)	\$500.00
18	Sell or display consumer fireworks in a tent that doesn't meet CAN/ULC S-109	Section 4.(t)	\$500.00
19	Not providing a min of two (2) portable fire extinguishers with minimum rating of 3A:10BC where consumer fireworks are offered for sale	Section 4.(u)	\$500.00
20	Sell or offer for sale consumer fireworks without establish procedures, approved by Fire Chief	Section 4.(v)	\$500.00
21	Selling of consumer fireworks without offering buyer safety instructions	Section 4.(w)	\$500.00
22	Offer sale/display for sale or sell consumer fireworks in a manner that contravenes the sale of consumer fireworks regulations	Section 4.(x)	\$500.00
23	Discharging consumer fireworks other then on permitted days and a time other then between 6:00pm and 11:00pm and in accordance with the Town's noise by-law	Section 5.(a)	\$500.00
24	Permitting a person under the age of eighteen (18) years to discharge any consumer fireworks except under the direct supervision and control of a competent person twenty-one (21) years of age or over	Section 5.(b)	\$500.00
25	No parent or guardian of any person under the age of eighteen (18) years shall give, trade, or otherwise offer consumer fireworks, nor permit the person to discharge any consumer fireworks, except when such parent or guardian or some other competent person of twenty-one (21) years of age or over, is in direct supervision and control of the discharge	Section 5.(c)	\$500.00
26	Discharging consumer fireworks on a property, or at a location, without knowledge or permission of the property owner	Section 5.(d)	\$500.00
27	Discharging consumer fireworks as to endanger, injure, harass, frighten, or constitute a nuisance, to any person or animal	Section 5.(e)	\$500.00
28	Discharging consumer fireworks in such a manner as to create a danger or fire hazard to any property	Section 5.(f)	\$500.00
29	Discharging consumer fireworks from, onto, or over any building, doorway, or motor vehicle	Section 5.(g)	\$500.00
30	Discharging consumer fireworks from, onto, or over any highway, street, laneway, sidewalk, park, or other public place, unless approved by the Fire Chief	Section 5.(h)	\$500.00
31	Discharging consumer fireworks over any aerodrome, airstrip, helipad, railway, fuel dispensing station, fuel transfer/pumping station, fuel storage facility, or navigable waterway	Section 5.(i)	\$500.00
32	Discharging consumer fireworks under, or over, any utility lines or wires (hydro, telephone, cable)	Section 5.(j)	\$500.00
33	Discharging consumer fireworks at, or near, any flammable or combustible liquids or gases	Section 5.(k)	\$500.00
34	To permit discharged consumer fireworks, casings, or other debris, to enter onto neighbouring properties, highways, streets, laneways, sidewalks, parks, or other public places	Section 5.(l)	\$500.00
35	Discharging any consumer fireworks when the wind speed is in excess of fifteen (15) kilometres per hour	Section 5.(m)	\$500.00

36	Discharging consumer fireworks unless a suitable means of extinguishment is readily available	Section 5.(n)	\$500.00
37	Not ensuring that discharged consumer fireworks, casings, or other debris, are completely extinguished so as not to create a fire hazard	Section 5.(o)	\$500.00
38	Discharging consumer fireworks during a fire ban authorized by the Fire Chief	Section 5.(p)	\$500.00
39	Failing to store fireworks in accordance with the Act	Section 6.(a)	\$500.00
40	Permitting a fireworks display of consumer fireworks, display fireworks or discharge any pyrotechnic special effect fireworks in the Town of Niagara-on-the-Lake, without having first obtained approval by the Fire Chief	Section 7 (a)	\$500.00
41	Failing to discharge fireworks in accordance with the Act, this by-law and conditions within the Special Event Permit	Section 7.(f)	\$500.00
42	Failing to remove and dispose of all used fireworks and debris in a safe and appropriate manner	Section 7.(h)	\$500.00
43	Failing to produce the special events permit upon being directed to by the Fire Chief or designate	Section 7. (j)	\$500.00