



CITY OF
ST. CATHARINES

Corporate Report

Report from Fire and Emergency Management Services, Prevention

Date of Report: February 24, 2016

Date of Meeting: March 21, 2016

Report Number: FEM-067-2016

File: 68.13.1

Subject: Fireworks By-law – Sale and Discharge of Fireworks

Recommendation

That Council receive the report from Fire and Emergency Management Services, dated February 24, 2016, for information purposes. FORTHWITH

Summary

The City's Fireworks By-law regulates the sale and setting off of fireworks within the Municipality and stipulates the conditions to permit the sale of consumer fireworks and conditions to permit the discharge of display fireworks and pyrotechnic special effects fireworks.

Background

At its meeting of February 8, 2016, Councillor Stevens requested that staff "prepare a report to compare to other cities in the Niagara Region regarding the by-law passed by Council on January 11, 2016, to regulate the sale and setting off of fireworks and pyrotechnics in City of St. Catharines of fireworks out of trailer as opposed to a cube van".

Report

The City's Fireworks By-law was approved and passed by Council on January 11, 2016. This by-law updated the requirements for the sale of consumer fireworks and the display of consumer, display and pyrotechnic special effects fireworks. The requirements for the location of sale for consumer fireworks were restricted to not permit their sale from any of the following:

- an outdoor stand, tent, unenclosed trailer, shipping container, motor vehicle, or residential dwelling

As such, only stores or enclosed trailers that meet the requirements of the by-law would be the permitted locations of sale within the city.

A further review of the alignment of this condition as compared to the other 11 municipalities that comprise the Niagara Region was undertaken.

Of the 11 municipalities:

- 1 - Allows under licensing by-law to use a vehicle as point of sale
- 1 - No conditions whatsoever for sale of fireworks
- 6 - Conditions on selling, storage and transport to be as per the Explosives Regulations, 2013 (ER, 2013)
- 2 - Condition on location of sale to only be in a store/shop
- 1 - Condition on location of sale to only be store and/or enclosed trailer

In correspondence with the Explosives Regulatory Division (ERD) regarding the use of a vehicle for a point of sale they advised that the ERD has never given permission for the sale of consumer fireworks from a vehicle. There is no specific regulation in ER, 2013 that permits the sale of consumer fireworks from a vehicle. This point of sale would not satisfy the requirement in S. 340 regarding unobstructed exits or S. 341 (1) where the sales establishment may be temporary (tent, trailer or other temporary shelter). It would not be 3 metres from vehicle parking as per s. 341 (3). Also, in Part 9 – Transportation – as per S. 199, the “carrier and the driver of a vehicle that contains explosives must ensure that it is attended in person” so it could not be used as a storage point for a sales establishment. A further condition in ER, 2013 regarding the requirements for display for sale requires that under S. 346 (e) fireworks must be kept away from flammable substances and sources of ignition; of which both conditions exist when using a vehicle as the sale point.

This review shows that the current City Fireworks By-law is in alignment with the majority of the municipalities in the Niagara Region and with the requirements of the Explosives Regulations, 2013.

Financial Implications

Not applicable.

Alignment to Strategic Plan

This report is in support of the Strategic Plan goals in providing quality municipal services that enhance our social fabric, environmental sustainability and cultural viability; and contribute to our economic prosperity of our community.

Conclusion

The Fireworks By-law regulates the sale and setting off of Fireworks in the City of St. Catharines. Federal and Provincial legislation also play a part in the regulation of fireworks. The Parks By-law prohibits the setting off of fireworks on all lands under the jurisdiction and control of the City, except with written permission and subject to other City by-laws.

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