

PROTECTION

Chapter 739 FIREWORKS AND FIRECRACKERS

Article 1 INTERPRETATION

- 739.1.1 City - defined
- 739.1.2 Corporation - defined
- 739.1.3 Firecracker - defined
- 739.1.4 Fireworks - defined
- 739.1.5 Display - defined
- 739.1.6 Canada Day - defined
- 739.1.7 Victoria Day - defined
- 739.1.8 Woodlands - defined

Article 2 FIRE CRACKERS

- 739.2.1 Selling - prohibited
- 739.2.2 Setting off - prohibited

Article 3 FIREWORKS

- 739.3.1 Selling - restricted - certain days
- 739.3.2 Selling - person under eighteen (18) - prohibited
- 739.3.3 Setting off - Corporation property
- 739.3.3.1 Setting off - location - restriction

- 739.1.1 FIREWORKS AND FIRECRACKERS 739.1.3
- 739.3.3.2 Setting off - distance from other person
- 739.3.3.3 Setting off - distance from tent - building - other
- 739.3.3.4 Setting off - dry undergrowth - prohibited
- 739.3.4 Display - fireworks - permit required
- 739.3.5 Window exhibit - prohibited
- 739.3.6 Legislation - posted - on premises
- 739.3.7 Other by-law - application

Article 4
PERMIT - ISSUE

- 739.4.1 Display - fireworks - conditions
- 739.4.2 Information - permit to include
- 739.4.3 Permit issue - may include public park - consent

Article 5
ENFORCEMENT

- 739.5.1 Fine - for contravention

Article 1
INTERPRETATION

739.1.1 City - defined

“City” includes any place within the limits of the City of Kitchener.

739.1.2 Corporation - defined

“Corporation” means The Corporation of the City of Kitchener.

739.1.3 Firecracker - defined

“firecracker” includes any article containing a combustible or explosive substance, or combination of substances, prepared for, capable of, or discharged for, the purposes of producing solely an explosion or audible sound and includes cherry bombs, cannon crackers, firecrackers, mines, squibs and torpedoes but does not include a Christmas cracker or similar device.

739.1.4 Fireworks - defined

“fireworks” means any article containing a combustible or explosive composition or any substance or combination of substances, prepared for, capable of, or discharged for the purpose of, producing a visual show or effect which may or may not be preceded by, accompanied with, or followed by an explosion or audible sound and includes fireballs, Roman Candles, skyrocket-ets, pinwheels and sparklers but does not include pyrotechnical signalling devices for marine, military or railway purposes.

739.1.5 Display - defined

“display” means the setting off of fireworks, except the setting off of fireworks on Victoria Day and Canada Day or the day immediately preceding or succeeding such days on land appurtenant to a private residence by the owner or tenant of such residence or a person authorized by him/her so to do.

739.1.6 Canada Day - defined

“Canada Day” means July 1st.

739.1.7 Victoria Day - defined

“Victoria Day” means the Monday preceding May 25th. By-law 87-170, 17 August, 1987.

739.1.8 Woodlands - defined

“Woodlands” means land with at least:

- (a) 1,000 trees, of any size, per hectare;
- (b) 750 trees, measuring over five centimetres in diameter, per hectare; or
- (c) 500 trees, measuring over 12 centimetres in diameter, per hectare; or
- (d) 250 trees, measuring over 20 centimetres in diameter, per hectare.

For the purpose of the definition of woodlands all measurements of the trees are to be taken at 1.37 metres from the ground. By-law 2000-103, 19 June, 2000.

Article 2 FIRECRACKERS

739.2.1 Selling - prohibited

No person shall offer for sale or sell any firecracker in the City.

739.2.2 Setting off - prohibited

No person shall set off any firecracker in the City.

Article 3
FIREWORKS

739.3.1 Selling - restricted - certain days

No person shall sell any fireworks in the City on any day or days during the year except on the six business days immediately preceding Victoria Day, and the six business days immediately preceding Canada Day, provided that nothing in this Section shall prevent the sale on any day for the purpose of a fireworks display to a person who is the holder of a permit for such display under Section 739.4.2 hereof.

739.3.2 Selling - person under eighteen (18) - prohibited

No person shall sell any fireworks in the City to anyone under eighteen (18) years of age. By-law 87-170, 17 August, 1987.

739.3.3 Setting off - Corporation property

No person shall set off any fireworks on any street, highway or lane under the jurisdiction of the Corporation; or on any Corporation property including public parks, except with the consent of the Corporation.

739.3.3.1 Setting off - location - restricted

No person shall set off any fireworks in the City within 500 feet of:

- (a) any woodlands;
- (b) any place where explosives, gasoline, or other highly flammable substances are manufactured, sold or stored;
- (c) any hospital, nursing home, retirement home or home for the aged;
or
- (d) any church, childcare facility or public, separate, secondary or other school unless the consent of the owner of such church, childcare facility or school or an agent or representative of such owner is obtained.

739.3.3.2 Setting off - distance from other person

No person shall set off any fireworks within 75 feet, or such greater distance as recommended by the manufacturer, of any other person.

739.3.3.3 Setting off - distance from tent - building - other

No person shall set off any fireworks within 25 feet of any building, tent, trailer, canvas shelter or motor home.

739.3.3.4 Setting off - dry undergrowth - prohibited

No person shall set off any fireworks in an area containing dead undergrowth or dry grass. By-law 2000-103, 19 June, 2000.

739.3.4 Display - fireworks - permit required

No person shall hold a fireworks display in the municipality except under a permit issued therefor under Section 739.4.2 and in compliance with the conditions set forth in the said Section and in Section 739.4.1.

739.3.5 Window exhibit - prohibited

No person shall exhibit any live fireworks in any window of any store or shop in the City.

739.3.6 Legislation - posted - on premises

Every person who sells or offers to sell from any premises any fireworks as permitted by this Chapter shall post a copy of this Chapter in a conspicuous place upon such premises. By-law 87-170, 17 August, 1987.

739.3.7 Other by-law - application

The provisions of By-law 94-75 of The Corporation of the City of Kitchener may apply to the sale of fireworks within the City. By-law 94-77, 25 April, 1994.

Article 4 PERMIT - ISSUE

739.4.1 Display - fireworks - conditions

The following conditions shall apply to the holding of a fireworks display under a permit issued under Section 739.4.2:

- (a) the display shall be held by or under the auspices of a club, association or group of persons;
- (b) the display shall be held at the place and on the date set forth in the permit;
- (c) the display shall be under the supervision of a "Fireworks Supervisor" designated pursuant to the *Explosives Act*, R.S.C. 1970, c.E 15, and regulations thereunder;
- (d) the persons present at the display other than those engaged in the conduct or supervision thereof shall be kept back to such a distance as specified by the Fire Chief or his designate from the place at which the fireworks are being discharged. By-law 87-170, 17 August, 1987; By-law 2000-103, 19 June, 2000.

739.4.2 Information - permit to include

The Fire Chief, or his designate, shall issue permits for displays of fireworks on the conditions set forth in Section 739.4.1 and each such permit shall state the name of the club, association, or group to whom the same is issued; the name and address of an executive officer or other responsible person, the place and date upon which the display is to be held; the name and address of any person under whose supervision the same shall be held; the manner in which unused fireworks are to be disposed of and the manner and means of restraining unauthorized persons from attending too close to the location where the display is to be held. By-law 87-170, 17 August, 1987.

739.4.3 Permit issue - may include public park consent

A permit issued under Section 739.4.2 may include consent to hold the display in a public park. By-law 2000-103, 19 June, 2000.

**Article 5
ENFORCEMENT****739.5.1 Fine - for contravention**

Every person who contravenes any provision of this Chapter is guilty of an offence and is liable, upon conviction, to a fine not exceeding Five Thousand Dollars (\$5,000), exclusive of costs, for each offence, recoverable under the *Provincial Offences Act*. By-law 87-170, 17 August, 1987; By-law 94-77, 25 April, 1994.