

TOWN OF STEPHENVILLE DISCHARGING OF FIREWORKS REGULATION

Pursuant to the authority conferred by the Municipalities Act, 199 Chapter M-24 Section 414(2) (ee). The Town of Stephenville has made the following regulations which were adopted at the Public Meeting held on the 17th day of November 2022.

1. Title

These Regulations shall be known as the Town of Stephenville Discharging of Fireworks Regulation.

2. Definitions

In these Regulations:

- a. "Act" means the Municipalities Act, 1999 SNL 1999 Chapter M-24 as amended.
- b. "Council" means the Town of Stephenville Council;
- c. "Discharge" means firing, igniting, exploding, using, and setting off fireworks;
- d. "Enforcement officer" means any person appointed by council to enforce these regulations, or whom have the authority to enforce
- e. "Fireworks" means family fireworks, aerial fireworks, and pyrotechnics and:
 - i. "aerial fireworks" means high hazard fireworks as described in Class 7, Division 2, Subdivision 2 of the Explosives Regulations under the Explosives Act, RSC 1985, c E-17, as amended;
 - ii. "family fireworks" means low-hazard fireworks for recreation commonly referred to as consumer fireworks, and as described in Class 7, Division 2, Subdivision 1 of the Explosives Regulations under the Explosives Act, RSC 1985, c E-17, as amended;
 - iii. pyrotechnics means theatrical explosives as described in Class 7, Division 2, Subdivision 5 of the Explosives Regulations under the Explosives Act, RSC 1985, c E-17, as amended.
- f. "Nuisance" means anything or any condition of things which is or may become injurious or dangerous or presents an obstruction to pedestrians or vehicular traffic or anything or any condition of things that, in the opinion of council, has an unpleasant effect on the senses or adversely affects the amenities of the surrounding property.
- g. "Occupant" means any Person who is agent, tenant, or occupier of a property
- h. "Owner" means the legal entity having title to a property
- i. "Town" means the Town of Stephenville.

3. Application

This regulation is a supplement to the Town's Outdoor Fire Regulations and Nuisance Regulations and shall apply within the boundaries of the Town.

4. General

- a. No person or Occupant shall discharge fireworks within the boundaries of the town unless authorized under these Regulations.
- b. No person or Occupant shall discharge or cause or allow to be discharged fireworks in such a manner as might create danger to any person or property or do or cause or allow any unsafe act or omission in the discharging of any fireworks and or discharges fireworks creating a nuisance.

5. Family Fireworks

- a. The use of personal fireworks is only permitted on New Year's Eve and Canada Day unless approval is obtained from the Town of Stephenville. Discharging fireworks on **New Year's Eve, and Canada Day** are only permitted between dusk on December 31 and 00:30 am on January 1 and between dusk and 11:00 pm on Canada Day. Unless a permit has been issued by the Town authorizing the discharge of fireworks at a different time.
- b. The Town may for weather-related or any other reason, declare that family fireworks shall not proceed on July 1 (Canada Day) or December 31 (New Year's Eve), and may announce an alternate day and time when the discharge of family fireworks is permitted.
- c. Notice of the alternate day and time as referenced in section 5(b) shall be given by posting on the Town's website.
- d. Notwithstanding section 5(a), a person may discharge family fireworks at a different time outside of July 1 (Canada Day) and December 31 (New Year's Eve) if Special Event approval is first obtained. Council or its authorized officers may cancel the approve at any time.
- e. Every person or Occupant who discharges or permits or allows fireworks to be discharged shall ensure that there is immediate access to a fire extinguisher and water ready for use at the site where the fireworks are discharged.
- f. Every person or occupant is responsible for damage resulting from fireworks that have been discharged.
- g. No person or Occupant shall discharge or permit or allow to be discharged fireworks when the surface wind speed at the time of the display exceeds 40 km/h (kilometers per hour).

- h. No person or Occupant shall discharge or allow to be discharged fireworks within 300 metres of a hospital, nursing home, health lodge, home for the aged, school, or place of worship unless the consent of the Town and the owner or agent of the owner has first been obtained in writing.
- i. Persons under the age of eighteen (18) years shall not discharge fireworks within the boundaries of the Town.
- j. Every person or occupant who discharges or allows or permits fireworks to be discharged shall ensure that the fireworks are discharged in accordance with the manufacturer's instructions.

6. Aerial Fireworks or Pyrotechnics

- a. No person or Occupant shall discharge or permit or allow to be discharged aerial fireworks or pyrotechnics within the boundaries of the Town without first obtaining a permit from Council. Such a permit approval may impose conditions for approval as it considers necessary to ensure the safety of the public and governing regulations and procedures including but not limited to:
 - i. keeping spectators at a safe distance;
 - ii. protecting private and public property;
 - iii. ensuring serviceable fire extinguishing equipment is available at all times;
 - iv. adherence to Explosives Act and the Explosives Regulations (BL2015- 098).
- b. The person(s) responsible, including property owners and or occupants, for the setting off of any fireworks or classes thereof must ensure that all unused fireworks and debris be removed and safely disposed of immediately following the event.
- c. In addition to holding a permit from the town, no person or Occupant shall discharge or permit or allow to be discharged aerial or pyrotechnics within the boundaries of the town unless they are discharged by a person who holds a valid Fireworks Supervisor certificate or equivalent thereof, issued by the Explosives Regulatory Division of Natural Resources Canada or its similar or successor governing body
- d. No person or Occupant shall handle or discharge or permit or allow the handling and/or discharge of aerial fireworks or pyrotechnics unless it is handled or discharged in conformance with the Natural Resources Canada (NRCan), "Display Fireworks Manual" and Natural Resources Canada (NRCan), Pyrotechnic Special Effect Manual" or similar or successor government departments, laws, policies and manuals.
- e. Save and except for pyrotechnics, no person or Occupant shall discharge or permit or allow to be ignited fireworks within 300 metres of any place where explosives, gasoline or other highly flammable substances are manufactured, stored or displayed in large quantities.

7. Fire Protection Services Act

Nothing in these Regulations shall or shall be deemed to alter, amend, or abrogate in any way the requirements and responsibilities set out in the Fire Protection Services Act, SNL 2008, c F-11.01, as amended, and its Regulations, or the Explosives Act, RSC 1985, c E-17, as amended, and its Regulations

8. Provincial Fire Ban

Notwithstanding the above sections, where a provincial fire ban relating to forest lands within or adjacent to the boundary of the Town of Stephenville is in effect under the Forestry Act, RSNL 1990 c F-23, as amended, no person shall discharge fireworks in such areas within the boundaries of the town.

9. Enforcement

The Town Council of Stephenville or its authorized enforcement officers shall be authority for the purposes of these Regulations.

10. Penalty

Every person who is guilty of an offence under these Regulations or who acts in contravention of or fails to comply with any provision thereof, or neglects or refuses to do so:

- i. Shall be liable to penalties as stipulated in accordance with Section 420 of the Municipalities Act, 1999; or
- ii. Shall be subject to an order under Section 404 (1) (j) of the Municipalities Act, 1999; or
- iii. Shall be subject to a violation notice issued under Section 421.1 (1) of the Municipalities Act, 1999; or
- iv. Shall be issued a ticket under the Provincial Offences Act in accordance with section 421.2 of the Municipalities Act, 1999

11. Right of Entry

Pursuant to Section 158 of the Act, Council of its duly authorized agents have the authority to enter a property for the purposes of inspection or to carry out work as required under these regulations.

12. Coming into Force

These regulations shall come into force as of the date enacted by Council as the Town of Stephenville Discharging of Fireworks Regulation.

Town of Stephenville

Special Event

FIREWORKS PERMIT

APPLICANT DETAILS

Name	Date
Address	Telephone No.
	Email Address

PROPOSED FIREWORKS DISCHARGE DETAILS

Date	Time <input type="checkbox"/> 6 PM to 9 PM <input type="checkbox"/> 11 PM to 1 AM <input type="checkbox"/> Other (fill in Other Proposed Time)	Other Proposed Time
Location / Address		
Person Discharging the Fireworks		Telephone No.
ONSITE FIRE HAZARD SAFETY MEASURES <input type="checkbox"/> Fire extinguisher <input type="checkbox"/> Bucket of Water <input type="checkbox"/> Flowing Garden Hose	<input type="checkbox"/> Other Measures	

APPROVAL DETAILS (office use only)

FURTHER FIRE MITIGATION MEASURES or SAFETY MEASURES	<input type="checkbox"/> Not Required / Initials of Assessor
Authorized Signature	Date