

BY-LAW No. 795

BEING A BY-LAW OF THE CITY OF IQALUIT, NUNAVUT, RESPECTING THE SALE AND DISCHARGE OF FIREWORKS

WHEREAS Sections 54.2 of the Cities, Towns and Villages Act, R.S.N.W.T., 1988, c. C-8, enables a Council to pass by-laws respecting the safety, health and welfare of people and the protection of people and property;

WHEREAS the purpose of a municipality includes providing services that, in the opinion of Council are necessary and desirable;

WHEREAS it is desirable to pass a by-law dealing with the sale and discharged of Fireworks;

WHEREAS public safety is of the utmost concern to the city;

WHEREAS there is potential danger to people and property if Fireworks are sold or discharged unsafely;

NOW THEREFORE, pursuant to the authority granted by the Act, the Council of the City of Iqaluit, in regular session duly assembled, enact as follows:

SHORT TITLE

1.1 This by-law shall be known as the **Fireworks By-law**.

INTERPRETATION

2.1 In this By-law:

- (a) "City" shall mean the City of Iqaluit;
- (b) "Council" shall mean the Council of the City of Iqaluit;
- (c) "Discharge" when used in relation to Fireworks includes firing, igniting, exploding and setting off such Fireworks;
- (d) "Exhibition Fireworks Display" shall mean the discharge of more than five (5) Fireworks;
- (e) "Fire Chief" shall mean the Chief of the Iqaluit Fire Department or his or her designate;
- (f) "Fireworks" shall have the meaning assigned in the Regulations that being any substance, combination of substances or article prepared for the purpose of producing a visible or audible effect of combustion, explosion, deflagration or detonation and used for recreation or amusement, and includes cannon crackers, fire crackers, cherry bombs, showers, fountains, golden rain, lawn lights, pin wheels, roman candles, volcanoes, sparklers, rockets, serpents, shells, bomb shells, tourbillions, maroons, chandelles, bouquets, barrages, bombardos, waterfalls, batteries, mines, illuminations, set pieces and pigeons.

(g) “Fireworks Supervisor” shall mean a person designated by the Fire Chief to conduct an Exhibition Fireworks Display and who is responsible for ensuring all Fireworks are properly installed and discharged and that all appropriate safety measures have been taken.

(h) “Recreational Fireworks Display” shall mean the discharge five (5) or less Fireworks;

(i) “Regulations” shall mean the Fireworks Regulations, RRNWT (Nu) 1990 c F-13, as amended.

(j) “Officer” shall mean any member of the Iqaluit Fire Service, Iqaluit Municipal Enforcement Officers, the Royal Canadian Mounted Police, or such other persons as Council may designate.

(k) “Vendor” shall mean a business that stores, and provides for fireworks for sale.

APPLICATION OF BY-LAW

3.1 This By-law applies to all lands and premises within the City.

3.2 This By-law does not apply to highway safety flares and other small distress signals used for safety or in time of emergency.

3.3 This By-law does not apply to explosives or explosive materials:

(a) located at quarries or construction sites for the purposes of creating aggregate stone, demolition of structures, or the removal of bedrock;

(b) possessed by the Royal Canadian Mounted Police, the Canadian Military, or any other public law enforcement agency.

SALE OF FIREWORKS

4.1 Every person who wishes to sell Fireworks in the City shall obtain a permit from the Nunavut Fire Marshall as specified in the Regulations.

4.2 No person shall sell, offer for sale, cause or permit to be sold, or otherwise distribute Fireworks to a person who is under eighteen (18) years of age and the vendor of Fireworks shall use reasonable care to ensure that said Fireworks are not accessible to minors.

4.3 All vendors of Fireworks shall keep Fireworks away from flammable goods and keep them in a way that they are not exposed to the sun or direct heat.

4.4 A “NO SMOKING” sign must be posted in the Fireworks display area.

4.5 Fireworks on display must be kept within an enclosed, non-combustible display unit, locked and accessible only to employees.

PERMIT FOR A RECREATIONAL FIREWORKS DISPLAY

5.1 The Fire Chief shall administer the processing and issuance of a permit for a Recreational Fireworks Display.

5.2 A permit for a Recreational Fireworks Display shall not be issued to a person under the age of eighteen (18) years.

5.3 The application for a permit for a Recreational Fireworks Display made to the Fire Chief shall be on such prescribed application form as may be issued by the Fire Chief. Said application form shall include:

- (a) the name, address and telephone number of the applicant and the sponsoring organization, if applicable;
- (b) the date and time of the proposed Recreational Fireworks Display;
- (c) a description of the site where the Recreational Fireworks Display is proposed;
- (d) a list of the type and kind of Fireworks to be discharged; and
- (e) such other information or documentation as the Fire Chief may require.

5.4 After review of the permit application the Fire Chief may either:

- (a) approve the Recreational Fireworks Display permit application;
- (b) impose any other restrictions on the use of Fireworks that he or she deems necessary to protect public safety and property prior to issuing a permit; or
- (c) reject the Recreational Fireworks Display permit application.

RECREATIONAL FIREWORKS DISPLAY PERMIT DAY AND LOCATION RESTRICTIONS

6.1 Subject to section 6.2 of this By-law, the Fire Chief shall only issue a permit allowing for a Recreational Fireworks Display on one the days prescribed in schedule "A" of this By-law.

6.2 If weather, or other unforeseen circumstances, result in the use of Fireworks being unfeasible on one the days prescribed in schedule "A" of this By-law, the Fire Chief may issue a permit allowing for a Recreational Fireworks Display on an alternative day.

6.3 The Fire Chief shall only issue a permit allowing for a Recreational Fireworks Display in one of the locations prescribed in schedule "B" to this By-law.

DISCHARGE OF RECREATIONAL FIREWORKS DISPLAY

7.1 No person shall discharge a Recreational Fireworks Display:

- (a) unless the person has obtained a Recreational Fireworks Display permit issued under this By-law by the Fire Chief;
- (b) except between the hours of dusk and 10:00 p.m. on the day specified in their Recreational Fireworks Display permit;
- (c) on any day except the one specified in their Recreational Fireworks Display permit;
- (d) in any place or manner as to create a danger or nuisance to any person or property;

(e) in any location except the one specified in their Recreational Fireworks Display permit;

(f) in the direction of any person, structure, property, or animal.

7.2 Every person who discharges a Firework as part of a Recreational Fireworks Display shall ensure discharge occurs under the following conditions:

(a) in an open area away from buildings, vehicles, and overhead obstructions;

(b) in a minimum clear area of 20m by 20m;

(c) near immediately accessible, and operational, fire extinguishing equipment;

(d) on a hard, flat, and level surface to ensure stability of the Fireworks; and

(e) in compliance with any additional restrictions on the use of fireworks specified by the Fire Chief upon issuance of the Recreational Fireworks Display permit.

7.3 Every person who discharges a Recreational Fireworks Display shall:

(a) read the manufacturer instructions, cautions, and warnings on each Firework;

(b) secure each Firework in the manner prescribed by the manufacturer;

(c) ensure only one (1) Firework is lit at a time;

(d) wear proper eye protection and wear proper clothing;

(e) keep children away from Fireworks;

(f) use care when handling and firing Fireworks;

(g) clean up the area after the display; and

(h) shall comply with any additional restrictions on the discharge of fireworks specified by the Fire Chief upon issuance of the Recreational Fireworks Display permit.

7.4 Every person or organization that discharges a Recreational Fireworks Display shall ensure that all Fireworks that have failed to fire or were not discharged are immediately disposed of in a safe manner.

PERMIT FOR AN EXHIBITION FIREWORKS DISPLAY

8.1 The Fire Chief shall administer the processing and issuance of permits for an Exhibit Fireworks Display.

8.2 A permit for an Exhibition Fireworks Display shall not be issued to a person under the age of eighteen (18) years.

8.3 The application for an Exhibition Fireworks Display made to the Fire Chief shall be on such prescribed application form as may be issued by the Fire Chief. Said application form shall include:

- (a) the name, address and telephone number of the applicant and the sponsoring organization, if applicable;
- (b) the date and time of the proposed Exhibition Fireworks Display;
- (c) a site plan of the property where the Exhibition Fireworks Display is proposed, including separation distances and access to be provided for fire and emergency vehicles;
- (d) a list of the type and kind of Fireworks to be discharged;
- (e) the name and qualifications of the person or persons proposed to be the Fireworks Supervisor who will handle and discharge the Exhibition Fireworks Display;
- (f) the proposed safety and security measures to be taken to ensure public safety;
- (g) such other information or documentation as the Fire Chief may require.

8.4 Prior to issuing an Exhibit Fireworks Display permit, the Fire Chief shall inspect the site where the discharge of Fireworks is proposed to be held.

8.5 Prior to issuing an Exhibit Fireworks Display permit, the Fire Chief shall review with the proposed Fireworks Supervisor the application and their experience and qualifications.

8.6 After review of the permit application, inspection of the site, and review with the proposed Fireworks Supervisor, the Fire Chief may either:

- (a) approve the Exhibition Fireworks Display permit application;
- (b) impose any other restrictions on the Exhibition Fireworks Display, including but not limited to the need for insurance, that he or she deems necessary to protect public safety and property prior to issuing an Exhibition Fireworks Display permit;
or
- (c) reject the Exhibition Fireworks Display permit application.

DISCHARGE OF EXHIBITION FIREWORKS DISPLAY

9.1 No person shall discharge an Exhibition Fireworks Display unless:

- (a) the person has obtained an Exhibition Fireworks Display permit from the Fire Chief;
and
- (b) the person is a Fireworks Supervisor approved by the Fire Chief;

9.2 The Fireworks Supervisor shall be present in person at all times during which the Fireworks are being set up, discharged, and cleaned up.

9.3 No Fireworks Supervisor shall discharge an Exhibition Fireworks Display:

- (a) except between the hours and on the day their permit specifies;
- (b) in any place or manner as to create a danger or nuisance to any person or property;
- (c) in any location except the one specified in their Exhibition Fireworks Display permit;

(d) in the direction of any person, structure, property, or animal.

9.4 Every Fireworks Supervisor who discharges an Exhibition Fireworks Display shall:

- (a) have a fully operational fire extinguisher available;
- (b) keep all persons at a safe distance from the firing zone as specified in the permit;
- (c) notify the Fire Chief or his or her designate at least 60 minutes prior to discharge;
- (d) follow all safety rules and instructions issued by the Fire Chief and or contained in the Exhibition Fireworks Display permit.
- (e) immediately after the Fireworks have been discharged, inspect the site and remove all unsafe or partly used Fireworks and debris from the site and return the site to the condition it was in before the discharge of the Fireworks; and
- (f) ensure that all Fireworks that failed to fire or were not discharged are immediately disposed of in a safe manner.

REVOCAION OF PERMITS

10.1 All permits granted by the Fire Chief under this By-law may be revoked when, in the Fire Chief's opinion, the holder of such permit is in non-compliance with this By-law's conditions or requirements, or the Fire Chief has concerns for public safety.

INDEMNIFICATION

11.1 The applicant for a permit as required under this By-law shall indemnify and save harmless the City from any and all claims, demands, causes of action, loss, costs or damages that the City may suffer, incur or be liable for resulting from the performance of the applicant as set out in this By-law, whether with or without negligence on the part of the applicant, the applicant's employees, directors, contractors and agents.

SEVERABILITY

12.1 If a court or any tribunal of competent jurisdiction declares any section or part of this By-law invalid, the remainder of this By-law shall continue to be in force unless the court or tribunal makes an order to the contrary.

PENALTY

13.1 Any person who contravenes any of the provisions of this By-law by:

- (a) Doing any act or thing which the person is prohibited from doing, or
- (b) Failing to do any act or thing the person is required to do, is guilty of an offence.

13.2 Any person who is convicted of an offence pursuant to this By-law is liable on summary conviction and to a fine not exceeding \$10,000.00.

13.3 Where an officer believes that a person has contravened any provision of this by-law, he or she may commence proceedings by issuing a summons by means of a violation ticket in accordance with the *Summary Convictions Procedures Act*, RSNWT (Nu), 1988, cS-15.

13.4 The specified penalty payable in respect of a contravention of a provision of this by-law is the amount shown in Schedule "C" of this by-law in respect of that provision.

13.5 The minimum penalty payable in respect of a contravention of a provision of this by-law is the amount shown in Schedule "C" of this by-law in respect of that provision.

ENFORCEMENT

14.1 This By-law shall be enforced by the Iqaluit Fire Service, Iqaluit Municipal Enforcement Officers, the Royal Canadian Mounted Police, or such other persons as Council may designate.

THIS BY-LAW READ a First Time this 8 day of September, 2015, A.D.



Mary Wilman

Mayor



Muhamud Hassan

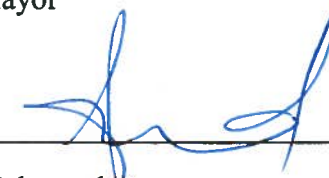
Chief Administrative Officer

THIS BY-LAW READ a Second Time this 8 day of September, 2015, A.D.



Mary Wilman

Mayor



Muhamud Hassan

Chief Administrative Officer

THIS BY-LAW READ a Third and Final Time this **8** day of **September**, 2015, A.D.



Mary Wilman

Mayor

Muhamud Hassan

Chief Administrative Officer

SCHEDULE "A"

DAYS THAT A RECREATIONAL FIREWORKS DISPLAY MAY BE DISCHARGED

Subject to section 6.2 of this by-law, a Recreational Fireworks Display may only be discharged in the City on one of the following days:

- (i) December 31st
- (ii) January 1st
- (iii) The opening day of the Toonik Tyme festival
- (iv) The last day of Toonik Tyme

The Council shall amend this schedule from time to time as it deems necessary.

SCHEDULE "B"

LOCATIONS THAT A RECREATIONAL FIREWORKS DISPLAY MAY BE DISCHARGED

A Recreational Fireworks Display may only be discharged in the City in one of the following locations:

- (i) The sea ice at least 20 meters from the nearest permanent structure.
- (ii) The Road to Nowhere at least 20 meters from the nearest permanent structure.
- (iii) The Iqaluit Causeway at least 20 meters from the nearest permanent structure.

The Council shall amend this schedule from time to time as it deems necessary.

SCHEDULE "C"

OFFENCE PENALTIES

SECTION	OFFENCE	MINIMUM PENALTY	SPECIFIED PENALTY
4.1	Fail to obtain permit	\$ 150.00	\$ 250.00
4.2	Vendor Sell, offer, permit, distribute, fireworks to person under 18 yrs. of age	\$ 250.00	\$ 500.00
4.3	Vendor fail to keep fireworks away from flammable goods.	\$ 500.00	\$ 750.00
4.4	Fail to post no smoking sign	\$ 250.00	\$ 500.00
4.5	Fail to provide non-combustible display unit	\$ 250.00	\$ 500.00
7.1(a)	Discharge fireworks without permit	\$ 250.00	\$ 500.00
7.1(b)(c)(e)	Discharge fireworks contrary to permit	\$ 250.00	\$ 500.00
7.1(d)(f)	Discharge fireworks in unsafe manner	\$ 500.00	\$ 750.00
7.4	Fail to dispose of Fireworks in safe manner	\$ 500.00	\$ 750.00
9.2	Supervisor fail to be present	\$ 500.00	\$ 750.00
9.3 (a)(c)	Supervisor discharge fireworks contrary to permit	\$ 250.00	\$ 500.00
9.3 (b)(d)	Supervisor discharge fireworks in unsafe manner	\$ 500.00	\$ 750.00
9.4 (a)	Supervisor fail to have operational fire extinguisher available	\$ 250.00	\$ 500.00
9.4 (b)	Supervisor fail to keep person(s) at safe distance	\$ 1000.00	\$ 1500.00
9.4 (c)	Supervisor fail to notify prior to discharge	\$ 250.00	\$ 500.00
9.4 (e)	Supervisor fail to return site to previous condition	\$ 150.00	\$ 250.00
9.4 (f)	Supervisor fail to dispose fireworks in safe manner	\$ 500.00	\$ 750.00

The Council shall amend this schedule from time to time as it deems necessary.

