

# **CITY OF YORKTON BYLAW NO. 17/97**

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# CITY OF YORKTON

## BYLAW 17/97

### A BYLAW OF THE CITY OF YORKTON IN THE PROVINCE OF SASKATCHEWAN TO REGULATE, CLASSIFY AND CONTROL THE SALE AND USE OF FIREWORKS

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**WHEREAS**, in accordance with Section 138 of *The Urban Municipality Act*, 1984, the Council of the City of Yorkton in the Province of Saskatchewan in Council assembled hereby enacts as follows:

#### 1. DEFINITIONS

Unless otherwise specified, fireworks shall include all Class 7 explosives as defined by *The Explosives Act*, R.S.C. E-15 and Explosive Regulations C.R.C. c599 or any amendments thereto.

- a) **"Chief Inspector"** means the appointed Fire Chief of the City of Yorkton or his designate.
- b) **"Fireworks"** includes Division 1 fireworks composition and Division 2 manufactured fireworks including 5 subdivisions as defined by *The Explosive Act*, R.S.C. E-15 and Explosive Regulations C.R.C. c599.
- c) **"Fireworks Composition"** means any chemical compound or mechanically mixed preparation of an explosive or inflammable nature that is used for the purpose of making any manufactured fireworks and is not included in any other class of explosives, and includes any star or colored fire composition that is not manufactured fireworks.
- d) **"Manufactured Fireworks"** means explosives of any class and any fireworks composition that is enclosed in any case or contrivance, or is otherwise manufactured or adapted for the production of pyrotechnic effects, pyrotechnic signals or sound signals.
- e) **"High Hazard Fireworks"** means those Division 2 fireworks that, in the opinion of the Chief Inspector, present a special hazard to persons.
- f) **"Low Hazard Fireworks"** means those Division 2 fireworks that, in the opinion

of the Chief Inspector, are relatively innocuous in themselves and are not liable to explode violently or all at once.

- g) **"Pyrotechnic Special Effects"** means those items that are used in the entertainment industry designed specifically for indoor and/or outdoor use.  
ie. blackpowder bombs, bullet effects, flash powder, smoke composition, gerbs, lances and wheels.
- h) **"Subdivision 1 of Division 2 Fireworks"** comprises low hazard fireworks generally used for recreation, such as fireworks, showers, fountains, golden rain, lawn lights, pin wheels, roman candles, volcanoes, sparklers, Christmas crackers and caps for guns.
- i) **"Subdivision 2 of Division 2 Fireworks"** comprises high hazard fireworks generally used for recreation, such as rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, batteries, illuminations, set pieces, pigeon and fire crackers.
- j) **"Subdivision 3 of Division 2 Fireworks"** comprises model rocket engines (toy propellant devices) containing the total impulse of which does not exceed 80 Newton seconds (17.92 pounds-second) and does not exceed a net propellant weight of 125 grams (approximately 4 ounces.)
- k) **"Subdivision 4 of Division 2 Fireworks"** comprises low hazard fireworks generally having a practical use, such as highway flares, fuses and other small distress signals.
- l) **"Subdivision 5 of Division 2 Fireworks"** comprises high hazard fireworks generally having a practical use, such as distress signals, sound, pyrotechnic and smoke signals, railway track signals, distress and low throwing rockets, salutes, theatrical effects and wildlife control.

## 2. **STORAGE AND HANDLING OF AMMUNITION AND FIREWORKS**

2.1 No person shall keep any explosive, other than one belonging to Division 1 of Class 6 (ammunition), on the same premises where explosives of Class 7 (fireworks) are kept.

2.2 Subject to Section 2.3, the quantity of explosives of Division 2 of Class 7 (manufactured fireworks) and of Division I of Class 6 (ammunition) that a person

may have in his/her possession if kept in a store or warehouse shall not exceed:

- a) in a separate store or warehouse:
  - i) 125 kilograms gross weight of Subdivisions 2 and 5 of Division 2 of Class 7;
  - ii) 1,000 kilograms gross weight of Subdivisions 1, 3 and 4 of Division 2 of Class 7;
  - iii) 225 kilograms of explosives contained in ammunition of Division I of Class 6, or;
- b) in a container:
  - i) 25 kilograms gross weight of Subdivisions 2 and 5 of Division 2 of Class 7;
  - ii) 100 kilograms gross weight of Subdivisions 1, 3 and 4 of Division 2 of Class 7, or;
  - iii) 225 kilograms of explosives contained in ammunition of Division 1 of Class 6.

2.3 When Subdivisions 1, 3 and 4 of Division 2 of Class 7 are being displayed for sale they shall be displayed:

- a) in lots that do not exceed 25 kilograms each gross weight;
- b) in a package, glass case or other suitable receptacle away from flammable goods, and
- c) in a place where they are not exposed to the rays of the sun or excess heat.

2.4 Division 2 fireworks in excess of the quantities specified in Section 2.2 shall be kept in a licensed fireworks factory or magazine or in such other place as approved by the Chief Inspector.

2.5 The National Building/Fire Code of Canada 1995 and all amendments or any successor to that Code, dictates construction and storage for explosives and facilities must meet the specific requirements contained therein.

2.6 All packages containing fireworks must be clearly and conspicuously identified as such, ie. FIREWORKS.

- 2.7 Subject to any Provincial Law or Regulation or any other Municipal Bylaw as defined in Section 2.5, a person may, if reasonable precaution against accidents are observed, keep on his premises or in his possession for private use and not for sale:
- a) a quantity of Division 2 of Class 7 fireworks, not exceeding 10 kilograms gross weight, that were sold to him in accordance with these regulations;
  - b) any quantity of Christmas crackers and caps for toy guns.

### **3. SALE OF FIREWORKS**

- 3.1 No person shall knowingly sell any fireworks to a person who is under the age of 18 years according to *The Federal Explosives Act*.
- 3.2 For the purpose of this bylaw, fireworks does not include:
- a) caps for toy guns included in Subdivision I of Division 2 fireworks, and;
  - b) model rocket engines included in Subdivision 3 of Division 2 fireworks.
- 3.3 No person shall sell Subdivision 2 of Division 2 fireworks to another person unless that person is:
- a) an operator of a factory licensed to manufacture or to sell Subdivision 2 of Division 2 fireworks;
  - b) a legally appointed inspector;
  - c) an operator of a magazine licensed to store or to sell Subdivision 2 of Division 2 fireworks;
  - d) a person who has completed a fireworks training course approved by the Chief Inspector, or;
  - e) a person who has submitted evidence to the Chief Inspector that he has reasonable knowledge of and practical experience in the handling and use of Subdivision 2 of Division 2 fireworks.

- 3.4 No person shall sell Subdivision 5 of Division 2 fireworks to another person unless that person is engaged in the occupation for which the fireworks have been designed and authorized.
- 3.5 A record of sale of Subdivision 2 and 5 of Division 2 fireworks shall be kept by the seller in the manner indicated by the Chief Inspector and shall be open for inspection by an inspector of a peace officer as defined in the Criminal Code.

#### 4. **DISPLAYS**

##### 4.1 General

- a) A fireworks display may only be held by a regularly constituted group, association, or organization under the supervision of a fit and competent group.
- b) i) Except as provided for in Section 4.1 (b)(ii), a fireworks display shall be held only in public parks and other public places upon receipt and approval by the Fire Chief and shall be located at a safe distance from all highways, railroads, overhead wires, buildings or other structures and combustible material.
- ii) a pyrotechnic special effects display shall be held only in the locations approved by the Fire Chief and subject to obtaining a Pyrotechnic Special Effects events approval in accordance with Section 4.2
- c) No such group shall hold a fireworks display without having given five (5) working days prior written notice and upon having receipt of written approval signed by the Chief of Police or his designated officer, and shall show;
- i) the name and address of the group and its officer in charge of the display;
- ii) the date and place of the proposed display;
- iii) the name and qualifications of the person supervising the display.

- d) Such display shall be held at the time and place set out in the notice and under the direct supervision of the person named therein.
- e) A fireworks display shall be conducted in a manner consistent with all safety procedures and be held and continued only while all proper precautions are being observed to keep spectators at a safe distance, including the having of suitable fire extinguishers or other suitable means of extinguishing fires at hand.
- f) All unused fireworks and all debris shall be removed by the group holding the display immediately after the display and safely disposed of.

## 4.2 Pyrotechnic Special Effects

4.2.1 In addition to the provisions of Section 4.1 for the purpose of pyrotechnic special effects, the following requirements must be met:

a) Basic Requirement - Pyrotechnics Special Effects Certification:

When applying for event approval to use pyrotechnic special effects or high explosives, you must present to the Fire Chief or his designate at least five (5) working days prior to the event, a:

- i) Complete Event Approval application, identified as Schedule "A" attached hereto and forming part of this bylaw;
- ii) Valid Pyrotechnics Special Event Certification card of a class appropriate to the planned special effects;
- iii) Pyro Effects Plan or Letter of Intent;
- iv) The company or agent hired to perform the Pyrotechnics Special Effects, must carry a minimum of Two Million Dollars (\$2,000,000.00) Liability Insurance. Valid Policy must be supplied with application;

- v) Must be conducted in accordance with the Pyrotechnics Special Effects Manual approved by the Fire Chief.

b) The Pyro Effects Plan:

The City considers it necessary for Event Approval to have a Pyro Effects Plan. The contents of the plan must include:

- i) A sketch of the facility and stage;
- ii) The location of all pyrotechnic special effects;
- iii) The nature of the pyrotechnic articles as functioned, describing their height, diameter of effect or fallout and duration;
- iv) Sequence of firing;
- v) Audience location;
- vi) Exit locations (clearly marked);
- vii) Pyrotechnic storage area;

c) Letter of Intent:

In the case of Special Effects shows, it may be unrealistic to submit a Pyro Effects Plan. With the consent and approval of the City, a Letter of Intent containing the following information may be accepted:

- i) Location and date(s) of show;
- ii) The special effects to be used and their fabrications;
- iii) The anticipated results;
- iv) Safety measures to be taken;
- v) Method of determining safety distances;



- 4.2.2 Depending upon the facility noted as location of the event, the City may require an actual demonstration of the show involving pyrotechnics, so as to ascertain whether the event can be performed safely before a live audience.
- 4.2.3 Repeat performances without significant change from one show to the next, during the dates indicated on the event approval, do not require a second event approval.
- 4.2.4 All shows or events must have written approval granting permission for the show(s) to take place from the owner of the facility of the owner designated agent, prior to received approval from the City.
- 4.2.5 Written event approval must be in the Special Effects Coordinator's possession and available for inspection upon request by the Fire Chief or his designate.

**5. CONTROL AND SETTING OFF OF FIREWORKS**

- 5.1 No person shall set off or allow to be set off any fireworks in such a place or in such a manner as might create danger or cause harm to any person or property, or to do or cause or allow any unsafe act or omission at the time and place for the setting off of any fireworks.

**6. PENALTY**

- 6.1 Everyone who commits an offence under Sections 2 or 3 of this bylaw is guilty of a summary offence and liable to a fine of Seventy-Five (\$75.00) Dollars.
- 6.2 The following procedure shall apply for offences committed under Sections 2 or 3 of this bylaw:
  - a) the Fire Chief or any member of the Fire Department may issue a Notice of Bylaw Violation to every person committing an offence under this Section of the bylaw. This notice shall require the person to pay to the City Treasurer of Yorkton the amount named in Section 6.1;

- b) the fine may be paid;
  - i) in person, during regular working hours, to the cashier located at City Hall, Yorkton, Saskatchewan;
  - ii) by deposit, at the depository located at the main entrance to City Hall, Yorkton, Saskatchewan; or
  - iii) by mail, post marked within the prescribed fourteen (14) day period, to the office of the City Treasurer, City Hall, Box 400, Yorkton, Saskatchewan, S3N 2W3.
- c) if payment of the fine as provided for in this Section is made prior to the date when the person contravening the bylaw is required to appear in court to answer the charge, the person shall not be liable for prosecution of that offence;
- d) the amount of the fine under this Section shall be discounted to the amount of Fifty (\$50.00) Dollars if paid within fourteen (14) calendar days of the date of the Notice of Bylaw Violation, and upon payment, the person contravening the bylaw shall not be liable for prosecution for that offence;
- e) no person who is convicted of an offence for non-compliance with an order of a Fire Inspector is relieved from compliance with the order, and the convicting Provincial Magistrate or Justice of the Peace shall, in addition to any fine, order that person to do, within a specified period of time, any act or work necessary to remedy the non-compliance;
- f) any person who fails to comply with the order of a Judge made pursuant to subsection (c) is liable to a further fine of not more than Two Hundred (\$200.00) Dollars for each day during which he fails to comply.

6.3 Every person who contravenes Section 4 of this bylaw is guilty of an offence and liable on summary conviction to a fine of:

- a) Two Thousand (\$2,000.00) Dollars in the case of an individual;

- b) Five Thousand (\$5,000.00) Dollars in the case of a corporation, or, in default of payment by an individual, by imprisonment for a term of not more than ninety (90) days.

**7. SEVERABILITY**

7.1 If any section, subsection, sentence, clause, phrase or other portion of this bylaw is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the Court shall not effect the validity of the remaining portions of the bylaw.

- 8. Fireworks Bylaw No. 29/89 passed on the 20th day of November, 1989 is hereby repealed.

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MAYOR

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CITY CLERK

Introduced and read a first time this 28<sup>th</sup> day of April , A.D. 1997.

Read a second time this 28<sup>th</sup> day of April ,A.D. 1997.

Read a third time and adopted this 28<sup>th</sup> day of April , A.D. 1997.  
**Schedule "A"**

SPECIAL EFFECTS EVENT APPROVAL

PURCHASER:

Company: \_\_\_\_\_

Printed Name of Applicant: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Signature: \_\_\_\_\_

Sponsoring Organization: \_\_\_\_\_

Address: \_\_\_\_\_

Location of Event: \_\_\_\_\_

Date(s): \_\_\_\_\_

Certificate of Insurance (Minimum of \$2,000,000.00): \_\_\_\_\_

Special Effects Coordinator: \_\_\_\_\_ Expiry Date: \_\_\_\_\_

Class: \_\_\_\_\_

PERMISSION OF LOCAL AUTHORITY:

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Organization: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number(s): \_\_\_\_\_

"Pyro Plan" or "Letter of Intent": Yes \_\_\_\_\_ No \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_