

Town of Portugal Cove-St. Philip's

**Fireworks Regulations, 2022**

Pursuant to and by virtue of the powers conferred by Section 414 of the *Municipalities Act, 1999*, SNL 1999, c. M-24 as amended, the Town Council of the Town of Portugal Cove-St. Philip's enacts the following Fireworks Regulations.

**1.0 TITLE**

These Regulations may be cited as the "*Town of Portugal Cove-St. Philip's Fireworks Regulations, 2022*".

**2.0 INTERPRETATIONS**

- 2.1 "**Council**" shall mean the Town Council of Portugal Cove – St. Philip's.
- 2.2 "**Discharge**" shall mean firing, igniting, exploding, using, and setting off fireworks;
- 2.3 "**Employee**" or "**Employees**" shall mean any individual under an employment contract with the Town of Portugal Cove-St. Philip's including all members of staff, volunteers, contractors and members of Council.
- 2.4 "**Employer**" shall mean the Town of Portugal Cove-St. Philip's as represented by the Chief Administrative Officer or his/her designate.
- 2.5 "**Fireworks**" shall mean family fireworks, aerial fireworks, and pyrotechnics and:
  - (i) "**aerial fireworks**" shall mean 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**" shall mean 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**" shall mean 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;
- 2.6 "**Town**" shall mean the Town of Portugal Cove – St. Philip's.

**3.0 PURPOSE**

The Town of Portugal Cove-St. Philip's is committed to the safety and wellbeing of all residents as well as their ability to connect and celebrate with one another. The Town of Portugal Cove-St. Philip's is also committed to the protection of the environment and the prevention of unnecessary release and/or dispersal of harmful substances.

The purpose of these regulations is to provide clear guidance on the use of fireworks within the boundaries of this community.

#### **4.0 APPLICATION OF REGULATIONS**

These regulations shall apply to all persons wishing to discharge fireworks within the boundaries of Portugal Cove-St. Philip's.

##### **4.1 GENERAL**

- (a) No person shall discharge fireworks within the boundaries of the Town unless authorized under these regulations;
- (b) No person shall discharge or cause or allow to be discharged fireworks in such a manner as may create danger to any person or property, or do or cause or allow any unsafe act or omission in the discharging of any fireworks;
- (c) 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.

##### **4.2 FAMILY FIREWORKS**

- (a) No person shall discharge family fireworks within the boundaries of the Town except:
  - (i) Between the hours of 19:30 July 1 (Canada Day) and 00:30 of the following day;
  - (ii) Between the hours of 19:30 December 31 (New Year's Eve) and 00:30 of the following day;
  - (iii) And any other day and time as designated by Council.
- (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 4.2 (b) shall be given by posting to the Town website.
- (d) Notwithstanding section 4.2 (a), a person may discharge family fireworks outside July 1 (Canada Day) and December 31 (New Year's Eve) provided a permit from the Town is first obtained.
- (e) No person shall discharge family fireworks in, into, or on:
  - (i) Any building, structure, doorway, or vehicle;

- (ii) Any highway, street, lane, square, road, or other public place;
- (iii) Any land that they do not own unless the owner thereof has given prior written permission.

(f) No person under the age of eighteen (18) shall discharge family fireworks.

(g) Every person who discharges family fireworks shall have access to a fire extinguisher and bucket of water ready for immediate use at the site where the family fireworks are discharged.

(h) Every person who discharges family fireworks shall do so in accordance with the instructions printed on each item or package.

#### **4.3 AERIAL FIREWORKS AND PYROTECHNICS**

No person shall discharge aerial fireworks or pyrotechnics within the boundaries of the Town without first obtaining written authorization from Council.

#### **4.4 FIRE BAN**

Notwithstanding sections 4.1, 4.2, and 4.3, where a prohibition of the setting of fires in relation to the forest lands within or adjacent to the boundary of the Town of Portugal Cove-St. Philip's has been proclaimed under the Forestry Act, RSNL 1990 c F-23, as amended, and remains in effect, no person shall discharge fireworks within the boundaries of the Town.

### **5.0 CONTRAVENTION OF REGULATIONS**

Any person who neglects or fails to comply with or acts in contravention of these Regulations shall be guilty of an offense and shall be liable on Summary conviction to a penalty as provided for in Section 420 of the Act

### **6.0 REPEALS**

6.1 None.

### **7.0 AMENDMENTS**

7.1 None.

### **8.0 EFFECTIVE DATE / RESOLUTION**

8.1 Date effective: April 5, 2022. Motion #: 2022-143