

CITY OF HAMILTON

BY-LAW NO. 20-096

A By-law to Amend By-law No. 02-285 being a By-law to Regulate the Sale and Use of Fireworks and to amend City of Hamilton By-law No. 17-225, being a By-law to Establish a System of Administrative Penalties

WHEREAS the World Health Organization has declared a worldwide pandemic regarding the Novel Coronavirus (“**COVID-19 Pandemic**”);

AND WHEREAS on March 17, 2020, a Declaration of Emergency was made by the Province of Ontario pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E. 9 (the “**Act**”) related to the COVID-19 Pandemic;

AND WHEREAS on March 27, 2020 the Province of Ontario granted power to municipal law enforcement officers to enforce Orders issued by the Province under the *Act* (the “**Provincial Orders**”);

AND WHEREAS section 10(2) of the *Municipal Act, 2001*, S.O. 2001, c.25 (the “**Municipal Act, 2001**”) provides that a municipality may pass by-laws respecting the health, safety and well-being of persons;

AND WHEREAS the City of Hamilton considers it desirable to enact a by-law to support the intent and purpose of the Provincial Orders made under the *Act* in order to protect the health, safety and well-being of persons in the City of Hamilton by prohibiting the sale and use of fireworks in Hamilton during the COVID-19 Emergency Fireworks Ban;

AND WHEREAS the Fire Chief has recommended prohibiting the sale and use of fireworks in Hamilton to help prevent large gatherings and the spread of COVID-19, and to protect emergency response staff from inspecting more businesses than necessary and also to reduce the potential for fires at a time when emergency response teams are required to handle issues directly related to the COVID-19 emergency;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The amendments in this By-law include any necessary grammatical, numbering and letter changes.
2. That the following definition be added to the By-law:

“**COVID-19 EMERGENCY FIREWORKS BAN**” means the period of time commencing upon the date of passing this By-law until July 4, 2020 at 11:59pm.

3. That the following Sections shall have no force or effect during the Covid-19 Emergency Fireworks Ban:

Section 3 – Sale and Possession of Family Fireworks

Section 4 – Trailer Sales

Section 5 – Display of Fireworks for Sale

Section 6 – Use of Family Fireworks

Section 7 – Display Fireworks

Section 8 – Permits

Section 11 – Pyrotechnics

4. That the following Section 13 be added:

13. Temporary Ban on the Sale and Use of All Fireworks during the COVID-19 Emergency Fireworks Ban

13.1 No person shall possess, offer for sale, cause or permit to be sold, or sell any firecrackers, prohibited fireworks, display fireworks or family fireworks during the COVID-19 Emergency Fireworks Ban.

13.2 No person shall discharge, fire, set off or cause, or permit to be discharged, fired or set off any firecrackers, prohibited fireworks, display fireworks or family fireworks during the COVID-19 Emergency Fireworks Ban.

13.3 The prohibition against the possession of firecrackers, prohibited fireworks, display fireworks or family fireworks under subsection 13.1 does not apply with respect to firecrackers, prohibited fireworks, display fireworks or family fireworks that are within the City solely as a result of being in transit while being transported by railway, airline, trucking company or other public carrier.

13.4 Section 13 of this By-law is designated as a by-law to which the City's Administrative Penalties By-law applies.

13.5 Every person who contravenes any provision of this By-law, when given a penalty notice in accordance with the City's Administrative Penalties By-law, shall be liable to pay the City an administrative penalty in the amount specified in Schedule A of the City's Administrative Penalty By-law and any fees related thereto.

5. That Schedule A of By-law No.17-225 is amended by adding Table 24 titled By-law 02-285 Fireworks By-law (EMERGENCY FIREWORKS BAN 2020);

TABLE 24: BY-LAW NO. 02-285 Fireworks By-law (EMERGENCY FIREWORKS BAN 2020)				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	02-285	13.1	Possess, offer for sale, cause or permit to be sold, or sell any fireworks	\$500.00
2	02-285	13.2	Discharge, fire, set off or cause, or permit to be discharged, fired or set off any fireworks	\$500.00

6. That in all other respects, By-law 02-285 and By-law 17-225 are confirmed; and
7. That the provisions of this by-law shall become effective on the date approved by City Council and shall remain in force until July 4, 2020 at 11:59 pm, after which, all provisions of this amending by-law shall become null and void.

PASSED this 13th day of May, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk