

CITY OF NIAGARA FALLS

By-law No. 2003 - 92

A by-law to amend By-law 2001-31, being a By-law respecting the issuance of licences in the City of Niagara Falls.

WHEREAS the municipality has licensed the temporary sales of fireworks under Specific Location Daily Sales under the City's Licensing By-law (By-law 2001-31); and

WHEREAS due to past inconsistencies in the licensing of firework sales, staff was directed to come back with amendments to the appropriate by-law(s); and

WHEREAS these amendments only apply to the sale of fireworks at temporary locations, not the sale of fireworks at retail or permanent outlets.

THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:

1. That Schedule 26 to By-law 2001-31 is amended by adding to clause 1, the following subclause:
 - (3) "Specific location daily sales license for temporary fireworks sales" shall mean a license issued to every person who proposes to sell goods, wares and merchandise from a specific location within the Municipality for a limited number of days in the calendar year for specific civic holidays as noted herein and shall comply with the specific clauses 2, 5, 6, and 8 to 13, inclusive, of this schedule.
2. That Schedule 26 to By-law 2001-31 is amended by adding the following:
 13. "The specific location daily sales license for temporary fireworks sales" shall be available for only the four days immediately before the Victoria Day and the Canada Day civic holidays; and provided there is compliance with the following:
 - (1) All sales of fireworks shall occur after 9:00 a.m., but before 9:00 p.m.
 - (2) Every person prior to having issued to them a "specific location daily sales license for temporary fireworks sales" shall under this Schedule, provide proof of being in possession of a policy of comprehensive public liability insurance, on an occurrence basis against claims for personal or bodily injury, death, property damage or other claim; in the amount of at least \$5,000,000 naming the Corporation of the City of Niagara Falls as an additional insured but only with respect to its interest in the operations of the named insured. Such policy shall be in force for the time period for which the licensed is in

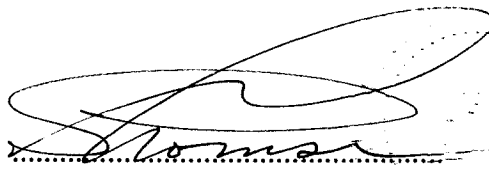
force.

- (3) Every applicant for a licence shall submit a site plan, showing the proposed location of the sales and storage of the fireworks in relation to the property line, existing buildings and parking spaces.
- (4) Prior to the issuance of a "specific location daily sales license for temporary fireworks sales" approvals shall be obtained from the Niagara Falls Fire Department.
- (5) No such site shall be the subject of an application for "specific location daily sales for temporary fireworks sales" unless the site is within an Industrial zone, in accordance to the City's Comprehensive By-law or within a General Commercial or Tourist Commercial zone, in accordance to the City's Comprehensive By-law and such sales area shall be located on the site in accordance to the minimum yard requirements of the Zoning By-law and shall not cause to eliminate required parking spaces for the use(s) presently being conducted on the site.
- (6) Notwithstanding the provisions of the Zoning By-law, the sales areas and storage facilities may or may not involve a tent or a vehicle subject to the regulations/ requirements of the City's Fire Department and Building & Inspections Division.
- (7) Storage procedures, transportation and handling of fireworks must adhere to the regulations dictated by the Explosives Regulatory Division, a branch of Natural Resources Canada.
- (8) Council may, by resolution, regulate the number of licenses to be issued to such vendors from time to time as it considers expedient.

3. That this by-law shall come into force on the day upon which it is passed.

Passed this twenty-eighth day of April, 2003.


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DEAN IORFIDA, CITY CLERK


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WAYNE THOMSON, MAYOR

First Reading: April 28, 2003.
Second Reading: April 28, 2003.
Third Reading: April 28, 2003.