TO: Chair and Members  
Economic Development and Planning  

WARD(S) AFFECTED: CITY WIDE  

COMMITTEE DATE: July 5, 2011  

SUBJECT/REPORT NO:  
Proposed Amendment to Fireworks By-Law (HES10008(a))(City Wide) (Outstanding Business List Item)  

SUBMITTED BY:  
Rob Simonds  
Fire Chief  
Hamilton Emergency Services - Fire  

PREPARED BY:  
Frank Biancucci  
Hamilton Emergency Services – Fire  
x7762  

Byrdena MacNeil  
Legal Services x4637  

SIGNATURE:  

Council Direction:  
Economic Development and Planning Committee at its meeting of October 5, 2010 approved the following: “That the opinion of a Constitutional lawyer on the issue of the By-law be obtained, and that staff report back to Committee thereafter.”  

Information:  
Further to Recommendation Report No. HES10008 (City Wide) approved by Economic Development and Planning Committee on October 5, 2010 and Council on October 13, 2010, City of Hamilton Legal Services has completed a review of By-law 02-285, being a by-law ‘To Regulate the Sale and Use of Fireworks’ (the “Fireworks By-law”), concerning its constitutionality as it relates to the celebration of religious and cultural occasions through the use of fireworks on days other than Victoria Day and Canada Day, as currently noted in the Fireworks By-law.  

Based upon the constitutional legal advice received, the review concludes that the limitations of the Fireworks By-law can be justified by the legislative objectives of safety and fire protection and prevention as set out in the current Fireworks By-law.