

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 142-2006

A By-law to regulate the possession and setting off of fireworks or any class or classes thereof and pyrotechnics special effects.

WHEREAS section 121 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (the "Act"), authorizes a municipality to pass by-laws to prohibit and regulate the setting off of fireworks or pyrotechnics, or any class or classes thereof, including requirements that a permit be obtained from the municipality prior to setting off such fireworks and imposing conditions on such permits and section 120 of the Act authorizes a municipality to pass by-laws to prohibit and regulate the storage, keeping and transportation of explosives and other dangerous substances;

AND WHEREAS the Council of the City of Vaughan deems it appropriate to prohibit and regulate the possession and use of certain fireworks, pyrotechnics or pyrotechnics special effects and to require that, prior to the setting off of any class of fireworks or pyrotechnics special effects within the City of Vaughan, a permit first be obtained from the City of Vaughan and all conditions related to the setting off of any class of fireworks or pyrotechnics special effects be complied with under this By-law including those provided in the Fireworks Manual or Pyrotechnics Special Effects Manual issued by the Explosives Regulatory Division, Natural Resources Canada, as the case may be;

NOW THEREFORE the Council of The Corporation of the City of Vaughan hereby ENACTS AS FOLLOWS:

TITLE

1. The short title of this By-law shall be the "Fireworks and Pyrotechnics By-law".

DEFINITIONS

2. (a) "Chief Fire Official" or "Fire Chief" means the Chief of the Fire and Rescue Service for the City of Vaughan or a person designated to act on his or her behalf;
- (b) "Chief Inspector of Explosives" means a person appointed by the Minister of Energy, Mines and Natural Resources or such other Minister as the Governor in Council may designate from time to time pursuant to the *Explosives Act*, R.S. 1985, c.E-17, section 13, as amended, or the *Explosives Regulations* made thereunder;
- (c) "City" means The Corporation of the City of Vaughan;
- (d) "Consumer Fireworks" means low hazard fireworks, generally having a recreational use, as classified and defined in the Explosives Regulations, C.R.C. c. 599, and any amendments or successor Regulations, made under the *Explosives Act*, R.S. 1985, c. E-17, as amended, including but not limited to fireworks showers, fountains, golden rain, lawn lights, pin wheels, roman candles, volcanoes, sparklers, Christmas crackers and caps for toy guns, but excluding "Display Fireworks" and "Prohibited

Fireworks", as such terms are defined in this By-law, and highway flares, fuses or other small distress signals;

- (e) "Display Fireworks" means high hazard fireworks as defined in the Explosives Regulations, C.R.C. c. 599, and any amended or successor Regulations, made under the *Explosives Act*, R.S. 1985, c. E-17, as amended, including but not limited to rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, batteries, illuminations, set pieces and pigeons, but excluding "Consumer Fireworks" and "Prohibited Fireworks", as such terms are defined in this By-law;
- (f) "Firecracker" means an explosive device that explodes when ignited and has no subsequent display or visible effect after the explosion, but excludes paper caps containing not more than twenty-five one-hundredths of a grain of explosive on average per cap, devices for use with such caps, marine rockets, highway flares, fuses or other small distress signals or safety flares;
- (g) "Fireworks Manual" means the manual published by the Explosives Regulatory Division, Natural Resources Canada, as amended from time to time;
- (h) "Fireworks Supervisor" means a person who is the holder of a valid Fireworks Supervisor Certificate issued under the authority of the *Explosives Act*, R.S. 1985, c. E-17, as amended, or any Regulations made thereunder;
- (i) "Highway" means a highway, road, street or lane as defined in the *Highway Traffic Act*, R.S.O. 1990, c.H.8, as amended;
- (j) "Licence" means a business licence issued by the City pursuant to the Licensing By-law, 2006, being City of Vaughan By-law Number 315-2005, as amended;
- (k) "Licensing Officer" means an employee or officer of the City responsible for the enforcement of the provisions of the Licensing By-law, 2006, being By-law Number 315-2005, as amended, and this By-law;
- (l) "Motor Vehicle" means motor vehicle as defined in the *Highway Traffic Act*, R.S.O. 1990, c.H.8, as amended;
- (m) "Permit" means permission to set off, discharge, fire or to hold a display of Consumer Fireworks (excepting only on Victoria Day or Canada Day), Display Fireworks or Pyrotechnics special effects, or to hold a pyrotechnics special effects event, issued by the City in accordance with the terms of this by-law and signed by the Fire Chief, on a form approved from time to time by the Fire Chief;
- (n) "Person" includes a natural individual, a corporation, partnership, proprietorship or other form of business association and the heirs, executors, administrators, successors and assigns, or other legal representatives thereof, or a receiver or mortgagee in possession;

- (o) "Prohibited Fireworks" means fireworks included on the most recent list of prohibited fireworks or explosives set out in the *Explosives Act*, R.S. 1985, c. E-17, as amended, and any Regulations made thereunder, including but not limited to cigarette loads or pings, exploding matches, sparkling matches, ammunition for miniature tie clip, cufflink or key chain pistols, auto alarms or jokers, cherry bombs, M-80's, silver salutes and flash crackers; throw down and step on torpedoes, crackling balls, exploding golf balls, stink bombs and smoke bombs, tear gas pens and launchers, party peppers and table bombs, table rockets and battle sky rockets, fake firecrackers and other similar trick devices or practical joke devices;
- (p) "Pyrotechnician" means a person who is the holder of a valid Pyrotechnic Certificate in one or more of the four classes of certification, including Theatrical User, Assistant, Pyrotechnician and Special Effects Pyrotechnician, as issued under the authority of the *Explosives Act*, R.S. 1985, c. E-17, as amended, or the *Explosives Regulations* made thereunder;
- (q) "Pyrotechnics" and "Pyrotechnics Special Effects" means high hazard fireworks as defined in the *Explosives Act*, R.S. 1985, c. E-17, as amended, and any Regulations made thereunder, including but not limited to large distress signals, sound, pyrotechnic and smoke signals, railway track signals, distress and line-throwing rockets, salutes, theatrical effects and wildlife control devices;
- (r) "Pyrotechnics Special Effects Manual" means the manual published by the Explosives Regulatory Division, Natural Resources Canada, as amended from time to time.

FIRECRACKERS AND PROHIBITED FIREWORKS

3. No person shall use, set off, discharge, fire, cause or permit to be set off, discharged or fired, or possess for the purpose of being set off, discharged or fired any Firecrackers or other Prohibited Fireworks.

CONSUMER FIREWORKS

4. (1) No person shall set off, discharge, fire or cause or permit to be set off, discharged or fired, or hold a display of any Consumer Fireworks at any time, except on Victoria Day or Canada Day in any year, without first having obtained a Permit issued by the City in accordance with the terms of this by-law and signed by the Fire Chief.
- (2) Any Permit issued under subsection 4(1) shall define the location where the Consumer Fireworks are to be set off, discharged or fired or a display is to be held, the type and kind of Consumer Fireworks which are to be set off, discharged or fired, the methods and means which may be used to set off the Consumer Fireworks, the manner and means of restraining unauthorized persons from attending near the location where the Consumer Fireworks are to be set off, the manner in which unused Consumer Fireworks are to be disposed of, and the

- number of persons authorized to handle and set off the Consumer Fireworks, each of whom who shall be a responsible and competent individual of at least eighteen (18) years of age.
5. Whether or not a permit must first be obtained in accordance with subsection 4(1) for Consumer Fireworks, no person shall set off, discharge, fire or cause or permit to be set off, discharged or fired, or hold a display of any Consumer Fireworks at any time as follows:
- (a) at a location, site, date or time other than that specified in any Permit, as issued;
 - (b) notwithstanding subsection (1), on any land or site that is not owned by him or her, unless the prior written permission has been obtained from the owner, lessee or other person in charge of such land and the date is clearly specified in the written permission;
 - (c) into, inside of, or on any building, accessory building, structure or motor vehicle;
 - (d) into, in, or on any highway, road, street, lane, square, park or other public place which the public or any member thereof has access to, may have access to, uses or may use;
 - (e) on any land within fifteen (15) metres from any of the following:
 - (i) Gas pumps at a gas station;
 - (ii) Retail propane-dispensing tanks;
 - (iii) Above-ground storage tanks for flammable liquid or flammable gas; or
 - (iv) Compressed natural gas dispensing facilities; or
 - (f) in a manner or at a location that causes the discharge, smoke, residue or fallout of the fireworks on the land of another person or to encroach on the property of another person, or that creates a nuisance, or that creates or may create an unsafe condition, danger from fire or risk of accident, injury or damage at or in respect of any place, location or site, or in respect of any person, property or thing.
6. No person without first obtaining a Permit under this By-law and without having in his or her possession a valid Licence under the Vaughan Licensing By-law, being By-law Number 315-2005, as amended, or any successor thereto, shall possess more than ten (10) kg of Consumer Fireworks on his or her premises.
7. No parent or guardian of any person under the age of eighteen (18) years shall allow or permit such minor person to set off, discharge or fire or cause or permit to be set off, discharged or fired any Consumer Fireworks.
8. Every person who sets off, discharges or fires, or who causes or permits to be set off, discharged or fired, or holds a display of any Consumer Fireworks shall provide and maintain fully operational fire extinguishing equipment, including portable fire extinguishers or charged garden hose, ready for immediate use and present at all times, and for at least thirty (30) minutes thereafter, at the location or site of the setting off of the said Consumer Fireworks.

DISPLAY FIREWORKS

9. (1) No person shall set off, discharge, fire or cause or permit to be set off, discharged or fired, or hold a display of any Display Fireworks at any time, without first having obtained a Permit issued by the City in accordance with the terms of this by-law and signed by the Fire Chief.

(2) No person other than a Fireworks Supervisor may make application in writing to the City's Fire Chief for a Permit under subsection 9(1) to set off, discharge, fire or cause or permit to be set off, discharged or fired, or to hold a display of Display Fireworks.

10. Every application for a Permit under subsection 9(1) shall include:

- (a) proof of comprehensive general liability insurance in an amount not less than Five Million Dollars (\$5,000,000.), naming The Corporation of the City of Vaughan as an additional insured, and, where applicable, naming The Regional Municipality of York also as an additional insured, and containing an approved cross-liability clause; and,
- (b) proof that the applicant for a Permit has been approved by the Chief Inspector of Explosives as a Fireworks Supervisor by providing a copy of the applicant's Fireworks Supervisor Certificate;
- (c) a description of the site to be used for the setting off of the Display Fireworks as per the City's current Fireworks Manual, sufficient to identify and locate the site, the set off, discharge or firing area, the fallout area, and the safety distance from the audience or any members of the public, and, where more than one site is proposed, a separate application shall be made for each site;
- (d) an Indemnification Agreement signed by the person duly authorized to bind the applicant; and
- (e) such further and other information as the Fire Chief may require.

11. Every Permit issued under subsection 9(1) of this by-law shall specify the name of the applicant, define the location where the Display Fireworks are to be set off, discharged or fired or where the Display Fireworks may be or are to be set off, and the methods and means which may be used to set off the Display Fireworks, the manner and means of restraining unauthorized persons from attending near the location where the Display Fireworks are being set off, the manner in which unused Display Fireworks are to be disposed of, and the number of persons authorized to handle and set off the Display Fireworks, each of whom who shall be responsible and competent individuals of at least eighteen (18) years of age.

12. No person shall set off, discharge, fire or cause or permit to be set off, discharged or fired, or hold a display of any Display Fireworks at any time as follows:

- (a) at a location, site, date or time, other than as specified in the Permit, as issued;
- (b) outside the site boundaries as specified in the Permit, as issued;
- (c) on any land or site that is not owned by him or her, unless the prior written permission has been obtained from the owner, lessee or other person in charge of such land and the date is clearly specified in the written permission;
- (d) into, in or on any highway, street, lane, square or other public place, which the public or any member thereof has access to, may have access to, uses or may use;

- (e) within three hundred (300) metres of any premises or place where explosives, gasoline or other highly flammable liquid or gas substances or compounds are manufactured or stored in bulk;
 - (f) within three hundred (300) metres of a hospital, nursing home, home for the aged, church or school unless the consent of the City and the owner or authorized representative thereof is obtained.
13. Nothing in clause 12(d) shall prohibit the setting off or holding of a display of Display Fireworks in a public place in accordance with the provisions of this By-law and any permit issued under subsection 9(1).
14. (1) No person, except a Fireworks Supervisor being the holder of a valid Certificate or Card for the category of Supervisor, shall set off, discharge, fire or cause or permit to be set off, discharged or fired, or hold a display of any Display Fireworks.
- (2) The Fireworks Supervisor, who is named in the application for a Permit, shall be present in person at all times when the Display Fireworks are being set up, set off, discharged or fired, and when the site is being cleaned up.
15. Notwithstanding any other provision of this By-law, no person shall set off, discharge or fire, or continue to set off, discharge or fire, cause or permit to be set off, discharged or fired, or hold a display of any Display Fireworks in a manner that creates or may create, at or in respect of any place, location or site, or in respect of any person, property or thing, any of the following:
- (a) a nuisance;
 - (b) an unsafe condition;
 - (c) a danger from fire; or
 - (d) a risk of accident, injury or damage.
16. Every person who sets off, discharges, fires, or causes or permits to be set off, discharged or fired, or holds a display of any Display Fireworks shall at all times provide and maintain fully operational fire extinguishing equipment, including portable fire extinguishers or charged garden hose, present and ready for immediate use, and for a reasonable time thereafter, at the site or location where the Display Fireworks may be set off, discharged or fired.

PYROTECHNICS SPECIAL EFFECTS

17. (1) No person shall use, set off, discharge, fire or cause or permit to be used, set off, discharged or fired any Pyrotechnics or Pyrotechnics Special Effects, or hold a display of Pyrotechnics Special Effects, or hold a Pyrotechnics Special Effects event at any time, without first having made an application in writing for a Permit at least 48 hours prior to the use or event taking place and without first having obtained a Permit issued by the City in accordance with the terms of this by-law and signed by the Fire Chief.
- (2) No person other than a Pyrotechnician may make application in writing to the Fire Chief for a Permit to set off, discharge, fire, or cause or permit to be set off, discharged or fired, or hold a

display of Pyrotechnics or Pyrotechnics Special Effects, or hold a Pyrotechnics Special Effects event.

18. Every application for a Permit under subsection 17(1) shall include:

- (a). proof of comprehensive general liability insurance in an amount not less than Five Million Dollars (\$5,000,000.), naming The Corporation of the City of Vaughan as an additional insured, and, where applicable, naming The Regional Municipality of York also as an additional insured, and containing an approved cross-liability clause;
- (b) proof that the applicant for a permit has been approved by the Chief Inspector of Explosives as a Pyrotechnician by providing a copy of Pyrotechnic Certificate of the appropriate class;
- (c) a description of the site to be used for the setting off of the Pyrotechnics or pyrotechnic special effect as per the current as per the City's current Pyrotechnics Special Effects Manual, sufficient to identify and locate the site, position of the audience, all exits, pyrotechnic storage area, location of smoke detectors and heat detectors, and a list of all pyrotechnics to be employed, together with:
 - (i) the nature of the pyrotechnic articles to be functioned, used or employed,
 - (ii) the placement of all pyrotechnics,
 - (iii) the sequence of firing, and
 - (iv) their application to the event;
- (d) an Indemnification Agreement signed by the person duly authorized to bind the applicant; and
- (e) such further and other information as the Fire Chief may require.

19. Every Permit issued under subsection 17(1) shall specify the name of the applicant, the name of the sponsoring organization, if applicable, the date, time and a sufficient description of the site, location or venue of the event, and the Pyrotechnics or Pyrotechnics Special Effects to be employed as required under clause 18 (c).

20. No person shall set off, discharge or fire, or cause or permit to be set off, discharged or fired, or hold a display of Pyrotechnics or Pyrotechnics Special Effects, or hold a Pyrotechnics Special Effects event, at a date, time, location or site other than that specified in the Permit, as issued.

21. Notwithstanding section 20, no person shall set off, discharge or fire, or cause or permit to be set off, discharged or fired, or hold a display of Pyrotechnics or Pyrotechnics Special Effects, or hold a Pyrotechnics Special Effects event, on any land or site, or at any location or premises, unless the prior written permission has been obtained from the owner, lessee or other person in charge of such land or site and the date is clearly specified in the written permission.

GENERAL

22. All fees payable prior to the issuance of any Permit under this by-law are as set out from time to time in the City's Fees and Charges By-law, being By-law Number 396-2002, as amended.

23. Any Permit issued under this by-law is not transferable to any other person.

24. Every Permit issued under subsection 4(1) or 9(1) of this by-law shall specify the name of the applicant, the name of the sponsoring organization, the name of the Fireworks Supervisor, if applicable, a sufficient description of the site, location or venue of the display to enable it to be readily identified and located, and the date and time for the setting off, firing or discharging of any Consumer Fireworks or Display Fireworks.
25. Every person to whom a Permit is issued under subsection 4(1), 9(1) or 17(1) of this by-law shall produce the Permit forthwith upon demand by any person authorized to enforce this By-law.
26. (1) Every person to whom a Permit is issued under subsection 9(1) of this by-law shall conform to the provisions of the current issue of the Fireworks Manual for setting off, discharging or firing or holding of a display of Display Fireworks.
(2) Every person to whom a Permit is issued under subsection 17(1) of this by-law shall conform to the provisions of the current issue of the Pyrotechnics Special Effects Manual for setting off, discharging or firing Pyrotechnics or Pyrotechnics Special Effects, or holding a Pyrotechnics Special Effects event.
27. Every applicant for a Permit under this by-law and every other person who sets off, discharges or fires, or causes or permits to be set off, discharged or fired any Consumer Fireworks, Display Fireworks or Pyrotechnics or Pyrotechnics Special Effects, or holds a Consumer Fireworks or Display Fireworks display, or holds a Pyrotechnics Special Effects event, at all times during the set-up, setting off, discharge or firing and during the dismantling of the fireworks or pyrotechnics, shall permit the entry by and inspection of the site, fireworks, pyrotechnics, pyrotechnics special effects, and any equipment to be employed, by any person(s) authorized to enforce this by-law.
28. Every applicant for a Permit under this by-law shall during regular operating hours as specified on the Permit make available for inspection by any person authorized to enforce this by-law the original of any document or record referred to in or related to the application for a Permit.
29. In the event of non-compliance by any person with any of the provisions of this by-law or any condition of any Permit issued under this by-law, the Fire Chief, any Licensing Officer for the City or any By-law Enforcement Officer for the City may immediately revoke the Permit and, within 72 hours thereafter, shall cause the person to be served with a written Notice of Revocation including the reason(s) for revocation, and upon service of the Notice of Revocation, the permit holder shall forthwith surrender the Permit to the City.
30. In the event a permit holder fails to forthwith surrender the Permit to the City as required under section 29, the Permit shall be deemed to have been revoked and surrendered.
31. Wherever any notice, materials or other process are required to be served upon or provided to any person pursuant to this By-law, such service or provision shall be deemed effective upon the date of mailing of the notice, materials or other process by registered mail to the last address of the person as set out in any application for a Permit or other material filed with the City, or if no application, to the last address for the person set out on the Assessment Roll records for the City.
32. The following persons are authorized to enforce this By-law:

- (1) The Fire Chief, or designate(s);
- (2) Any authorized Licensing Officer or By-law Enforcement Officer for the City; and
- (3) The Police Chief of the York Regional Police, or designate(s).

33. No person shall fail to forthwith upon demand permit the entry on, into or in any premises, building or lands for inspection or permit the inspection of any Permit, document or other material required by this by-law by any person authorized to enforce this by-law, including where an application for a Permit for Consumer Fireworks, Display Fireworks, or Pyrotechnics or a Pyrotechnics Special Effects event, is being processed by the City or a Permit has been issued.

OFFENCES AND PENALTIES

34. Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine in accordance with the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended.

35. The making of a false or intentionally misleading statement, representation or any other recital of fact, in any application form, statutory declaration or other document or agreement required for a Permit under this by-law shall be deemed to be a violation of the provisions of this by-law.

36. Every person shall comply with all provisions of this by-law applicable to him or her, whether or not the person has applied for or obtained a Permit under this by-law.

MISCELLANEOUS

37. The provisions of this by-law shall apply to all lands and premises within the City of Vaughan.

38. Should any section or part thereof of this By-law be declared invalid by a court of competent jurisdiction, such section or part thereof shall be construed as being severed from this by-law and the remainder of the by-law shall continue in full force and effect.

39. This By-law comes into force and effect on the date of its enactment.

READ a FIRST, SECOND and THIRD time and finally passed this 8th day of May, 2006.

Michael Di Biase, Mayor

J. D. Leach, City Clerk