

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 369-2004

A By-law to provide for the issuing, revoking, and/or suspending of permits and for regulating and inspecting display and theatrical fireworks within the City of Vaughan.

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

1.0 TITLE

This By-law shall be known as the “Display and Theatrical Fireworks By-law”.

2.0 DEFINITIONS

“**Chief Fire Official**” means the Chief of the Fire Department for the City of Vaughan, or a person designated to act on his or her behalf;

“**Chief Inspector of Explosives**” means a person appointed by the Minister of Natural Resources pursuant to the *Explosives Act*, R.S.C. 1993, c. E-17, Section 13, as amended;

“**City Clerk**” means the Clerk of the City of Vaughan, as appointed under the authority of the *Municipal Act*, c.M.45, 1990, as amended;

“**Clerk’s Department**” means the Clerk’s Department of the City of Vaughan;

“**Display Fireworks**” means high-hazard fireworks for recreation, including firecrackers, that are defined under the *Explosives Act*, R.S.C. 1993, c. E-17, as amended, and the Explosives Regulations made thereunder, and includes, but is not limited to, rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, batteries, illuminations, set pieces and pigeons;

“**Firecracker**” means a pyrotechnic device that explodes when ignited and does not make any subsequent display or visible effect after the explosion but does not include 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, safety flares or marine rockets;

“**Fireworks, Theatrical**” means an authorized explosive as defined in the *Explosives Act*, Explosives Regulations (C.R.C. c.599), that is made, manufactured or used to produce a pyrotechnic theatrical effect in connection with a motion picture, theater or television production or with a performance, before a live audience;

“**Fireworks Supervisor**” means a person certified as a technician under the *Explosives Act*, R.S.C. 1993, c. E-17, as amended, to conduct fireworks displays;

“**Magazine**” means any building, storehouse, structure or place as defined in the *Explosives Act*, R.S.C. 1993, c. E-17, as amended;

“**Permit**” means permission to hold a fireworks display granted by the City of Vaughan on a completed form, signed and issued by the Chief Fire Official;

“**Person**” includes a natural individual, and their heirs, executors, administrators or other legal representatives, a corporation, partnership or other form of business association or a receiver or mortgagee in possession;

3.0 PROVISIONS

- (1) No person shall offer for sale, cause or permit to be sold, sell or possess
Display Fireworks and/or Theatrical Fireworks unless the fireworks are

included on the most recent list of authorized explosives as published from time to time by the Explosives Branch of Natural Resources Canada, or its successors.

- (2) No person shall possess, set off, or hold a display of Display Fireworks and/or Theatrical Fireworks without a Permit issued by the Clerk's Department and signed by the Chief Fire Official. Such permits shall define the location where the Display Fireworks and/or Theatrical Fireworks are to be set off, the type and kind of Display Fireworks and/or Theatrical Fireworks which may be set off, the methods and means which may be used to set off the Display Fireworks and/or Theatrical Fireworks, the manner and means of restraining unauthorized persons from attending too near the location where the Display Fireworks and/or Theatrical Fireworks are being set off, the manner in which unused Display Fireworks and/or Theatrical Fireworks are to be disposed of, and the number of persons authorized to handle and set off the Display Fireworks and/or Theatrical Fireworks.
- (3) Persons authorized to handle and set off fireworks shall be responsible and competent individuals of at least eighteen years of age.
- (4) Any person certified as a Fireworks Supervisor shall make application in writing to the City's Chief Fire Official for a Permit to set off or hold a display of Display Fireworks and/or Theatrical Fireworks.
- (5) Every application for a permit under this By-law shall include:
 - a) An application fee of one hundred fifty dollars (\$150.00);
 - b) Proof of comprehensive general liability insurance in an amount no less than five million dollars (5,000,000.00), naming the City of Vaughan as additional insured, and where applicable, naming The Regional Municipality of York also as additional insured, and containing a cross liability clause;
 - c) Proof that the applicant has been approved by the Chief Inspector of Explosives as a Fireworks Supervisor by providing a copy of Fireworks Supervisor's License;
 - d) A description of the site to be used for the setting off of the Display Fireworks, sufficient to identify and locate the site, and, where more than one site is proposed, a separate application shall be made for each site;
 - e) Such further and other information as the Chief Fire Official may require;

- f) An Indemnification/Liability Agreement signed by the applicant or by an individual having the authority to bind the applicant.
 - g) Written approval from the owner or authorized agent of the property or properties described in Section 3.0 (5) (d).
- (6) Every permit issued under this By-law 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 for the setting off or display of Display Fireworks to enable it to be identified and located.
- (7) No person shall set off or hold a display of Display Fireworks at a date, time, location or site other than that specified in the permit.
- (8) No person shall exhibit, display, offer for sale, cause or permit to be sold or sell Display Fireworks unless prior to the sale the fireworks are kept and maintained in a magazine licensed by the Explosives Branch of Natural Resources Canada.
- (9) Every person to whom a permit is issued under this By-law shall:
 - a) Provide and maintain fully operational fire extinguishing equipment ready for immediate use, and present at all times and for a reasonable period thereafter, at the location or site of the setting off or holding of a display of Display Fireworks;
 - b) Conform to the provisions of the current issue of the Fireworks Manual as published from time to time by the Explosives Branch of Natural Resources Canada, or any successor publication, for the setting off or holding of a display of Display Fireworks;
 - c) Produce the permit on demand by any person authorized to enforce the By-laws of the City of Vaughan;
 - d) Permit the inspection of any site where the Display Fireworks may be stored, set off or displayed, and the Display Fireworks themselves together with all associated equipment, by anyone authorized to enforce this By-law, forthwith upon demand.
- (10) No person, except a Fireworks Supervisor shall set off any Display Fireworks.
- (11) The Fireworks Supervisor who is named on the permit application shall be present in person at the display at all times during which the display is being set up, fired and cleaned up.
- (12) No person shall set off Display Fireworks outside the permitted site boundaries as outlined on the permit issued by the Chief Fire Official.

- (13) No person shall set off Display Fireworks within three hundred (300) metres of any premises or place where explosives, gasoline or other highly flammable substances are manufactured or stored in bulk.
- (14) No person shall set off Display Fireworks 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 of said property thereof is first obtained.
- (15) Notwithstanding any other provision of this By-law, no person shall set off or continue to set off Display Fireworks in a manner that creates or may create a nuisance or that creates or may create an unsafe condition, danger from fire or from risk of accident, injury or damage at or in respect of any place, location or site, or to or in respect of any person, property or thing.
- (16) No person shall set off Display Fireworks, into, in or on any highway, street, lane, square or other public place which the public or any member thereof uses or may use.

4.0 **NOTICE OF COMPLIANCE**

- (1) In the event of non-compliance with any of the provisions of this By-law by any person, a Notice to Comply may be issued and served upon such person, by any person authorized to enforce the By-laws of the City of Vaughan.
- (2) Every person to whom a Notice to Comply is issued, or upon whom a Notice to Comply is served, shall, forthwith, take such steps as are necessary to comply with the Notice within the time provided for compliance.

5.0 **OFFENCES AND PENALTIES**

- (1) Every person who contravenes any provisions of this By-law and every director or officer of a corporation who concurs in such contravention by a corporation, is guilty of an offence and, upon conviction, is liable to a fine not exceeding twenty-five thousand dollars (\$25,000.00), or to imprisonment for a term not exceeding one (1) year, or to both;
- (2) Where a corporation is convicted of an offence under this By-law, the maximum penalty that may be imposed on the corporation is fifty thousand dollars (\$50,000.00), and not as provided in Section 4.0 (1).

6.0 **TERM**

This By-law shall come into effect on the 1st day of January, 2005 and shall remain in effect until it is amended or repealed.

READ a FIRST, SECOND and THIRD time and finally passed this 6th day of December, 2004.

Michael Di Biase, Mayor

J. D. Leach, City Clerk