

The Corporation of the City of Richmond Hill

By-law 84-26

A By-law to regulate the use and sale of Fireworks in the City of Richmond Hill.

Whereas Section 120(1) of the Municipal Act, 2001 authorizes a municipality to prohibit and regulate the manufacture, storage, keeping and transportation of explosives and dangerous substances in the municipality, including requiring permits and imposing conditions for obtaining, continuing to hold and renewing such permits, including requiring the submission of plans;

And Whereas Section 121 of the *Municipal Act, 2001*, S.O. 2001, c.25, (the "Municipal Act, 2001") authorizes a municipality to prohibit and regulate the sale and the setting off of fireworks, including requiring permits, and imposing conditions for obtaining, continuing to hold and renewing such permits, and requiring the submission of plans;

And Whereas Section 391 of the Municipal Act, 2001 authorizes municipalities to impose fees or charges for services or activities, and Section 398 of the Municipal Act, 2001 provides that fees and charges imposed by a municipality on a person constitute a debt of the person to the municipality;

And Whereas Section 429(1) of the Municipal Act, 2001 authorizes a municipality to establish a system of fines for offences under a by-law enacted pursuant to the Municipal Act, 2001, and Section 434.1 authorizes a municipality to establish a system of administrative penalties for contraventions of designated by-laws;

And Whereas Section 436 of the Municipal Act, 2001 authorizes a municipality to pass by-laws providing that the municipality may enter on to land at any reasonable time for the purpose of carrying out an inspection to determine whether or not there is compliance with a by-law, a direction or order, or condition of a license which includes a permit;

And Whereas Section 444 of the Municipal Act, 2001 authorizes a municipality to issue orders requiring the discontinuance of activities that contravene a by-law enacted under the Act, and to require compliance within a specific time, and to provide that failure to comply with such an order constitutes an offence;

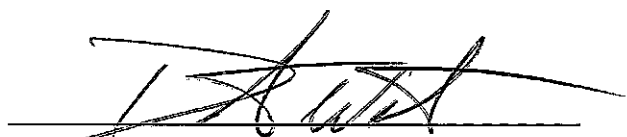
And Whereas Section 445 of the Municipal Act, 2001 authorizes a municipality to issue a work order requiring persons to do work to correct contraventions of a by-law enacted under the Act, to require such work within a specified time, and to provide that failure to comply with such a work order constitutes an offence;

And Whereas the Council of the City of Richmond Hill deems it appropriate and necessary to prohibit and regulate the possession, discharge, storage and sale of various classifications of fireworks, including pyrotechnics, and to require permits for the sale and discharge of certain classifications of fireworks, and to impose conditions respecting such activities in accordance with this By-law, the *Explosives Act*, R.S.C., 1985, C. E-17, and the regulations made thereunder.

**Now Therefore The Council Of The Corporation Of The City Of Richmond Hill
Enacts As Follows:**

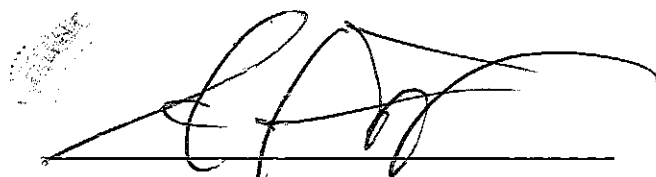
1. That this By-law No. 84-26 be effective upon enactment.

Passed this 16 day of September, 2026.

A handwritten signature in black ink, appearing to read 'David West', written over a horizontal line.

David West

Mayor

A handwritten signature in black ink, appearing to read 'Stephen M.A. Huycke', written over a horizontal line.

Stephen M.A. Huycke

City Clerk

ARTICLE 1 – Interpretation and Definitions

1.1 Short Title

This By-law may be referred to as the “Fireworks By-law”.

1.2 Definitions

In this by-law, the following words shall have the following meanings:

“Administrative Penalty By-law” means the City’s Administrative Penalty By-law No. 69-16, as amended or superseded, establishing a system of administrative penalties;

“Applicable Laws” means all applicable statutes, regulations, City by-laws, orders and requirements of governmental or public authorities having jurisdiction;

“Applicant” means a Person applying for a Vendor Permit or Discharge Permit under this By-law;

“Building” means any structure used or intended for supporting or sheltering any use or occupancy;

“City” means The Corporation of the City of Richmond Hill;

“Commissioner” means the Person occupying the office of Commissioner of Community Services for the City, or a successor office as the case may be;

“Consumer Fireworks” means low-hazard Fireworks classified as Type F.1 explosives under the Explosives Act, intended for recreational use by the general public, and do not include Novelty Devices, Display Fireworks, Special Effect Pyrotechnics and Prohibited Fireworks;

“Council” means the Council of the City;

“Discharge, Discharging or Discharged” means the firing, igniting, exploding or setting off;

“Discharge Permit” means a permit issued by a Municipal By-law Enforcement Officer pursuant to this By-law authorizing a Person to Discharge Fireworks;

“Display Fireworks” means high-hazard Fireworks classified as Type F.2 explosives under the Explosives Act, intended for use by certified individuals for public display, and do not include Novelty Devices, Consumer Fireworks, Special Effect Pyrotechnics and Prohibited Fireworks;

“Display Fireworks Manual” means the Display Fireworks Manual, as amended, published by the Explosives Regulatory Division of Natural Resources Canada under the Explosives Act, and includes any successor document or replacement manual issued by Natural Resources Canada respecting the safe handling, storage, transportation, and use of fireworks;

“Explosives Act” means the *Explosives Act*, R.S.C. 1985, c. E-17, as amended, including the *Explosives Regulations*, 2013 (SOR/2013-211), as amended, or superseded;

“Fire Chief” means the individual appointed as fire chief for the City’s fire department pursuant to the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c.4, or their designate;

“Fireworks” means Consumer Fireworks, Display Fireworks and Special Effect Pyrotechnics, and excludes Novelty Devices;

“Highway” means a common and public highway and includes any bridge, trestle, viaduct or other structure forming part of the highway and, except as otherwise provided, includes a portion of a highway;

“Information Package” means any printed or electronic information or materials provided by the City to an Applicant for a Vendor Permit or Discharge Permit prescribing safety instructions for the selling or Discharge of Fireworks, including a copy of this By-law and any safety information related to the Discharge or Sale of Fireworks, as may be amended or supplemented from time to time;

“Municipal Act, 2001” means the *Municipal Act, 2001 S.O. 2001 c.25, as amended*;

“Municipal By-law Enforcement Officer” means an individual appointed for the purpose of enforcing the provisions of this By-law or any other by-law of the City and may include the Fire Chief, the Prevention Chief, Fire Prevention Officers, Fire Inspectors, By-law Enforcement Officers, Provincial Offences Officers, a police officer, and any other employees or officers that have been designated by the Commissioner to enforce this By-law;

“Natural Resources Canada” means the department of the Government of Canada responsible for the administration of the Explosives Act, including the Explosives Regulatory Division, or any successor branch responsible for regulating explosives and fireworks;

“Novelty Devices” means a device classified as Type F.5 explosive by the Explosives Act which produces limited visible and audible effects, contains small amounts of pyrotechnic or explosive composition, and includes devices such as and not limited to sparklers, caps for toy pistols and party poppers;

“Nuisance” means any activity or condition that causes or is likely to cause unreasonable disturbance, discomfort or inconvenience to any Person, or that causes excessive noise, smoke, vibration, odour, debris or interference with the reasonable enjoyment of Property;

“Order” means an order to discontinue an activity issued under this By-law, pursuant to Section 444 of the Municipal Act;

“Penalty Notice” means a notice given to a Person pursuant to Part 4 of the Administrative Penalty By-law;

“Permanent Fireworks Sale Premises” means a retail outlet located within a Building which is managed or owned by a Permanent Fireworks Vendor;

“Permanent Fireworks Vendor” means a Person who sells Fireworks year-round from a Permanent Fireworks Sale Premises and who holds a valid Vendor Permit issued under this By-law;

“Person” includes an individual, and their heirs, executors, administrators or other legal representatives, a corporation and any of its officers or directors, a partnership or other form of business association or a receiver or mortgagee in possession and includes a Property Owner and Vendor;

“Possess or Possessing or Possession” means to have physical custody of or control, whether directly or indirectly;

“Prohibited Fireworks” means any Fireworks explicitly prohibited under the Explosives Act or any Fireworks that are not included on the most recent list of authorized Fireworks published by the Explosives Regulatory Division of Natural Resources Canada, or any successor organization;

“Property” means any lands or premises, including any buildings, structures, mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections situated on such lands or premises, and includes vacant property;

“Property Owner” means a Person who is:

- a. the registered owner of a Property, or
- b. for the time being, managing or receiving the rent of the Property, whether on the Person’s own account or as agent or trustee of any Person, or who would receive the rent if the Property were let, or
- c. a lessee or occupant of the Property who, under the terms of a lease, is required to repair and maintain the Property, or
- d. in immediate care and control of the property;

“Public Property” means any Property that is owned by the City, another level of government or an agency or board thereof;

“Sale Premises” means a premises where Fireworks are available for Sale, and may include a Permanent Fireworks Sale Premises, a Temporary Fireworks Sale Premises or a Temporary Lease Fireworks Premises;

“Special Effect Pyrotechnics” means special effect pyrotechnics as defined in the Explosives Regulations, 2013 under the Explosives Act, as amended from time to time;

“Special Effect Pyrotechnics Manual” means the Special Effect Pyrotechnics Manual, as amended, published by the Explosives Regulatory Division of Natural Resources Canada under the Explosives Act, and includes any successor document or replacement manual issued by Natural Resources Canada respecting the safe handling, storage, transportation, and use of Special Effect Pyrotechnics;

“Tariff of Fees By-law” means the City’s Tariff of Fees By-law, as amended;

“Temporary Fireworks Sale Premises” means a premises within a Building, or part thereof, where a retailer sells Consumer Fireworks, but whose principal business is not the sale of Fireworks;

“Temporary Lease Fireworks Premises” means a premises where a Person leases a building or a part thereof on a temporary basis solely for the purpose of selling Fireworks;

“Temporary Fireworks Vendor” means a retailer who sells Fireworks from a Temporary Fireworks Sale Premises or a Temporary Lease Fireworks Premises and who holds a valid Vendor Permit issued under this By-law;

“Vehicle” includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or street car;

“Vendor” means a Person who has been issued a valid Vendor Permit under this By-law and includes a Permanent Fireworks Vendor or a Temporary Fireworks Vendor;

“Vendor Permit” means a permit issued by a Municipal By-law Enforcement Officer under this By-law, authorizing the Vendor to sell Fireworks;

“Vendor Representative” means a Person employed by or acting on behalf of a Vendor, including an agent or contractor, who is engaged in or authorized to sell Fireworks;

“Work Order” means a work order issued under this By-law, pursuant to Section 445 of the Municipal Act.

ARTICLE 2 – Application

2.1 Application of By-law

1. This By-law applies to any Person Discharging, Possessing, or selling Fireworks within the City, and is limited to Consumer Fireworks, Display Fireworks and Special Effect Pyrotechnics, and does not apply to Novelty Devices.

2.2 Conflict

1. Where a provision of this By-law conflicts with a provision of any other City By-law or Applicable Laws, the provision that establishes the higher standard to protect the health, safety and welfare of the public prevails.

ARTICLE 3 Administration & Enforcement

3.1 Powers and Duties

1. The Commissioner of Community Services is responsible for the administration of this By-law. In carrying out this responsibility, the Commissioner may designate any employee(s) to perform any of the Commissioner's powers and duties under this By-law.
2. The Fire Chief may:
 - a. determine the required information and documentation an Applicant must submit to obtain a Discharge Permit or Vendor Permit;
 - b. impose additional conditions on a Vendor Permit or Discharge Permit as the Fire Chief considers appropriate, including, but not limited to, requiring plans and a site inspection; and
 - c. prescribe and amend as required all forms, notices, guidelines, Information Packages, processes, policies and procedures necessary to implement this By-law.

3.2 Municipal By-law Enforcement Officers

1. A Municipal By-law Enforcement Officer is authorized to enforce the provisions of this By-law and for the purpose of such enforcement may exercise any of the enforcement powers and perform any of the duties set out in this By-law including but not limited to:
 - a. administering, reviewing, approving or refusing to issue a Vendor Permit or Discharge Permit pursuant to the provisions of this By-law; and
 - b. revoking a Discharge Permit or Vendor Permit pursuant to the provisions of this By-law.

3.3 Powers of Entry

1. A Municipal By-law Enforcement Officer may enter a Property within the City at any reasonable time with proper identification for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
 - a. the provisions of this By-law; or
 - b. an Order issued under this By-law; or
 - c. a Work Order issued under this By-law.

3.4 Powers of Inspection

1. For the purposes of an inspection carried out pursuant to section 3.3.1, a Municipal By-law Enforcement Officer may:
 - a. require the production for inspection of documents or things relevant to the inspection;
 - b. inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - c. require information from any Person concerning a matter related to the inspection; and
 - d. alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of inspection.

3.5 Inspection Pursuant to Court Order

1. A Municipal By-law Enforcement Officer may undertake an inspection pursuant to a court order issued under Section 438 of the Municipal Act, 2001.

3.6 Fee for Inspection

1. The City may charge a fee pursuant to the Tariff of Fees By-law to conduct an inspection, including additional fees for multiple inspections.

3.7 Work Orders

1. If a Municipal By-law Enforcement Officer has reasonable grounds to suspect that a Person has contravened this By-law, they may issue a Work Order requiring the Person to correct or remedy the contravention.
2. The Work Order shall set out the reasonable particulars of the contravention adequate to identify the contravention, the municipal address or location of the Property where the contravention occurred, and the date by which there must be compliance with the Work Order. The Work Order may also provide that if the Person fails to correct the contravention, the City may perform the work to correct the contravention, at the expense of the Person.
3. A Work Order may be served by:
 - a. personal service;
 - b. prepaid registered mail sent to the last known address of the Person, or as shown on the most recent records of the City;
 - c. by email to the last known email address of the Person; or
 - d. prominently posting a copy of the Work Order either:
 - i. on the Property in respect of which the Work Order is made; or
 - ii. on any Structure on the Property.
4. A Work Order served in accordance with subsection 3.7.3 is deemed to be received:
 - a. on the day of personal service or posting;
 - b. on the fifth (5th) business day after the day of mailing if served by registered mail;
 - c. on the day of sending if served by email, unless the document was sent after 5:00 p.m., in which case service shall be deemed to have been made on the following day.
5. A Person who has been served with a Work Order shall comply with the requirements of the Work Order.

6. If a Person in receipt of a Work Order fails to correct the contravention referred to in the Work Order by the date specified in the Work Order, the City, in addition to all other remedies it may have, may enter on to the Property to do all work necessary to correct the contravention.
7. The City's power to undertake remedial work to correct a contravention may be exercised by the Commissioner, or any Person under their direction.
8. The City's actual costs incurred in conducting the work described in subsection 3.7.7., including any administration fees as set out in the Tariff of Fees By-law, shall be deemed to be a debt to the City, and may be collected by action or added to the tax roll and collected in the same manner as municipal taxes.
9. No proceeding for damages or otherwise shall be commenced against a member of Council, a Municipal By-law Enforcement Officer, employee or agent of the City or a Person acting under the instructions of a Municipal By-law Enforcement Officer, employee or agent, for any act done in good faith in the performance or intended performance of a duty or authority under this By-law, or for any alleged neglect or default in the performance in good faith of the duty or authority.

3.8 Orders

1. If a Municipal By-law Enforcement Officer has reasonable grounds to suspect that a Person has contravened this By-law, they may make an Order requiring that Person who caused or permitted the contravention, to discontinue the contravention.
2. An Order shall be served on a Person, and such other Persons affected by it, as the Municipal By-law Enforcement Officer determines, and a copy of the Order may be posted on the Property.
3. An Order may be served by:
 - a. personal service;
 - b. email to the last known email address of the Person; or
 - c. by registered mail sent to the last known address of the Person to whom notice is to be given or to that Person's agent for service.
4. An Order served in accordance with subsection 3.8.3. is deemed to be received:
 - a. on the day of personal service;
 - b. on the day of sending if served by email, unless the document was sent after 5:00 p.m., in which case service shall be deemed to have been made on the following day; or
 - c. on the fifth (5th) business day after the day of mailing if served by registered mail.
5. No Person shall fail to comply with an Order issued by a Municipal By-law Enforcement Officer under this By-law.

3.9 Hindering or Obstructing

1. No Person shall hinder or obstruct, or attempt to hinder or obstruct, a Municipal By-law Enforcement Officer, or any Person under their direction, who is exercising a power or performing a duty under this By-law.

ARTICLE 4 Use of Fireworks

4.1 Prohibited Fireworks

1. No Person shall Possess or Discharge Prohibited Fireworks.

4.2 Prohibited Discharge

1. No Person shall Discharge Fireworks:
 - a. except in accordance with this By-law, the Explosives Act and Applicable Laws;
 - b. on Public Property without a valid Discharge Permit;
 - c. contrary to the date, time, location, site, or any additional requirement set out in a valid Discharge Permit;
 - d. where the Person is not the Property Owner, without obtaining written permission from the Property Owner which contains the date of Discharge;
 - e. into, in, or on a Building, Vehicle or Highway unless they have obtained a Discharge Permit for such purpose;
 - f. without having fully operational Fire Extinguishing Equipment ready for immediate use at the site of the Discharge, and without an appropriate Person knowledgeable in the use, and readily available to use such equipment;
 - g. if they are under the age of eighteen (18) unless supervised by a Person who is at least eighteen (18) years old;
 - h. within 100 metres of any place where explosives, gasoline or other highly flammable substances are sold or stored;
 - i. in a manner which creates a health and safety risk;
 - j. in a manner that creates a Nuisance;
 - k. in an area containing dead undergrowth or dry grass unless the area has been sufficiently soaked or covered with a flame-retardant cover; and
 - l. during windy conditions where wind may adversely affect the safe Discharge of Fireworks or cause sparks, embers, debris or other effects to travel beyond the intended discharge area, as determined in accordance with the Display Fireworks Manual.

4.3 Consumer Fireworks

1. In addition to Section 4.2 of this By-law, no Person may Discharge Consumer Fireworks without a Discharge Permit except:
 - a. on Canada Day and Victoria Day, and the day before and after these designated holidays; and
 - b. between sunset and 11:00 p.m.

4.4 Display Fireworks & Special Effect Pyrotechnics

1. In addition to Section 4.2 of this By-law, no Person may Discharge Display Fireworks or Special Effect Pyrotechnics:
 - a. without obtaining a valid Discharge Permit;
 - b. within 300 metres of a hospital, long-term care home, retirement home, church or school unless authorized by the hospital, long-term care home, retirement home, church or school Property Owner;
 - c. without fully operational Fire Extinguishing Equipment that is in compliance with the Display Fireworks Manual or Special Effect Pyrotechnics Manual as applicable and ready for immediate use for the duration of the display, and without an appropriate Person who is able and readily available to use such equipment, and request an appropriate fire response when required;
 - d. contrary to the requirements of the Display Fireworks Manual or Special Effect Pyrotechnics Manual, as applicable; and
 - e. without Possessing a valid fireworks operator certificate issued by the Explosives Regulatory Division of Natural Resources Canada that is applicable to the type of Display Fireworks or Special Effect Pyrotechnics.
2. No Person shall Discharge Display Fireworks where the wind surface speed is greater than forty (40) kilometres an hour, consistent with the requirements listed within the Display Fireworks Manual.
3. No Person shall possess or store Display Fireworks or Special Effect Pyrotechnics contrary to the Explosives Act or the conditions of a Discharge Permit or Vendor Permit issued to a Permanent Fireworks Vendor.
4. A Person issued a Discharge Permit for Display Fireworks or Special Effect Pyrotechnics shall:
 - a. be present during the set-up, Discharge and clean up of such Fireworks;
 - b. dispose of all unused or partly used Display Fireworks or Special Effect Pyrotechnics and debris from the site in accordance with the Explosives Act; and
 - c. return the site to the condition it was in prior to the Discharge.

4.5 Property Owner Liable for Illegal Discharge

1. Where Fireworks or Prohibited Fireworks are Discharged from a Property, the Property Owner is deemed to have permitted, allowed or caused such Discharge on their Property, unless the Property Owner establishes clear evidence to the contrary.

ARTICLE 5 Discharge Permits

5.1 Discharge Permit Application

1. Every Person applying for a Discharge Permit shall:
 - a. submit a complete application providing requested information and documentation as determined by the Fire Chief;
 - b. pay the applicable fee as set out in the Tariff of Fees By-law; and
 - c. comply with any additional conditions required by the Fire Chief.
2. At any time before or after the issuance of a Discharge Permit, the Fire Chief may:

- a. require the Applicant to provide such additional information or documentation as the Fire Chief considers necessary for compliance with this By-law; and
 - b. impose, modify or add conditions to a Discharge Permit where the Fire Chief determines such conditions are necessary to ensure compliance with this By-law or to address health, safety or property impacts.
3. A Discharge Permit application must be submitted a minimum of 14 days in advance of the intended Discharge date.
 4. Receipt of an application or the fee by the City shall not represent approval of the application for the issuance of a Discharge Permit.
 5. Where an application for a Discharge Permit for the use of Consumer Fireworks is not approved, the total application fee is refundable.
 6. Where an application for a Discharge Permit for Display Fireworks or Special Effect Pyrotechnics is not approved, fifty percent (50%) of the application fee is refundable.

5.2 Discharge Permit Non-Transferable

1. No Person shall transfer or assign a Discharge Permit in any manner whatsoever, and any Discharge Permit transferred or assigned shall be deemed revoked.

5.3 Discharge Permit Approval

1. When determining whether to approve an application for a Discharge Permit, the Municipal By-law Enforcement Officer may consider criteria, including but not limited to:
 - a. the completeness and accuracy of the application;
 - b. the Discharge Property location, size and suitability;
 - c. potential impacts on surrounding Property, surrounding natural environment including flora and fauna and proximity to sensitive land uses, other Buildings, structures or hazards;
 - d. the frequency of Discharge Permit applications or approvals respecting the same property, or properties in the immediate vicinity, within the preceding thirty (30) days, and whether approval of the application would result in repeated Fireworks displays that are incompatible with the surrounding land uses or that unreasonably interfere with the use and enjoyment of neighbouring properties;
 - e. the Applicant's compliance history under this or any preceding Fireworks By-law, the Explosives Act, or any Applicable Laws;
 - f. any prior Discharge Permits issued to the applicant, including any application refusals or Discharge Permit revocations;
 - g. the type and classification of Fireworks proposed;
 - h. the adequacy of a safety plan, fire prevention plan and provision for adequate Fire Extinguishing Equipment;
 - i. compliance with applicable safety standards and manufacturer's requirements;
 - j. prevailing conditions that may increase health and safety risk; and
 - k. any other matters the Municipal By-law Enforcement Officer considers relevant.

5.4 Revoking a Discharge Permit

1. A Discharge Permit may be revoked where the Municipal By-law Enforcement Officer determines:
 - a. the initial application contained false, incomplete or misleading information;
 - b. the applicant is not in compliance with the provisions of this By-law, or no longer satisfies the criteria for issuance of a Discharge Permit as set out in Article 5 of this By-law, or the criteria have changed, or
 - c. the applicant can no longer abide by the requirements or conditions of the Discharge Permit.

ARTICLE 6

Fireworks Sale and Storage Requirements

6.1 Prohibited Fireworks Sales

1. No Person shall:
 - a. sell Prohibited Fireworks;
 - b. sell, store, display or offer for sale any Fireworks except in compliance with this By-law, the Explosives Act, Applicable Laws, and any applicable standards, classifications or requirements established by Natural Resources Canada;
 - c. sell Fireworks without obtaining a valid Vendor Permit, and any license or authorization required under the Explosives Act or Applicable Law; or
 - d. Possess Fireworks without a valid Vendor Permit with the intent to sell them.

6.2 Permitted Sale Location

1. Every Vendor shall post their Vendor Permit in a conspicuous place within the Sale Premises at all times.
2. A Vendor shall only sell Fireworks from the Sale Premises specified on the Vendor Permit.
3. No Vendor shall sell Fireworks from an outdoor stand, tent, trailer or Vehicle.
4. No Vendor may sell Display Fireworks or Special Effect Pyrotechnics unless they are a Permanent Fireworks Vendor where sales occur within a Permanent Fireworks Sale Premises.
5. A Temporary Fireworks Vendor shall only sell Consumer Fireworks on Victoria Day, Canada Day, and each of the seven days preceding Victoria Day and Canada Day.

6.3 Sale Display Standards

1. No Vendor shall sell Consumer Fireworks contrary to the Explosives Act or the requirements of any Applicable Law respecting:
 - a. retail sales establishments (including temporary establishments);
 - b. display, handling and packaging;
 - c. maximum quantities and lot separation;
 - d. fire prevention, access, egress, control and supervision; and
 - e. prohibited exposure to heat, ignition sources, or conditions that may cause deterioration.

2. Without limiting Section 6.3.1, no Vendor shall:
 - a. display Special Effect Pyrotechnics or Display Fireworks for retail sale to the public;
 - b. store Special Effect Pyrotechnics or Display Fireworks in an unauthorized magazine or facility; or
 - c. make Display Fireworks or Special Effect Pyrotechnics accessible to unauthorized Persons.

6.4 Vendor Knowledge of By-law & Information Package

1. A Vendor selling Fireworks shall comply with all requirements set out within the Information Package.
2. A Vendor selling Fireworks shall ensure that at least one Vendor Representative who has reviewed the Information Package is present on site during all hours of operation.
3. No Vendor may allow any Vendor Representative to sell Fireworks without:
 - a. instructing the Vendor Representative on the requirements of this By-law and Information Package;
 - b. obtaining written acknowledgement from such Vendor Representative that they understand and will comply with the provisions of this By-law and the Information Package; and
 - c. having such written acknowledgement readily available at the Sale Premises.

6.5 Fireworks Storage

1. Where Fireworks are not on display for sale, the Vendor shall store Fireworks in accordance with:
 - a. the requirements of the Explosives Act and the applicable provisions of this By-law; and
 - b. the requirements or conditions of the applicable Vendor Permit.
2. Without limiting Subsection (1), a Vendor shall ensure Fireworks:
 - a. are stored in a secure, dry location protected from unauthorized access;
 - b. are separated from flammable substances and sources of ignition; and
 - c. are stored in quantities that do not exceed limits prescribed under the Explosives Act or any Applicable Laws.

6.6 Non-Smoking Area

1. The area within 8 metres of where Fireworks are sold or stored for the purposes of sale shall be designated and posted as a "non-smoking" area and no Person in such area shall:
 - a. smoke or ignite any flammable material; or
 - b. possess any lighted match, lighter, pipe, cigar, cigarette, open flame or spark emitting device.

ARTICLE 7 Vendor Permits

7.1 Vendor Permit Application

1. Every Person applying for a Vendor Permit shall:

- a. submit a completed application providing requested information as determined by the Fire Chief, and pay the applicable fee as set out in the Tariff of Fees By-law;
 - b. participate in any training program that Richmond Hill Fire & Emergency Services may require; and
 - c. comply with any additional conditions required by the Municipal By-law Enforcement Officer.
2. At any time before or after the issuance of a Vendor Permit, the Fire Chief may:
 - a. require the Applicant to provide such additional information or documentation as the Fire Chief considers necessary for compliance with this By-law; and
 - b. impose, modify or add conditions to a Vendor Permit where the Fire Chief determines such conditions are necessary to ensure compliance with this By-law or to address health, safety or property impacts.
3. All Vendor Permit applications must be made at least 14 days prior to the permitted date of sale of Fireworks.
4. Receipt of the application or the fee by the City shall not represent approval of the application for the issuance of a Vendor Permit.
5. Every Vendor Permit issued under this By-law shall be effective from the date of issuance until December 31 of the year of issuance, except in the case of a Temporary Fireworks Vendor, where the permit shall expire on the date specified on the permit in accordance with the approved sale period.

7.2 Vendor Permit Application Approval

1. A Municipal By-law Enforcement Officer shall not issue a Vendor Permit where:
 - a. the Applicant has been convicted of an offence under this By-law or the Explosives Act;
 - b. it is the opinion of the Municipal By-law Enforcement Officer that the Sale Premises is not a safe place for sale of Fireworks;
 - c. the Municipal By-law Enforcement Officer has determined that the Applicant cannot sell Fireworks in accordance with the requirements stated in this By-law, the Explosives Act, and any other Applicable Laws;
 - d. the Applicant has provided false or misleading information in respect of the Vendor Permit application or any previous applications; and
 - e. the Municipal By-law Enforcement Officer has determined the premises in which the Applicant intends to sell Fireworks does not comply with the provisions of this By-law, the Explosives Act, or any other Applicable Law.
2. Where an application for a Vendor Permit is not accepted, fifty percent (50%) of such fee shall be refundable to the Applicant.

7.3 Revoking Vendor Permit

1. A Vendor Permit shall be revoked where the:
 - a. Vendor has been convicted of an offence under this By-law or the Explosives Act, or
 - b. an administrative penalty imposed against the Vendor for a contravention of this By-law has been confirmed in accordance with the Administrative Penalty By-law, or
 - c. Municipal By-law Enforcement Officer determines the Vendor can no longer sell Fireworks in accordance with this By-law, the Explosives Act or any other Applicable Law.

ARTICLE 8 Offences and Penalties

8.1 Offence

1. Every Person who contravenes any of the 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 the maximum penalty applicable pursuant to the provisions of the *Provincial Offences Act* R.S.O. 1990, C. P.33, as amended.

8.2 Continuing Offence

1. Where a Person is found to have been in contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day that the contravention remains uncorrected.

8.3 Administrative Penalties

1. In lieu of laying a charge under the Provincial Offences Act for a breach of any provision of this By-law, a Municipal By-law Enforcement Officer may issue a Penalty Notice to the Person(s) who has contravened this By-law in accordance with the service requirements of the City's Administrative Penalty By-law. For greater certainty, the Municipal By-law Enforcement Officer has the discretion to either proceed by way of an administrative penalty or a charge laid under the Provincial Offences Act. If an administrative penalty is issued to a Person(s) for the breach, no charge shall be laid against that same Person(s) for the same breach.
2. A Person served with a Penalty Notice shall be liable to pay to the City an administrative penalty in the amount specified in Schedule "A" of the Administrative Penalty By-law. An administrative penalty for a contravention of this By-law that is not paid within 15 days after the day it becomes due and payable, shall be subject to administrative fees as set out in the City's Tariff of Fees By-law and shall constitute a debt of the Person to the City, and may be added to a municipal tax roll and collected in the same manner as municipal taxes for which all Owners are responsible to pay.
3. A Person who is issued a Penalty Notice shall be subject to the procedures as provided for in the Administrative Penalty By-law.

ARTICLE 9
Severability

9.1 Severability

1. In the event that any particular provision or part of a provision of this By-law is found to be invalid or unenforceable for any reason whatsoever, then the particular provision or provisions or part of the provision shall be deemed to be severed from the remainder of this By-law and all other provisions shall remain in full force and shall be valid and enforceable to the fullest extent permitted by law.