

PROTECTION

Chapter 1041 FIREWORKS

CHAPTER INDEX

Article 1 SHORT TITLE

1041.1.1 Citation

Article 2 INTERPRETATION

1041.2.1 Applicable laws - defined
1041.2.2 Building - defined
1041.2.3 Consumer fireworks - defined
1041.2.4 Council - defined
1041.2.5 Discharge - defined
1041.2.6 Discharge permit- defined
1041.2.7 Display fireworks - defined
1041.2.8 Display Supervisor - defined
1041.2.9 Explosives Act - defined
1041.2.10 Explosives Regulations - defined
1041.2.11 Fire Chief - defined
1041.2.12 Fire extinguishing equipment - defined
1041.2.13 Fireworks - defined
1041.2.14 Fireworks manual - defined
1041.2.15 Information package - defined
1041.2.16 Inspector - defined

FIREWORKS

- 1041.2.17 Magazine - defined
- 1041.2.18 Mobile sales premise - defined
- 1041.2.19 Municipal Act, 2001 - defined
- 1041.2.20 Nuisance - defined
- 1041.2.21 Permanent fireworks premise - defined
- 1041.2.22 Permanent fireworks vendor - defined
- 1041.2.23 Permit Officer - defined
- 1041.2.24 Person - defined
- 1041.2.25 Prohibited fireworks - defined
- 1041.2.26 Pyrotechnics - defined
- 1041.2.27 Sale premise - defined
- 1041.2.28 Sell or sale - defined
- 1041.2.29 Tariff of Fees By-law - defined
- 1041.2.30 Temporary fireworks premise - defined
- 1041.2.31 Temporary lease fireworks premise - defined
- 1041.2.32 Town - defined
- 1041.2.33 Vehicle - defined
- 1041.2.34 Vendor permit - defined

Article 3 ADMINISTRATION

- 1041.3.1 Application to all Town lands
- 1041.3.2 Permit Officer - responsibilities
- 1041.3.3 Conflict - restrictive provisions prevail

ARTICLE 4 GENERAL PROHIBITIONS

- 1041.4.1 Possession - discharge - sale
- 1041.4.2 Prohibited fireworks - no possession - no sale - no discharge
- 1041.4.3 Unsafe discharge - prohibited

FIREWORKS

- 1041.4.4 Discharge onto public place - discharge permit required
- 1041.4.5 Storage - compliance with Explosives Act - Regulations
- 1041.4.6 Storage - motor vehicle
- 1041.4.7 Obstruction of inspection - prohibited
- 1041.4.8 Failure to obey - order

ARTICLE 5 DISCHARGE OF CONSUMER FIREWORKS

- 1041.5.1 Victoria - Canada Day - other - discharge permit required
- 1041.5.2 Discharge - person under 18 - direct supervision required
- 1041.5.3 Discharge - permission of owner of land - required
- 1041.5.4 Fire Extinguishing equipment
- 1041.5.5 Discharge - in building - vehicle - prohibited
- 1041.5.6 Discharge - proximity to explosives - flammable substances
- 1041.5.7 Discharge permit - consumer fireworks - conditions

Article 6 DISCHARGE OF DISPLAY FIREWORKS OR PYROTECHNICS

- 1041.6.1 Discharge permit - required
- 1041.6.2 Discharge permit - conditions
- 1041.6.3 Discharge only on - date - at time - location on permit
- 1041.6.4 Discharge only by display supervisor
- 1041.6.5 Display supervisor - present at set-up - clean-up
- 1041.6.6 Discharge - near storage of explosives - prohibited
- 1041.6.7 Discharge - near hospital - nursing home - prohibited
- 1041.6.8 Fire extinguishing equipment - maintenance - operation
- 1041.6.9 Fireworks manual - discharge must conform
- 1041.6.10 Permit - produce on demand - inspection of site
- 1041.6.11 Additional conditions of discharge
- 1041.6.12 Discharge permit - revocation

FIREWORKS

ARTICLE 7 APPLICATIONS FOR DISCHARGE PERMITS

- 1041.7.1 Discharge application - application form - requirements
- 1041.7.2 Discharge application - submission requirements
- 1041.7.3 Discharge application - submission requirements
- 1041.7.4 Receipt of application - fees - not approval

Article 8 REGULATIONS AFFECTING THE SALE OF ALL FIREWORKS

- 1041.8.1 Vendor permits - general requirement
- 1041.8.2 Vendor permit - conditions
- 1041.8.3 Sale - only at location shown on permit
- 1041.8.4 Sale - outdoor stand - tent - etc. - prohibited
- 1041.8.5 Sale - consumer fireworks - from sale premise
- 1041.8.6 Sale - consumer fireworks - Victoria Day - Canada Day
- 1041.8.7 Sale - consumer fireworks - vendor permit requirements
- 1041.8.8 Fireworks - included on authorized explosives list
- 1041.8.9 Sale of fireworks - standards
- 1041.8.10 Fireworks - display for sale
- 1041.8.11 Fireworks - display for sale - general
- 1041.8.12 Fireworks - display in shop window - mock samples only
- 1041.8.13 Sale - in accordance with information package
- 1041.8.14 Information package - employee who has reviewed
- 1041.8.15 Display - information - brochures - safe handling
- 1041.8.16 Non-smoking area
- 1041.8.17 Sale - to person under eighteen - prohibited
- 1041.8.18 Employee of vendor - instruction - acknowledgement
- 1041.8.19 Vendor permit - posting
- 1041.8.20 Vendors - must hold valid licence

FIREWORKS

- 1041.8.21 Consumer fireworks - storage
- 1041.8.22 Sale - fireworks - pyrotechnics - fireworks vendor
- 1041.8.23 Display - fireworks - pyrotechnics - unattended
- 1041.8.24 Storage - fireworks not on display

Article 9

APPLICATION, RENEWAL AND REVOCATION OF VENDOR PERMITS

- 1041.9.1 Vendor permit application - application form
- 1041.9.2 Vendor permit application - submission requirements
- 1041.9.3 Applicant - to provide identification
- 1041.9.4 Applicant - partnership - additional requirements
- 1041.9.5 Applicant - partnership - additional requirements
- 1041.9.6 Vendor permit - in effect
- 1041.9.7 Fee - less than one year - not reduced - refund
- 1041.9.8 Receipt of application - fee - not represent approval
- 1041.9.9 No vested right - vendor permit - property of Town
- 1041.9.10 Transfer - assignment - prohibited
- 1041.9.11 Vendor permit - valid for location specified
- 1041.9.12 Vendor permit - not to be issued - renewed
- 1041.9.13 Vendor permit - revoked

Article 10

ORDERS

- 1041.10.1 Order to discontinue activity
- 1041.10.2 Orders for work
- 1041.10.3 Previous contravention
- 1041.10.4 Service of orders
- 1041.10.5 Unable to effect service of order
- 1041.10.6 Work done by municipality

Article 11
OFFENCE, PENALTY AND ENFORCEMENT

- 1041.11.1 Contravention
- 1041.11.2 Continuing and multiple offences
- 1041.11.3 Fines
- 1041.11.4 Special fines
- 1041.11.5 Additional remedy
- 1041.11.6 False statement - discharge - vendor permit - revoked
- 1041.11.7 Inspection - documents - record
- 1041.11.8 Inspection - by inspector or Permit Officer

Article 12
MISCELLANEOUS

- 1041.12.1 Severability
- 1041.12.2 Notice - service

Article 13
REPEAL - ENACTMENT

- 1041.13.1 By-law - previous
- 1041.13.2 Effective date

Article 1
SHORT TITLE

1041.1.1 Citation

The short title of this Chapter shall be the “Fireworks By-law.”

Article 2
INTERPRETATION

1041.2.1 Applicable laws - defined

“applicable laws” means all statutes, laws, by-laws, regulations, ordinances, orders and requirements of governmental or other public authorities having jurisdiction, and all amendments thereto, at any time and from time to time in force.

1041.2.2 Building - defined

“building” means any structure used or intended for supporting or sheltering any use or occupancy.

1041.2.3 Consumer fireworks - defined

“consumer fireworks” means low-hazard fireworks for recreation that are classified under Class 7, Division 2, Subdivision 1 of the Explosives Regulations, including, but not limited to, fireworks showers, fountains, golden rain, lawn lights, pinwheels, roman candles, volcanoes, sparklers, Christmas crackers and caps for toy guns, but does not include display fireworks, pyrotechnics and prohibited fireworks as such terms are defined in this Chapter.

1041.2.4 Council - defined

“Council” means the Council of the Town.

1041.2.5 Discharge - defined

“discharge” when used in relation to fireworks and prohibited fireworks, includes firing, igniting, exploding and setting-off such articles.

1041.2.6 Discharge permit - defined

“discharge permit” means an authorization issued by the Permit Officer pursuant to this Chapter to discharge fireworks.

1041.2.7 Display fireworks - defined

“display fireworks” means high hazard fireworks generally used for recreation, as defined in Class 7, Division 2, Subdivision 2 of the Explosives Regulations, including, but is not limited to, rockets, serpents, shells, bombshells, tourbillion, maroons, large wheels, bouquets, bombardos, waterfalls, fountains, batteries, illuminations, set pieces, pigeons and fire-crackers, but excludes consumer fireworks, pyrotechnics and prohibited fireworks as such terms are defined in this Chapter.

1041.2.8 Display Supervisor - defined

“Display Supervisor” means a person certified as a technician under the *Explosives Act* to conduct displays of fireworks.

1041.2.9 Explosives Act - defined

“*Explosives Act*” means the *Explosives Act*, R.S.C. 1985, c. E-17, as amended from time to time, and the regulations enacted thereunder from time to time or any act or regulations enacted in substitution therefore.

1041.2.10 Explosives Regulations - defined

“Explosives Regulations” means the Explosives Regulations, C.R.C. c. 599, as amended, issued under the *Explosives Act*, and any regulations enacted from time to time in substitution therefore.

1041.2.11 Fire Chief - defined

“Fire Chief” means the Fire Chief for the Town and his or her designate.

1041.2.12 Fire extinguishing equipment - defined

“fire extinguishing equipment” means sufficient personnel and/or equipment, which may include items such as fire extinguishers, water hose, pails and sand, as is necessary dependent on the type and size of the fireworks being discharged.

1041.2.13 Fireworks - defined

“fireworks” means display fireworks, consumer fireworks and pyrotechnics but excludes prohibited fireworks.

1041.2.14 Fireworks manual - defined

“fireworks manual” means the most current edition of the display fireworks manual published by the Explosives Branch of Natural Resources Canada, or any successor publication.

1041.2.15 Information package - defined

“information package” means an information package provided by the Town to an applicant for a vendor’s permit prescribing safety instructions for the selling of fireworks including, but not limited to pamphlets, instructions and a copy of this Chapter or safety information provided for the discharge of fireworks.

1041.2.16 Inspector - defined

“inspector” means, a police officer as defined in section 2 of the *Police Services Act*, R.S.O. 1990, c. P.15, as amended from time to time; a municipal law enforcement officer appointed pursuant to subsection 15 (1) of the *Police Services Act*, R.S.O. 1990, c. P.15, as amended from time to time; an assistant to the Fire Marshal as provided for in subsection 11(1) of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4; the Fire Chief, the Chief Fire Prevention Officer for the Town and the Permit Officer.

1041.2.17 Magazine - defined

“magazine” means magazine as defined in the *Explosives Act*.

1041.2.18 Mobile sales premise - defined

“mobile sales premise” means a mobile or portable premise from which fireworks are sold and includes a trailer, roadside stand and a motor vehicle.

1041.2.19 Municipal Act, 2001 - defined

“*Municipal Act, 2001*” means the *Municipal Act, 2001* S.O. 2001 c.25, as amended from time to time and the regulations enacted thereunder from time to time or any act or regulations enacted in substitution therefore.

1041.2.20 Nuisance - defined

“nuisance” means a hazard or condition, thing, act or omission which is offensive or which tends to prejudice the safety, order, peace or health of residents of the municipal area or an activity, condition or premises or thing which adversely affects the rights or reasonable comfort, convenience or peace and quiet of any neighbourhood in the municipal area.

1041.2.21 Permanent fireworks premise - defined

“permanent fireworks premise” means a premise located within a building or part thereof in which the principle year round business is the sale of fireworks.

1041.2.22 Permanent fireworks vendor - defined

“permanent fireworks vendor” means a retailer conducting business in the Town that sells fireworks year round from a permanent retail outlet in the Town pursuant to a vendor permit.

1041.2.23 Permit Officer - defined

“Permit Officer” means a person appointed by the Town to issue permits under this Chapter.

1041.2.24 Person - defined

“person” includes an 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.

1041.2.25 Prohibited fireworks - defined

“prohibited fireworks” means any fireworks that are not included on the most recent list of authorized fireworks as published from time to time by the Explosives Regulatory Division of Natural Resources Canada, or their successors, and includes, but is 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 and silver salutes and flash crackers; throw down and step on torpedoes, and 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 trick devices or practical jokes.

1041.2.26 Pyrotechnics - defined

“pyrotechnics” means an explosive of a class set out in section 6 of the Explosives Regulations, that is made, manufactured or used to produce a pyrotechnic theatrical effect in connection with a motion picture, theatre or television production or with a, or as a performance, before a live audience, but excludes consumer fireworks, display fireworks and prohibited fireworks as such terms are defined in this Chapter.

1041.2.27 Sale premise - defined

“sale premise” means a permanent fireworks premise, a temporary fireworks premise or a temporary lease fireworks premise.

1041.2.28 Sell or sale - defined

“sell or sale” includes offering for sale, causing or permitting to be sold and possessing for the purposes of sale.

1041.2.29 Tariff of Fees By-law - defined

“Tariff of Fees By-law” means the Town’s Tariff of Fees By-law.

1041.2.30 Temporary fireworks premise - defined

“temporary fireworks premise” means a premise within a building or part thereof where a retailer only sells consumer fireworks on Victoria Day, Canada Day or the seven-day period before Victoria Day and Canada Day but whose principal business is not the sale of fireworks.

1041.2.31 Temporary lease fireworks premise - defined

“temporary lease fireworks premise” means a premise where a retailer leases a building or a part thereof on a temporary basis solely for the purpose of selling consumer fireworks on Victoria Day, Canada Day or the seven-day period before Canada Day and Victoria Day.

1041.2.32 Town - defined

“Town” means The Corporation of the Town of Richmond Hill, in the Regional Municipality of York.

1041.2.33 Vehicle - defined

“vehicle” means an automobile, motorcycle, motor assisted bicycle propelled or driven otherwise than by muscular power, a street car, railway locomotive or other railway car, traction engine, farm tractor, trailer, traction engine, farm tractor, any vehicle drawn, propelled or driven by any kind of power, including muscular power, and any vehicle drawn, propelled or driven on rails.

1041.2.34 Vendor permit - defined

“vendor permit” means an authorization issued by the Permit Officer pursuant to this Chapter to sell fireworks.

Article 3 ADMINISTRATION

1041.3.1 Application to all Town lands

The provisions of this Chapter shall apply to all lands and premises within the boundaries of the Town.

1041.3.2 Permit Officer - responsibilities

The Permit Officer shall:

- (a) receive and process all applications for discharge permits and vendor permits, including renewals thereof;
- (b) perform all the administrative functions conferred upon him or her by this Chapter;
- (c) make or cause to be made all investigations and inspections which he or she deems necessary to determine whether an applicant is in compliance with the requirements of this Chapter and all applicable laws;
- (d) issue discharge permits and/or issue/renew vendor permits to persons who meet the requirements of this Chapter; and
- (e) revoke vendor permits pursuant to the provisions of this Chapter.

1041.3.3 Conflict - restrictive provisions prevail

In the event of any conflict between the provisions of this Chapter and the provisions of any other Chapter, the provisions that are the most restrictive shall prevail.

ARTICLE 4 GENERAL PROHIBITIONS

1041.4.1 Possession - discharge - sale

No person shall possess, discharge or sell fireworks except in accordance with applicable laws, the provisions of this Chapter and the requirements and the conditions of any applicable discharge permit.

1041.4.2 Prohibited fireworks - no possession - no sale - no discharge

No person shall possess, discharge or sell any prohibited fireworks.

1041.4.3 Unsafe discharge - prohibited

No person shall discharge 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 in respect of any person, property or thing.

1041.4.4 Discharge onto public place - discharge permit required

No person shall discharge fireworks into, in or on any highway, street, lane, square, public park or other public place, without previously obtaining a discharge permit for such purpose.

1041.4.5 Storage - compliance with Explosives Act - Regulations

No person shall store fireworks unless in compliance with the *Explosives Act* and Explosives Regulations, including, without limitation, the requirement to obtain a magazine licence where required under the *Explosives Act*.

1041.4.6 Storage - motor vehicle

Storage of fireworks in a vehicle is prohibited except such storage in a vehicle as permitted pursuant to a discharge permit and which complies with all applicable laws.

1041.4.7 Obstruction of inspection - prohibited

No person may obstruct or hinder the entry or the inspection of any lands or premise by an inspector for the purpose of inspecting or for the enforcement of this Chapter.

1041.4.8 Failure to obey - order

No person shall fail to obey an order issued under Article 10 of this Chapter.

ARTICLE 5**DISCHARGE OF CONSUMER FIREWORKS****1041.5.1 Victoria - Canada Day - other - discharge permit required**

No person shall discharge any consumer fireworks in the Town except on the designated days of Victoria Day, Canada Day, or the day before or after such designated dates, unless the person has applied for and been issued a discharge permit, in which case the consumer fireworks shall only be discharged at the date, time, location and site shown on the discharge permit.

1041.5.2 Discharge - person under 18 - direct supervision required

No parent or guardian of any person under the age of eighteen years shall allow or permit that person to discharge consumer fireworks, except under the direct supervision and control of a person eighteen years of age or older, who shall, at all times, remain physically present in the immediate area where the consumer fireworks are being discharged.

1041.5.3 Discharge - permission of owner of land - required

No person shall discharge consumer fireworks on any land that is not owned by him or her, unless written permission for the discharge of consumer fireworks on a date to be clearly specified in the written permission, has been obtained from the owner, lessee or person in charge of the land and, if required by this Chapter, a discharge permit has been obtained.

1041.5.4 Fire extinguishing equipment

Every person who discharges consumer fireworks shall:

- (a) provide fully maintained 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 discharge of consumer fireworks and shall have knowledge of the operational procedures associated with said fire extinguishing equipment; and
- (b) permit the inspection of any site where the consumer fireworks may be stored, discharged or displayed, and the consumer fireworks themselves, together with all associated equipment, by anyone authorized to enforce this Chapter, forthwith upon demand.

1041.5.5 Discharge - in building - vehicle - prohibited

No person shall discharge consumer fireworks into, inside of, or on a building, or motor vehicle.

1041.5.6 Discharge - proximity to explosives - flammable substances

No person shall discharge consumer fireworks in the Town within 100 metres (328 feet) of any place where explosives, gasoline or other highly flammable substances are sold or stored.

1041.5.7 Discharge permit - consumer fireworks - conditions

Every discharge permit for consumer fireworks shall be issued subject to the conditions set out in Sections 1041.5.2 through Section 1041.5.7 inclusive, and any additional conditions that the Permit Officer may attach.

Article 6

**DISCHARGE OF DISPLAY FIREWORKS
OR PYROTECHNICS**

1041.6.1 Discharge permit - required

No person may discharge any display fireworks or pyrotechnics except pursuant to a discharge permit issued for such purpose in accordance with the provisions of this Chapter.

1041.6.2 Discharge permit - conditions

Every discharge permit for display fireworks or pyrotechnics shall be issued subject to the conditions set out in Sections 1041.6.3 through Section 1041.6.10 inclusive, and any additional conditions that the Permit Officer may attach.

1041.6.3 Discharge only on - date - at time - location on permit

Display fireworks and pyrotechnics may only be discharged at the date, time, location and site shown on the discharge permit. A fireworks operator certificate that pertains to the type of fireworks is required.

1041.6.4 Discharge only by display supervisor

No person except a display supervisor shall discharge any display fireworks. No person except a pyrotechnician shall discharge pyrotechnics.

1041.6.5 Display supervisor - present at set-up - clean-up

The display supervisor shall be physically present at all times during which the display fireworks display or the pyrotechnics display is being set up, discharged and cleaned up.

1041.6.6 Discharge - near storage of explosives - prohibited

Display fireworks shall not be discharged within 300 metres (984 feet) of any premises or place where explosives, gasoline or other highly flammable substances are manufactured or stored in bulk.

1041.6.7 Discharge - near hospital - nursing home - prohibited

Display fireworks shall not be discharged within 300 metres (984 feet) of a hospital, nursing home, home for the aged, church or school unless the consent of the owner or authorized representative thereof is obtained.

1041.6.8 Fire extinguishing equipment - maintenance - operation

Every person to whom a discharge permit for display fireworks or pyrotechnics is issued shall 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 discharge of display fireworks or pyrotechnics and shall have knowledge of the operational procedures associated with said fire extinguishing equipment.

1041.6.9 Fireworks manual - discharge must conform

Every person to whom a discharge permit for display fireworks or pyrotechnics is issued shall conform to the applicable provisions of either the display fireworks manual or the pyrotechnics special effects manual.

1041.6.10 Permit - produce on demand - inspection of site

Every person to whom a discharge permit for display fireworks or pyrotechnics is issued shall:

- (a) produce the discharge permit on demand by any person authorized to enforce this Chapter;
- (b) permit the inspection by the Town of the fireworks and any site where the fireworks may be stored or discharged together with all associated equipment; and
- (c) possesses a fireworks operator certificate that pertains to the type of fireworks being used.

1041.6.11 Additional conditions of discharge

Every person to whom a discharge permit for display fireworks is issued, in addition to complying with the conditions set out in Sections 1041.6.3 through Section 1041.6.10 inclusive, and any additional conditions that the Permit Officer may attach, shall:

- (a) conform to the applicable provisions of the *Explosives Act* and all other applicable laws;
- (b) ensure that the fire extinguishing equipment at the discharge site conforms to the applicable requirements of the fireworks manual;
- (c) ensure that persons present at the discharge of the display fireworks are kept at a safe distance from the firing zone as outlined in the fireworks manual;
- (d) immediately after the display fireworks have been discharged, inspect the site and:
 - (i) remove all unused or partly used fireworks and debris from the site; and
 - (ii) return the site to the condition it was in before the discharge of the display fireworks.

1041.6.12 Discharge permit - revocation

A discharge permit shall be revoked when in the opinion of the Permit Officer the conduct of the person discharging the fireworks during the period in which the discharge permit is effective affords reasonable grounds for belief that the applicant has not, is not or will not carry on the discharge of fireworks in accordance with this Chapter and any other applicable laws.

ARTICLE 7**APPLICATIONS FOR DISCHARGE PERMITS****1041.7.1 Discharge application - application form - requirements**

Every person applying for a discharge permit for consumer fireworks, display fireworks or pyrotechnics shall appear in person before a Permit Officer and shall submit to the Permit Officer a completed application in the form approved by the Fire Chief and signed by or on behalf of the applicant, which shall include, at minimum, the following information:

- (a) the name of the applicant and the name of the sponsoring organization, if applicable;
- (b) a description of:
 - (i) the type and kind of fireworks which may be discharged;

- (ii) the discharge techniques to be used;
 - (iii) the manner and means of restraining unauthorized persons from attending too near the discharge location;
 - (iv) the manner in which unused fireworks are to be disposed of;
 - (v) the number of persons authorized to handle and discharge the fireworks; and
 - (vi) the discharge site to be used for the discharge of the fireworks sufficient to identify and locate the site upon the property where the discharge is proposed;
- (c) the date and time of the proposed discharge of fireworks and an alternate date and time in the event of inclement weather; and
- (d) an acknowledgement that the applicant shall indemnify and hold harmless the Town and its servants, agents and employees from all damages, actions, causes of actions, suits, claims and demands whatsoever which may arise directly or indirectly by reason of the discharge, transport, set up, operation display and/or discharge of fireworks.

1041.7.2 Discharge application - submission requirements

Along with the completed application form referred to in Section 1041.7.1, every person applying for a discharge permit shall submit the following:

- (a) the applicable fee for the discharge permit as set forth in the Tariff of Fees By-law;
- (b) personal identification in a form satisfactory to the Permit Officer that shows that the applicant is at least eighteen years of age;
- (c) proof of authorization of the owner of the land that fireworks may be discharged at the location specified in the application;
- (d) a site plan of the discharge site identifying:
 - (i) the location of the proposed discharge;
 - (ii) access for fire and emergency vehicles satisfactory to the Fire Chief or his or her designate;

- (e) such further and other information as the Permit Officer or inspector may require.

1041.7.3 Discharge application - submission requirements

Every person applying for a discharge permit for display fireworks and pyrotechnics shall, in addition to the information and documentation required in Section 1041.7.1 and Section 1041.7.2, include:

- (a) a certificate of insurance in the Town's form evidencing commercial general liability insurance in an amount no less than \$5,000,000, which protects the applicant from any claims relating to the discharge, transport, set-up, operation display and/or discharge of fireworks, and names the Town as an additional insured and contains a cross liability and severability of interests clause;
- (b) a copy of the certificate issued by the Chief Inspector of Explosives pursuant to the *Explosives Act* qualifying the applicant as a display supervisor; and
- (c) such further and other information as the Permit Officer may require.

1041.7.4 Receipt of application - fees - not approval

Receipt of the application and/or the fee by the Town shall not represent approval of the application for the issuance of a discharge permit nor shall it obligate the Town to issue same.

Article 8

REGULATIONS AFFECTING THE SALE OF ALL FIREWORKS

1041.8.1 Vendor permits - general requirement

No person shall sell or possess for the purpose of sale any fireworks without making application for, obtaining and maintaining, pursuant to the terms of this Chapter, a vendor permit therefore authorizing him/her to carry on such trade, calling, business or occupation in respect of the location authorized on such vendor permit.

1041.8.2 Vendor permit - conditions

Every vendor permit shall be issued subject to the conditions set out in Sections 1041.8.3 through Section 1041.8.24 inclusive, and any additional conditions that the Permit Officer may attach.

1041.8.3 Sale - only at location shown on permit

No person shall sell fireworks from a location or site other than that specified on the vendor permit.

1041.8.4 Sale - outdoor stand - tent - etc. - prohibited

No person shall sell fireworks from an outdoor stand, tent, van, trailer or motor vehicle.

1041.8.5 Sale - consumer fireworks - from sale premise

No person shall sell fireworks except from a sale premise in accordance with this Chapter and any other applicable laws.

1041.8.6 Sale - consumer fireworks - Victoria Day - Canada Day

No person other than a permanent fireworks vendor shall sell or possess for the purpose of sale consumer fireworks on days other than Victoria Day, Canada Day, and each of the seven days preceding Victoria Day and Canada Day.

1041.8.7 Sale - consumer fireworks - vendor permit requirements

No person other than a permanent fireworks vendor shall sell or possesses for the purpose of sale consumer fireworks unless a vendor permit has been obtained to sell consumer fireworks at a temporary fireworks premise or a temporary lease fireworks premise.

1041.8.8 Fireworks - included on authorized explosives list

Any fireworks sold in a sale premise must be of a type that is 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.

1041.8.9 Sale of fireworks - standards

Fireworks sold in a sale premise must be sold in accordance with the standards of Natural Resources Canada.

1041.8.10 Fireworks - display for sale

Fireworks shall be displayed for sale in a package, glass case or other suitable receptacle that is away from flammable goods, in a place where the fireworks will not be exposed to the rays of the sun or to excess heat, and not adjacent to any exit door.

1041.8.11 Fireworks - display for sale - general

In addition to the requirements in Section 1041.8.10, consumer fireworks shall be displayed in lots that do not exceed 25 kilograms (55 pounds) each in gross weight.

1041.8.12 Fireworks - display in shop window - mock samples only

Consumer fireworks displayed in any shop window shall be mock samples only and shall not contain explosive composition.

1041.8.13 Sale - in accordance with information package

Fireworks sold in any sale premise must be sold in accordance with all requirements set out within the Town of Richmond Hill fireworks information package.

1041.8.14 Information package - employee who has reviewed

All vendors of fireworks in the Town must have at least one employee on site during all hours of operation that has reviewed the information package.

1041.8.15 Display - information - brochures - safe handling

All vendors of fireworks in the Town must display and make available to purchasers of fireworks information or brochures outlining the safe handling of fireworks, including any information or brochures that may be required under the *Explosives Act* or supplied by the manufacturer.

1041.8.16 Non-smoking area

The area within 8 metres (26 feet) 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 may smoke or ignite any flammable material, or possess any lighted match, lighter, pipe, cigar, cigarette, open flame or spark emitting device in such area.

1041.8.17 Sale - to person under eighteen - prohibited

No person shall sell fireworks to any person under the age of eighteen years.

1041.8.18 Employee of vendor - instruction - acknowledgement

No vendor of fireworks may allow any employee to sell fireworks without instructing the employee on the requirements of this Chapter and information package, and obtaining written acknowledgement from such employee that he or she understands and will comply with the provisions of this Chapter and the information package. The foregoing written acknowledgement must be kept at any sale premise and be available for inspection by an inspector at any time.

1041.8.19 Vendor permit - posting

Every vendor of fireworks shall keep their vendor permit for the sale of fireworks posted in a conspicuous place within the sale premise at all times during the currency of the vendor permit.

1041.8.20 Vendors - must hold valid licence

All vendors of fireworks within the Town must hold a valid licence from the Explosives Branch of Natural Resources Canada, or its successors, if required.

1041.8.21 Consumer fireworks - storage

The weight of consumer fireworks stored on site cannot exceed 1000 kilograms (2204 lbs) in gross weight unless the vendor holds a valid and appropriate licence to do so from the Explosives Branch of Natural Resources Canada, or its successor.

1041.8.22 Sale - fireworks - pyrotechnics - fireworks vendor

Display fireworks or pyrotechnics may only be sold by a permanent fireworks vendor.

1041.8.23 Display - fireworks - pyrotechnics - unattended

Any time display fireworks or pyrotechnics are being sold, any display of fireworks shall not be left unattended and an employee of the vendor of the fireworks must be present where the fireworks are being displayed.

1041.8.24 Storage - fireworks not on display

Any fireworks not on display must be put in storage in accordance with the requirements of the *Explosives Act* and this Chapter.

Article 9**APPLICATION, RENEWAL AND REVOCATION OF
VENDOR PERMITS****1041.9.1 Vendor permit application - application form**

Every person applying for a vendor permit for consumer fireworks, display fireworks or pyrotechnics shall appear in person before a Permit Officer and shall submit to the Permit Officer a completed application in the form approved by the Fire Chief and signed by or on behalf of the applicant, which shall include, at minimum, the following information:

- (a) the name of the applicant; and
- (b) an acknowledgement that the applicant shall indemnify and hold harmless the Town and its servants, agents and employees from all damages, actions, causes of actions, suits, claims and demands whatsoever which may arise directly or indirectly by reason of the sale, storage and display of fireworks.

1041.9.2 Vendor permit application - submission requirements

Along with the completed application form referred to in Section 1041.9.1, every person applying for a vendor permit shall submit the following:

- (a) the applicable fee for the vendor permit as set forth in the Tariff of Fees By-law;
- (b) a certificate of insurance in the Town's form evidencing commercial general liability insurance in an amount no less than

\$2,000,000, which protects the applicant from any claims relating to the sale, storage and display of fireworks, names the Town as an additional insured, contains a cross liability and severability of interests clause, and provides the Town with thirty days' notice of cancellation or material change;

- (c) a letter from the Zoning Department approving the site for retail sales of fireworks (note: if the site is already zoned for retail a zoning letter is not necessary);
- (d) documentation satisfactory to the Permit Officer demonstrating the applicant's right to possess or occupy the premises; and
- (e) such further and other information as the Permit Officer may require.

1041.9.3 Applicant - to provide identification

Every applicant for a vendor permit, where such applicant is an individual, shall provide two pieces of identification, one of which must be one of the following:

- (a) a valid driver's licence;
- (b) a valid passport; or
- (c) a certificate of Canadian citizenship;

1041.9.4 Applicant - partnership - additional requirements

Without limiting the generality of any other provision in this Chapter, and in addition to the requirements in Sections 1041.9.1 through Section 1041.9.3 inclusive, persons who are a partner in a partnership applying for a permit under this Chapter shall file with their application a statutory declaration, in writing, signed by all partners of the partnership, which declaration shall state:

- (a) the full name of every partner and the address of his ordinary residence;
- (b) the name or names under which they carry on or intend to carry on business;
- (c) that the persons therein named are the only partners of the partnership; and
- (d) the mailing address for the partnership.

1041.9.5 Applicant - partnership - additional requirements

Without limiting the generality of any other provision in this Chapter, and in addition to the requirements in Sections 1041.9.1 through Section 1041.9.3 inclusive, every corporation applying for a permit shall file with the Permit Officer, at the time of making its application, a copy of articles of incorporation or other incorporating document and shall file a statutory declaration, in writing signed by an officer of the corporation, which declaration shall state:

- (a) the full name of every shareholder and the address of his or her ordinary residence if the corporation is not a corporation whose shares are publicly traded;
- (b) the name or names under which it carries on or intends to carry on business; and
- (c) the mailing address for the corporation.

1041.9.6 Vendor permit - in effect

Every vendor permit issued under this Chapter shall be effective from the date of issuance until December 31st in the year of issuance.

1041.9.7 Fee - less than one year - not reduced - refund

The fee payable pursuant to Section 1041.7.2 (a) shall not be reduced in the event that the period for which the vendor permit is granted is less than one year. For greater certainty, the fees for a vendor permit issued after January 1 in any calendar year shall not be pro-rated. Fifty percent of such fee is refundable in the event that an application is not accepted for licensing.

1041.9.8 Receipt of application - fee - not represent approval

Receipt of the application and/or the fee by the Town shall not represent approval of the application for the issuance of a vendor permit nor shall it obligate the Town to issue same.

1041.9.9 No vested right - vendor permit - property of Town

No person shall enjoy a vested right in the continuance of a vendor's permit and any vendor permit issued pursuant to this Chapter shall be the sole property of the Town.

1041.9.10 Transfer - assignment - prohibited

No person shall transfer or assign a vendor permit in any manner whatsoever and any vendor permit transferred or assigned shall be deemed revoked.

1041.9.11 Vendor permit - valid for location specified

Every vendor permit shall indicate the authorized location for the sale of fireworks and the vendor permit shall be valid for the location listed on the vendor permit.

1041.9.12 Vendor permit - not to be issued - renewed

A vendor permit shall not be issued or renewed by the Permit Officer where:

- (a) the vendor has been convicted of an offence under this Chapter or the *Explosives Act*;
- (b) the vendor is a corporation and any of its directors or officers has been convicted of an offence under this Chapter or the *Explosives Act*;
- (c) the vendor is a partnership and any of its partners have been convicted of an offence under this Chapter or the *Explosives Act*;
- (d) in the opinion of the Fire Chief the past or current conduct of the applicant affords reasonable grounds for belief that the applicant has not, is not or will not carry on the selling of fireworks in accordance with this Chapter and any other applicable laws;
- (e) the applicant is a corporation and in the opinion of the Fire Chief the conduct of any of the officers, directors, shareholders or employees of the corporation affords reasonable grounds for belief that the applicant has not, is not or will not carry on the selling of fireworks in accordance with this Chapter and any other applicable laws;
- (f) the application is a partnership and in the opinion of the Fire Chief the conduct of any of the partners or employees of the partnership affords reasonable grounds for belief that the applicant has not, is not or will not carry on the selling of fireworks in accordance with this Chapter and any other applicable laws;
- (g) the applicant has provided false or misleading information in respect of the vendor permit application or any previous applications; and
- (h) in the opinion of the Fire Chief the premises in which the applicant has sold or intends to sell fireworks does not comply with the provisions of this Chapter or any other applicable law.

1041.9.13 Vendor permit - revoked

A vendor permit shall be revoked when:

- (a) the vendor has been convicted of an offence under this Chapter or the *Explosives Act* during the period in which the vendor permit is effective;
- (b) the vendor is a corporation and any of its directors or officers have been convicted of an offence under this Chapter or the *Explosives Act* during the period in which the permit is effective;
- (c) the vendor is a partnership and any of its partners have been convicted of an offence under this Chapter or the *Explosives Act* during the period in which the permit is effective; and
- (d) in the opinion of the Permit Officer the conduct of the vendor, during the period in which the vendor permit is effective affords reasonable grounds for belief that the applicant has not, is not or will not carry on the selling of fireworks in accordance with this Chapter and any other applicable laws.

**Article 10
ORDERS****1041.10.1 Order to discontinue activity**

If an inspector is satisfied that a contravention of this Chapter has occurred, the inspector may make an order requiring the person who contravened this Chapter or who caused or allowed the contravention of this Chapter to occur or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity and the order shall set out:

- (a) the municipal address or the legal description of the site;
- (b) reasonable particulars of the contravention adequate to identify the contravention; and
- (c) the date by which there must be compliance with the order.

1041.10.2 Orders for work

If an inspector is satisfied that a contravention of this Chapter has occurred, the inspector may make an order requiring the person who contravened this Chapter or who caused or allowed the contravention of this Chapter to occur or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention and the order shall set out:

- (a) the municipal address or the legal description of the site;

- (b) reasonable particulars of the contravention adequate to identify the contravention;
- (c) the date by which there must be compliance with the order; and
- (d) if the work is not done in compliance with the order by the date it specifies, the Town may have the work done at the expense of the owner.

1041.10.3 Previous contravention

An order made under Section 1041.10.2 may require work to be done even though the facts which constitute the contravention of the Chapter were present before this Chapter came into force.

1041.10.4 Service of orders

Orders issued by an inspector under Sections 1041.10.1 or Section 1041.10.2 shall be served personally or by prepaid registered mail to the last known address of the owner of the site and any other person who contravened this Chapter or who caused or allowed the contravention of this Chapter.

1041.10.5 Unable to effect service of order

If the Town is unable to effect service on any person under Section 1041.10.4, a placard containing the terms of the order may be placed in a conspicuous place on the site and the placing of the placard shall be deemed to be sufficient service of the order.

1041.10.6 Work done by municipality

If the work required by an order under Section 1041.10.2 is not done by the date set out in the order, the Town, in addition to all other remedies it may have, may do the work at the owner's expense and may enter upon the site, at any reasonable time, for this purpose in accordance with the provisions of the *Municipal Act, 2001*.

Article 11

OFFENCE, PENALTY AND ENFORCEMENT

1041.11.1 Contravention

Any person who contravenes any provision of this Chapter or an order issued pursuant to Section 1041.10.1 or Section 1041.10.2 is guilty of an offence.

1041.11.2 Continuing and multiple offences

All contraventions of this Chapter or orders issued under Section 1041.10.1 and Section 1041.10.2 are designated as multiple offences and continuing offences. A multiple offence is an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this Chapter. For the purposes of this Chapter, an offence is a second or subsequent offence, if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.

1041.11.3 Fines

On conviction of an offence under this Chapter, a person is liable to a fine in accordance with section 429 of the *Municipal Act, 2001*, and the following rules made pursuant to section 429 of the *Municipal Act, 2001*:

- (a) a minimum fine of \$500 and a maximum fine which shall not exceed \$100,000 for a contravention of this Chapter;
- (b) in the case of a continuing offence, for each day or part of a day that the offence continues, a minimum fine of \$500 and a maximum fine of \$10,000, the total of which, notwithstanding Section 1041.11.3(a), may exceed \$100,000; and
- (c) in the case of a multiple offence, for each offence included in the multiple offence, a minimum fine of \$500 and a maximum fine of \$10,000, the total of which, notwithstanding Section 1041.11.3 (a), may exceed \$100,000.

1041.11.4 Special fines

On conviction of an offence under this Chapter a person is, in addition to the fine provided for in Section 1041.11.3, liable to a special fine in accordance with subsection 429 (2)(d) of the *Municipal Act, 2001*. The amount of the special fine will be the minimum fine as provided for in Section 1041.11.3 to which may be added the amount of economic advantage or gain that person has obtained or can obtain from the contravention of this Chapter and/or order issued pursuant to Section 1041.10.1 or Section 1041.10.2. Pursuant to subsection 429 (3)(1) of the *Municipal Act, 2001*, a special fine may exceed \$100,000.

1041.11.5 Additional remedy

If this Chapter is contravened and a conviction is entered, in addition to any other remedy and to any penalty imposed by the Chapter, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order:

- (a) prohibiting the continuation or repetition of the offence by the person convicted; and

- (b) requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

1041.11.6 False statement - discharge - vendor permit - revoked

The making of a false or intentionally misleading recital of fact, statement or representation in any agreement, statutory declaration or application form required by this Chapter shall be deemed to be a violation of the provisions of this Chapter and shall result in the revocation of a permit issued hereunder.

1041.11.7 Inspection - documents - record

Every vendor permit holder shall, during the regular operating hours of the premises and at all times when fireworks are provided therein, make available for inspection by the Permit Officer or an inspector, the original of any document or record referred to in this Chapter.

1041.11.8 Inspection - by inspector or Permit Officer

Every discharge permit applicant and every person who discharges fireworks shall, at all times during the set-up, discharge and dismantling of the fireworks, permit the entry by and the inspection of the site where the fireworks will be discharged by an inspector or Permit Officer.

Article 12

MISCELLANEOUS

1041.12.1 Severability

Should any Section of this Chapter be declared invalid by a court of competent jurisdiction, such Section shall be construed as being severed from this Chapter and the remainder of the Chapter shall continue in full force and effect.

1041.12.2 Notice - service

Wherever notice or materials are required to be served upon or provided to any person pursuant to this Chapter, such provision shall be deemed effective, unless otherwise provided in this Chapter, upon mailing of such materials by registered mail to the last known address of that person as indicated upon the permit or other material filed with the Town or to the last assessed business address for the persons indicated upon the taxation roll records.

Article 13

REPEAL - ENACTMENT

1041.13.1 By-law -previous

By-law No. 284-92 is repealed in its entirety.

1041.13.2 Effective date

This Chapter shall come into force and effect on the 1st day of January, 2011. By-law 77-10, 12 July, 2010.