

THE CORPORATION OF THE TOWN OF GEORGINA
IN THE
REGIONAL MUNICIPALITY OF YORK

BY-LAW NUMBER 2014-0002 (LI-3)

BEING A BY-LAW TO REGULATE THE SALE, STORAGE,
SAFE HANDLING AND DISCHARGE OF FIREWORKS

WHEREAS the *Municipal Act, 2001, c. 25*, as amended, authorizes the Council of a municipality to employ such persons as are deemed necessary for the purposes of the municipality;

WHEREAS Council of The Corporation of the Town of Georgina is empowered the *Municipal Act, 2001, c. 25* section 151(1) to licence, regulate and govern any business wholly or partly carried on with the municipality even if the business is being carried on from a location outside the municipality;

WHEREAS the *Municipal Act, 2001, c.25*, Section 121, authorizes a municipality to enact by-laws to prohibit and regulate the sale of fireworks and require that permits be obtained for such activities;

AND WHEREAS pursuant to the *Municipal Act, 2001 c.25, Section 11(2) P 5 & 6*, a lower-tier municipality and an upper-tier municipality may pass by-laws, respecting matters of economic, social and environmental well-being of the municipality and the health, safety and well-being of persons;

AND WHEREAS pursuant to the *Municipal Act, 2001, c.25, Section 10 (2) 11* permits a Council of a local municipality to enact by-laws respecting business licencing;

AND WHEREAS pursuant to the *Municipal Act, 2001, c.25, Section 425 (1)* authorizes a municipality to pass by-laws providing that a person who contravenes a by-law passed under this Act is guilty of an offence; and

AND WHEREAS pursuant to the *Municipal Act, 2001, c.25 Section 436 (1)* authorizes a municipality to pass by-laws to authorize municipal personnel to enter land under certain circumstances;

AND WHEREAS the Council of the Town wishes to enact the measures herein in order to provide a mechanism for regulating, permitting, safe sale of fireworks within the municipality;

AND WHEREAS Council deems it necessary to repeal Schedule 6 of By-law 2002-0169 (LI-3) and 99-032 in its entirety and replace the former regulations with this by-law

**NOW THEREFORE THE COUNCIL OF THE CORPORATION
OF THE TOWN OF GEORGINA ENACTS AS FOLLOWS:**

1.0 DEFINITIONS

For the purposes of this by-law:

- 1) "Applicant" means a person applying for a licence under this by-law;
- 2) "Application" means an application in the form provided by the Clerks Division and accompanied by the appropriate fee and required documentation;
- 3) "Applicable Law" means all statutes, laws, by-laws, regulations, ordinances, orders and requirements of governmental or other public authorities having jurisdiction, and all amendments in force thereto, at anytime and from time to time.
- 4) "Building" means a structure used or intended for supporting or sheltering any use or occupancy.
- 5) "Chief-of-Police" means the Chief of Police of The Regional Municipality of York;
- 6) "Clerk" means the Clerk of the Corporation of the Town of Georgina or his/her designate
- 7) "Consumer Fireworks" means low-hazard fireworks for recreation that are classified as Type F.1 in the Explosives Regulations (Part 16), 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 such as terms are defined within this by-law.
- 8) "Council" means the Council of the Corporation of the Town of Georgina.
- 9) "Discharge" when used in relation to fireworks and prohibited fireworks, includes firing, igniting, exploding and setting off such articles.
- 10) "Display Fireworks" means high hazard fireworks generally used for recreation, as classified in the Explosives Regulations as Type F.2, including, but not limited to, rockets, serpents, shells, bombshells, tourbillion, maroons, large wheels, bouquets, bombardos, waterfalls, fountains, batteries, illuminations, set pieces, pigeons and firecrackers, but not excludes consumer

fireworks, Pyrotechnics and prohibited fireworks as such terms are defined in this by-law.

- 11) "Display Supervisor" means a person certified under the *Explosives Act, R.S.C. 1985* to conduct displays of fireworks.
- 12) "Explosives Act" means the *Explosives Act, R.S.C. 1985*, as amended from time to time and the regulations enacted there under from time to time or any act or regulation enacted in substitution therefore.
- 13) "Explosives Regulation" means the regulations under the *Explosives Regulations, C.R.C. c.599*, as amended, issued under the *Explosives Act, R.S.C. 1985*, as amended, and any regulations enacted from time to time in substitution therefore.
- 14) "File" means to submit a document to the Licencing Coordinator;
- 15) "Fire Chief" means the Fire Chief for the Town of Georgina and his or her designate.
- 16) "Fire Extinguishing Equipment" means sufficient personnel and/or equipment, which may include items such as fire extinguishers, water hoses, pails, and sand, as is necessary dependent on the type and size of the fireworks being discharged.
- 17) "Fireworks" means display fireworks, consumer fireworks and pyrotechnics but excludes, any fireworks not listed on the List of Approved Explosives as published from time to time under the *Explosives Act, R.S.C., 1985*.
- 18) "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. P15*, 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* as amended from time to time and the Licencing Coordinator.
- 19) "Licence" shall mean the official document issued by the Town under the provision of this by-law bearing the signature of the clerk or designate authorizing an applicant to sell fireworks or display fireworks in accordance with this by-law.

- 20) "Licenced" means to have in one's possession a valid and current licence issued under this by-law and unlicenced has the contrary meaning;
- 21) "Licencee" means a person licenced under this by-law;
- 22) "Licencing Appeals Hearing Committee" means the Committee appointed by Council for such purpose of conducting a hearing upon request of an applicant or licencee;
- 23) "Licencing Coordinator" shall mean a person appointed by the Corporation of the Town of Georgina to issue, revoke and suspend licences, conduct inspections and investigations of businesses under this and other by-laws;
- 24) "Magazine" means a magazine as defined in the *Explosives Act, R.S.C. 1985*.
- 25) "Mobile Sales Premise" means a mobile or portable premise from which fireworks are sold and includes a trailer, roadside stand, and a motor vehicle.
- 26) "Obstruct" means to hinder, mislead, knowingly provide false information or make a false claim or statement or to prevent the execution of a duty.
- 27) "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.
- 28) "Permanent Fireworks Vendor" means a retailer conducting business in the Town that its sole business is selling fireworks year round from a permanent retail outlet in the Town pursuant to a business licence.
- 29) "Person" includes individual, corporation, organization, partnership company, association, party or agent 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 and shall include any group of persons comprising a society or other organization.
- 30) "Pyrotechnics" means an explosive classified as Type F.3 in the *Explosives Act, R.S.C. 1985 & Regulations* thereunder, that is made, manufactured or used to produce a pyrotechnic theatrical effect in connection with a motion picture, theatre or 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 by-law.

31) "Sell or Sale" includes offering for sale, causing or permitting to be sold and possessing for the purposes of sale.

32) "Shall" means mandatory and not discretionary

33) "Site Plan" means a drawing of a site on which all buildings and structures, streets or other landmarks are indicated

34) "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 7-day period before Victoria Day and Canada Day but whose principal business is not the sale of fireworks.

35) "Temporary Lease Fireworks Premise" means a premise where a retailer leases a building or part thereof on a temporary basis solely for the purposes of selling consumer fireworks on Victoria Day, Canada Day or the 7-day period before Victoria Day and Canada Day but whose principal business is not the sale of fireworks.

36) "Town" means The Corporation of the Town of Georgina, in the Regional Municipality of York.

2. ADMINISTRATION

1) Terms and Conditions

- a) Every person carrying on, conducting, operating, firing or engaging in the sale of fireworks or the discharge of fireworks shall be required to obtain a licence to do so from the Town.
- b) Every owner/operator shall take out a separate licence for each location or premise owned or operated by them and the licence shall be displayed and visible at all times at each location.
- c) No person shall carry on any trade, calling, business or occupation in or in connection with a Licence without a licence to do so issued by the Town of Georgina

2) Application – general

Every person, at the time of application for a licence under this by-law shall provide in writing upon the appropriate form provided by the Clerk and shall be accompanied by;

- a) The applicable licence fee, as set out in “Appendix A” of this by-law
- b) Where the sale of fireworks or discharge of fireworks is from a premise not owned by the applicant, the applicant shall have the owner, or their designate, of the premise fill out and sign the “Owners Consent” portion of the “Application” granting them permission to sell fireworks or discharge fireworks.

3) Application of by-Law – Town lands

- a) The provisions of this by-law shall apply to all lands and premises within the boundaries of the Town.

4) Licencing Coordinator – responsibilities

- a) Receive and process all applications, including renewals thereof.
- b) Perform all the administrative functions conferred upon him/her by this by-law.
- c) Make or cause to be made all investigations and inspections which he/she deems necessary to determine whether an applicant is in compliance with the requirements of this by-law and all applicable laws.
- d) Issue licences or renew licences to persons who meet the requirements of this by-law; and
- e) Suspend or revoke licences pursuant to the provisions of this by-law.

5) Licence Procedures and General Provisions

- a) No person shall alter, erase or modify a licence or allow the alteration, erasure or modification of a licence without the approval of the Licencing Coordinator
- b) Every application for a licence shall be delivered to the Licencing Coordinator no later than March 15th of the year requiring said licence.
- c) Every renewal application received after March 15th will be subject to a late penalty of 50% of the original licence fee. Every month late thereafter will incur an additional 15% late penalty per month.
- d) The penalty will be added on the first (1st) day of each month.

- e) Every Corporate Applicant shall file a copy of its incorporating documents, along with any amending documents, and the most recent annual filing, if any;
- f) Where two or more persons carry on or engage in partnership the licence may be issued in the name of one partner only, but when the application for licence is made, the name and address of each member of the partnership shall be set out therein;
- g) Every licensee or applicant on request of the Licencing Coordinator shall file such documentation as is necessary to determine the applicants compliance with the provisions of this by-law;
- h) Every person applying for or holding a licence under this by-law shall observe and comply with and be governed by the regulations set out in this by-law, the respective Schedules to this by-law or any amending by-laws which relate to such person
- i) Every licensee shall, on request of an Inspector, produce his/her licence and any other documentation requested
- j) Every licensee shall post the licence in a location clearly visible to the public

6) Business Name and Change of Information

- a) A licensee shall carry on business in the Town in the name, which is set out on the licence and shall not carry on business in the Town in any other name unless he/she has first notified the licencing section;
- b) A licensee shall notify the Licencing Coordinator within five (5) days of any change of name, address or any other information related to the licensee;
- c) Where the licensee is a corporation, the licensee shall notify the Licencing Coordinator for any change in the names and addresses of officers and directors, the location of the corporate head office, change of ownership of shares within five (5) days of the change, and if necessary, the licence shall be returned immediately to the Licencing Coordinator for amendment.

3. GENERAL PROHIBITIONS

- 1) A licence holder shall comply with every condition specified in this by-law.
- 2) No person shall fail to comply with an order issued pursuant to the provisions contained within this by-law.

- 3) No person shall possess, discharge or sell Fireworks except in accordance with applicable law, the provisions of this by-law and the requirements and the conditions of any applicable licence.
- 4) No person shall possess, sell, or discharge any fireworks not included on the List of Authorized Explosives as published from time to time by the Explosives Regulatory Division of Natural Resources Canada.
- 5) No person shall sell or cause to be sold fireworks except in accordance with the provisions of this by-law. Anyone selling Display Fireworks (F.2) or Special Effects Pyrotechnics (F.3) must hold a licence issued by Natural Resources Canada authorizing them to sell those articles.
- 6) No person shall sell any fireworks without making application for, obtaining and maintaining, pursuant to the terms of this by-law, a licence there for authorizing him/her to carry on such trade in respect of the location authorized on such licence.
- 7) No person shall sell fireworks or discharge fireworks from a location or site other than that specified on the licence.
- 8) No person shall store fireworks unless in compliance with the *Explosives Act, R.S.C. 1985*, as amended, and the regulations thereto.
- 9) Every person shall comply with all conditions of their licence.
- 10) No person shall sell consumer "family" fireworks from a dwelling.
- 11) Receipt of the application and/or the fee by the Town shall not represent approval of the application for issuance of a licence nor shall it obligate the Town to issue same.
- 12) No person other than a Permanent Fireworks Vendor shall sell or possess for the purpose of sale fireworks on days other than Victoria Day, Canada Day, and each of the seven (7) days preceding Victoria Day and Canada Day.
- 13) No person shall sell fireworks unless:
 - a) A completed application has been filed with the Licencing Coordinator.
 - b) Proof of authorization of the owner of the land that Fireworks may be sold at the location specified in the application.

- c) Proof of a recent inspection (60days) by the Fire and Emergency Services Department of the premise to be licenced.
- d) All Fireworks sold 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 Regulatory Division of Natural Resources Canada, or its successors.
- e) All fireworks sold are sold in accordance with the standards of the Explosives Regulatory Division of Natural Resources Canada.
- f) Proof of successful completion of a fireworks safety awareness course or higher level of training provided by the Ministry of Natural Resources.

4. CONSUMER “FAMILY” FIREWORKS

1) Application to Sell Fireworks - In addition to requirements set out in 2(2)

- a) Where the sale of fireworks is from a vehicle, a site plan showing all buildings on the property, available parking spaces, where the display is to be set up on the property and including all setbacks
- b) Where the sale of fireworks is from a retail space, a site plan showing all buildings on the property, including setbacks, and location of fireworks display within the store
- c) Original photographic identification showing the name and address of the applicant and that the applicant is 18 years of age or older
- d) One of the following documents – Business Registrations, Business Licence, Partnership Documentation or Articles of Incorporation
- e) Proof of completion of the Town of Georgina Fireworks Safety Awareness Workshop or training of a higher level provided by National Resources Canada certifying the applicant as a display supervisor, pyro technician, senior pyro technician or SOFA pyro technician, and which must be presented at the time of application for every person selling fireworks.

- f) Certificate of Insurance providing proof of Commercial General Liability Insurance in the minimum amount of Two Million Dollars (\$2,000,000) including Products and Completed Operations, Premise Liability, Personal Injury Liability, Broad form Property Damage, Blanket Contractual Liability and Contingent Employer's Liability Coverage. The Commercial General liability should identify that the Town of Georgina is added as Additional insured by, only in respects to their interest in the operations on the Named Insured within the Town of Georgina
- g) A Police Vulnerable Sector Screening Clearance Letter from a Police Force recognized by the Ontario Chiefs of Police association completed within 60 days of the application for every person engaged in the sale of fireworks.

2) Regulations Affecting the Sale of Consumer "Family" Fireworks – stationary vendors

- a) Consumer Packs - Unless in consumer packs that meet the below requirements, consumer fireworks may be handled by a buyer only after they have been sold with the exception of sparklers and toy pistol caps.

A consumer pack must meet the following requirements:

- i. It must be of sufficient strength to withstand normal handling;
 - ii. It must be designed so that it prevents a person who is handling it from being able to ignite the fireworks it contains; and
 - iii. It must be designed so that it prevents any shifting of the fireworks during handling or transportation; and
 - iv. The trade name of all fireworks in the pack must be printed on it, along with the words "Non-aerial Fireworks", in a location that is clearly visible.
- b) When consumer fireworks are displayed for sale, the following requirements must be met:
 - i. Non-aerial fireworks are in consumer packs that meet the requirements must be separated into lots of 100 kilograms or less;

- ii. All other fireworks, whether aerial or non-aerial, must be separated into lots of 25 kilograms or less;
- iii. Each lot must be separated from the other lots by a fire break;
- iv. The fireworks must be kept away from flammable substances and sources of ignition;
- v. The fireworks must not be exposed to heat or dampness that might cause them to deteriorate;
- vi. The fireworks must be separated from the ceiling and from any fire prevention system by at least 0.6 metres;
- vii. Only people authorized by the retailer may have access to the area behind a sales counter;
- viii. Smoking must be prohibited within 8 metres of the fireworks;
- ix. The fireworks must be attended by persons 18 years of age or older when the sales establishment is unlocked.
- x. No more than 1,000 kilograms of consumer fireworks may be stored in a sales establishment at any one time, including fireworks that are displayed for sale. If the sales establishment is located in a building that contains a dwelling, no more than 100 kilograms may be stored at any one time, including fireworks that are displayed for sale, and
- xi. Fireworks that are not displayed for sale must be stored in a storage area.

c) Storage Requirements

When consumer fireworks are stored,

- i. The storage area must be located in a dry place, away from flammable substances and sources of ignition;
- ii. The storage area must be constructed and maintained to prevent unauthorized access and to protect the contents from weather;

- iii. If the storage area is a container, it must not impede exit in case of fire;
 - iv. If the storage area is not a container, all exits must be kept unobstructed;
 - v. Any shelving in the storage area must be constructed from a non-sparking material (for example, wood or painted metal);
 - vi. Only consumer fireworks may be stored in the storage area;
 - vii. The storage area must be attended when it is unlocked;
 - viii. The storage area must be kept clean, dry, organized and free of grit;
 - ix. Any spill, leakage or other contamination in the storage area must be cleaned up immediately;
 - x. Precautions that minimize the likelihood of fire in or near the storage area must be taken; and
 - xi. A sign that displays the words "Danger — Fire Hazard" in letters at least 10 centimetres high and that prohibits smoking using letters, or a symbol, at least 10 centimetres high must be posted on the storage area in a location which is clearly visible to the public.
- d) Every person must ensure that all aisles containing consumer fireworks are at least 1.2 metres wide and that the aisles are not blocked at either end.
- e) Every person engaged in the sale of consumer fireworks must be at least 18 years of age or older.
- f) The sales premise of a person must ensure that the following requirements are met:
- i. The sales premise must be protected from unauthorized access when it is not open for business;
 - ii. All places where consumer fireworks are stored in the sales premise, whether inside or outside, must be located at least 100 metres from all above-ground storage tanks for flammable substances in bulk and at least 8 metres from the following;

- iii. fuel dispensers at a fuel dispensing station,
- iv. retail propane-dispensing tanks and cylinders,
- v. above-ground storage tanks for flammable substances, and
- vi. compressed natural gas dispensing facilities.

3) Regulations Affecting the Sale of Consumer “Family” Fireworks – Mobile Establishments

- a) In addition to the regulations affecting the sale of fireworks as stated in section 3 of this by-law, no person shall sell fireworks from a Mobile Sale Premise except in accordance with the following additional regulations:
 - i. Not less than two (2) signs must be posted in prominent locations on the outside of the Mobile Sale Premise indicating that persons may not smoke or ignite any flammable material, or have in their possession any lighted match, lighter, pipe, cigar, cigarette, open flame or spark emitting device within 8 metres of the Mobile Sale Premise.
 - ii. Where fireworks are stored in the establishment, whether inside or outside, must be at least 8 metres from all combustible materials, sources of ignition, thoroughfares, buildings or other temporary sales establishments and at least 3 metres from any vehicle parking area.
 - iii. The public shall not be permitted to enter any Mobile Sale Premise for the purposes of purchasing fireworks unless there are at least two operational doors providing means of access to and egress from the Mobile Sale Premise.
 - iv. No more than ten (10) customers are permitted in a Mobile Sale Premise at the same time.
 - v. Any portable power supply to a Mobile Sale Premise must be located not less than twelve (12) metres from the Mobile Sale Premise.
 - vi. With the exception of its entrance and exit, every Mobile Sale Premise shall have a “no encroachment zone” of at least three (3) metres established around the perimeter by means of a barrier, such as snow fencing or pylons or other material satisfactory to the Licencing Coordinator to exclude the public from this area;

- vii. Every vendor of fireworks from a Mobile Sale Premise shall keep their business licence issued in respect of this by-law posted in a location clearly visible to the public on the Mobile Sale Premise, at all times.
- viii. Every vendor of fireworks from a Mobile Sale Premise shall provide and maintain a minimum of 2 fully operational fire extinguishers, ready for immediate use, on site at all times; and.
- ix. Mobile Sales Premise shall be used only for the purpose to sell Consumer Fireworks on Victoria Day, Canada Day, and each of the (7) days preceding Victoria Day and Canada Day.

4) Regulations Affecting the Discharge of Consumer “Family” Fireworks

Every person who sets off consumer fireworks shall:

- a) Not require a licence to discharge fireworks on the day preceding, the day of and the day following Victoria Day and Canada Day.
- b) Provide and maintain fully operational fire extinguishing equipment ready for immediate use, and present at all times for a reasonable period thereafter, the location or site of the setting off of consumer fireworks.
- c) No person shall set off consumer fireworks into, inside of, or on any building, accessory building, structure, or motor vehicle.
- d) No person other than a Licencee of fireworks may, without a licence, possess more than 50 kilograms of consumer fireworks.
- e) No parent or guardian of any person under the age of eighteen (18) years shall allow or permit that person to set off fireworks, except under the direct supervision and control of the natural person eighteen years of age or older, who shall, at all times, remain physically present in the immediate area where the fireworks are being set off.
- f) No person shall set off or hold a display of fireworks on any land that is not owned by him or her, unless written permission for the setting off or the holding of a display of fireworks on a date to be clearly specified in written permission, has been obtained from the property owner, lessee or person in charge of the land.

**5) Application for the Discharge of Consumer “Family”
Fireworks (other than the days specified) - In addition to
requirements set out in 2(2)**

- a) a description of the type and kind of fireworks which will be discharged, the discharge techniques to be used, the manner and means of restraining unauthorized persons from attending too near the discharge location, the manner in which unused fireworks are to be disposed of and the number of persons authorized to handle and discharge fireworks.
- b) a site plan with a description of the discharge site to be used for the setting off 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.
- d) One (1) piece of original photo identification showing address and date of birth

5. DISCHARGE OF DISPLAY FIREWORKS & PYROTECHNICS

**1) Application for the Discharge of Display Fireworks &
Pyrotechnics - In addition to requirements set out in
section 2(2) the following is required**

- a) Every person applying for a Display Permit shall submit the following: See Explosives Regulations – Written Plan
- b) The applicable fee for the Display Permit as set out in Appendix “A”.
- c) Personal identification in a form satisfactory to the Licencing Coordinator that shows that the applicant and all crew members handling Display Fireworks and Special Effects Pyrotechnics must be at least eighteen (18) years of age.
- d) Proof of authorization of the owner of the land that fireworks may be discharged at the location specified in the application.
- e) A site plan of the discharge site identifying:
 - i. The location of the proposed discharge.

- ii. Distance between the discharge area and the general public.
 - iii. Distance from discharge area and surrounding buildings.
 - iv. Access for fire and emergency vehicles satisfactory to the Fire Chief or designate.
- f) Such further information as the Licencing Coordinator or Fire Chief may require.
- g) A certificate of insurance in the Town's form evidencing commercial general liability insurance in an amount no less than Five Million Dollars (\$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 cross liability and severability of interests clause.
- h) Proof the applicant has been approved by the Chief Inspector of Explosives pursuant to the *Explosives Act, R.S.C. 1985* as amended, as a Display Supervisor by providing a copy of their certificate for Display Fireworks.
- i) Proof the applicant has been approved by the Explosives Regulatory Division of Natural Resources Canada as a Pyro technician, Senior Pyro technician or SOFA Pyro technician by providing a copy of their certificate.
- j) A signed agreement that the applicant shall indemnify and hold harmless the Town and its servants, agents and employees from all damages, actions, causes, 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 signed by the applicant or by an individual having authority to bind the applicant.
- k) Display Fireworks and Pyrotechnics may only be discharged at the date, time, location and site shown on the application. An alternate date and time in the event of inclement weather shall also be provided at the time of application
- l) The type and classification of fireworks which may be discharged.
- m) The discharge techniques to be used.

- n) The manner and means of restraining unauthorized persons from attending too near the discharge location.
 - o) The manner in which unused fireworks are to be disposed of.
 - p) The number of persons authorized to handle and discharge the fireworks.
 - q) 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.
 - r) Signature of the applicant and registered owner of the property are required on the application form and shall be deemed as permission for an Inspector to enter the premises named in the application at any reasonable time in order to carry out the inspections required.
- 2) No person may discharge any Display Fireworks or Pyrotechnics except pursuant to a Display Permit issued for such purpose in accordance with provisions of this by-law.
- 3) No person except a Display Supervisor shall discharge any Display Fireworks.
- 4) No person except a Pyro technician, Senior Pyro Technician or a SOFA Pyro Technician shall discharge Pyrotechnics.
- 5) Anyone (ie. All crew) handling display fireworks or special effect pyrotechnics must be certified by Natural Resources Canada.
- 6) Receipt of the application and/or the fee by the Town shall not represent approval of the application for the issuance of a Display Permit nor shall it obligate the Town to issue same.
- 7) Every person to whom a Display Permit is issued shall:
- a) Conform to the applicable provisions of the *Explosives Act, 1985*, as amended and all other Applicable Laws.
 - b) 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 fireworks and shall have knowledge of the operational procedures associated with such fire extinguishing equipment.

- c) Conform to the provisions of the current issue of the Fireworks Manual as published from time to time by the Explosives Regulatory Division of Natural Resources Canada, or any successor publication, applicable to the discharge of fireworks authorized in the Display Permit.
 - d) Conform to the provisions of the current issue of the Pyrotechnics Special Effects Manual as published from time to time or any successor publication, applicable to the discharge of Pyrotechnics in the Display Permit.
 - e) Produce the Display Permit on demand by any person authorized to enforce this by-law and 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.
- 8) Every Display Permit shall include the following conditions:
- a) The Display Permit holder shall only discharge fireworks at the date, time, location and discharge site shown on the Display Permit.
 - b) No person except the Display Supervisor shall discharge any Display Fireworks. No person except a Pyro technician shall discharge Pyrotechnics.
 - c) 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.
 - d) Display Fireworks shall not be discharged within three hundred (300) meters if any premises or place where explosives, gasoline or other highly flammable substances are manufactured or stored in bulk.
 - e) Display Fireworks shall not be discharged within three hundred (300) metres of a hospital, nursing home, home for the aged, church or school unless the consent of the owner or authorized representative thereof is obtained.
 - f) Every person to whom a Display Permit for Display Fireworks or Pyrotechnics is issued shall conform to applicable provisions of either the Display Fireworks Manual or the Pyrotechnics Special Effects Manual.
- 9) A Display Permit shall be revoked when in the opinion of the Licencing Coordinator, Fire Chief or his/her designate deems the conduct of the person discharging the fireworks during

the period in which the Display Permit if 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 by-law and any other applicable laws.

6. GROUNDS FOR REFUSAL TO ISSUE OR RENEW A LICENCE

An applicant is entitled to be licenced and a licensee is entitled to have his licence renewed except where;

- 1) Licensee and staff have not completed the mandatory Fireworks Safety Awareness Workshop or a higher level of fireworks education.
- 2) Having regard to his financial position, the applicant or licensee cannot reasonably be expected to be financially responsible in the conduct of the business being licenced;
- 3) The past conduct of the applicant or licensee affords reasonable grounds for the belief that the applicant or licensee will not carry on the activity for which he is to be licenced in accordance with the law and with integrity and honesty;
- 4) The issuing of the licence or renewal of the licence would be contrary to the public interest;
- 5) The applicant or licensee is carrying on activities that are, or will be, if the applicant is licenced, in contravention of this by-law, or any other municipal by-law or any other applicable law;
- 6) Where the applicant or licensee is a corporation, the past conduct of an officer or director affords reasonable grounds for belief that the applicant or licensee will not carry on the activity for which he is to be licenced in accordance with the law.

7. LICENCING COORDINATOR'S POWER TO REFUSE A LICENCE

- 1) The Licencing Coordinator shall refuse to issue or renew a licence where the applicant or licensee would not be entitled to a licence for reasons set out in this by-law.

8. LICENCING COORDINATOR'S POWER TO REVOKE OR SUSPEND A LICENCE

- 1) The Licencing Coordinator shall revoke or suspend a licence or deny renewal of a licence where the licensee fails to comply with any of the provisions of this by-law.
- 2) A licence shall be revoked when:
 - a) The applicant has been convicted of an offence under this by-law or the *Explosives Act, R.S.C., 1985*.
 - b) In the opinion of the Licencing Coordinator the conduct of the applicant, during the period in which the Licence is effective affords reasonable grounds for belief that the applicant has not, is not or will not carry on the selling off fireworks in accordance with this by-law and any other applicable law.
 - c) The applicant has provided false or misleading information in respect of the licence application.
 - d) In the opinion of the Fire Chief or his/her designate, the premises in which the applicant has sold or intends to sell fireworks does not comply with provisions of this by-law or any other applicable law.

9. ISSUING A LICENCE ON TERMS AND CONDITIONS

- 1) The Licencing Coordinator may issue or renew a licence subject to such terms and conditions as are necessary to give effect to this by-law.

10. PROCEDURE WHEN LICENCE REVOKED OR SUSPENDED

- 1) When, for any of the grounds set out in the applicable section of this by-law, an applicant or licensee is not entitled to be licenced or to have his/her licence renewed, or a licence may be subject to revocation, the Licencing Coordinator shall refuse to issue or renew the licence, suspend or revoke the licence, or issue a licence subject to terms and conditions.
- 2) The Licencing Coordinator shall provide written notice to be given to the applicant;
 - a) Setting out the grounds for the revocation, refusal to issue or renew, suspension or the terms and conditions of a licence;
 - b) Give reasonable particulars of the grounds;

- c) Be signed by the Licencing Coordinator
 - d) Inform the applicant or licensee of his/her right to a hearing before a Licencing Appeals Hearing Committee appointed by Council if he delivers a written request for such a hearing within seven (7) days following the date of service.
- 3) The written notice given by the Licencing Coordinator shall be sufficient service if delivered personally or by registered mail addressed to the person to whom notice is to be given at the last address provided by that person to the Licencing Coordinator. When written notice is given by registered mail, service shall be deemed effective five (5) days from the date of mailing.
 - 4) On receipt of a written request for a hearing from an applicant or a licensee, the Licencing Coordinator shall schedule the hearing and shall give the applicant or licensee reasonable written notice of the date, time and place of the hearing.
 - 5) The provisions of Sections 5 to 15 and 21 to 24 of the *Statutory Powers Procedure Act, R.S.O. 1990*, as amended, shall apply to all hearing conducted by the Licencing Appeals Hearing Committee under this by-law.
 - 6) When an applicant or licensee who has been given written notice of the hearing does not attend at the appointed time and place, the Licencing Appeals Hearing Committee may proceed with the hearing in their absence and the applicant or licensee shall not be entitled to any further notice of the proceedings.
 - 7) At the conclusion of a hearing the Licencing Appeals Hearing Committee shall, as soon as practicable, submit a written report of the hearing to Council and the report shall:
 - a) Summarize the relevant evidence and arguments presented by the parties at the hearing;
 - b) Set out the findings of fact and the decision of the Committee
 - c) Set out the reasons for the decision
 - 8) Upon final decision of the Licencing Appeals Hearing Committee the Licencing Coordinator shall send by either personal delivery or registered mail, a written notice of the Licencing Appeals Hearing Committee's decision.

- 9) A licensee whose licence has been revoked or suspended shall return the licence issued by the Licencing Coordinator within twenty-four (24) hours of the service of notice of revocation. An Inspector may enter upon the business premises of the licensee for the purpose of receiving, taking or removing the said licence.
- 10) No person whose licence has been revoked or suspended shall refuse to deliver the licence to the Licencing Coordinator or Inspector or in any way obstruct or prevent the Licencing Coordinator or Inspector from receiving or taking the same.
- 11) Notwithstanding any decision of or statement by Licencing Appeals Hearing Committee or Council respecting the granting of a licence or application therefore, no person shall be deemed to be licenced until the applicant has paid the required fee and has received the physical licence.
- 12) The Licencing Coordinator shall on behalf of the Town sign all licences issued by it pursuant to this by-law and the Licencing Coordinators signature may be printed or mechanically reproduced upon each licence issued and such licence shall be in such form as Council may from time to time designate.

11. INSPECTION

- 1) An Inspector as defined by this by-law, may at all reasonable times:
 - a) Inspect any vehicle, building, place or premise used in the carrying on of the sale or storage of fireworks required to have a licence under this by-law; and
 - b) Inspect any goods, articles, books, records and other documents of or relating to the sale, storage or safe handling of fireworks.
- 3) All persons selling fireworks must produce their original bill of sale from the fireworks supplier listing all products and gross weight of products at the time of inspection.
- 4) No person who has or is required to have a licence under this by-law shall obstruct or hinder the making of any inspection under this by-law or cause or permit the same to be obstructed or hindered.
- 5) No person shall obstruct the Licencing Coordinator or an Inspector in the execution of their duties.

- 6) No person shall withhold, destroy, conceal or refuse to furnish any information, books, papers, documents, or things relevant to the subject matter of an application or an inspection.

12. PENALTY, ORDERS AND CONFLICT

- 1) Every person, including any director or officer of a corporation who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a minimum fine of \$250 as provided in the *Provincial Offences Act, R.S.O. 1990, C. P.33*, as amended.
- 2) Every person, including any director or officer who concurs in a contravention by a corporation, who contravenes any provisions of this by-law is guilty of an offence, and upon conviction is liable to a fine or penalty of up to \$25,000, exclusive of costs. The provisions of the penalty are as provided for and recoverable under section 161 (2) of the *Municipal Act, 2001, c.25*, as amended.
- 3) Every corporation who contravenes any provision of this by-law is guilty of an offence, and upon conviction is liable of a fine or penalty of up to \$100,000, exclusive of costs. The provisions of the penalty are as provided for and recoverable under section 161 (2) of the *Municipal Act, 2001, c.25*, as amended.
- 4) The conviction of an offender upon the breach of any provision of this by-law shall not operate as a bar to the prosecution against the same offender upon any continued or subsequent breach of any provision and the judge may convict any offender repeatedly for continued or subsequent breaches of the by-law. The provisions of the *Municipal Act, 2001*, shall further apply to any continued or repeated breach of this by-law. Every day shall constitute a separate offence under this by-law.
- 5) If a person sells, discharges or permits to be sold or discharged fireworks in contravention of any of the provisions of this by-law, the Town of Georgina may issue an order to that person, and/or to the owner of the lot containing said business or display to discontinue the contravening activity. The order shall set out the particulars of the contravention, the location of the lot which the contravention has occurred and the date by which there must be compliance with the order. The order shall be served in accordance with section 12(7) of this by-law.

- 6) When a person has been convicted of an offence under this by-law
 - a) The Ontario Court of Justice, or
 - b) Any court of competent jurisdiction thereafter

May in addition to any other penalty imposed on the person convicted, make an order prohibiting the continuation or repetition of the offence by the person convicted.

- 7) An order or notice issued under this by-law may be served personally or by registered mail sent to the last known address of the person to be served, as indicated on the Town's assessment roll or application.
- 8) If an order or notice is served on a person by registered mail, it shall be deemed to have been served on the person on the 5th day after the date of its mailing.
- 9) In the event of any conflict between the provisions of this by-law and the provisions of any other law, the provisions that are the most restrictive shall prevail.

13. INTERPRETATION

- 1) In this by-law, unless the context otherwise requires, words importing the singular number shall include the plural and words importing the masculine gender shall include the feminine.
- 2) All schedules and appendices to this by-law shall form part of the by-law.

14. VALIDITY AND SEVERABILITY

- 1) It is hereby declared that notwithstanding that any section, subsection, clause, paragraph or provision of this by-law or parts thereof, may be declared by any Court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of Council to enact, such section or sections or parts thereof shall be deemed to be severable and shall not affect the validity or enforceability of any other provisions of the by-law as a whole or part thereof and all other sections of the by-law shall be deemed to be separate and independent therefrom and enacted as such.

15. REPEAL

- 1) That Schedule 6 of By-law #2002-0169 (LI-3) and By-law #99-032 of the Corporation of the Town of Georgina be hereby repealed in their entirety.

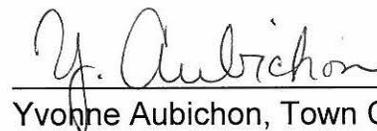
16. FORCE AND EFFECT

- 1) This by-law shall take effect and shall be in full force and effect upon the day of reading and passage thereof.

READ and ENACTED this 8th day of January, 2014.



Robert Grossi, Mayor



Yvonne Aubichon, Town Clerk

APPENDIX "A"

Licence to Sell Fireworks	\$150.00
Licence to Discharge Consumer Fireworks	\$25.00
Licence to Discharge Display Fireworks	\$300.00
Initial 2 Safe Handling Workshop Sessions (dates specified by Town Staff)	\$0
Additional Workshop Dates	\$50.00/person
Replacement Licence	\$25.00
Initial Late Fee	50% of licence fee
Addition Late Fee	15% per month