

PROTECTION

Chapter 1041 FIREWORKS

CHAPTER INDEX

Article 1 SHORT TITLE

1041.1.1 Citation

Article 2 INTERPRETATION

- 1041.2.1 Chief of Police - defined
- 1041.2.2 Display fireworks - defined
- 1041.2.3 Family fireworks - defined
- 1041.2.4 Fire Chief - defined
- 1041.2.5 Firecracker - defined
- 1041.2.6 Magazine - defined
- 1041.2.7 Motor vehicle - defined
- 1041.2.8 Permit - defined
- 1041.2.9 Person - defined
- 1041.2.10 Prohibited fireworks - defined
- 1041.2.11 Retail sale - defined
- 1041.2.12 Shop - defined
- 1041.2.13 Town - defined

Article 3 GENERAL PROVISIONS

1041.3.1 Permit - not transferable

FIREWORKS

- 1041.3.2 Order to comply - issue
- 1041.3.3 Order to comply - remedy - within time specified
- 1041.3.4 Revocation - permit - failure to comply - inspection
- 1041.3.5 Enforcement - authorized persons

Article 4

FIRECRACKER - PROHIBITED FIREWORKS

- 1041.4.1 Possession - sale - prohibited
- 1041.4.2 Discharge - setting off - permitting - prohibited

Article 5

FAMILY FIREWORKS

- 1041.5.1 Sale - authorized explosives only
- 1041.5.2 Display - lots - not exceeding 25 kg
- 1041.5.3 Display - in package - glass case - suitable receptacle
- 1041.5.4 Display - not exposed to sun - excess heat
- 1041.5.5 Sale - from outdoor stand - trailer - vehicle - prohibited
- 1041.5.6 Display - in shop window - mock samples only
- 1041.5.7 Keeping - location - designated - posted no smoking
- 1041.5.8 Sale - day permitted - limitation
- 1041.5.9 Sale - to person under eighteen years of age - prohibited
- 1041.5.10 Setting off - Victoria - Canada Day - other date - permit
- 1041.5.11 Permit - to specify all display requirements
- 1041.5.12 Setting off - by person under 18 - direct supervision
- 1041.5.13 Parent - guardian - responsibility - proper supervision
- 1041.5.14 Display - land owner - written permission - required
- 1041.5.15 Permit - requirements - set out
- 1041.5.16 Fire extinguishing equipment - provided - maintained
- 1041.5.17 Conformance - fireworks manual
- 1041.5.18 Permit - produced upon demand

FIREWORKS

- 1041.5.19 Inspection - all areas - permitted - upon demand
- 1041.5.20 Setting off - inside - into building - vehicle - prohibited
- 1041.5.21 Discharge - nuisance - unsafe condition - prohibited
- 1041.5.22 Discharge - on - highway - public place - prohibited
- 1041.5.23 Discharge - in public place - permitted - conditions

Article 6 DISPLAY FIREWORKS

- 1041.6.1 Sale - authorized explosives - only
- 1041.6.2 Display - discharge - without permit - prohibited
- 1041.6.3 Permit - to specify all display requirements
- 1041.6.4 Display supervisor - qualified - to make application
- 1041.6.5 Application - for permit - requirements - set out
- 1041.6.6 Insurance - minimum requirements
- 1041.6.7 Police Access to Information Waiver - other documents
- 1041.6.8 Display supervisor - proof of qualification
- 1041.6.9 Site - location - description - separate applications
- 1041.6.10 Other information - as required - by Fire Chief
- 1041.6.11 Applicant - sponsor - date - time - location - specified
- 1041.6.12 Display - date - time - location - as specified only
- 1041.6.13 Display - land owner - written permission - required
- 1041.6.14 Neighbouring land owner - written permission
- 1041.6.15 Sale - exhibit - fireworks - kept - maintained
- 1041.6.16 Sale - restriction - information - requirements
- 1041.6.17 Permit - requirements - set out
- 1041.6.18 Fire extinguishing equipment - provided - maintained
- 1041.6.19 Conformance - fireworks manual
- 1041.6.20 Permit - produced - upon demand
- 1041.6.21 Inspection - all areas - permitted - upon demand

1041.1.1

FIREWORKS

1041.2.1

1041.6.22 Setting off - valid fireworks card - only

1041.6.23 Fireworks Supervisor - present - at all times

1041.6.24 Setting off - distance from building - structure - vehicle

1041.6.25 Setting off - distance from inflammables

1041.6.26 Setting off - distance from - nursing home - school

1041.6.27 Nuisance - unsafe condition - prohibited

1041.6.28 Highway - public place - setting off - prohibited

1041.6.29 Display - in public place - permitted - conditions

**Article 7
ENFORCEMENT**

1041.7.1 Fine - for contravention

**Article 8
REPEAL**

1041.8.1 By-law - previous

**Article 1
SHORT TITLE**

1041.1.1 Citation

This Chapter may be cited as the “Fireworks By-law.”

**Article 2
INTERPRETATION**

1041.2.1 Chief of Police - defined

“Chief of Police” means the Chief of Police for The Regional Municipality of York.

1041.2.2 Display fireworks - defined

“display fireworks” means high-hazard fireworks for recreation, including firecrackers, that are classified under class 7, division 2, subdivision 2 under the *Explosives Act* (Canada) and the Explosives Regulations made thereunder, and includes but is not limited to rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, batteries, illuminations, set pieces and pigeons.

1041.2.3 Family fireworks - defined

“family fireworks” means low-hazard fireworks for recreation that are classified under class 7, division 2, subdivision 1 of the *Explosives Act*, (Canada) as amended, and the Explosives Regulations made thereunder, and includes but is not limited to firework showers, fountains, golden rain, lawn lights, pin wheels, roman candles, volcanoes, sparklers, and other similar devices, but does not include Christmas crackers and paper caps containing not more than twenty-five one-hundredths of a grain of explosive on average per cap, devices for use with such caps, safety flares or marine rockets.

1041.2.4 Fire Chief - defined

“Fire Chief” means the Chief of the Fire Department of the Town of Richmond Hill.

1041.2.5 Firecracker - defined

“firecracker” means a pyrotechnic device that explodes when ignited and does not make any subsequent display or visible effect after the explosion but does not include paper caps containing not more than twenty-five one-hundredths of a grain of explosive on average per cap, devices for use with such caps, safety flares or marine rockets.

1041.2.6 Magazine - defined

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

1041.2.7 Motor vehicle - defined

“motor vehicle” means motor vehicle as defined in the *Highway Traffic Act*.

1041.2.8 Permit - defined

“permit” means permission to hold a fireworks display granted by the Town of Richmond Hill on a completed Permission of Local Authority form, signed and issued by the Fire Chief.

1041.2.9 Person - defined

“person” means a natural person and a person as defined in the *Interpretation Act*.

1041.2.10 Prohibited fireworks - defined

“prohibited fireworks” includes, but is not limited to, cigarette loads or plugs, 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 poppers and table bombs, table rockets and bottle skyrockets, fake firecrackers and other trick devices or practical jokes, as included on the most recent list of prohibited fireworks as published from time to time by the Explosives Branch of the Department of Energy, Mines and Resources (Canada), or their successors.

1041.2.11 Retail sale - defined

“retail sale” means a sale for the purpose of consumption or use and not for resale.

1041.2.12 Shop - defined

“shop” means a building or part of a building, booth, stall or place where goods are exposed or offered for sale.

1041.2.13 Town - defined

“Town” means The Corporation of the Town of Richmond Hill.

Article 3 GENERAL PROVISIONS

1041.3.1 Permit - not transferable

A permit issued under this Chapter is not transferable.

1041.3.2 Order to comply - issue

In the event of non-compliance with the provisions of this Chapter, by any person, an order to comply may be issued and served upon such person, by:

- (a) any authorized by-law enforcement officer for the Town; or
- (b) the Fire Chief or the Chief Fire Prevention Officer, or any officer or inspector of the Fire Department; or
- (c) the Chief of Police or any other police constable.

1041.3.3 Order to comply - remedy - within time specified

Every person to whom an order to comply is issued, or upon whom an order to comply is served, shall, forthwith, take such steps as are necessary to comply with the order within the time provided for compliance.

1041.3.4 Revocation - permit - failure to comply - inspection

Where any holder of a permit fails to comply with a request to inspect pursuant to Sections 1041.5.19 or 1041.6.21, or fails to comply with an order to comply issued pursuant to Sections 1041.3.2 and 1041.3.3, in addition to any other remedy or penalty under this Chapter, the Fire Chief shall immediately revoke their permit and shall forthwith cause them to be served with a written notice of such revocation and, upon service of the notice of revocation, the permit holder shall forthwith surrender the permit to the Town.

1041.3.5 Enforcement - authorized persons

The following persons are authorized to enforce this Chapter:

- (a) any authorized by-law enforcement officer for the Town;
- (b) the Fire Chief, the Chief Fire Prevention Officer, or any officer or inspector of the Fire Department; and
- (c) the Chief of Police or any other police constable.

Article 4**FIRECRACKER - PROHIBITED FIREWORKS****1041.4.1 Possession - sale - prohibited**

No person shall possess, offer for sale, cause or permit to be sold, or sell any firecrackers or other prohibited fireworks.

1041.4.2 Discharge - setting off - permitting - prohibited

No person shall discharge, fire, set off or cause or permit to be discharged fired or set off any firecrackers or other prohibited fireworks.

Article 5**FAMILY FIREWORKS****1041.5.1 Sale - authorized explosives only**

No person shall offer for sale, cause or permit to be sold, sell or possess family fireworks unless the fireworks are included on the most recent list of authorized explosives as published from time to time by the Explosives Branch of the Department of Energy, Mines and Resources (Canada), or their successors.

1041.5.2 Display - lots - not exceeding 25 kg

No person shall offer for sale, cause or permit to be sold, sell or possess family fireworks unless the fireworks are displayed in lots that do not exceed 25 kilograms each in gross weight.

1041.5.3 Display - in package - glass case - suitable receptacle

No person shall offer for sale, cause or permit to be sold, sell or possess family fireworks unless the fireworks are displayed in a package, glass case or other suitable receptacle away from inflammable goods.

1041.5.4 Display - not exposed to sun - excess heat

No person shall offer for sale, cause or permit to be sold, sell or possess family fireworks unless the fireworks are displayed in a place where they are not exposed to the rays of the sun or to excess heat.

1041.5.5 Sale - from outdoor stand - trailer - vehicle - prohibited

Notwithstanding Sections 1041.5.1 through 1041.5.4 inclusive, no person shall offer for sale, cause or permit to be sold, or sell family fireworks from an outdoor stand, tent, van, trailer or motor vehicle.

1041.5.6 Display - in shop window - mock samples only

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

1041.5.7 Keeping - location - designated - posted no smoking

No person who offers for sale any family fireworks shall, at any time, keep or permit the keeping of any family fireworks in any location in a shop unless the location is designated and posted as a "no-smoking" area.

1041.5.8 Sale - day permitted - limitation

No person shall offer for sale, cause or permit to be sold or sell family fireworks except on Victoria Day, Canada Day, and each of the seven days immediately preceding Victoria Day and Canada Day.

1041.5.9 Sale - to person under eighteen years of age - prohibited

No person shall offer for sale, cause or permit to be sold or sell family fireworks to any person under the age of eighteen years.

1041.5.10 Setting off - Victoria - Canada Day - other date - permit

Subject to Section 1041.5.12, no person shall set off family fireworks without a permit issued by the Town and signed by the Fire Chief, except on Victoria Day and Canada Day.

1041.5.11 Permit - to specify all display requirements

Permits for setting of family fireworks shall define the location where the fireworks are to be set off, the type and kind of fireworks which may be set off, and the methods and means which may be used to set off the fireworks, the manner and means of restraining unauthorized persons from attending too near the location where the fireworks are being set off, the manner in which unused fireworks are to be disposed of, and the number of persons authorized to handle and set off the fireworks who shall be responsible and competent individuals of at least eighteen years of age.

1041.5.12 Setting off - by person under 18 - direct supervision

No person under the age of eighteen years shall set off family fireworks except under the direct supervision and control of a 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.

1041.5.13 Parent - guardian - responsibility - proper supervision

No parent or guardian of any person under the age of eighteen years shall allow or permit that person to set off family fireworks except under the direct supervision and control of a 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.

1041.5.14 Display - land owner - written permission - required

No person shall set off or hold a display of family 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 family 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.

1041.5.15 Permit - requirements - set out

Every person to whom a permit is issued under Sections 1041.5.10 through 1041.5.14 inclusive, shall comply with the provisions of Sections 1041.5.16 through 1041.5.19 inclusive.

1041.5.16 Fire extinguishing equipment - provided - maintained

Every person to whom a permit is issued under Sections 1041.5.10 through 1041.5.14 inclusive, 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 setting off or holding of a display of family fireworks.

1041.5.17 Conformance - fireworks manual

Every person to whom a permit is issued under Sections 1041.5.10 through 1041.5.14 inclusive, shall conform to the provisions of the current issue of the fireworks manual as published from time to time by the Explosives Branch of the Department of Energy, Mines and Resources (Canada), or any successor publication, for the setting off or holding of a display of display fireworks.

1041.5.18 Permit - produced upon demand

Every person to whom a permit is issued under Sections 1041.5.10 through 1041.5.14 inclusive, shall produce the permit on demand by any person authorized to enforce this Chapter under Section 1041.3.5.

1041.5.19 Inspection - all areas - permitted - upon demand

Every person to whom a permit is issued under Sections 1041.5.10 through 1041.5.14 inclusive, shall permit the inspection of any site where the family fireworks may be stored, set off or displayed, and the family fireworks themselves together with all associated equipment, by anyone authorized to enforce this Chapter forthwith upon demand.

1041.5.20 Setting off - inside - into building - vehicle - prohibited

No person shall set off family fireworks into, inside of or on any building, accessory building, structure or motor vehicle.

1041.5.21 Discharge - nuisance - unsafe condition - prohibited

No person shall set off or continue to set off family fireworks or shall display family fireworks in a manner that creates or may create a nuisance or that creates or may create an unsafe condition, danger from fire or risk of accident, injury or damage at or in respect of any place, location or site, or to or in respect of any person, property or thing.

1041.5.22 Discharge - on - highway - public place - prohibited

Subject to Section 1041.5.23, no person shall set off family fireworks into, in or on any highway, street, lane, square or other public place which the public or any member thereof uses or may use.

1041.5.23 Discharge - in public place - permitted - conditions

Nothing in Section 1041.5.22 shall prohibit the display of family fireworks in a public place in accordance with the provisions of this Article.

Article 6
DISPLAY FIREWORKS

1041.6.1 Sale - authorized explosives - only

No person shall offer for sale, cause or permit to be sold, sell or possess display fireworks unless the fireworks are included on the most recent list of authorized explosives as published from time to time by the Explosives Branch of the Department of Energy, Mines and Resources (Canada) or their successors.

1041.6.2 Display - discharge - without permit - prohibited

No person shall set off or shall hold a display of display fireworks without a permit issued by the Town and signed by the Fire Chief.

1041.6.3 Permit - to specify all display requirements

Permits for display fireworks shall define the location where the display fireworks are to be set off, the type and kind of display fireworks which may be set off, and the methods and means which may be used to set off the display fireworks, the manner and means of restraining unauthorized persons from attending too near the location where the display fireworks are being set off, the manner in which unused display fireworks are to be disposed of, and the number of persons authorized to handle and set off the display fireworks who shall be responsible and competent individuals of at least eighteen years of age.

1041.6.4 Display supervisor - qualified - to make application

Any person eighteen years of age or over, who is duly authorized under the *Explosives Act* (Canada) and approved thereunder as a Display Fireworks Supervisor by the Chief Inspector of Explosives, may make application in writing to the Town's Fire Chief for a permit to set off or hold a display of display fireworks.

1041.6.5 Application - for permit - requirements - set out

Every application for a display fireworks permit under Section 1041.6.4, shall include the information set out in Sections 1041.6.6 through 1041.6.10 inclusive.

1041.6.6 Insurance - minimum requirements

Every application for a display fireworks permit shall have proof of liability insurance in an amount equal to the Town's deductible under its general liability policy as it exists from time to time, naming The Corporation of the Town of Richmond Hill as co-insured and where applicable naming The Regional Municipality of York also as co-insured, and containing a cross-liability clause.

1041.6.7 Police Access to Information Waiver - other documents

Every application for a display fireworks permit shall include the completion, in full, of the York Regional Police Access To Information Waiver or such other documents as may be required by the Chief of Police.

1041.6.8 Display supervisor - proof of qualification

Every application for a display fireworks permit shall have proof that the applicant has been approved by the Chief Inspector of Explosives as a Display Fireworks Supervisor.

1041.6.9 Site - location - description - separate applications

Every application for a display fireworks permit shall include a description of the site to be used for the setting off of the display fireworks, sufficient to identify and locate the site, and where more than one site is proposed, a separate application shall be made for each site.

1041.6.10 Other information - as required - by Fire Chief

Every application for a display fireworks permit shall include such further and other information as the Fire Chief may require.

1041.6.11 Applicant - sponsor - date - time - location - specified

Every display fireworks permit issued under Sections 1041.6.1 through 1041.6.3 inclusive, shall specify the name of the applicant, the name of the sponsoring organization if applicable, the date, time and a sufficient description of the site for the setting off or display of display fireworks to enable it to be identified and located.

1041.6.12 Display - date - time - location - as specified only

No person shall set off or hold a display of display fireworks at a date, time, location or site other than that specified in the permit.

1041.6.13 Display - land owner - written permission - required

Notwithstanding Sections 1041.6.11 and 1041.6.12, no person shall set off or hold a display of display fireworks at any location or site without the written permission of the owner of the site or an authorized representative thereof.

1041.6.14 Neighbouring land owner - written permission

No person shall set off or hold a display of display fireworks on any location or site without the written permission of the owner or an authorized representative thereof of all neighbouring lands upon which debris may be reasonably expected to fall.

1041.6.15 Sale - exhibit - fireworks - kept - maintained

No person shall exhibit, display, offer for sale, cause or permit to be sold or sell display fireworks unless, prior to the sale, the fireworks are kept and maintained in a magazine licensed by the Explosives Branch of the Department of Energy, Mines and Resources (Canada).

1041.6.16 Sale - restriction - information - requirements

No person shall give, offer for sale, cause or permit to be sold or sell display fireworks to any person, unless that person:

- (a) is eighteen years of age or older;
- (b) holds a valid Fireworks Supervisor's Card; and
- (c) holds a valid permit issued by the Town of Richmond Hill.

1041.6.17 Permit - requirements - set out

Every person to whom a permit is issued under Section 1041.6.1 through 1041.6.3 inclusive, shall comply with the provisions of Sections 1041.6.18 through 1041.6.21 inclusive.

1041.6.18 Fire extinguishing equipment - provided - maintained

Every person to whom a display fireworks permit 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 setting off or holding of a display of display fireworks.

1041.6.19 Conformance - fireworks manual

Every person to whom a display fireworks permit is issued shall conform to the provisions of the current issue of the fireworks manual as published from time to time by the Explosives Branch of the Department of Energy, Mines and Resources (Canada), or any successor publication, for the setting off or holding of a display of display fireworks.

1041.6.20 Permit - produced - upon demand

Every person to whom a display fireworks permit is issued shall produce the permit on demand by any person authorized to enforce this Chapter under Section 1041.3.5.

1041.6.21 Inspection - all areas - permitted - upon demand

Every person to whom a display fireworks permit is issued shall permit the inspection of any site where the display fireworks may be stored, set off or displayed, and the display fireworks themselves together with all associated equipment, by anyone authorized to enforce this Chapter forthwith upon demand.

1041.6.22 Setting off - valid fireworks card - only

No person except the holder of a valid Fireworks Supervisor's Card shall set off any display fireworks.

1041.6.23 Fireworks Supervisor - present - at all times

The Fireworks Supervisor who is named on the permit application shall be present, in person at the display, at all times during which the display is being set up, fired and cleaned up.

10414 Setting off - distance from building - structure - vehicle

No person shall set off display fireworks into, inside of or closer than ten metres to any building, accessory building or structure or motor vehicle.

1041.6.25 Setting off - distance from inflammables

No person shall set off display fireworks within 300 metres of any premises or place where explosives, gasoline or other highly inflammable substances are manufactured or stored in bulk.

1041.6.26 Setting off - distance from - nursing home - school

No person shall set off display fireworks within 300 metres of a hospital, nursing home, home for the aged, church or a school unless the consent of the Town and the owner or authorized representative thereof is obtained.

10417 Nuisance - unsafe condition - prohibited

Notwithstanding any other provision of this Article, no person shall set off or continue to set off display fireworks or shall display display fireworks in a manner that creates or may create a nuisance or that creates or may create an unsafe condition, danger from fire or from risk of accident, injury or damage at or in respect of any place, location or site, or to or in respect of any person, property or thing.

1041.6.28 Highway - public place - setting off - prohibited

Subject to Section 1041.6.29, no person shall set off display fireworks into, in or on any highway, street, lane, square or other public place which the public or any member thereof uses or may use.

1041.6.29 Display - in public place - permitted - conditions

Nothing in Section 1041.6.28 shall prohibit the display of display fireworks in a public place in accordance with the provisions of this Article. By-law 284-92, 5 October, 1992.

Article 7
ENFORCEMENT

1041.7.1 Fine - for contravention

Every person who contravenes any of the provisions of this Chapter is guilty of an offence and, upon conviction, is liable to a fine or penalty as provided for in the *Provincial Offences Act*. By-law 365-93, 13 December, 1993.

Article 8
REPEAL

1041.8.1 By-law - previous

By-law 41-71, enacted on the 6th day of April, 1971, is hereby repealed.
By-law 284-92, 2 October, 1992.