

CITY OF TORONTO

BY-LAW 550-2022

To amend City of Toronto By-law 448-2022, being a by-law to amend City of Toronto Municipal Code Chapter 441 Fees and Charges, Chapter 466, Fireworks, and Chapter 608, Parks, to prevent the possession and use of fireworks in City Parks or other public spaces, unless specific municipal authorization is granted; establish a time limit of no later than 11:00 p.m. for the discharge of consumer fireworks in relation to the designated days of Victoria Day and Canada Day; and to update legislative references, fee descriptions and municipal code definitions so that the wording of the City's Municipal Code correspond to Federal regulations to improve readability and clarity, to make technical amendments to correct typographical and similar technical errors.

Whereas under Section 8 of the City of Toronto Act, 2006, the City may pass by-laws in respect of the economic, social and environmental well-being of the City, the health, safety and well-being of persons and protection of persons and property; and

Whereas Council has adopted By-law 448-2022, "To amend City of Toronto Municipal Code Chapter 441 Fees and Charges, Chapter 466, Fireworks, and Chapter 608, Parks, to prevent the possession and use of fireworks in City Parks or other public spaces, unless specific municipal authorization is granted; establish a time limit of no later than 11:00 p.m. for the discharge of consumer fireworks in relation to the designated days of Victoria Day and Canada Day; and to update legislative references, fee descriptions and municipal code definitions so that the wording of the City's Municipal Code correspond to Federal regulations to improve readability and clarity." but the by-law contained typographical and other technical errors; and

Whereas technical amendments are needed to correct the typographical and other technical errors contained in By-law 448-2022, to ensure By-law 448-2022 accurately reflect what Council intended to adopt; and

Whereas under Section 169-5.2B of Municipal Code Chapter 169, Officials, City, the City Solicitor, in consultation with the City Clerk, may submit bills directly to Council to make technical amendments to the Municipal Code and other by-laws to correct technical errors;

The Council of the City of Toronto enacts:

1. Section 10 of By-law 448-2022 is deleted and replaced so it reads as follows:
 10. City of Toronto Municipal Code Chapter 466, Fireworks, is further amended by deleting the existing Section 466-8G, and replacing it with the following:
 - G. The Fire Chief may impose such conditions on the issuance of a fireworks discharge permit as the Fire Chief deems reasonable in the circumstances for the protection of property (whether public or private) or persons from damage or injury.

and inserting the following thereafter as Section 466-8H:

- H. The Fire Chief may require additional information from the applicant as the Fire Chief deems reasonable in the circumstances.

and renumbering the remainder of the section appropriately so that the section will now read as follows:

§ 466-8. General permit requirements.

- A. The Fire Chief shall administer the processing and issuance of permits for the discharge of fireworks.
- B. The Fire Chief shall be authorized to prescribe any City form under this chapter related to permits for the discharge of fireworks and to amend or revise those forms from time to time.
- C. Subject to § 466-6A(2), every person who wishes to discharge fireworks in the City shall:
- (1) Submit an application to the Fire Chief for a fireworks discharge permit on such prescribed application form as may be issued by the Fire Chief from time to time;
 - (2) When submitting the application, pay the applicable, non-refundable fee for a special occasions fireworks discharge permit, a display fireworks discharge permit or a Special Effect Pyrotechnics discharge permit as set out in Schedule 1, Fire Services, of Appendix B of Chapter 441, Fees and Charges, as applicable; and
 - (3) Submit such other information or documentation as required by this section to permit the Fire Chief to determine if the application meets the requirements of this chapter.
- D. The applicant shall sign the application and shall be responsible for the completeness and accuracy of the information provided in the application and the documentation.
- E. Every application for a fireworks discharge permit shall include:
- (1) The name, address and telephone number of the applicant and the sponsoring organization, if applicable;
 - (2) The date and time of the proposed discharge of fireworks and, subject to § 466-5B, an alternate date and time in the event of inclement weather;
 - (3) A description of the site on the property where the discharge of fireworks is proposed;

- (4) A description of the type and kind of fireworks that may be discharged;
 - (5) Proof of the written authorization of the lawful owner or occupier of the lands that fireworks may be discharged at that location;
 - (a) With respect to highway, street, lane, square, public park or other public place, owned and under the management of the City, the written authorization to be submitted must be obtained from the appropriate head, as defined by Chapter 257, Signing Authority, having management responsibility for the premises in question; and
 - (b) With respect to public places owned and under the management of a City Board, the written authorization to be submitted must be obtained from the staff authorized by the City Board to issue authorizations of this type, whether as a permit or in other format;
 - (6) An agreement by the applicant, in a form satisfactory to the City Solicitor, to indemnify and save harmless the City, its elected officials, officers, employees and agents harmless with respect to any action, cost, claim, loss, injury or damage whatsoever arising from the exercise of the rights under the fireworks discharge permit. Such agreement shall be signed by the applicant or by an individual having the authority to bind the applicant; and
 - (7) Such other information or documents as the Fire Chief may require.
- F. No fireworks discharge permit shall be issued to any minor.
- G. The Fire Chief may impose such conditions on the issuance of a fireworks discharge permit as the Fire Chief deems reasonable in the circumstances for the protection of property (whether public or private) or persons from damage or injury.
- H. The Fire Chief may require additional information from the applicant as the Fire Chief deems reasonable in the circumstances.
- I. A fireworks discharge permit shall not be issued to an applicant where the applicant has not submitted all of the information, documents, the applicable fees as required under this section, and, in the case of an application for a display fireworks discharge permit or a Special Effect Pyrotechnics discharge permit, proof of the insurance as required under § 466-10B(2), or the application does not otherwise meet the requirements of this chapter.

- J. Every fireworks discharge permit issued under this chapter is the property of the City, and no person shall enjoy a vested right to such fireworks discharge permit issued under this chapter.
- K. No person shall transfer or assign a fireworks discharge permit in any manner whatsoever, and any transferred or assigned fireworks discharge permit shall be deemed revoked.
- L. No person to whom a fireworks discharge permit is issued shall fail to comply with all of the conditions of the fireworks discharge permit.

2. Section 18 of By-law 448-2022 is deleted and replaced so that it reads as follows:

18. City of Toronto Municipal Code Chapter 466, Fireworks, is further amended to amend Section 466-12B to add a new Subsection 466-12B(3) after Subsection 466-12B(2) that reads:

- (3) Where applicable, a description of any special effect pyrotechnics/ display fireworks which are defined as firecrackers under this chapter, sought to be discharged; and

and renumbering the remainder of the section appropriately so that the section will now read as follows:

- B. Every person who wishes to discharge Special Effect Pyrotechnics shall submit the permit fee for a Special Effect Pyrotechnics discharge permit as set forth in Schedule 1, Fire Services, of Appendix B of Chapter 441, Fees and Charges, and a complete application for a Special Effect Pyrotechnics discharge permit to the Fire Chief in accordance with § 466-8C, D, and E, which shall also include:
 - (1) A plan describing the location and nature of the proposed use of Special Effect Pyrotechnics, and any measures to be taken to ensure the safety of persons at the site;
 - (2) Proof of insurance as set forth in § 466-10B(2);
 - (3) Where applicable, a description of any special effect pyrotechnics/ display fireworks which are defined as firecrackers under this chapter, sought to be discharged; and
 - (4) A copy of a valid certification as a pyrotechnician issued by the Chief Inspector of Explosives under the Explosives Act in the name of the person who will discharge the Special Effect Pyrotechnics.

3. City of Toronto Municipal Code Chapter 466, Fireworks, is amended to replace the phrase "theatrical display discharge permit" in Section 466-11C(3) with the phrase "special effects pyrotechnics discharge permit" so that Section 466-11C(3) reads as follows:
- (3) Conform to the provisions of the Explosives Act and the pyrotechnics special effects manual that apply to the discharge of Special Effects Pyrotechnics authorized in the Special Effects Pyrotechnics Discharge Permit and all other applicable laws;
4. Section 22 of By-law 448-2022 is amended so that only the fee descriptions are amended in City of Toronto Municipal Code Chapter 441, Fees and Charges, and the amendments in Subsections A, B, C and D in Section 22 are deleted and replaced to read as follows:
- A. Amending Column II for existing line 24, of Appendix B-Schedule 1, to replace the term Theatrical Permits with Special Effect Pyrotechnics Permits so line 24 reads as follows:

*	To Column I	To Column II	To Column III	To Column IV	To Column V	To Column VI
24	Fire Prevention, Inspection & Enforcement	Fireworks Display/ Special Effect Pyrotechnics Permits - Review of documentation and site visit	Full Cost Recovery	Per permit	\$543.97	Yes

- B. Amending Column II for existing lines 37-40 and 42 of Appendix B-Schedule 1, to replace the term Family Fireworks with Consumer Fireworks so lines 37-40 and 42 read as follows:

*	To Column I	To Column II	To Column III	To Column IV	To Column V	To Column VI
37	Fire Prevention, Inspection & Enforcement	Fire Prevention Inspections - Temporary fireworks permit for vendor that stores and sells no more than 25kg (net explosive quantity) of Consumer Fireworks at any time	Full Cost Recovery	Per permit	\$616.10	Yes

*	To Column I	To Column II	To Column III	To Column IV	To Column V	To Column VI
38	Fire Prevention, Inspection & Enforcement	Fire Prevention Inspections - Temporary fireworks permit for vendor that stores and sells more than 25kg (net explosive quantity) of Consumer Fireworks at any time	Full Cost Recovery	Per permit	\$924.15	Yes
39	Fire Prevention, Inspection & Enforcement	Fire Prevention Inspections - Temporary lease fireworks permit for the Vendor for the sale of Consumer Fireworks	Full Cost Recovery	Per permit	\$1,848.30	Yes
40	Fire Prevention, Inspection & Enforcement	Fire Prevention Inspections - Temporary mobile fireworks permit for the vendor for the sale of Consumer Firework	Full Cost Recovery	Per permit	\$1,848.30	Yes
42	Fire Prevention, Inspection & Enforcement	Fire Prevention Inspections - Special occasions permit for the discharge of Consumer Fireworks	Full Cost Recovery	Per permit	\$195.90	Yes

C. By amending Column II for existing lines 83-85 to replace the term Theatrical permits with Special Effect Pyrotechnic permits so lines 83-85 reads as follows:

*	To Column I	To Column II	To Column III	To Column IV	To Column V	To Column VI
83	Fire Prevention, Inspection & Enforcement	(24a) Re-inspection- Inspector conducting Fire Prevention Re- inspection arising from a Fireworks Display/ Special Effect Pyrotechnics Permits site visit	Full Cost Recovery	Per hour or portion thereof	\$97.95	Yes

*	To Column I	To Column II	To Column III	To Column IV	To Column V	To Column VI
84	Fire Prevention, Inspection & Enforcement	(24b) Re-inspection- Captain conducting Fire Prevention Re- inspection arising from a Fireworks Display/ Special Effect Pyrotechnics Permits site visit	Full Cost Recovery	Per hour or portion thereof	\$118.41	Yes
85	Fire Prevention, Inspection & Enforcement	(24c) Re-inspection- District Chief conducting Fire Prevention Re- inspection arising from a Fireworks Display/ Special Effect Pyrotechnics Permits site visit	Full Cost Recovery	Per hour or portion thereof	\$135.99	Yes

D. By amending Column II for existing lines 86-89 of Appendix B-Schedule 1, to replace the term Family Fireworks with Consumer Fireworks so lines 86-89 reads as follows:

*	To Column I	To Column II	To Column III	To Column IV	To Column V	To Column VI
86	Fire Prevention, Inspection & Enforcement	(42a) Re-inspection- Inspector conducting Fire Prevention Re- inspection arising from a Special Occasions permit for the discharge of Consumer Fireworks	Full Cost Recovery	Per hour or portion thereof	\$97.95	Yes
87	Fire Prevention, Inspection & Enforcement	(42b) Re-inspection- Captain conducting Fire Prevention Re- inspection arising from a Special Occasions permit for the discharge of Consumer Fireworks	Full Cost Recovery	Per hour or portion thereof	\$118.41	Yes

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*	To Column I	To Column II	To Column III	To Column IV	To Column V	To Column VI
88	Fire Prevention, Inspection & Enforcement	(42c) Re-inspection- District Chief conducting Fire Prevention Re- inspection arising from a Special Occasions permit for the discharge of Consumer Fireworks	Full Cost Recovery	Per hour or portion thereof	\$135.99	Yes

5. This By-law is deemed to have come into effect on May 12, 2022.

Enacted and passed on June 16, 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)