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CHAPTER 466, FIREWORKS

Chapter 466

FIREWORKS

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[HISTORY: Adopted by the Council of the City of Toronto 2007-12-13 by By-law No. 1422-2007.¹ Amendments noted where applicable.]

General References

Fees and charges - See Ch. 441.

¹ Editor's Note: This by-law was passed under the authority of sections 8(2) and 8(3) of the *City of Toronto Act, 2006*, S.O. 2006, c. 11, and section 7.1(1)(a) of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4. This by-law also repealed the following by-laws: Chapter 867, Fireworks - Use-Discharge (York); Chapter 137, Fireworks (Etobicoke); Chapter 190, Fireworks (Toronto); By-law No. 23650, as amended, being a by-law to regulate fireworks (Scarborough); By-law No. 25102, as amended, a by-law to regulate and prohibit the sale and setting off of fireworks (North York); and By-law No. 695, as amended, to regulate and prohibit the sale and setting off of firecrackers and fireworks (East York). This by-law came into force January 1, 2008.

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Business Corporations Act - See R.S.O. 1990, c. B.16.
City of Toronto Act, 2006 - See S.O. 2006, c. 11.
Corporations Act - See R.S.O. 1990, c. C.38.
Fire Protection and Prevention Act, 1997 - See S.O. 1997, c. 4.

ARTICLE I
Interpretation

§ 466-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

APPLICABLE LAWS - Any applicable federal, provincial or municipal laws, statutes, by-laws, rules, regulations, policies, orders, directives and codes, including, but not limited to, the *Explosives Act*, the *Fire Protection and Prevention Act, 1997*, and the Fire Code, and the Transportation of Dangerous Goods Act, 1992 (1992, c.34), as each may be amended from time to time.

APPLICANT - Any person who makes an application for a fireworks discharge permit or a fireworks vendor's permit under this chapter.

BY-LAW - This Fireworks By-law, being a by-law of the City to regulate the sale and discharge of fireworks within the City, and any amendments to this by-law.

CORPORATION - A corporation incorporated pursuant to the *Business Corporations Act*, as amended, the *Corporations Act*, as amended, or the Canada Business Corporations Act, R.S.C. 1985, c. C-44, as amended.

DISCHARGE - When used in relation to fireworks, prohibited fireworks and firecrackers, includes firing, igniting, exploding and setting off such articles.

DISPLAY DISCHARGE PERMIT - A written authorization issued by the City under this chapter to discharge display fireworks.

DISPLAY FIREWORKS - High hazard fireworks generally used for recreation that are classified under Class 7, Subdivision 2 of Division 2 under the Explosives Regulations 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.

DISPLAY FIREWORKS MANUAL - The display fireworks manual as published from time to time by the Explosives Branch of Natural Resources Canada, or any publication in substitution therefor that applies to display fireworks.

DIWALI DAY - The date indicated as Diwali in the annual schedule of meetings adopted by Council and published by the City Clerk as required by § 27-25 of Chapter 27, Council Procedures. **[Added 2010-07-08 by By-law No. 858-2010]**

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EDUCATIONAL INSTITUTION - Any educational institution under the jurisdiction of the Ministry of Education or the Ministry of Training, Colleges and Universities; a non-profit institution licensed or recognized by or under an Act of Parliament or the legislature of a province to provide pre-school, elementary, secondary or post-secondary education; and a non-profit institution that is directed or controlled by a board of education regulated by or under an Act of the legislature of a province and that provides continuing, professional or vocational education or training and includes an outdoor area when in use for instructional or recreational purposes by an education institution, whether or not adjacent to a building.

EXPLOSIVES ACT - The Explosives Act (R.S.1985, c. E-17) and the regulations enacted thereunder from time to time or any act or regulations enacted in substitution therefor.

EXPLOSIVES REGULATIONS - 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 therefor.

FAMILY FIREWORKS - Low hazard fireworks generally used for recreation that are classified under Class 7, Subdivision 1 of Division 2 of the Explosives Regulations, and includes but is not limited to fireworks showers, fountains, golden rain, lawn lights, pinwheels, Roman candles, volcanoes, sparklers and other similar devices.

FIRE CHIEF - The Fire Chief for the City or designate.

FIRE CODE - Ontario Regulation 213/07 made under Part IV of the *Fire Protection and Prevention Act, 1997*, as may be amended from time to time, and any regulations enacted from time to time in substitution therefor.

FIRE MARSHAL - Fire Marshal appointed under subsection 8(1) of the *Fire Protection and Prevention Act, 1997*.

FIRE PREVENTION INSPECTOR - A fire prevention inspector for the City and includes an Assistant to the Fire Marshal.

FIRE PROTECTION AND PREVENTION ACT, 1997 - The *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4, as amended, and any regulations enacted thereunder from time to time or any act or regulations enacted in substitution therefor.

FIRECRACKER - 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 0.25 of a grain of explosive on average per cap, devices for use with such caps, safety flare or marine rockets.

FIREWORKS - Display fireworks, family fireworks and theatrical fireworks.

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FIREWORKS DISCHARGE PERMIT - A written authorization issued by the City pursuant to this chapter to discharge family fireworks, display fireworks or theatrical fireworks.

FIREWORKS SUPERVISOR - A person certified under the Explosives Act to conduct a fireworks display.

FIREWORKS VENDOR'S PERMIT - One of the following written authorizations issued by the City under this chapter: [**Amended 2008-03-05 by By-law No. 246-2008; 2010-07-08 by By-law No. 858-2010**]

- A. Permanent fireworks vendor's permit: a permit issued to a permanent fireworks vendor to sell one or more of the following year round: family fireworks, display fireworks or theatrical fireworks.
- B. Temporary fireworks vendor's permit [up to 25 kg (net explosive quantity) of family fireworks]: a permit issued to a temporary fireworks vendor that:
 - (1) Only sells family fireworks;
 - (2) Stores and sells no more than 25 kg (net explosive quantity) of family fireworks at any one time; and
 - (3) Only sells fireworks during one or more of the following time periods:
 - (a) Victoria Day and the seven days immediately before Victoria Day;
 - (b) Canada Day and the seven days immediately before Canada Day; and
 - (c) Diwali Day and the seven days immediately before Diwali Day.
- C. Temporary fireworks vendor's permit [over 25 kg (net explosive quantity) of family fireworks]: a permit issued to a temporary fireworks vendor that:
 - (1) Only sells family fireworks;
 - (2) Stores and sells more than 25 kg (net explosive quantity) of family fireworks at any one time; and
 - (3) Only sells fireworks during one or more of the following time periods:
 - (a) Victoria Day and the seven days immediately before Victoria Day;
 - (b) Canada Day and the seven days immediately before Canada Day; and
 - (c) Diwali Day and the seven days immediately before Diwali Day.

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- D. Temporary lease fireworks vendor's permit: a permit issued to a temporary lease fireworks vendor that:
- (1) Only sells family fireworks; and
 - (2) Only sells fireworks during one or more of the following time periods:
 - (a) Victoria Day and the seven days immediately before Victoria Day;
 - (b) Canada Day and the seven days immediately before Canada Day; and
 - (c) Diwali Day and the seven days immediately before Diwali Day.
- E. Temporary mobile fireworks vendor's permit: a permit issued to a temporary mobile fireworks vendor that:
- (1) Only sells family fireworks; and
 - (2) Only sells fireworks during one or more of the following time periods:
 - (a) Victoria Day and the seven days immediately before Victoria Day;
 - (b) Canada Day and the seven days immediately before Canada Day; and
 - (c) Diwali Day and the seven days immediately before Diwali Day.

FIREWORKS VENDOR'S PERMIT ISSUER - The Executive Director of Municipal Licensing and Standards or his or her delegate.

HIGH HAZARD FIREWORKS - Fireworks which present a special hazard to person(s) and has the same meaning as in the Explosives Act.

LAW ENFORCEMENT OFFICER - A person authorized to undertake an inspection required for the purposes of the enforcement of this chapter and shall include a by-law enforcement officer, or officer or employee (including the Fire Chief and a fire prevention inspector) of the City, or any member of the Toronto Police Service.

LOW HAZARD FIREWORKS - Fireworks which are relatively innocuous in themselves and not liable to explode violently or all at once and has the same meaning as in the Explosives Regulations.

MAGAZINE - Means magazine as defined in the Explosives Regulations.

MINOR - A person who is under 18 years of age.

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NET EXPLOSIVE QUANTITY - The mass of the explosives excluding the mass of any packaging or container. If the net explosive quantity cannot reasonably be determined for any family fireworks, the net explosive quantity is calculated as 25% of the gross mass of the article.

PERMANENT FIREWORKS VENDOR - A retailer conducting business in the City that sells fireworks year round from a permanent retail outlet in the City.

PERMANENT RETAIL OUTLET - A retail outlet located in a permanent structure.

PROHIBITED FIREWORKS - 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.

PROPERTY - A building or structure or part of a building or structure, and includes the lands and premises appurtenant to the building or structure and all mobile buildings, mobile structures, and includes temporary mobile retail outlets and vacant land.

PYROTECHNICIAN - A person certified under the *Explosives Act* as a theatrical user, an assistant, a pyrotechnician or a special effects pyrotechnician and is qualified to purchase and supervise the display of theatrical fireworks under the *Explosives Act*.

PYROTECHNICS SPECIAL EFFECTS MANUAL - The pyrotechnics special effects manual as published from time to time by the Explosives Branch of Natural Resources Canada, or any publication in substitution therefor that applies to theatrical fireworks.

RELIGIOUS INSTITUTION - An association that is (1) charitable according to the law of Ontario; (2) organized for the advancement of religion and for the conduct of religious worship, services or rites; and (3) permanently established both as to the continuity of its existence and as to its religious beliefs, rituals and practices.

SELL - Includes offering for sale, causing or permitting to be sold and possessing for the purpose of sale other than wholesale.

SPECIAL OCCASIONS FIREWORKS DISCHARGE PERMIT - A written authorization issued by the City pursuant to this chapter to discharge family fireworks on a day other than Canada Day or Victoria Day for religious, cultural and special events.

TEMPORARY FIREWORKS VENDOR - A person that is retailer that conducts business in the City from a permanent retail outlet that sells fireworks on a temporary basis and not year round, and does not include a temporary lease fireworks vendor.

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TEMPORARY LEASE FIREWORKS VENDOR - A person that is a retailer that conducts business in the City who leases any part of a permanent retail outlet on a temporary basis and not year round solely for the purpose of selling fireworks.

TEMPORARY MOBILE FIREWORKS VENDOR - Any person that sells fireworks from a temporary mobile retail outlet on a temporary basis and does not sell fireworks year round.

TEMPORARY MOBILE RETAIL OUTLET - An outdoor tent made of flame-retardant material, a trailer or other movable, temporary shelter used for the purposes of the sale of family fireworks that meets the requirements of the Explosives Act, but does not include a motorized vehicle.

THEATRICAL DISCHARGE PERMIT - A written authorization issued by the City under this chapter to discharge theatrical fireworks.

THEATRICAL FIREWORKS - Explosives that are classified under Class 7, Subdivision 5 of Division 2 of the Explosives Regulations and any authorized 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 as a performance, before a live audience.

ARTICLE II
Title

§ 466-2. Short title.

This chapter may be referred to as the "Fireworks By-law."

ARTICLE III
General

§ 466-3. Application.

- A. This chapter applies to all lands and premises within the City.
- B. This chapter does not apply to the following recreational low hazard fireworks of Class 7, Subdivision 1 of Division 2 of the Explosives Regulations: Christmas crackers and caps for toy guns paper containing not more than 0.25 of a grain of explosive on average per cap.
- C. This chapter does not apply to the following low hazard fireworks having a practical use: highway safety flares, fuses and other small distress signals classed as Class 7, Subdivision 4 of Division 2 of the Explosives Regulations.
- D. This chapter does not apply to the sale by wholesale of fireworks.

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§ 466-4. Prohibitions; general.

- A. No person shall store for sale, display, or sell any fireworks within the City except in accordance with the provisions of this chapter.
- B. No person shall discharge any fireworks within the City except in accordance with this chapter.
- C. No person shall sell any firecrackers or prohibited fireworks within the City.
- D. No person shall discharge any firecrackers or prohibited fireworks within the City.
- E. No person shall store for sale, display, sell or discharge fireworks within the City in a manner contrary to the Criminal Code, R.S., 1985, c.C-46, as amended, the Explosives Act, the *Fire Protection and Prevention Act, 1997* or any other applicable laws; if any provision in this chapter conflicts with the *Explosives Act*, the more stringent requirements will prevail.

ARTICLE IV
Family Fireworks

§ 466-5. Discharge of family fireworks.

- A. Subject to § 466-5B, no person shall discharge any family fireworks in the City except on the designated days of Victoria Day, Canada Day or any day for which a special occasions fireworks discharge permit has been applied for and issued by the Fire Chief.
- B. If weather conditions such as rain, fog, smog or wind on Victoria Day, Canada Day or the date specified in the special occasions fireworks discharge permit make it impractical and/or unsafe to discharge family fireworks, the next day before or after Victoria Day or Canada Day, or in the case of a special occasions discharge permit, the next day before or after the date specified in the special occasions fireworks discharge permit shall be the designated day.
- C. No person shall discharge family fireworks in the City:
 - (1) In, on or into any building, structure, or motor vehicle;
 - (2) On or into any highway, street, lane, square, public park or other public place; for greater certainty, only display fireworks and theatrical fireworks may be discharged in a public park in the City with a permit issued by the City's Parks, Forestry and Recreation Division;
 - (3) Within 100 metres of any place where explosives, gasoline or other highly flammable substances are sold or stored;

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- (4) Without limiting Subsection C(2), on any land other than land belonging to the person discharging the family fireworks, or on other private property where the prior written consent of the owner has been obtained; proof of such consent shall be provided to the Fire Chief or any other law enforcement officer upon request; and
 - (5) In a manner that may create a nuisance or an unsafe condition, risk of fire or injury or damage to any person or property.
- D. Every person who discharges family fireworks shall provide and maintain fully operational fire extinguishing equipment, being a minimum of a 3A60BC fire extinguisher, ten-litre pressurized water unit or a fully charged garden hose, ready and accessible at all times when family fireworks are being discharged and for a reasonable period thereafter, at the fireworks discharge site.

ARTICLE V
Discharge of Fireworks - General

§ 466-6. General prohibitions related to the discharge of fireworks.

- A. (1) No person shall permit a person to discharge fireworks of any kind on property to which they are in lawful care and control unless the person discharging the fireworks has the applicable fireworks discharge permit to do so.
- (2) A fireworks discharge permit is not required to discharge family fireworks on Victoria Day or Canada Day, or, in the event of inclement weather, the next day before or after Victoria Day or Canada Day in accordance with § 466-5B.
- B. No person shall represent or cause to be represented that he or she is the lawful owner or occupier, or legal representative thereof, of lands upon which a discharge of fireworks is to take place for the purpose of facilitating a person obtaining a fireworks discharge permit to discharge fireworks if he or she is not.
- C. No minor shall discharge fireworks.
- D. No parent or guardian of a minor shall allow that person to discharge fireworks.
- E. No person shall discharge fireworks in a manner contrary to the manufacturer's instructions.

ARTICLE VI
Special Occasions Fireworks Discharge Permit

§ 466-7. Application for a special occasions fireworks discharge permit.

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- A. A person who wishes to discharge family fireworks on any day other than Victoria Day or Canada Day shall submit an application to the Fire Chief for a special occasions fireworks discharge permit that meets the requirements in this section and § 466-8.
- B. When submitting the application, the applicant shall pay a non-refundable fee for the special occasions fireworks discharge permit as set forth in Schedule 1, Fire Services, of Appendix B of Chapter 441, Fees and Charges.
- C. The application for a special occasions fireworks discharge permit shall include 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 special occasions fireworks discharge permit. Such agreement shall be signed by the applicant or by an individual having the authority to bind the applicant.
- D. In addition to any conditions the Fire Chief may impose in accordance with § 466-8G, a special occasions fireworks discharge permit shall include the following conditions:
 - (1) Subject to § 466-5B, family fireworks may only be discharged on the date and at the time and location specified in the special occasions fireworks discharge permit;
 - (2) No person shall discharge the family fireworks under a special occasions fireworks discharge permit within 100 metres of the property line of the premises of:
 - (a) A religious institution;
 - (b) An educational institution;
 - (c) A hospital;
 - (d) A nursing home;
 - (e) A home for the aged or a long-term care home; or
 - (f) A psychiatric facility; and
 - (3) The conditions set out in § 466-5C and D.
- E. Subsection D(2) shall not apply where a person has obtained the prior written consent of the owner or authorized representative of the applicable institution or organization. Upon request, proof of such consent shall be provided to the Fire Chief or another law enforcement officer.

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ARTICLE VII
Fireworks Discharge Permits

§ 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 theatrical fireworks 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;

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- (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 require additional information from the applicant and 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. 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 theatrical fireworks discharge permit, proof of the insurance as required under § 466-10B(2), or the application does not otherwise meet the requirements of this chapter.
 - I. 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.
 - J. 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.
 - K. No person to whom a fireworks discharge permit is issued shall fail to comply with all of the conditions of the fireworks discharge permit.

ARTICLE VIII
Display Fireworks

§ 466-9. Discharge of display fireworks.

- A. No person shall discharge display fireworks in the City without first applying for and receiving a display fireworks discharge permit to do so issued by the Fire Chief.
- B. No person shall discharge display fireworks unless he or she is a fireworks supervisor who is qualified for such purpose to the satisfaction of the Fire Chief.
- C. No person who discharges display fireworks shall fail to:

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- (1) Comply with all conditions set out in the display fireworks permit;
- (2) Take all steps reasonably necessary, as would a reasonable and prudent person, to ensure no harm to persons or property damage;
- (3) Conform to the provisions of the Explosives Act and the display fireworks manual that apply to the discharge of display fireworks authorized in the fireworks display discharge permit and all other applicable laws;
- (4) Ensure that fire extinguishers are available at the discharge location that conform to the requirements of the display fireworks manual that apply to the discharge of display fireworks authorized in the display fireworks discharge permit;
- (5) 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 display fireworks manual for the discharge of display fireworks authorized in the display fireworks discharge permit;
- (6) Produce the fireworks discharge permit on demand by any person authorized to enforce this chapter;
- (7) Immediately after the display fireworks have been discharged, inspect the site and:
 - (a) Remove all unused or partly used fireworks and debris from the site;
 - (b) Return the site to the condition it was in before the discharge of the display fireworks.

§ 466-10. Discharge permit for display fireworks.

- A. No person shall discharge display fireworks in the City unless they have applied for and been granted a fireworks display permit to do so in accordance with the provisions of this chapter.
- B. Every person who wishes to discharge display fireworks shall submit the permit fee for the display fireworks 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 display fireworks discharge permit to the Fire Chief in accordance with § 466-8C, D and E, which shall also include:
 - (1)
 - (a) A site plan of the discharge site identifying the location of the proposed display fireworks;
 - (b) The type of fireworks display, dimensions of the discharge zone, and direction the applicant will be firing the display;

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- (c) Access to be provided for fire and emergency vehicles;
 - (d) The manner and means of restraining unauthorized persons from attending too near the discharge location;
 - (e) The free zone area of clear distance between the point of launch and an occupied area;
 - (f) The number of persons authorized to handle and discharge the fireworks; and
 - (g) The manner in which unused fireworks are to be disposed of;
- (2) Proof of comprehensive general liability insurance in an amount no less than \$5,000,000, in a form and with an insurer satisfactory to the City's Manager of Insurance and Risk Management or his or her delegate, naming the City as an additional insured. The applicant shall file a certificate of insurance originally signed by the insurer or an authorized agent of the insurer with the application evidencing the form and amount of insurance coverage, and containing a cross liability/severability of interests clause, a provision that the insurance is primary before the insurance of the City and that the insurer will provide the City with at least 30 days' notice of any intention to cancel the policy or of any material change to the insurance policy;
- (3) A copy of a valid certification as a fireworks supervisor issued by the Chief Inspector of Explosives under the Explosives Act in the name of the person who will discharge the display fireworks;
- C. Every display discharge permit issued shall include and be subject to the following conditions:
- (1) The fireworks discharge permit holder shall only discharge the fireworks at the date, time, location and discharge site shown on the fireworks discharge permit;
 - (2) No person, except a fireworks supervisor, shall set off any display fireworks;
 - (3) The fireworks supervisor who is named on the discharge permit application shall be present in person at the display at all times during which the display is being set up, discharged and cleaned up; and
 - (4) The discharge of display fireworks shall conform to the provisions of the Explosives Act and the display fireworks manual that apply to the discharge of display fireworks authorized in the fireworks display discharge permit and all other applicable laws.

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ARTICLE IX
Theatrical Fireworks

§ 466-11. Discharge of theatrical fireworks.

- A. No person shall discharge theatrical fireworks in the City without having first obtained a theatrical fireworks discharge permit to do so from the Fire Chief.
- B. Theatrical fireworks shall only be discharged by a pyrotechnician.
- C. No person who discharges theatrical fireworks shall fail to:
 - (1) Comply with all conditions set out in the theatrical fireworks permit;
 - (2) Take all steps reasonably necessary, as would a reasonable and prudent person, to ensure no harm to persons or property damage;
 - (3) Conform to the provisions of the Explosives Act and the pyrotechnics special effects manual that apply to the discharge of theatrical fireworks authorized in the theatrical display discharge permit and all other applicable laws;
 - (4) Ensure that fire extinguishers are available at the discharge location that conform to the requirements of the pyrotechnics special effects manual that apply to the discharge of theatrical fireworks authorized in the theatrical fireworks discharge permit;
 - (5) Ensure that persons present at the discharge of the theatrical fireworks are kept at a safe distance from the location of the discharge of the theatrical fireworks as outlined in the pyrotechnics special effects manual;
 - (6) Produce the theatrical fireworks discharge permit on demand by any person authorized to enforce this chapter;
 - (7) Immediately after the theatrical fireworks have been discharged, inspect the site and:
 - (a) Remove all unused or partly used fireworks and debris from the site;
 - (b) Return the site to the condition it was in before the discharge of the theatrical fireworks.

§ 466-12. Discharge permits for theatrical fireworks.

- A. No person shall discharge theatrical fireworks in the City unless they have applied for and been granted a theatrical fireworks discharge permit to do so in accordance with the terms of this chapter.

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- B. Every person who wishes to discharge theatrical fireworks shall submit the permit fee for a theatrical fireworks 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 theatrical fireworks 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 theatrical fireworks, 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); and
 - (3) 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 theatrical fireworks;
- C. Every theatrical fireworks discharge permit issued shall include and be subject to the following conditions:
- (1) The fireworks discharge permit holder shall only discharge the theatrical fireworks at the date, time, location and discharge site shown on the theatrical discharge permit;
 - (2) No person, except a pyrotechnician, shall discharge any theatrical fireworks;
 - (3) The pyrotechnician who is named on the discharge permit application shall be present in person at the site specified in the theatrical discharge permit at all times during which the theatrical fireworks are being set up, discharged and cleaned up; and
 - (4) The discharge of theatrical fireworks shall conform to the provisions of the Explosives Act and the pyrotechnics special effects manual that apply to the discharge of theatrical fireworks authorized in the theatrical display discharge permit and all other applicable laws.

ARTICLE X
Sale of Fireworks

§ 466-13. General terms related to the sale of fireworks.

- A. Any person wishing to sell fireworks in the City must submit an application to the fireworks vendor's permit issuer in accordance with § 466-15, and submit the required information and documentation and fee for the applicable fireworks vendor's permit.
- B. The fees for the following categories of fireworks vendor's permits are set out in Schedule 1, Fire Services, of Appendix B of Chapter 441, Fees and Charges:

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- (1) Permanent fireworks vendor's permit;
 - (2) Temporary fireworks vendor's permit [up to 25 kg (net explosive quantity) of family fireworks];
 - (3) Temporary fireworks vendor's permit [more than 25 kg (net explosive quantity) of family fireworks];
 - (4) Temporary lease fireworks vendor's permit; and
 - (5) Temporary mobile fireworks vendor's permit.
- C. Only permanent fireworks vendors may sell fireworks year round in the City pursuant to a permanent fireworks vendor's permit and the terms of this chapter.
- D. No person shall sell any display fireworks or theatrical fireworks other than permanent fireworks vendors pursuant to a permanent fireworks vendor's permit and the terms of this chapter.
- E. No person shall sell any family fireworks in the City except pursuant to a fireworks vendor's permit and the terms of this chapter.
- F. Except for permanent fireworks vendors with a permanent fireworks vendor's permit, no person shall sell family fireworks on any day other than Victoria Day, the seven-day period before Victoria Day, Canada Day and the seven-day period before Canada Day.
- G. No fireworks vendor's permits shall be issued to a minor.
- H. A fireworks vendor's permit is required for each location from which fireworks are sold.
- I. No person issued a fireworks vendor's permit shall fail to post a copy of a current, valid fireworks vendor's permit in the front window or other clearly visible location at each location from which the vendor sells fireworks.
- J. (1) Temporary lease fireworks vendors and temporary mobile fireworks vendors that have been issued a fireworks vendor's permit for a particular location and wish to change the location specified in the fireworks vendor's permit must submit an application to the fireworks vendor's permit issuer to change the location designated in the fireworks vendor's permit with the same information regarding the new location as was required for the original application for a vendor's discharge permit and pay the relocation fee set forth in Schedule 1, Fire Services, of Appendix B of Chapter 441, Fees and Charges.
- (2) If the request for relocation is approved by the fireworks vendor's permit issuer, a new fireworks vendor's permit will be issued with the new location listed on the

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permit and, except for the new location, the new permit shall be subject to all the terms and conditions of the original permit.

K. No person shall sell fireworks unless:

- (1) The sale is in strict compliance with the fireworks vendor's permit and this chapter;
- (2) The fireworks are sold from the location set out in the fireworks vendor's permit;
- (3) The fireworks are included on the most recent list of authorized explosives as published from time to time by the Explosives Branch of Natural Resources Canada, or their successors;
- (4) The fireworks are displayed for sale in a package, a glass case or other suitable receptacle away from inflammable goods and out of the reach of minors; fireworks not in approved packaging must be inaccessible to the public;
- (5) In the case of family fireworks, such fireworks are for sale in lots that do not exceed 25 kilograms each in gross weight;
- (6) The separation between the lots in Subsection K(5) shall be sufficient to prevent fire from spreading rapidly from one lot to the next;
- (7) Fireworks displayed in any shop window are mock samples only and do not contain any explosive composition;
- (8) The fireworks are displayed in a place where they are not exposed to the rays of the sun or to excess heat;
- (9) A "NO SMOKING" sign is posted in the display area. No person may smoke, ignite any flammable material, or possess any lighted match, lighter, pipe, cigar, cigarette, open flame or spark emitting device in the area where fireworks are displayed;
- (10) Fireworks on display are attended by an employee;
- (11) Any fireworks not on display must be put in storage in accordance with the requirements of the Explosives Act and this chapter; and
- (12) Storage of fireworks in vehicles is prohibited.

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

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- M. No person shall sell fireworks to a minor.
- N. No vendor of fireworks may permit any employee to sell fireworks without first instructing the employee in the requirements of this chapter and ensuring that the employee complies with this chapter.
- O. Fireworks must be stored in accordance with the requirements of the Explosives Act, including, without limitation, the requirement to obtain a magazine license where required under the Explosives Act.

§ 466-14. Sale of family fireworks by temporary mobile fireworks vendors.

- A. This section includes requirements that apply to the sale of fireworks by temporary mobile fireworks vendors from a temporary mobile retail outlet. For greater certainty, temporary mobile fireworks vendors must also comply with the requirements in § 466-13 concerning the display, sale and storage of family fireworks.
- B. No person shall sell any display fireworks or theatrical fireworks from a temporary mobile retail outlet.
- C. No person shall own or operate a temporary mobile retail outlet or sell family fireworks from a temporary mobile retail outlet unless the person has or obtains a temporary mobile fireworks vendor's permit to do so from the fireworks vendor's permit issuer, and complies with the requirements set out in this chapter.
- D. The temporary mobile retail outlet owner or authorized representative shall submit an application for a temporary mobile fireworks vendor's permit to the fireworks vendor's permit issuer in accordance with the requirements in § 466-15 of this chapter.
- E. The application for a temporary mobile fireworks vendor's permit to sell family fireworks from a temporary mobile retail outlet shall identify:
 - (1) The proposed location of the temporary mobile retail outlet in relation to roads and buildings; and
 - (2) Demonstrate compliance with the setback requirements in Subsections F and G, as applicable.
- F. Subject to Subsection G, a temporary mobile vendor shall ensure that all family fireworks stored at the site, including any family fireworks stored in a temporary mobile retail outlet, are located:
 - (1) A minimum of 20 metres from any road;
 - (2) Thirty metres from any occupied building or dwelling; and

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- (3) Thirty metres from any gas station or other place where explosives or other highly flammable substances are stored or sold.

- G. If a temporary mobile fireworks vendor stores in excess of 1,000 kg in gross weight of family fireworks at the site, in a temporary mobile retail outlet or otherwise, the vendor must be licensed by the Explosives Regulatory Division of Natural Resources Canada in accordance with the requirements of the Explosives Act and the storage of the family fireworks must comply with the minimum setback requirements prescribed under the Explosives Act or any license issued by the Explosives Regulatory Division.

- H. A fireworks temporary mobile retail outlet owner or his or her authorized representative must make a separate application for a temporary mobile fireworks vendor's permit for each location from which the owner or its authorized representative wishes to sell family fireworks.

- I. The fireworks temporary mobile outlet must be located on private property owned by the applicant or for which the applicant has obtained the written permission of the property owner to use the property, and such permission shall be provided to the fireworks vendor's permit issuer or any law enforcement officer upon request.

- J. Any temporary mobile retail outlet that allows public access must have two unobstructed exits to ensure that employees and the public can quickly evacuate in the event of a fire.

- K. Visible "NO SMOKING" signs must be posted at the approach of the temporary mobile retail outlet.

- L. At least two fully operational fire extinguishers, being a minimum of 3A60BC fire extinguisher, shall be ready and accessible for immediate use at all times in the temporary mobile retail outlet.

ARTICLE XI
Fireworks Vendor's Permit

§ 466-15. Application for a fireworks vendor's permit.

- A. The fireworks vendor's permit issuer shall:
 - (1) Receive and process all applications for firework's vendors permits;
 - (2) Issue fireworks vendor's permits to applicants who submit all of the required documentation and information and meet the requirements of this chapter to be issued a fireworks vendor's permit; and
 - (3) Perform the other administrative functions conferred on the fireworks vendor's permit issuer under this chapter.

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- B. Every applicant for a fireworks vendor's permit shall complete such fireworks vendor's permit application forms as may be provided from time to time by the fireworks vendor's permit issuer in accordance with the requirements of this chapter and shall provide the completed application forms and all information or documentation requested by the fireworks vendor's permit issuer.
- C. Without limiting Subsection B, each submitted application shall include:
- (1) The non-refundable fee in the appropriate amount for the fireworks vendor's permit as set out in Schedule 1, Fire Services, of Appendix B of Chapter 441, Fees and Charges;
 - (2) The name, address and phone number of the applicant;
 - (3) If the applicant is a corporation, a copy of the corporation's articles of incorporation or other incorporating document, the name or names under which it carries on or intends to carry on business, and the mailing address for the corporation;
 - (4) If the applicant is a registered partnership, a copy of the registered declaration of partnership, the name or names under which it carries on or intends to carry on business, and the mailing address for the partnership;
 - (5) Upon request, documentation satisfactory to the fireworks vendor's permit issuer demonstrating that the applicant owns or has the right to occupy the premises and if any applicant is not the registered owner of the property upon which the premises is to be located, such person shall provide to the fireworks vendor's permit issuer, upon request, a copy of his or her lease, if any, and a copy of any other document constituting or affecting the legal relationship relating to the said lands or premises between the applicant and the registered owner of the property;
 - (6) In the case of an application for a fireworks vendor's permit to sell display fireworks or theatrical fireworks, proof of comprehensive general liability insurance in an amount no less than \$5,000,000, in a form and with an insurer satisfactory to the City's Manager of Insurance and Risk Management or his or her delegate, naming the City as an additional insured. The applicant shall file a certificate of insurance originally signed by the insurer or an authorized agent of the insurer with the application evidencing the form and amount of insurance coverage, and containing a cross liability/severability of interests clause, a provision that the insurance is primary before the insurance of the City and that the insurer will provide the City with at least 30 days' notice of any intention to cancel the policy or of any material change to the insurance policy;
 - (7) (a) Proof of comprehensive general liability insurance in an amount no less than \$2,000,000, in a form and with an insurer satisfactory to the City's

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Manager of Insurance and Risk Management or his or her delegate,
naming the City as an additional insured, in the case of an application for:

- [1] A temporary fireworks vendor's permit [up to 25 kg (net explosive quantity) of family fireworks] where the applicant does not have a valid business licence issued by the City;
- [2] An application for a temporary fireworks vendor's permit [more than 25 kg (net explosive quantity) of family fireworks];
- [3] An application for a temporary lease fireworks vendor's permit;
- [4] An application for a temporary mobile fireworks vendor's permit;
or
- [5] An application for a permanent fireworks vendor's permit to sell only family fireworks.

(b) The applicant shall file a certificate of insurance originally signed by the insurer or an authorized agent of the insurer with the application evidencing the form and amount of insurance coverage, and containing a cross liability/severability of interests clause, a provision that the insurance is primary before the insurance of the City and that the insurer will provide the City with at least 30 days' notice of any intention to cancel the policy or of any material change to the insurance policy. Applicants applying for a temporary fireworks vendor's permit [up to 25 kg (net explosive quantity) of family fireworks] that have a valid business licence issued by the City are not required to provide proof of insurance as a condition of obtaining and continuing to hold a temporary fireworks vendor's permit [up to 25 kg (net explosive quantity) of family fireworks].²

(8) The comprehensive general liability insurance policies required under §§ 466-15C(6) and 466-15C(7) shall be purchased and maintained by the applicant or, alternatively, the applicant shall be shown as a named insured on the comprehensive general liability insurance policy of the applicant's distributor.
[Added 2009-02-25 by By-law No. 274-2009]

D. Receipt by the City of the application and/or the fee for a fireworks vendor's permit shall not represent approval of the application for the issuance of a fireworks vendor's permit nor shall it obligate the City to issue such permit.

² Editor's Note: Former § 466-15C(8), which previously followed this subsection and addressed proof of insurance for temporary fireworks vendors, was repealed March 5, 2008 by By-law No. 246-2008.

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- E. Every holder of a fireworks vendor's permit shall immediately notify the fireworks vendor's permit issuer in writing of any change in any of the information or documents submitted with an application for a fireworks vendor's permit.

ARTICLE XII
Nature of Fireworks Vendor's Permits

§ 466-16. Terms governing fireworks vendor's permits.

- A. No person shall enjoy a vested right in the continuance of a fireworks vendor's permit, and the fireworks vendor's permit shall be the sole property of the City.
- B. No person issued a fireworks vendor's permit to sell fireworks under this chapter shall advertise or promote the sale of fireworks under any name other than the name endorsed upon the fireworks vendor's permit.
- C. (1) Subject to § 466-13F and to compliance with the fireworks vendor's permit and this chapter, a temporary fireworks vendor's permit [up to 25 kg (net explosive quantity) of family fireworks], a temporary fireworks vendor's permit [more than 25 kg (net explosive quantity) of family fireworks], a temporary lease fireworks vendor's permit or a temporary mobile fireworks vendor's permit issued under this chapter shall be effective from the date of issue until Canada Day in the year of issuance.
- (2) For greater certainty, the fees for the fireworks vendor's permits under Subsection C(1) shall not be prorated.
- D. Subject to compliance with the terms of the permanent fireworks vendor's permit and this chapter, a permanent fireworks vendor's permit issued under this chapter shall be effective for a twelve-month period from the date of issuance.
- E. No person shall transfer or assign a fireworks vendor's permit in any manner whatsoever without the prior written consent of the fireworks vendor's permit issuer, and any fireworks vendor's permit transferred or assigned without that consent shall be deemed revoked.
- F. Every vendor's permit shall indicate the authorized location for the sale of fireworks, and the vendor's permit shall be valid only for the location listed in the vendor's permit.

ARTICLE XIII
Enforcement and Inspections

§ 466-17. Enforcement and inspection rights.

- A. *Fire Protection and Prevention Act, 1997.*

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The enforcement rights of law enforcement officers under this chapter are in addition to, and do not limit any enforcement rights under any other legislation, including, without limitation, any rights of inspection, seizure rights or rights to issue orders of compliance or close and prevent entry to land or premises under the *Fire Protection and Prevention Act, 1997*.

B. Inspection.

- (1) Subject to compliance with section 377 of the *City of Toronto Act, 2006*, a law enforcement officer may enter on a property at any reasonable time for the purpose of carrying out an inspection to determine whether or not this chapter, including a condition of a permit issued under this chapter, or an order or direction of the City or a law enforcement officer issued in accordance with this chapter is being complied with.
- (2) For the purposes of any inspection, a law enforcement officer may:
 - (a) Require the production for inspection of documents or things relevant to the inspection;
 - (b) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) Require information from any person concerning a matter related to the inspection; and
 - (d) Alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- (3) No person shall fail or refuse to comply with a request by a law enforcement officer to produce for inspection any document or thing or information relevant to the inspection carried out by the law enforcement officer in accordance with Subsection B.
- (4) A law enforcement officer may, where the law enforcement officer has been prevented or is likely to be prevented from exercising his or her powers under Subsection B, undertake an inspection pursuant to an order issued under section 378 of the *City of Toronto Act, 2006*.

C. Permission for use of land to discharge fireworks.

Without limiting Subsection B, no person, where such person is not the lawful owner or occupier or the legal representative thereof of the lands upon which the person discharges fireworks, shall fail to have in their possession and be able to produce, upon request of a law enforcement officer, an original letter executed by the lawful owner or occupier, or

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the legal representative thereof, of such lands giving such person the permission to discharge the fireworks, during the date(s) and time(s) specified in such letter of permission, on the lands of such lawful owner or occupier.

D. General enforcement powers.

(1) Restraining order.

If this chapter is contravened, in addition to any other remedy or penalty imposed by this chapter, the contravention may be restrained by application by the City under the provisions of section 380 of the *City of Toronto Act, 2006*.

(2) Order to discontinue activity.

Under section 384 of the *City of Toronto Act, 2006*, a law enforcement officer may order any person who has contravened this chapter or who has caused or permitted the contravention of this chapter or the owner or occupier of the property on which the contravention occurred to discontinue the contravening activity.

(3) Work order.

Under section 385 of the *City of Toronto Act, 2006*, a law enforcement officer may order any person who has contravened this chapter or who has caused or permitted the contravention of this chapter or the owner or occupier of the property on which the contravention occurred to do work to correct the contravention.

(4) Remedial action.

(a) In accordance with section 386 of the *City of Toronto Act, 2006*, where any matter or thing is required to be done under this chapter, in default of it being done by the person directed or required to do so, that matter or thing may be done by the City which shall be at that person's expense. The City may recover the costs incurred for doing such matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as municipal property taxes.

(b) For the purposes of Subsection D(4)(a), any law enforcement officer may enter upon the applicable property at any reasonable time.

E. Notice.

(1) An order made under this chapter may be served personally or by prepaid mail to the last known address of the person to whom it is issued, and service by prepaid

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mail shall be deemed to have taken effect five business days after the date of mailing.

- (2) Where service cannot be given as required under Subsection E(1), sufficient notice shall be deemed to have been given if a law enforcement officer places a placard containing the order in a conspicuous place on the property where the contravention occurred.
- (3) No person shall deface, cover up or remove a placard placed under Subsection E(2).

F. Obstruction.

No person shall hinder or obstruct, or attempt to hinder or obstruct the entry or the inspection of any property by a law enforcement officer or otherwise hinder or obstruct a law enforcement officer exercising a power or performing a duty under the *City of Toronto Act, 2006* or this chapter.

G. Compliance.

- (1) Every person shall comply with the provisions of this chapter applicable to him or her whether or not he or she is issued a permit under this chapter.
- (2) Nothing in this chapter shall exempt any person from complying with the requirements of any other applicable laws, including the requirement to obtain any license, permission, permit authority or approval.

H. False or misleading representations.

The making of a false or intentionally misleading recital of fact, statement or representation in any agreement, application form or other documentation required by this chapter shall be deemed to be a contravention of the provisions of this chapter, and shall be grounds for revocation of a permit issued under this chapter.

I. Offences.

- (1) Every person who contravenes any provision of this chapter, including the failure to comply with an order issued under this chapter or sections 378, 384 or 385 of the *City of Toronto Act, 2006*, is guilty of an offence.
- (2) Every director or officer of a corporation who knowingly concurs in the contravention of any provision of this chapter, including the failure to comply with an order issued under this chapter or sections 378, 384 or 385 of the *City of Toronto Act, 2006*, by the corporation is guilty of an offence.

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ARTICLE XIV
Miscellaneous

§ 466-18. Transition.

- A. An unexpired permit to discharge display fireworks or theatrical fireworks issued under any of the by-laws listed in this section is deemed to be a permit to discharge display fireworks or theatrical fireworks, as applicable, under this chapter:
- (1) Chapter 867, Fireworks - Use- Discharge (York);
 - (2) Chapter 137, Fireworks (Etobicoke);
 - (3) Chapter 190, Fireworks (Toronto);
 - (4) By-law No. 23650, being a by-law to regulate fireworks (Scarborough);
 - (5) By-law No. 25102, a by-law to regulate and prohibit the sale and setting off of fireworks (North York); and
 - (6) By-law No. 695, to regulate and prohibit the sale and setting off of firecracker and fireworks (East York).