

## **Attachment 1 - Draft Amending By-law Concerning Changes to Firework Regulations**

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 11:00pm 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.

1. Chapter 466, Fireworks, is amended by deleting the phrase "Family Fireworks" and replacing it with the phrase "Consumer Fireworks" wherever it appears throughout the Chapter.
2. Chapter 466, Fireworks, is amended by deleting the phrase "Theatrical Fireworks" and replacing it with the phrase "Special Effect Pyrotechnics" wherever it appears throughout the Chapter.
3. Chapter 466, Fireworks, is amended by deleting the definitions for Display Discharge Permit, Fireworks Supervisor, Family Fireworks, Theatrical Discharge Permit, Theatrical Fireworks; and, Pyrotechnician from section 466-1.
4. Chapter 466, Fireworks is amended by inserting the following definitions to section 466-1 in appropriate alphabetical order

**CONSUMER FIREWORKS** - Low hazard fireworks generally used for recreation that are classified under type F.1 of the Explosives Regulations, and includes but is not limited to: roman candles, sparklers, fountains, volcanoes, mines and snakes.

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

**FIREWORKS OPERATOR** - A person certified under the Explosives Act as a display assistant, display supervisor, display supervisor with endorsement or display visitor, a pyrotechnician, senior pyrotechnician, a special effects pyrotechnician or visitor pyrotechnician and is qualified to purchase and supervise the display of special effect pyrotechnics and/or display fireworks under the Explosives Act.

**SPECIAL EFFECT PYROTECHNICS** - Explosives that are classified under type F.3 of the Explosives Regulations and those defined as special effect pyrotechnics 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. This includes: fireworks accessories (type F.4), black powder and hazard category PE1 black powder substitute (type P.1), smokeless powder and

hazard category PE 3 Black powder substitutes (type P.2), initiation systems (type I), detonating cord (type E.1) and low hazard special purpose explosives (type S.1) and high hazard special purpose explosives (type S.2), and may include Firecrackers as defined by this Chapter.

**SPECIAL EFFECTS PYROTECHNICS DISCHARGE PERMIT** - A written authorization issued by the City under this chapter to discharge special effect pyrotechnics.

5. Chapter 466, Fireworks, is further amended by deleting the existing definitions contained in section 466-1 of Display Fireworks, Display Fireworks Manual, Fireworks, and, Pyrotechnics Special Effects Manual; and, individually replacing each of the definitions with the following :

**DISPLAY FIREWORKS** - High hazard fireworks identified for professional use that are classified under type F.2 under the Explosives Regulations and includes, but is not limited to, aerial shells, cakes, roman candles, waterfalls, lances and wheels and may include Firecrackers as defined by this Chapter.

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

**FIREWORKS** - Display fireworks, consumer fireworks, and special effect pyrotechnics

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

6. Chapter 466, Fireworks, is further amended by deleting the existing section 466-4 and replacing it with the following:

§ 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 within the City, with the exception of those persons authorized to sell firecrackers in compliance with all conditions of a valid fireworks vendor's permit.
- D. No person shall sell any prohibited fireworks within the City.

- E. No person shall discharge any firecrackers within the City; with the exception of those with the exception of those persons authorized to discharge firecrackers in compliance with all conditions of a valid special effect pyrotechnics discharge permit or display firework discharge permit.
- F. No person shall discharge any prohibited fireworks within the City.
- G. 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.
- H. No person shall possess any fireworks in a public park except for fireworks to be discharged in a public park by persons in accordance with a valid authorized fireworks discharge permit issued under this Chapter.

7. Chapter 466, Fireworks, is further amended by deleting the existing subsections of 466-5A and 466-5B and replacing them with the following:

- A. Subject to § 466-5B, no person shall discharge any consumer 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.
  - (1) Despite Subsection A, no person shall discharge any consumer fireworks in the City on the designated days of Victoria Day or Canada Day after 11:00 p.m.
- 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 consumer 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
  - (1) Despite Subsection B, where the designated day for Victoria Day or Canada Day is altered under Subsection B, no person shall discharge any consumer fireworks in the City on the designated day for Victoria Day or Canada Day after 11:00 p.m.

8. Chapter 466, Fireworks, is further amended by deleting the current wording in Chapter 466-5C(2) and substituting the following therefore:

(2) On or into any highway, street, lane, square, public park or other public place, unless the discharge is in accordance with a valid authorized fireworks discharge permit issued under this Chapter authorized by the City as part of an event organized by the City.

9. Chapter 466, Fireworks, is further amended by adding the following as subsections 466-8E(5)(a), and 466-8E(5)(b) to section 466-8E(5) so that the section now reads as follows:

(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

(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;

10. Chapter 466, Fireworks, is further amended by deleting the existing section 466-8F, and replacing it with the following:

F. 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 466-8G:

G. 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.
  - (4) 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.
- D. 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;
  - (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.

11. Chapter 466, Fireworks, is further amended, by deleting the phrase "fireworks supervisor" and replacing it with the phrase "fireworks operator" where ever it appears in section 466-9.

12. Chapter 466, Fireworks, is further amended by amending sections 466-11 and 466-12 by deleting the phrase "pyrotechnician" and replacing it with the phrase with term "fireworks operator" where ever it appears in the sections.

13. Chapter 466, Fireworks, is further amended by deleting subsection 466-9C(1) and replacing it with the following:

- (1) Comply with all conditions set out in the display fireworks discharge permit;

14. Chapter 466, Fireworks, is further amended by deleting section 466-10 and replacing it with the following:

§ 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 display fireworks discharge 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 which requires compliance with all of the provisions of § 466-8C, D and E, and which shall also include:

(1) A site plan of the discharge site which identifies the following:

(a) 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;

(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 operator 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 fireworks 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 operator, shall set off any display fireworks;
- (3) The fireworks operator who is named on the display fireworks 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.

15. Chapter 466, Fireworks, is further amended by deleting subsection 466-11B and replacing it with the following:

- B. Special effect pyrotechnics shall only be discharged by a licensed fireworks operator as certified under the Explosives Regulation to discharge special effect pyrotechnics.

16. Chapter 466, Fireworks, is further amended by deleting subsection 466-11C(1) and replacing it with the following:

- (1) Comply with all conditions set out in the special effect pyrotechnics discharge permit;



17. Chapter 466, Fireworks, is further amended by deleting the initial portion of subsection 466-12B and replacing it with the following:

- 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 compliance with all of the provisions of § 466-8C, D, and E, and which shall also include:

18. Chapter 466, Fireworks, is further amended to amend section 466-12B to add a 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,

19. Chapter 466, Fireworks, is further amended by amending subsection 466-12C by deleting it and replacing it with the following:

- C. No person who discharges special effect pyrotechnics shall fail to:

- (1) Comply with all conditions set out in the special effect pyrotechnics discharge 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 special effect pyrotechnics authorized in the special effect pyrotechnics 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 special effect pyrotechnics authorized in the special effect pyrotechnics discharge permit;
- (5) Ensure that persons present at the discharge of the special effect pyrotechnics are kept at a safe distance from the location of the discharge of the special effect pyrotechnics as outlined in the pyrotechnics special effects manual;
- (6) Produce the special effect pyrotechnics discharge permit on demand by any person authorized to enforce this chapter;

- (7) Immediately after the special effect pyrotechnics 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 special effect pyrotechnics.

20. Chapter 466, Fireworks, is further amended by amending Section 466-15C to add a subsection after 466-15C(8) that reads:

- (9) In the case of an application for a fireworks vendor's permit to sell special effect pyrotechnics or display fireworks, details of any special effect pyrotechnics or display fireworks which would be defined as a firecracker, to be offered for sale.

21. Chapter 466, Fireworks, is further amended by amending Section 466-15 to add the following to subsections after 466-15D that read:

- E. The Fire Chief may impose such conditions on the issuance of a fireworks vendor's 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.
- F. The Fire Chief may require additional information from the applicant as the Fire Chief deems reasonable in the circumstances.

and to renumber existing subsection 466-15E as subsection 466-15G.

22. Chapter 441, Fees and Charges is amended 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	\$532.36	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	\$602.96	Yes
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	\$904.43	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	\$1,808.87	Yes

*	To Column I	To Column II	To Column III	To Column IV	To Column V	To column VI
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	\$1,808.87	Yes
42	Fire Prevention, Inspection & Enforcement	Fire Prevention Inspections - Special occasions permit for the discharge of Consumer Fireworks	Full Cost Recovery	Per permit	\$191.72	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	\$95.86	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	\$115.88	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	\$133.09	Yes

D) Chapter 441, Fees and Charges, is amended 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	\$95.86	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	\$115.88	Yes
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	\$133.09	Yes

23. Chapter 608, Parks is amended by deleting the current section 608-5 and replacing it with the following:

While in a park, no person shall possess, ignite, discharge or set off firecrackers, rockets or other fireworks, except for persons acting in accordance with a valid authorized fireworks discharge permit issued under Chapter 466.

ENACTED AND PASSED this      day of \_\_\_\_\_, A.D. 2022.

Speaker

City Clerk

(Corporate Seal)