

# Fireworks By-law

PW-11 – Consolidated June 23, 2016

**As Amended by:**

By-law No.	Date Passed at Council
PW-11	December 18, 2006
PW-11-14001	June 24, 2014
PW-11-16002	June 23, 2016

**This by-law is printed under and by authority  
of the Council of the City of London, Ontario, Canada**

**Disclaimer:**

The following consolidation is an electronic reproduction made available for information only. It is not an official version of the By-law. The format may be different, and plans, pictures, other graphics or text may be missing or altered. The City of London does not warrant the accuracy of this electronic version. This consolidation cannot be distributed or used for commercial purposes. It may be used for other purposes only if you repeat this disclaimer and the notice of copyright.

Copies of Official versions of all by-laws can be obtained from the City Clerk's Department by calling 519-661-4530 or e-mailing [docservices@london.ca](mailto:docservices@london.ca).

For by-law related inquiries or complaints please contact the Licensing & Municipal Law Enforcement Department at 519-661-4660 or [enforcement@london.ca](mailto:enforcement@london.ca).

Copyright 2001



**OFFICE CONSOLIDATION  
INCLUDING AMENDMENT PW-11-16002 (JUNE 23, 2016)**

Bill No. 23  
2007

By-Law No. PW-11

A by-law to provide for the sale of fireworks and the setting off of fireworks and pyrotechnics within the City of London, and for requiring a permit and imposing conditions.

WHEREAS s. 120 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended provides that a local municipality may,

- (a) prohibit and regulate the manufacture of explosives in the municipality;
- (b) prohibit and regulate the storage of explosives and dangerous substances in the municipality;
- (c) regulate the keeping and transportation of explosives and dangerous substances in the municipality;

and further that a by-law may prohibit the manufacture or storage of explosives unless a permit is obtained, and may impose conditions of obtaining or continuing to hold and renewing the permit, including requiring the submission of plans;

AND WHEREAS s. 121 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended provides that a local municipality may prohibit and regulate the sale of fireworks and the setting off of fireworks, and further that a by-law may prohibit those activities unless a permit is obtained for those activities and may impose conditions for obtaining, continuing to hold and renewing the permit, including requiring the submission of plans;

AND WHEREAS section 7.1(1) of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, as amended provides that a council of a municipality may pass by-laws regulating fire prevention, including the prevention of spreading fires;

NOW THEREFORE the Council of the City of London enacts as follows:

**DEFINITIONS:**

1. In this by-law:

“Act” means the *Explosives Act*, Revised Statutes of Canada, 1985, Chapter E-17, and the Regulations enacted thereunder as amended from time to time or any Act and Regulations enacted in substitution therefore;

“Authorized Persons” means, as the context requires: (a) in the case of display fireworks, those persons certified under the Act working under the direct supervision of the Fireworks Supervisor; and (b) in the case of special effect pyrotechnics, working under the direct supervision of the pyrotechnician;

“City” or “City of London” means The Corporation of the City of London or the geographic area of the City of London as the context requires;

“consumer firework” means low hazard fireworks generally used for recreation, which may be classified as type F.1 explosives under the Act, including: showers, golden rain, lawn lights, pinwheels, roman candles, and volcanoes, but does not include Christmas crackers or sparklers containing less than 2 mg of explosive substance;

“discharge” means to fire, ignite, explode or set off or cause to be fired, ignited, exploded or set off and the words “discharged” and “discharging” have a similar meaning;

“display firework” means high hazard fireworks generally used for a public display, which may be classified as type F.2 explosives under the Act, including: rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, bombardos, waterfalls, fountains, batteries, illumination, set pieces and pigeons, but does not include firecrackers;

“display of display fireworks” means a display of display fireworks which may include consumer fireworks;

“Fire Chief” means the Chief of Fire Services of the City or authorized designates;

“firecracker” means a pyrotechnic device that explodes when ignited and does not make any subsequent display or visible effect after the explosion, and includes those devices commonly known as Chinese firecrackers;

“Fireworks Supervisor” means a person who is a ‘display supervisor in charge’ under the Act;

“FPPA” means the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4, as amended, and the Regulations enacted thereunder as amended from time to time or any Act and Regulations enacted in substitution therefore;

“prohibited firework” includes trick fireworks such as cigarette loads or plugs, dancing crackers, exploding golf balls, 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 torpedoes and cracking balls, stink bombs and smoke bombs, tear gas pens and launchers, party poppers and table bombs, table rockets and bottle sky rockets, and fake firecrackers;

“pyrotechnician” means a person who is a ‘pyrotechnician in charge’ under the Act;

“sell” includes offer for sale, cause or permit to be sold and to possess for the purpose of sale and the words “selling” and “sold” have a similar meaning;

“special effect pyrotechnics” includes: explosives used to produce a special effect in a film or television production or a performance before a live audience; explosives which may be classified as type F.3 in the Act; fireworks accessories which may be classified as type F.4 in the Act; black powder and hazard category PE 1 black powder substitutes; smokeless black powder and hazard category PE 3 black powder substitutes; initiation systems classified as type I under the Act such as blasting accessories; and detonating cord classified as type E.1 under the Act;

“temporary sales establishment” means a tent, trailer or other temporary shelter intended for the use of retail sales.

## **INTERPRETATION**

2. (1) In this by-law:
  - (a) words importing the singular number only, include more persons, parties or things of the same kind than one and the converse, and
  - (b) a word interpreted in the singular number has a corresponding meaning when used in the plural.
- (2) It is declared that if any section, subsection or part or parts thereof be declared by any Court of Law to be bad, illegal or ultra vires, such section or part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

## **SALE OF FIREWORKS AND FIRECRACKERS**

3. (1) No person shall sell any firecrackers.
- (2) No person shall sell any prohibited fireworks.
- (3) No person shall sell consumer fireworks except on the following days:
  - (a) Victoria Day and Canada Day,
  - (b) one week immediately preceding Victoria Day and Canada Day; or
  - (c) at such other times and such other dates as permitted by Council by by-law.

- (4) No person shall, within the City of London, display in any store window, any type of fireworks.
- (5) No person shall display for sale within the City of London any type of fireworks in any manner other than in such a place that the fireworks are not exposed to the rays of the sun or to excess heat from any other source.
- (6) No person shall, within the City of London, sell or give to any person under the age of 18 years any type of consumer or display fireworks.
- (7) No person shall sell consumer fireworks in a building unless the provisions of the Ontario Fire Code and all other applicable Acts and Regulations are complied with.
- (8) No person shall display for sale within the City of London any consumer fireworks in lots that exceed 22.68 kilograms gross weight (50 pounds gross weight).
- (9) No person shall display for sale within the City of London any consumer fireworks in any manner other than in a package, glass case or other suitable receptacle, away from any other flammable goods.
- (10) No person retailing consumer fireworks shall store consumer fireworks less than 8 metres away from: fuel dispensers at a fuel dispensing station; retail propane-dispensing tanks and cylinders; above-ground storage tanks for flammable substances; or dispensing facilities for compressed natural gas.
- (11) No person retailing consumer fireworks from a temporary sales establishment shall store consumer fireworks less than 8 metres away from: combustible materials; sources of ignition; thoroughfares; buildings; or other temporary sales establishments.
- (12) No person retailing consumer fireworks from a temporary sales establishment shall store consumer fireworks less than 3 metres away from any vehicle parking area.
- (13) Every person retailing consumer fireworks from a temporary sales establishment shall ensure that the fireworks are attended at all times.
- (14) No person shall sell special effect pyrotechnics or display fireworks unless the person holds a licence to do so under the Act.

## **DISCHARGE OF FIRECRACKERS AND PROHIBITED FIREWORKS**

4. (1) No person shall discharge any firecrackers, except with the appropriate federal approvals and for the purpose of cultural celebrations.
- (2) No person shall discharge any prohibited fireworks.

## **CONSUMER FIREWORKS**

5. (1) No person shall discharge consumer fireworks except:
  - (a) between dusk and 11:00 p.m. on Victoria Day;
  - (b) between dusk and 11:00 p.m. on Canada Day;
  - (c) between dusk and 11:00 p.m.:
    - (i) on the Saturday preceding Canada Day where Canada Day falls on a Monday or Tuesday;
    - (ii) on the Saturday following Canada Day where Canada Day falls on a Wednesday, Thursday or Friday;
  - (d) as part of a display of display fireworks for which a permit has been obtained and for which all conditions and requirements of the permit have been met; or at such other times and such other dates as permitted by Council by by-law
- (2) A person eighteen (18) years of age or older may hold a display of consumer fireworks on any land belonging to him or her or on any other privately owned

land where the owner thereof has given permission for such display or discharge of fireworks.

- (3) No person under the age of eighteen (18) years shall discharge any consumer fireworks except under the direct supervision of and control of a person eighteen (18) years of age or over.
- (4) No person being the parent or guardian of any person under the age of eighteen (18) years shall allow the person to discharge any consumer fireworks except when such parent or guardian or some other responsible person of eighteen (18) years of age or over is in direct supervision and control.
- (5) No person shall discharge any consumer fireworks in such a manner as might create danger or constitute a nuisance to any person or property, or to do or cause or allow any unsafe act or omission at the time and place for the discharging of any fireworks.
- (6) No person shall discharge any consumer fireworks in or into any building, doorway, or automobile.
- (7) No person shall discharge any consumer fireworks in or on or into any park, highway, street, lane, square or other public place, unless under a display fireworks permit to do so issued by the Fire Chief.

## **DISPLAY FIREWORKS**

6.
  - (1) No person or group of persons shall hold a display of display fireworks in the City of London without first having obtained a permit to do so issued by the Fire Chief.
  - (2) No person or group of persons shall discharge any display fireworks in the City of London, without first having obtained a permit issued by the Fire Chief authorizing the display of display fireworks.
7. Every application for a permit shall be made to the Fire Chief a minimum of twenty-one (21) calendar days prior to the event when the proposed discharge of display fireworks is to occur.
8. Every application for a permit shall be submitted by the Fireworks Supervisor and shall include:
  - (a) a description of the event including,
    - (i) the date and time of the proposed discharge of display fireworks,
    - (ii) the type and kind of display fireworks that may be discharged;
    - (iii) the discharge techniques to be used,
    - (iv) the manner and means of restraining unauthorized persons from attending too near the discharge site,
    - (v) the manner in which unused display fireworks are to be disposed of, and
    - (vi) the number of Authorized Persons on site during the event to handle and discharge the display fireworks;
  - (b) a site plan providing a description of the discharge site to be used for the discharging of the display fireworks, and showing the location and identification of storage areas and handling areas;
  - (c) a description of the fire emergency procedures and the methods to control a fire emergency safely and efficiently;
  - (d) the name and address of the applicant (Fireworks Supervisor) and the sponsoring organization, if applicable and the names, addresses and telephone numbers of persons to be contacted in case of fire during non-operating hours;
  - (e) proof of certification of the applicant as a Fireworks Supervisor;

- (f) proof of consent of the owner of the property to the discharge of display fireworks in writing;
  - (g) a permit fee as set out in the applicable City of London fees and charges by-law;
  - (h) proof of insurance and indemnification in accordance with Sections 10 and 11; and
  - (i) such other information as required by the Fire Chief.
9. An applicant for a permit is, subject to the provisions of this by-law, entitled to be issued the permit, except where:
- (a) the application is incomplete;
  - (b) the applicant is not a Fireworks Supervisor; or
  - (c) there are reasonable grounds for belief that the holding of the display fireworks will result in a breach of this or another by-law, the FPPA or the Act.

## **INSURANCE**

10. The applicant for a permit shall provide and maintain Commercial General Liability insurance subject to limits of not less than Five Million Dollars (\$5,000,000.00) inclusive per occurrence for bodily injury, death and damage to property including loss of use thereof. Such insurance shall be in the name of the applicant and shall name The Corporation of the City of London as an additional insured thereunder. Such insurance shall include coverage for displays of special effect pyrotechnics, consumer fireworks or display fireworks. Such insurance policy shall contain an endorsement to provide the City of London within thirty (30) calendar days prior written notice of cancellation or of a material change that would diminish coverage, and a standard City of London Certificate of Insurance evidencing such insurance coverage shall be provided to the City prior to the issuance of a permit.

## **INDEMNIFICATION**

11. The applicant for a permit shall indemnify and save harmless the City of London from any and all claims, demands, causes of action, loss, costs or damages that the City of London may suffer, incur or be liable for resulting from the performance of the applicant as set out in the by-law whether with or without negligence on the part of the applicant, the applicant's employees, directors, contractors and agents.

## **CONDITIONS APPLYING TO PERMIT**

12. The Fire Chief may issue permits for display of display fireworks on the conditions set forth in Section 13, and each such permit shall state the name of the sponsoring club, association or group, the purpose of the display, the place and date at which the same may be held, and the name of the Fireworks Supervisor under whose supervision the display shall be held.
13. The following conditions shall apply to the holding of a display of display fireworks under a permit issued under this by-law:
- (a) the permit is valid only for the display at the place and on the date or dates set forth in the permit;
  - (b) the permit holder shall supervise the display of display fireworks;
  - (c) the permit holder shall discharge the display fireworks and any consumer fireworks;
  - (d) every permit holder shall provide and maintain fully operational, fire extinguishing equipment ready for immediate use, and

- (e) the permit holder shall comply at all times with the provisions of the Act, FPPA and the Display Fireworks Manual published by Natural Resources Canada or any successor publication.
14. No permit holder shall discharge display fireworks or consumer fireworks except in accordance with the conditions of the permit.
  15. The permit holder holding the display of display fireworks shall ensure that all unused fireworks and all debris are removed, in compliance with the Act, FPPA and the Display Fireworks Manual published by Natural Resources Canada or any successor publication.

## **SPECIAL EFFECT PYROTECHNICS**

16. (1) No person or group of persons shall hold a display of special effect pyrotechnics in the City of London without first having obtained a permit to do so issued by the Fire Chief.
  - (2) No person or group of persons shall discharge any special effect pyrotechnics in the City of London, without first having obtained a permit issued by the Fire Chief authorizing the display of special effect pyrotechnics.
17. Every application for a permit pursuant to Section 16 shall be made to the Fire Chief a minimum of fifteen (15) calendar days prior to the event where the proposed discharge of special effect pyrotechnics is to occur.
18. (1) Every application for a permit shall be submitted by the pyrotechnician and shall include:
  - (a) a description of the event including,
    - (i) a site plan of the facility and room capacity, the stage and the special effect pyrotechnics storage and handling area;
    - (ii) a list of all special effect pyrotechnics to be employed,
    - (iii) location of all special effect pyrotechnics;
    - (iv) height, range of effect, fallout and duration of the display of special effect pyrotechnics;
    - (v) sequence of firing;
    - (vi) location of the audience and all exits;
    - (vii) date and time of the proposed event using special effect pyrotechnics; and
    - (viii) the number of Authorized Persons on site during the event to handle and discharge the special effect pyrotechnics.
  - (b) description of fire emergency procedures and the methods to control a fire emergency safely and efficiently;
  - (c) name and address of the applicant (pyrotechnician) and the sponsoring business or organization, if applicable and the names, addresses and telephone numbers of persons to be contacted in case of fire during non-operating hours;
  - (d) proof of certification of the applicant as a pyrotechnician;
  - (e) proof of insurance and indemnification in accordance with Sections 10 and 11;
  - (f) proof of written consent of the owner of the property to the discharge of special effect pyrotechnics if the applicant (pyrotechnician) is not the owner of the property;
  - (g) a permit fee as set out in the applicable City of London fees and charges by-law; and
  - (h) such other information as required by the Fire Chief.

- (2) Notwithstanding section 18(1)(a), where special effect pyrotechnics will be used for film or television productions or similar events, every applicant for a permit may include a Letter of Intent approved by the Fire Chief, as provided in the Pyrotechnics Special Effects Manual published by Natural Resources Canada or any successor publication thereto, and where such Letter of Intent is provided, the requirements of section 18(1)(a) need not be met.
19. An applicant for a permit is, subject to the provisions of this by-law, entitled to be issued the permit, except where:
- (a) the application is incomplete;
  - (b) the applicant is not a pyrotechnician under the Act, or
  - (c) there are reasonable grounds for belief that the holding of the display of special effect pyrotechnics will result in a breach of this or another by-law, the FPPA or the Act.

## **CONDITIONS APPLYING TO PERMIT**

20. The Fire Chief may issue permits for displays of special effect pyrotechnics on the conditions set forth in Section 21 and each such permit shall state the name of the sponsoring business, club, association or group, the purpose of the display, the place and date at which the display may be held, and the name of the pyrotechnician under whose supervision the display shall be held.
21. The following conditions shall apply to the holding of a display of special effect pyrotechnics under a permit issued under this by-law:
- (a) permit is valid only for the display at the place and on the date or dates set forth in the permit;
  - (b) the permit holder shall supervise the display of special effect pyrotechnics;
  - (c) the permit holder shall discharge the special effect pyrotechnics;
  - (d) the permit holder shall provide and maintain fully operational, fire extinguishing equipment ready for immediate use, and
  - (e) the permit holder shall comply at all times with the requirements of the Act, FPPA and the Pyrotechnics Special Effects Manual published by Natural Resources Canada or any successor publication.
22. No permit holder shall discharge special effect pyrotechnics except in accordance with the conditions of the permit.
23. The permit holder holding the display of special effect pyrotechnics shall ensure that all unused fireworks and all debris are removed.
24. All permits granted by the Fire Chief may be revoked whenever, in the Fire Chief's discretion, the holder of such permit is in non-compliance with its conditions or requirements, or the Fire Chief has concerns for public safety.

## **GENERAL REQUIREMENT**

- 24.1 Every holder of a display fireworks or special effect pyrotechnics permit shall produce his or her permit upon being so directed by the Fire Chief.

## **ENFORCMENT**

- 24.2 This by-law may be enforced by a police officer, a City municipal law enforcement officer, a City by-law enforcement officer, a member of City Fire Services, and any other person appointed by Council to enforce this by-law. Such persons enforcing this by-law may enter upon land and into structures at any reasonable time to inspect the land and structures to determine whether the by-law is being complied with, and any power of entry shall be in accordance with Part XIV of the Municipal Act, 2001 and the Inspections By-law.



## **OFFENCES AND PENALTIES**

25. (1) Every person who contravenes any of the provisions of this by-law is guilty of an offence.
- (2) Every person who is convicted of an offence under this by-law is liable to a fine:
- (a) upon a first conviction to a maximum fine of \$5,000.00;
  - (b) upon a subsequent conviction to a maximum fine of \$10,000.00.
- (3) If this by-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order:
- (a) prohibiting the continuation or repetition of the offence by the person convicted; and
  - (b) requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

## **REPEAL**

26. By-law Number PW-3 and all amendments thereto are hereby repealed.

## **EFFECTIVE DATE**

27. This by-law comes into force and effect on the date it is passed.

## **SHORT TITLE**

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

Passed in Open Council December 18, 2006.

Anne Marie DeCicco-Best  
Mayor

Kevin Bain  
City Clerk

First Reading – December 18, 2006  
Second Reading – December 18, 2006  
Third Reading – December 18, 2006