OFFICE CONSOLIDATION

This is a consolidation of the Town's by-law to regulate and prohibit the sale and discharge of fireworks, to provide for the issuance of permits for the sale and discharge of fireworks and to repeal By-law 2009-097 being By-law Number 2022-22 as amended by By-law 2026-066. The following consolidation is an electronic reproduction made available for information purposes only and is not an official version of the by-law. Official versions of all by-laws can be obtained from the Town Clerk by calling (905) 584-2272. If there are any discrepancies between this consolidation and By-laws 2022-022 and 2026-066 the by-laws shall prevail.

THE CORPORATION OF THE TOWN OF CALEDON

BY-LAW NO. 2022-022

A by-law to regulate and prohibit the sale and discharge of fireworks, to provide for the issuance of permits for the sale and discharge of fireworks and to repeal By-law 2009-097

WHEREAS section 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;
(d) prohibit the manufacture or storage of explosives unless a permit is obtained from the municipality 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 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 from the municipality who may impose conditions for obtaining, continuing to hold and renewing the permit, including requiring the submission of plans;

AND WHEREAS sections 23.1 and 23.2 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorizes a municipality to delegate certain powers and duties;

AND WHEREAS section 391 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, enables a municipality to pass by-laws imposing fees or charges on persons;

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

AND WHEREAS it is the opinion of the Council of The Corporation of the Town of Caledon that the powers delegated through this by-law, having regard to the number of people, the size of the geographic area and the time period affected by an exercise of the powers, are of a minor nature;

AND WHEREAS the Council of The Corporation of the Town of Caledon deems it expedient to enact By-law 2022-022, being a by-law to regulate and prohibit the sale and discharge of fireworks, and establish a permit system for the sale and discharge of fireworks;

NOW THEREFORE the Council of The Corporation of the Town of Caledon ENACTS AS FOLLOWS:

DEFINITIONS AND DELEGATION

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 or regulations enacted in substitution therefor;

"Consumer Fireworks" means low hazard fireworks that are generally used for recreation and are classified as Type F.1 explosives under the Act such as roman candles, flying lanterns, barrages, cakes, comets, mines, missiles, skyrockets, fountains, wheels, ground spinners, burning school houses and flying ghosts;

"Discharge Permit" means a permit issued by the Fire Chief to discharge Consumer Fireworks, Display Fireworks and Pyrotechnics;

"Display Fireworks" means high hazard fireworks that are generally used for public display and designed for use by professionals and are classified as Type F.2 explosives under the Act such as aerial shells, waterfalls, lances, rockets, serpents, shells, bombshells, tourbillions, maroons, bouquets, bombardos, fountains, batteries, illumination set pieces and pigeons, and large wheels;

"Display Supervisor" means a Person who is an approved purchaser of Display Fireworks and who is qualified under the Act to supervise the discharge of Display Fireworks;

"Fire Chief" means the Fire Chief of the Town or authorized designate(s);

"Fireworks Ban" means a period of time during which the Fire Chief, in their absolute discretion, declares a total ban on the sale or setting off of any Non-Aerial Consumer Fireworks, Aerial Consumer Fireworks, Display Fireworks and Pyrotechnics;

"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 or regulations enacted in substitution therefor;

"Officer" means a municipal law enforcement officer, fire inspector, police officer and any Person appointed by Council to enforce this by-law;

"Person" means an individual, association, firm, partnership, corporation, trust, incorporated company, organization and includes the directors and officers of a corporation, a corporation created under the *Condominium Act, 1998,* S.O. 1998, c. 19, as amended, and the trustees, agents, heirs, executors or other legal representatives of a person to whom the context can apply according to law;

"Prohibited Fireworks" means fireworks included on the most recent list of prohibited fireworks or explosives set out in the Act, including but not limited to flying lanterns, 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's, silver salutes and flash bombs and smoke bombs, tear gas pens and launchers, party peppers and table bombs, table rockets and battle sky rockets, fake firecrackers and other similar trick devices or practical joke devices;

"Pyrotechnician" means a Person who is certified under the Act as `pyrotechnician', `senior pyrotechnician', `special effects pyrotechnician' or `special effects pyrotechnician — detonating cord' and is qualified to purchase and supervise the display of `pyrotechnic special effects' under the Act;

"Pyrotechnics" includes high hazard fireworks 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 which may be classified as Type P.1 in the Act; smokeless black powder and hazard category PE 3 black powder substitutes which may be classified as Type P.2 in the Act; initiation systems classified as Type I under the Act such as blasting accessories; and detonating cord classified as Type E.1 under the Act;

"Town" means The Corporation of the Town of Caledon; and

2. The Fire Chief shall have the authority to issue and administer Discharge Permits and impose conditions thereon.

UNAUTHORIZED AND PROHIBITED FIREWORKS

3. No Person shall sell, distributed, possess or set off any fireworks or explosives not authorized by the Explosives Regulatory Division of the Government of Canada.

4. No Person shall sell, distribute, use, set off, discharge, fire or cause or permit to be used, set off, discharged or fired Prohibited Fireworks or hold a display of Prohibited Fireworks.

5. No Person shall sell, distribute any Consumer Fireworks, Display Fireworks or Pyrotechnics.

DISCHARGE PERMITS CONSUMER FIREWORKS, DISPLAY FIREWORKS AND PYROTECHNICS

6. No Person or group of Persons shall use, set off, discharge, fire, cause, display or permit the use of Consumer Fireworks, Display Fireworks or Pyrotechnics in the Town without first having obtained a Discharge Permit issued by the Fire Chief.

7. Every application for a Discharge Permit shall be made to the Fire Chief a minimum of thirty (30) days prior to the event when the proposed discharge or display of Consumer Fireworks, Display Fireworks or Pyrotechnics is to occur.

8. (1) Every application for a Discharge Permit to discharge Consumer Fireworks or hold a display of Consumer Fireworks shall be submitted by a Display Supervisor, Pyrotechnician, or a Person who is certified under the Act as a `display assistant'.

(2) Every application for a Discharge Permit to discharge Display Fireworks or hold a display of Display Fireworks shall be submitted by a Display Supervisor holding a valid certificate.

(3) Every application for a Discharge Permit to discharge Pyrotechnics or hold a display of Pyrotechnics shall be submitted by a Pyrotechnician holding a valid certificate.

9. (1) Every application for a Discharge Permit shall include:

(a) a complete application form in the form provided by the Town's Fire and Emergency Services department;

(b) proof of comprehensive general liability insurance in an amount not less than five million dollars ($5,000,000.00), naming The Corporation of the Town of Caledon as an additional insured, and where required by the Town's Manager of Risk Management, naming the neighbouring properties as an additional insured, and containing a cross liability clause acceptable to the Town's Manager of Risk Management;

(c) a signed indemnity agreement in a form prescribed by the Town, whereby the applicant agrees to indemnify and save harmless The Corporation of the Town of Caledon from any and all claims, demands, causes of action, loss, costs or damages that the Town 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, or the applicant's employees, directors, contractors and agents;

(d) payment of all non-refundable application fees in the amount as described in the applicable Town fees and charges by-law including the application fee and any fees required for displays occurring on Town-owned property;

(e) where the application is for a Discharge Permit to discharge or hold a display of Consumer Fireworks, proof of certification of the applicant as a Display Supervisor, Pyrotechnician, or a Person who is certified under the Act as a `display assistant'.

(f) where the application is for a Discharge Permit to discharge or hold a display of Display Fireworks, proof of certification of the applicant as a Display Supervisor;

(g) where the application is for a Discharge Permit to discharge or hold a display of Pyrotechnics, proof of certification of the applicant as a Pyrotechnician;

(h) a description of the site to be used for setting off of the Consumer Fireworks, Display Fireworks or Pyrotechnics sufficient to identify and locate the site, the discharge or firing area, the fallout area, and the safety distance from the audience or any member of the public, and, where more than one site is proposed, a separate application shall be made for each site;

(i) a description of the manner and means of restraining unauthorized Persons from attending near the location where the Consumer Fireworks, Display Fireworks or Pyrotechnics are being set off, discharged or fired;

U) a description of the manner in which unused Consumer Fireworks, Display Fireworks or Pyrotechnics will be disposed of;

(k) an indication of the number of Persons authorized to handle and discharge the Consumer Fireworks, Display Fireworks or Pyrotechnics, each of whom shall be a responsible and competent individual of at least eighteen (18) years of age; and

(I) such further and other information as the Fire Chief may require. (2)

The Fire Chief:

(a) may issue a Discharge Permit; or

(b) shall refuse to issue a Discharge Permit where:

i. the application is incomplete;

ii. the applicant for a Discharge Permit to discharge or hold a display of Consumer Fireworks is not a Display Supervisor, Pyrotechnician, or a Person who is certified under the Act as a `display assistant';

iii. the applicant for a Discharge Permit to discharge or hold a display of Display Fireworks is not a Display Supervisor;

iv. the applicant for a Discharge Permit to discharge or hold a display of Pyrotechnics is not a Pyrotechnician;

v. the purpose of the discharge or display is not for either:

a. the production of a theatrical stage show, film, television show or music video intended for public consumption; or

b. an occasion of civic, national or international significance and held under the auspices of an established club, association or group of Persons;

vi. there are reasonable grounds to believe that the discharge or display will result in a breach of this by-law, the Act or any applicable statute, regulation or bylaw; or

vii. in the opinion of the Fire Chief, there are not adequate fire prevention safeguards or protections from fire hazards in place.

10. (1) The following conditions shall apply to a Discharge Permit issued under this by-law:

(a) the Discharge Permit is valid only for the discharge or display at the place and on the date or dates set forth in the Discharge Permit;

(b) the Discharge Permit is valid only for the discharge or display of the type of firework(s) (Consumer Fireworks, Display Fireworks or Pyrotechnics) set forth in the Discharge Permit;

(c) where the location set out in the Discharge Permit for the discharge or display is not on property owned by the permit holder, the permit holder shall obtain the permission of the owner of the property for the discharging or holding of a display;

(d) the permit holder shall supervise the discharge or display;

(e) the Display Supervisor, Pyrotechnician, or Person certified under the Act as a `display assistant' named in the Discharge Permit shall be present in Person at all times when the Consumer Fireworks, Display Fireworks or Pyrotechnics are being used, set up, set off, discharged or fired and when the site is being cleaned up;

(f) the permit holder shall restrain unauthorized Persons from attending near the location where the Consumer Fireworks, Display Fireworks or Pyrotechnics are being discharged;

(g) the permit holder shall provide and maintain fully operational, fire extinguishing equipment, including portable extinguishers or charged garden hose, present and ready for immediate use, and for reasonable time thereafter, at the site where the Consumer Fireworks, Display Fireworks or Pyrotechnics are discharged;

(h) the permit holder shall ensure that all unused Consumer Fireworks, Display Fireworks or Pyrotechnics and all debris are removed; and

(i) the permit holder shall comply at all times with the provisions of the Act, the FPPA, the `Display Fireworks Manual' published by Natural Resources Canada or any successor publication.

(2) In addition to the conditions set out in section 10(1), the Fire Chief may impose any conditions on a Discharge Permit that the Fire Chief considers necessary in the interest of public safety, or that are advisable in the circumstances, or to give effect to the objects of this by-law.

(3) No permit holder shall discharge or hold a display of Consumer Fireworks, Display Fireworks or Pyrotechnics except in accordance with the conditions of the Discharge Permit.

REVOCATION AND GENERAL PERMIT REGULATIONS

11. The Fire Chief may revoke, without prior notice to the permit holder or any other Person, any Discharge Permit issued pursuant to this by-law:

(a) where the, use, setting off, discharge, firing or holding any display of Consumer Fireworks, Display Fireworks or Pyrotechnics is contrary to:

i. the provisions of this By-law;

ii. any conditions upon which the Discharge Permit was issued; or

iii. any other applicable law;

(b) if the Discharge Permit was issued on mistaken, false or incorrect information;

(c) if the Fire Chief has concerns that the, use, setting off, discharge, firing or holding any display of Consumer Fireworks, Display Fireworks or Pyrotechnics poses a serious risk to public safety;

(d) if the Discharge Permit was issued in error; or

(e) if the permit holder requests in writing to the Fire Chief that Discharge Permit be revoked.

12. No Person shall use, set off, discharge, fire or cause or permit to be used, set off, discharged, or fired Consumer Fireworks, Display Fireworks or Pyrotechnics or hold a display of Consumer Fireworks, Display Fireworks or Pyrotechnics:

(a) in a manner that creates or is likely to create danger, an unsafe condition or a risk of accident, injury or damage;

(b) in a manner that is likely to cause a disturbance or nuisance to any reasonable Person or property;

(c) on land owned, leased or occupied by the Town, except as permitted by this bylaw;

(d) into, in or on highway, street, lane, square or other public place, which the public or any member thereof has access to, may have access to, uses or may use unless otherwise authorized;

(e) into, in or on any building, doorway or automobile;

(f) within three hundred (300) meters of any industrial premises, agricultural premises or place where explosives, gasoline or other highly flammable liquids or gas substances of compounds are manufactured or stored in bulk; and

(g) within three hundred (300) meters of a hospital, nursing home, home for the aged, church, school, day-care or other similar type of occupancy unless a Discharge Permit and the consent of the owner is obtained.

13. Any Discharge Permit issued pursuant to this by-law is non-transferrable.

14. Every permit holder shall produce their Discharge Permit upon being so directed by the Fire Chief or an Inspector.

15. The issuance of any Discharge Permit by the Fire Chief shall not relieve the permit holder from compliance with any other applicable law.

FIREWORKS BAN

16. (1) The Fire Chief is authorized to declare a Fireworks Ban when they believe it is in the interests of public safety or when there is a declared emergency in the Town.

(2) A Fireworks Ban shall:

(a) come into effect at 11:59 p.m. on the day that it is declared;

(b) remain in effect until the Fire Chief declares the Fireworks Ban is lifted; and

(c) be publicized on the Town website for the duration of the Fireworks Ban.

(3) No Person, including the holder of any Discharge Permit, shall use, set off, discharge, fire or cause or permit to be used, set off, discharged or fired any Consumer Fireworks, Display Fireworks or Pyrotechnics when a Fireworks Ban is in effect.

ENFORCEMENT

17. (1) Any officer shall be responsible for the enforcement of this by-law.

(2) Any officer or any agent acting on behalf of the Town may at any reasonable time enter upon land and into structures for the purpose of carrying out an inspection to determine whether this by-law is being complied with and any power of entry shall be exercised in accordance with Part XIV of the Municipal Act, 2001.

(3) Where an inspection is conducted in accordance with section 17(2) of this by-law, an officer may:

(a) require the production of documents and things for review that may be relevant to the inspection;

(b) inspect and remove documents or things which may be relevant to the inspection for the purpose of making copies;

(c) require any information from any Person concerning a matter related to the inspection, including but not limited to names, addresses, contact information, and proof of identity or other identification; 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.

(4) No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person who is exercising a power or performing a duty under this by-law.

ORDERS

18. (1) Where an officer is satisfied that a contravention of this By-law has occurred, the officer may make an order requiring the Person who caused or permitted such contravention to discontinue the contravening activity.

(2) Where an officer is satisfied that a contravention of this By-law has occurred, the inspector may make an order requiring the Person who caused or permitted such contravention to do work to correct the contravention.

(3) An order made pursuant to this By-law may be made orally or in writing.

(4) Any officer may enter onto land for the purposes of delivering an order.

(5) A Person to whom an order is issued shall comply with the order.

(6) Wherever an order issued pursuant to this By-law, directs or requires any matter or thing be done by any Person, in default of it being done within the specified time period, remedial action may be initiated by an officer and the Town may recover, from any Person directed or required to do the matter or thing, the costs incurred through a legal action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.(7) For the purposes of taking remedial action under section 18(6), the Town and its agents may enter, at any reasonable time, upon the lands on which a default occurred to carry out a required matter or thing

OFFENCES AND PENALTIES

19. (1) Every Person who contravenes any provision of this by-law is guilty of an offence and every director or officer of a corporation who knowingly concurs in the contravention of this by-law by their corporation is guilty of an offence.

(2) Every Person who is charged with an offence under this by-law by the filing of a certificate of offence under Part I of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, upon conviction is liable to a fine as provided for by the aforesaid act.

(3) Every Person who is charged with an offence under this by-law by the laying of an information under Part III of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, upon conviction is liable, pursuant to the fine provisions of the Municipal Act, 2001, to a fine as follows:

(a) to a minimum fine of $500 and to a maximum fine of $100,000;

(b) for each day or part of a day that the offence continues, to a minimum fine of $500 and a maximum fine of $10,000, and the total of all daily fines for the offence is not limited to $100,000; and

(c) in the case of multiple offences, for each offence included in the multiple offence, to a minimum fine of $500 and a maximum fine of $10,000, and the total of all fines for each included offence is not limited to $100,000.

[Section 19(4) added, By-law 2026-066, effective June 23, 2026]

(4) Every Person who contravenes any provision of this By-law, including an Order issued under this By-law, is guilty of an offence and is liable to pay to the Town an Administrative Penalty and any Administrative Fees, where applicable, pursuant to the Administrative Monetary Penalty System By-law 2024-086, as amended.

ADMINISTRATION

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

SEVERABILITY

21. Should any provision, or any part of a provision, of this by-law be declared by a court of competent jurisdiction to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law that the same shall not affect the validity of the remaining provisions.

REPEAL

22. By-law 2009-097 is hereby repealed.

ENACTMENT

23. This by-law shall come into full force and effect on the day of its passing.

Enacted by the Town of Caledon Council this 26th day of April, 2022

"Allan Thompson"
Allan Thompson, Mayor

"Laura Hall"
Laura Hall, Town Clerk