

Report to Community and Protective Services Committee

To: Chair and Members
Community and Protective Services Committee

From: Scott Mathers, MPA, P. Eng
Deputy City Manager, Planning and Economic Development

Cheryl Smith, Deputy City Manager, Neighbourhood and Community-Wide Services

Subject: Business Licensing By-law and Fireworks By-law – Amendments

Date: March 18, 2024

Recommendation

That, on the recommendation of the Deputy City Managers, Planning and Economic Development and Neighbourhood and Community-Wide Services, the following actions be taken:

- a) the attached proposed by-law (Appendix “A”) **BE INTRODUCED** at the Municipal Council meeting to be held on April 2, 2024, to amend Business Licensing By-law by adding a new Schedule for Consumer Fireworks Sales;
- b) the attached proposed by-law (Appendix “B”) **BE INTRODUCED** at the Municipal Council meeting to be held on April 2, 2024, to amend Schedule “A-5”, being the Administrative Monetary Penalty System (AMPs) By-law and adding new penalties for Consumer Fireworks Sales; and,
- c) the attached proposed by-law (Appendix “C”) **BE INTRODUCED** at the Municipal Council meeting to be held on April 2, 2024, to amend the Fireworks Bylaw PW-11 by allowing for consumer and display fireworks to be discharged on four specific days.

Executive Summary

On August 29, 2023, Municipal Council directed Civic Administration to amend the Fireworks By-law and Business Licensing By-law to allow for consumer fireworks on four specific days of the year (Victoria Day, Canada Day, Diwali and Lunar New Year) as well as regulate the sales of consumer fireworks.

This report seeks Council’s approval to amend the necessary by-laws and these amended by-laws are attached as Appendices “A”, “B”, and “C”.

Linkage to the Corporate Strategic Plan

This report is aligned with the following strategic area of focus: London has safe, vibrant, and healthy neighbourhoods and communities.

Analysis

1.0 Background Information

At its meeting held on August 29, 2023, Municipal Council directed that the following actions be taken with respect to Fireworks By-law Options:

- a) the Civic Administration BE DIRECTED to report back at a future meeting of the Community and Protective Services Committee with a proposed by-law to implement Fireworks By-law Update Option A, as outlined in the staff report dated August 15, 2023, and including an exception to permit consumer (backyard) fireworks to be discharged on Chinese New Year Day of the Lunar Calendar; and,

b) the Civic Administration BE DIRECTED to review the Business Licensing By-law with respect to the sale of fireworks and report back on the following:

- licensing all retailers of fireworks;
- required communications to retailers and clients;
- fees; and,
- potential Administrative Monetary Penalty application and other compliance measures;

1.1 Previous Reports Related to this Matter

- [Fireworks By-Law Options Public Participation Meeting Request](#) (Aug. 15, 2023)
- [Fireworks By-Law Options Report](#) (June 13, 2023)
- [Fireworks Bylaw PW-11 \(June 23, 2016\)](#)
- [Amendment of Fireworks By-Law PW-11](#) (June 21, 2016)
- [Amend Fireworks Bylaw](#) (April 26, 2016)
- [Amendment of Fireworks By-Law PW11](#) (June 16, 2014)

2.0 Discussion

2.1 Amendment to the Current Fireworks Bylaw PW-11

Based on the direction given by Council at the August 29, 2023 meeting, the following amendments have been made to the current Fireworks By-law:

- General housekeeping amendments to strengthen definitions and terms for more clarity and understanding.
- New definitions are included in the by-law including “Diwali”, “Licence Manager” and “Lunar New Year.”
- The Licence Manager will annually determine the dates for both Diwali and Lunar New Year and publish these dates on the City’s website.
- Amendments with respect to the days and times allowed to discharge consumer (backyard) fireworks. Consumer fireworks are allowed to be discharged between dusk and 11:00pm, on Victoria Day, Canada Day, Diwali, and the Lunar New Year only.
- Amendments with respect to the sale of consumer fireworks allowing this to occur for the five-day period immediately preceding Victoria Day, Canada Day, Diwali, and the Lunar New Year.

2.2 How will the sale of consumer fireworks be addressed?

Currently, the sale of consumer fireworks is regulated by the Business Licensing By-law - Seasonal Sales. As per past decisions of Council, only fireworks sold on a temporary basis and from a location other than a building were regulated. These locations were commonly referred to as “pop-up sales”. The time period for which the sale of fireworks was permitted was included in the Fireworks By-law.

As per Council direction, the attached by-law amendment includes the following:

- The sale of all consumer fireworks, including sales from established retail outlets located in shopping malls or stand-alone buildings as well as from mobile structures will be required to be licensed.
- The fee for the sale of fireworks will be an annual fee of \$800 since there will be four designated time periods for which the sale of consumer fireworks will be permitted.
- All licenced retail outlets will be required to provide communications to clients on safety and by-law regulations.
- The permitted times of sale will be outlined in the by-law regulations.
- Noncompliance with by-law regulations may be addressed by the issuance of Administrative Monetary Penalties.

The Business Licensing by-law is enforced by Municipal Law Enforcement Officers (MLEOs) who have the discretion to partner with other applicable agencies, including Fire Prevention Officers when necessary.

3.0 Next Steps

Municipal Compliance and the London Fire Department will work with Strategic Communications to develop a detailed communications plan, a social media strategy, and education tools and assets to outline the amendments made to the Fireworks By-law so that Londoners are aware of when they are allowed to discharge consumer (backyard) fireworks during the year. Municipal Compliance will also educate retail outlets on the changes to the Business Licensing By-law and the new penalties for consumer fireworks sales.

In addition, Civic Administration continues to respond and educate the community on the safe discharge of fireworks.

Conclusion

Municipal Council directed Civic Administration to amend the Fireworks By-law and Business Licensing By-law to allow for consumer fireworks on four specific days of the year as well as regulate the sales of consumer fireworks. The attached by-law amendments implement Council's direction.

Prepared by:

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Recommended by:

**Scott Mathers, MPA, P. Eng
Deputy City Manager, Planning and Economic
Development**

**Cheryl Smith,
Deputy City Manager, Neighbourhood and Community-
Wide Services**

Appendix A

Bill No.
2024

By-law No. L.-131()-__

A by-law to amend By-law No. L.-131-16 entitled "A by-law to provide for the Licensing and Regulation of Various Businesses".

AND WHEREAS section 5(3) of the Municipal Act, 2001 S.O. 2001, c.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 23.2 of the Municipal Act, 2001 permits a municipality to delegate certain legislative and quasi-judicial powers;

AND WHEREAS the City deems it to be in the public interest, having regard to both public health and safety and consumer protection, to regulate the sale of consumer fireworks;

AND WHEREAS it is deemed expedient to amend By-law No. L.-131-16, entitled "A by-law to provide for the Licensing and Regulation of Various Businesses", passed on December 12, 2017;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The Business Licensing By-law L.-131-16 is hereby amended by adding the attached new Schedule "20" "**Consumer Fireworks Sales Business**".
2. The Business Licensing By-law L.-131-16 is hereby amended by removing reference to "fireworks" in the Seasonal Sales Schedule.
3. The Business Licensing By-law L.-131-16, Schedule 1 – Business Licence Fees is hereby amended by adding: Consumer Fireworks Sales Business Licence fee - \$800.

This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on April 2, 2024.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First reading –
Second reading –
Third reading –

Schedule 20 - Consumer Fireworks Sales Business

1.0 Definitions

1.1 In this Schedule:

“Consumer Fireworks” means low hazard fireworks generally used for recreation, which may be classified as type F.1 explosives under the Explosives Act but does not include crackers, caps or sparklers containing less than 2 mg of explosive substance;

“Consumer Firework Sales Business” means any person engaged in the business of selling Consumer Fireworks from a Property;

“Property” means 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, tents, and vacant land.

2.0 Powers of Licence Manager

In addition to any other power, duty or function prescribed in the By-law, the Licence Manager may make regulations under this Schedule including:

2.1 Prescribing the manner, form, and content of information regarding the regulations of the Fireworks By-law including public safety information as outlined in the consumer information requirements of this Schedule.

3.0 Prohibitions

3.1 No person shall operate a Consumer Fireworks Sales Business without holding a current valid licence issued under this By-law.

3.2 No person shall possess for the purpose of sale, offer for sale, cause or permit to be sold, or sell Consumer Fireworks except on the following days:

- a) Victoria Day;
- b) Canada Day;
- c) the day that the Licence Manager annually determines is the Lunar New Year and publishes on the City’s website;
- d) the day that the Licence Manager annually determines is Diwali and publishes on the City’s website; and
- e) the five (5) day period immediately preceding each of the days listed in (a) to (d).

3.3 No person shall possess for the purpose of sale, offer for sale, cause or permit to be sold, or sell Consumer Fireworks to any person who is or who appears to be under the age of eighteen years without first verifying their age using two pieces of authentic, valid, current, government issued identification, one of which shall include a photograph, in the presence of the person being verified.

3.4 No person shall possess for the purpose of sale, offer for sale, cause, or permit to be sold, or sell Consumer Fireworks to any person without providing consumer information regarding the Fireworks By-law and any associated public safety information in the form and content prescribed by the Licence Manager.

Appendix B

Bill No.
2024

By-law No. A-54-_____

A by-law to amend By-law No. A-54, as amended, being “A by-law to implement an Administrative Monetary Penalty System in London” to provide for an amended Penalty Schedule “A-5” for the Business Licensing By-law for the categories of Consumer Fireworks Sales Business.

WHEREAS section 434.1 of the Municipal Act authorizes the City to require a person, subject to conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality;

AND WHEREAS the Municipal Council considers it desirable to enforce and seek compliance with the designated by-laws, or portions of those by-laws, through the Administrative Monetary Penalty System;

AND WHEREAS the Municipal Council on June 25, 2019 passed By-law No. A-54, being “A by-law to implement an Administrative Monetary Penalty System in London;”

AND WHEREAS the Municipal Council deems it appropriate to amend By-law No. A-54 with respect to Schedule “A-5” for the category of Consumer Fireworks Sales Business in the Business Licensing By-law,

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

1. That Schedule “A-5” of By-law No. A-54, being the Penalty Schedule for Business Licensing By-law be amended to include the following rows:

Column 1 Item #	Column 2 Short Form Wording	Column 3 Designated Provision	Column 4 Administrative Penalty Amount
1	Operate Consumer Fireworks Sales Business without current valid licence	x	\$500
2	Possess for the purpose of sale, offer for sale, cause or permit to be sold, or sell Consumer Fireworks except on permitted days	x	\$500
3	Possess for the purpose of sale, offer for sale, cause or permit to be sold, or sell Consumer Fireworks to any person who is or who appears to be under the age of eighteen years without first verifying their age	x	\$200
4	Possess for the purpose of sale, offer for sale, cause, or permit to be sold, or sell Consumer Fireworks to any person without providing consumer information.	x	\$100

Bill No.
2024

By-law No. PW-11-

A By-law to amend By-law PW-11 entitled, “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 section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that the powers of a municipality under this or any other Act shall be interpreted broadly, so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS section 10 of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public, and may pass by-laws respecting: 5. Economic, social and environmental well-being of the municipality, 6. Health, safety and well-being of persons, 8. Protection of persons and property, including consumer protection, 9. Animals, 10. Structures, including fences and signs, and 11. Business licensing;

AND WHEREAS subsections 8(3) and (4) of the *Municipal Act, 2001* provide that a by-law under section 10 may: regulate or prohibit respecting the matter; require persons to do things respecting the matter; provide for a system of licences (permits) respecting the matter; and such by-law may be general or specific in its application and may differentiate in any way and on any basis a municipality considers appropriate;

AND WHEREAS s.120 of the *Municipal Act, 2001* 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 municipality 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* provides that a local municipality may prohibit and regulate the sale of fireworks and the setting off of fireworks, and further that a municipality 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*, 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 the spreading of fires;

AND WHEREAS s.7.1(4) of the *Fire Protection and Prevention Act* provides that a municipality may appoint an officer to enter upon land and into structures at any reasonable time to inspect the land and structures to determine whether by-laws enacted in accordance with this section are being complied with;

AND WHEREAS O. Reg. 213/07 (the Fire Code) made under the *Fire Protection and Prevention Act* sets out requirements with respect to “Explosives, Fireworks and Pyrotechnics” in Section 5.2;

AND WHEREAS s.29 of the *Explosives Act*, R.S.C., 1985, c. E-17 provides that the Act does not relieve any person from the obligation to comply with the requirements of any by-law in relation to explosives;

AND WHEREAS subsection 5(3) of the *Municipal Act, 2001* S.O. 2001, c.25, provides that a municipal power shall be exercised by by-law;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. Section 1. of By-law PW-11 is amended by:

a) adding the following new defined term and definition for “Diwali” alphabetically:

“Diwali” means the day that the Licence Manager annually determines is Diwali and publishes on the City’s website;

b) adding the following new defined term and definition for “Licence Manager” alphabetically:

“Licence Manager” means the Licence Manager as defined in the City’s Business Licensing By-law;

c) adding the following new defined term and definition for “Lunar New Year” alphabetically:

“Lunar New Year” means the day that the Licence Manager annually determines is the Lunar New Year and publishes on the City’s website;

2. Subsection 3(3) of By-law PW-11 is amended by deleting it and replacing it with the following new subsection 3(3):

(3) No person shall sell consumer fireworks except on the following days:

a) Victoria Day, Canada Day, Diwali, and the Lunar New Year;

b) the five-day period immediately preceding each of the days listed in (a) above;

c) at such other times and such other dates as permitted by Council by by-law.

3. Subsection 5(1) of By-law PW-11 is amended by deleting it and replacing it with the following new section 5:

5. (1) No person shall discharge consumer fireworks except:

a) between dusk and 11:00 p.m. on Victoria Day, Canada Day, Diwali and the Lunar New Year;

b) 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;

c) at such other times and such other dates as permitted by Council by by-law.

4. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on April 2, 2024.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading -
Second Reading –
Third Reading –