

James Bialkowski

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London, Ontario N6G3L7

**REQUEST TO HAVE BYLAW PW-11 (FIREWORKS) REVISED TO INCLUDE THE WEEKEND BEFORE CANADA DAY - Community and Protective Services Committee meeting May 26 2014**

Dear Ms. Westlake-Power:

For close to 10 years my family and neighbors host a block party for Canada Day

Pot luck dinner, games for the kids and of course fireworks at dusk to celebrate all things this country has to offer.

With Canada Day now in midweek for the next three years I ask what can be done for London to change the bylaw just like other Ontario cities have ?

I have enclosed copies of Owen Sound, Hamilton and Guelph's fireworks bylaw

The current London bylaw I feel should be revised as I am sure we are not the only one in the entire city London who has a BBQ that weekend and it would be nice to have to host a celebration without the fear of being charged or fined.

This would also prevent emergency services such as Police, Fire DPT being sent on calls when they could be put to better use on a weekend.

Sincerely



James Bialkowski

## THE CORPORATION OF THE CITY OF GUELPH

By-law Number (1993)-14362  
**(Office Consolidation)**  
[Amended by By-laws (1994)-  
14680;(1998)-15878;(1999)-  
16207; (2013)-19578]

A by-law to regulate the display,  
sale and setting off of fireworks  
and to adopt Municipal Code  
Number 121, and to repeal By-  
law Number (1992)-14097.

Pursuant to the provisions of Sections 210 paragraph 37 and 210 paragraph 38 of The Municipal Act, R.S.O. 1990, Chapter M.45, which permit municipal councils to pass by-laws for regulating the sale and setting off of fireworks,

### THE CORPORATION OF THE CITY OF GUELPH ENACTS AS FOLLOWS:

#### 1. Interpretation

In this By-law the following terms shall have the corresponding meanings:

- (a) "**Display Unit**" means a bin, crate, box, case or other device used to display fireworks to the public;
- (b) "**Fireworks**" means any and all classes of fireworks, including and without limiting the generality of the foregoing the following clauses which are included in the Federal Explosives Regulation, Department of Energy, Mines and Resources:
  - (i) "**Low-hazard**" fireworks for recreation such as firework showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, volcanoes and sparklers;
  - (ii) "**High-hazard**" fireworks for recreation such as rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, mines and firecrackers (also known as "display fireworks").
- (c) "**Fireworks vendor**" means any person, organization or company that sells, displays or offers for sale fireworks;
- (d) "**Person**" includes a corporation;
- (e) "**Site**" means any area within the City of Guelph on which fireworks are displayed, sold or offered for sale;

- (f) "**Site Plan**" means a drawing of a site which includes all applicable measurements of every vending structure and the surrounding area within 100 metres of the site and on which all buildings and structures, streets or other landmarks are indicated;
- (g) "**Temporary Vendor**" means any person, organization or company that sells, displays or offers for sale fireworks in or from a vending structure;
- (h) "**Vending Structure**" means any vehicle, roadside stand or temporary structure, tent or air-supported structure or other conveyance in or from which fireworks are displayed, sold or offered for sale.

2. When Sales Permitted [**amended by By-law (1999)-16207**]

No person shall display, offer for sale or sell fireworks or any class or classes thereof except on the days being observed as Victoria Day and Canada Day, and for the year 1999 only, December 31st and for seven (7) days prior to the days being observed as Victoria Day and Canada Day, and for the year 1999 only, December 31st.

3. Sales

No person shall display, offer for sale or sell fireworks unless the person is in compliance with all applicable provisions of this By-law.

4. By-law Posting

Every fireworks vendor shall ensure that a copy of this By-law is posted on the site in a conspicuous place visible to the public.

5. Sale to Minors Prohibited

- (a) No person shall sell fireworks to any person under the age of eighteen (18) years.
- (b) No person shall sell fireworks to any person without a sign being present on the site and clearly visible to the public, in each display unit, stating that sales to persons under eighteen (18) years of age are prohibited.

6. Storage and Display of Fireworks

- (a) When fireworks are displayed for sale within any building, the fireworks vendor shall ensure that no lot, bin or bundle of fireworks shall exceed a weight of 25 kilograms and no fireworks shall be exposed to direct sunlight.
- (b) Where the total stock of fireworks on a site exceeds a weight of 1,000 kilograms, the fireworks vendor shall require a licence from the Explosives Division, Department of Energy, Mines and Resources.

- (c) Every fireworks vendor shall ensure that all fireworks displayed or offered for sale are kept within an enclosed, non-combustible display unit, locked and accessible only to employees of the fireworks vendor.
- (d) No person shall have in his or her possession within six (6) metres of any fireworks kept or displayed for sale any lighted match, lighted lighter, lighted pipe, lighted cigar, lighted cigarette or any other lighted fire producing device.
- (e) Every fireworks vendor shall ensure that all fireworks that remain unsold at the expiration of the selling period specified in Section 2 of this By-law are immediately stored in a cool, dry place remote from flammable materials and inaccessible to the public.

#### 7. Temporary Vendor

Every temporary vendor shall comply with all of the provisions of this By-law and shall:

- (a) (i) Obtain the appropriate business licence from the City Clerk prior to doing business; and
  - (ii) Ensure that such licence is prominently displayed in a place visible to the public on the site from which the vendor is doing business;
- (b) Provide a letter to the City Clerk from the owner of property on which a vending structure is to be located, indicating permission to do so has been given to the temporary vendor;
- (c) Provide a site plan showing the location of each vending structure in reference to City streets, buildings on the site and parking areas on the site, demonstrating compliance with the Federal Explosives Division, Department of Energy, Mines and Resources Table of Outside Distances as indicated in Appendix "A" to this By-law;
- (d) Not permit the display or sale of fireworks unless the site complies with the Outside Distance regulations set out in Appendix "A" to this By-law;
- (e) Erect and maintain connected pylons or fencing of a temporary nature to establish a no-encroachment zone at the perimeter of the separation distances outlined in Appendix "A" to this By-law;
- (f) Post and maintain at every entrance point to the no-encroachment zone and at every entrance point to each vending structure, a sign that is clearly visible to the public stating that the items listed in Section 6(d) of this Bylaw are prohibited within six (6) metres of a vending structure;

- (g) Ensure that where the public is permitted access to a vending structure, that such structure has at least two (2) separate entrances;
- (h) Ensure that the public complies with Section 6(d) of this By-law;
- (i) Ensure that no more than twenty (20) persons are in any vending Structure at any one time;
- (j) Ensure that when the public is permitted access to a vending structure the temporary vendor or an agent or employee of the temporary vendor is in attendance;
- (k) Not operate unless a 2A10BC rated fire extinguisher is provided for each employee to combat fires which have not yet spread to the fireworks and ensure that fires involving fireworks are not fought but rather efforts are concentrated on evacuation and crowd control;
- (l) Post and maintain a sign indicating "IN CASE OF FIRE CALL 911" that is clearly visible to the public in each vending structure at all times;
- (m) Not leave a vending structure on any site overnight unless at least one (1) security person is on duty whenever the temporary vendor is absent from the site;
- (n) Where a vending structure is a tent, ensure that the tent material conforms with NFPA 701-1977, "Standard Methods of Fire Tests for Flame Resistant Textiles and Films: and that the tent is so labelled;
- (o) Where a fire alarm system is not provided in accordance with Subsection 3.2.4 of the Ontario Building Code, ensure that a person is employed for and is on firewatch duty at all times in vending structures that are tents and air-supported structures, whenever such structures are open to the public, in order to patrol the area and ensure the entrances are kept clear and that the regulations of this By-law relating to the public are enforced.

**8. Discharge of Fireworks [amended by By-law (1994)-14680; (1998)-15878; (2013)-19578]**

- (a) No person shall discharge any fireworks on City-owned lands unless permission to do so has been given by the Guelph Fire Chief or his/her designate, which permission may be subject to terms and conditions, including but not limited to, the provision of liability insurance naming the City of Guelph as an additional insured.
- (b) No person shall discharge any fireworks within the City of Guelph at any time except on the days observed as Victoria Day, Canada Day, Diwali and on the day immediately preceding Victoria Day, Canada

Day unless permission to do so has been given by the Guelph Fire Chief or his/her designate.

- (c) In addition to subsections (a) and (b) of this section, no person shall discharge any fireworks within the City of Guelph before 9:00 a.m. or after 11:59 p.m. on the day such discharge is permitted.
- (d) When granting an approval under section 8.(a) or 8.(b) the Guelph Fire Chief or his/her designate, The delegated authority stipulates the Fire Chief will consult with Bylaw Compliance staff, take into account public safety and potential noise levels. It will also require that the public be made aware of any authorized display or discharging of fireworks at least 48 hours prior to an event.

9. **Fireworks Displays [amended by By-law 92013)-19578]**

- (a) No person or organization shall conduct a fireworks display using High hazard fireworks within the City of Guelph without first obtaining approval to do so from the Guelph Fire Chief or his/her designate.
- (b) No person or organization approved by the Guelph Fire Chief or his/her designate to conduct a Highhazard fireworks display shall do so without first obtaining a permit from the Guelph Fire Department to conduct the fireworks display.
- (c) No person shall be permitted to set off High-hazard fireworks in a fireworks display without first successfully completing a fireworks supervisor course and holding a valid Fireworks Supervisor Card.
- (d) No person shall use any fireworks in a fireworks display other than those authorized pursuant to the Explosives Regulations of the Department of Energy, Mines and Resources.
- (e) Every person having control of any fireworks to be used in a fireworks display shall ensure that such fireworks are stored in a cool, dry place remote from flammable materials and inaccessible to the public.
- (f) Every person or organization that conducts a fireworks display shall ensure that all fireworks that failed to fire are immediately disposed of in a safe manner having regard to the particular type of fireworks involved.
- (g) Every person or organization that conducts a fireworks display shall ensure that all unfired fireworks are subsequently stored in accordance with Section 9(e) of this By-law.
- (h) When granting an approval under section 9.(a) or 9.(b) the Guelph Fire Chief or his/her designate, The delegated authority stipulates the Fire Chief will consult with Bylaw Compliance staff, take into account

public safety and potential noise levels. It will also require that the public be made aware of any authorized display or discharging of fireworks at least 48 hours prior to an event.

10. Offence

It shall be an offence for any person to contravene any provision of this By-law.

11. Penalties

Any person convicted of an offence under any provision of this By-law shall be liable to a penalty as set out in Section 61 of the Provincial Offences Act, R.S.O. 1990, Chapter P.33 or any successor thereof.

12. By-law Number (1992)-14097 is hereby repealed.

**[amended by By-law (2013)-19578]**

13. Sections 8 (a),(b),(d) and 9 (a),(b) and (h) come into effect immediately.

**[amended by By-law (2013)-19578]**

14. Municipal Code Amendment #488 is hereby adopted and amends Chapter 151, "Fireworks" of The Corporation of the City of Guelph Municipal Code.

**PASSED this FOURTH day of MAY, 1993.**

Original Signed by:  
John Counsell - Mayor

Original Signed by:  
V. Charlene Lavigne  
-Acting City Clerk

APPENDIX "A" FIREWORKS TABLE OF OUTSIDE DISTANCES

COLUMN "A" Railway, Aerodrome, Canal (in active use) or other navigable water, Dock, Pier or Jetty; Market Place, Public Recreation and Sports Ground or other open place where the public is accustomed to assemble; Public Highway, Private Road which is a principal means of access to a Church, Chapel, College, School, Hospital or Factory; River Wall, Sea Wall, Reservoir.

COLUMN "B" Dwelling House, Retail Shop, Government and Public Buildings. Church, Chapel, College, School, Hospital, Theatre, Cinema or other Building where the public is accustomed to assemble; Factory Building or works used for storage in bulk of petroleum spirit, gas or other inflammable substances; Building or works used for the storage and manufacture of explosives or articles which contain explosives.

Weight in Pounds	Category "X" Distance in Feet	Weight in Pounds	Category "X" Distance in Feet
100	25	100	50
200	30	200	60
400	35	400	70
600	40	600	80
800	45	800	90
1000	50	1000	100
2000	58	2000	115
3000	62	3000	124
4000	65	4000	130
5000	68	5000	135
6000	70	6000	139
8000	73	8000	146
10000	75	10000	150
15000	80	15000	159
20000	83	20000	165
30000	87	30000	174
40000	90	40000	180
50000	93	50000	185
60000	95	60000	189
80000	98	80000	195
100000	100	100000	200
150000	105	150000	209
200000	108	200000	215
250000	110	250000	220

E.G. A Vendor with a stock of 200 pounds of fireworks must be 30 feet from anything in column "A" and 60 feet from anything in column "B". [Clause 7. (b), (c), (d)]



**CITY OF HAMILTON**

**BY-LAW NO. 02-285**

**To Regulate the Sale and Use of Fireworks**

**WHEREAS** the *Municipal Act* authorizes the prohibition and regulation of the sale and use of fireworks ;

**AND WHEREAS** the Council of the former municipalities comprising the City of Hamilton enacted diverse by-laws to prohibit and regulate the sale and setting off of fireworks within their respective geographic areas;

**AND WHEREAS** it is in the interest of the people of the new City of Hamilton to standardize the regulations and prohibitions applicable to the sale and use of fireworks.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

**1. Interpretation**

1.1 In this By-law

- (a) "child" means a person who is under 18 years of age;
- (b) "City" means the City of Hamilton;
- (c) "Chief of Police" means the Chief of Police for the City;
- (d) "display fireworks" means high-hazard fireworks for recreation, including firecrackers, that are classed under Class 7, Division 2,

#### **4. Trailer Sales**

- 4.1 A vendor applying for a Family Fireworks Sales Permit to sell family fireworks from a trailer shall provide to the City the written permission of the owner of the land on which the trailer is to be parked, together with that application.
- 4.2 A Family Fireworks Sales Permit granted for the sale of family fireworks from a trailer is valid only for the sale location specified in that permit.
- 4.3 A person selling family fireworks sold from a trailer shall comply with the guidelines set by the Fire Chief with respect to the sale location for which the permit has been granted.

#### **5. Display of Fireworks for Sale**

- 5.1 Fireworks displayed in any shop window shall be mock samples only that contain no explosive compound.
- 5.2 No person who offers for sale any family fireworks shall, at any time, keep or permit the keeping of any family fireworks in any location in a shop or trailer unless the location is designated and posted as a "no-smoking" area.
- 5.3 No person shall offer for sale, cause or permit to be sold, or sell family fireworks except on Victoria Day, Canada Day, and during the seven day period immediately preceding each of those days.
- 5.4 No person shall offer for sale, cause or permit to be sold, or sell family fireworks to any person who is or who appears to be under the age of eighteen years.
- 5.5 No person storing family fireworks for sale shall store them except as permitted under the *Explosives Act*.

#### **6. Use of Family Fireworks**

- 6.1 Subject to subsection 6.2, no person shall set off family fireworks except on Victoria Day and Canada Day and the two days immediately preceding and following each of those days.



**BY-LAW NO. 2013-089**

**"A BY-LAW TO REGULATE THE SALE AND USE OF FIREWORKS  
AND EXPLOSIVES IN THE CITY OF OWEN SOUND"**

**Originally Passed and Enacted May 6, 2013**

<b>Amended By By-law:</b>	<b>Passed On:</b>
Not Amended	

***Consolidated Version***  
*Revised and Verified June 27, 2013*

*Consolidated for Convenience Only*

This is a consolidation copy of a City of Owen Sound By-law for convenience and information. While every effort is made to ensure the accuracies of these by-laws, they are not official versions or legal documents. The original by-laws should be consulted for all interpretations and applications on this subject. For more information or original signed copies of by-laws please contact the City Clerk's Department.

**Part 2. Sale of Fireworks****General Provisions**

- 7) No Person shall sell or offer for sale High Hazard Fireworks in the City.
- 8) No Person shall or offer for sale Low Hazard Fireworks and sparklers to any person less than 18 years of age.

**Premises of Fireworks Vendors**

- 9) Every Fireworks Vendor shall ensure that their premises, building or location:
  - a) is subject to inspection by an Officer,
  - b) has the required safety equipment and fire exits,
  - c) has the Fireworks Safety Guide outlined in "Schedule A" of this by-law posted where it can easily be viewed by the public, and
  - d) is situated at least 8 metres away from fuel or propane dispensing equipment.

**Fireworks Merchandising**

- 10) Every Fireworks Vendor shall comply with all the following provisions:
  - a) fireworks packaged as single units shall be inaccessible to the public;
  - b) bundles or lots of Fireworks shall not exceed 25 kilograms in gross weight;
  - c) all Fireworks being offered for sale or stored on site shall comply with manufacturing, packaging and storage provisions of the *Explosives Act*.

**Part 3. Use of Fireworks****Age Restriction**

- 11) No Person under the age of eighteen (18) shall be permitted to handle or Use Fireworks in the City.

**Prohibited Locations**

- 12) No Person shall Use Fireworks in the City in the following areas:
  - a) on City or other public property at any time without the express written consent from the City or owner of the Property,
  - b) within 50 metres of a hospital, nursing home or group home,
  - c) within 50 metres of a place where explosives, gasoline or other highly flammable substances are commercially manufactured, stored or sold, or
  - d) the district where open air burning is prohibited by the Open Air Burning By-law.

**Authorized Days and Times**

- 13) No Person shall Use Low Hazard Fireworks on any occasion except the following:
  - a) between 19:00 (7:00 pm) and 23:00 (11:00 pm) on:
    - i) Victoria Day and 3 calendar days before,
    - ii) Canada Day and the closest Friday and Saturday,
    - iii) Civic Holiday and 3 calendar days before, and
    - iv) Labour Day and 3 calendar days before,
  - b) between 19:00 (7:00 pm) on December 31 and 01:00 (1:00 am) on January 1 immediately following.