

To: Safety and Facilities Services Committee

From: Tracy Adams, Chief Administrative Officer,
Office of the C.A.O.

Report Number: SF-23-13

Date of Report: March 15, 2023

Date of Meeting: March 20, 2023

Subject: Options to Amend Fireworks By-law 59-2014

Ward: All Wards

File: D-2200

1.0 Purpose

The purpose of this report is to respond to Safety and Facilities Services Committee (“Committee”) direction SF-23-01 dated January 16, 2023 by providing information regarding the issue of fireworks, including municipal benchmarking and complaint statistics, and to present options for the Committee’s consideration.

Attachment 1 is correspondence SF-23-01 from an Oshawa resident dated December 4, 2022.

Attachment 2 is the City’s Fireworks By-law 59-2014, as amended.

Attachment 3 is the results of municipal benchmarking undertaken during the preparation of this report.

2.0 Recommendation

That the Safety and Facilities Services Committee recommend to City Council:

1. That the Safety and Facilities Services Committee select an option as detailed in Section 5.4 of Report SF-23-13 “Options to Amend Fireworks By-law 59-2014”, dated March 15, 2023; and,
2. That Council approve a by-law to further amend Fireworks By-law 59-2014, as amended, to establish Tiered and Escalating Administrative Monetary Penalties and implement other technical amendments, as outlined in Section 5.5 of SF-23-13 “Options to Amend Fireworks By-law 59-2014”, dated March 15, 2023 in a form and content acceptable to the Chief Administrative Officer and to Legal Services.

3.0 Executive Summary

Not applicable.

4.0 Input From Other Sources

- Fire Services
- Operations Services
- Recreation Services
- Legal Services
- Corporate Communications

5.0 Analysis

5.1 Background

At its January 16, 2023 meeting, Committee considered correspondence SF-23-01 (**Attachment 1**) from Oshawa resident Anthony Shanderuk outlining concerns regarding the residential use of fireworks and requesting the City of Oshawa (“the City”) consider implementing a prohibition on the use of fireworks similar to the City of Brampton. In response, Committee directed staff to investigate the issue and report back to the Committee with proposed options.

5.1.1 Fireworks By-law 53-2014 and Relevant Standards

The City’s Fireworks By-law 53-2014, as amended (**Attachment 2**) (“Fireworks By-law” or “the By-law”), regulates the use and sale of fireworks within the City of Oshawa. The By-law is passed pursuant to the Municipal Act, 2001, S.O. 2001, c.25, as amended (“Municipal Act, 2001”), which authorizes municipalities to prohibit and regulate the sale of fireworks and the discharge of fireworks, or prohibit those activities without a permit and to impose conditions for obtaining, continuing to hold and renew a permit, including the submission of plans. Section 11(2) of the Municipal Act, 2001 also provides that municipalities may pass by-laws for the health, safety and well-being of persons. The Fireworks By-law classifies fireworks into the following four (4) categories:

- **Consumer Fireworks** – means low hazard fireworks classified under Class 7, Division 2, Subdivision 1 under the Federal Explosives Act, R.S.C., 1985, c. E-17 (“Explosives Act”) generally used for recreation such as showers, fountains, golden rain, lawn lights, pin wheels, and roman candles.
- **Display Fireworks** – means high hazard fireworks as defined under the Explosives Act generally used for recreation such as rockets, serpents, shells, bombshells, tourbillons, maroons, large wheel, bouquets, barrages, bambardos, waterfalls, batteries, illumination, set pieces and pigeons.
- **Prohibited Fireworks** - means those fireworks prohibited by the Explosives Act, including but not limited to 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 and silver salutes and flash crackers, throw down and step on torpedoes, and crackling balls, tear gas pens and launchers, party peppers and table bombs, table rockets and battle sky rockets, firecrackers, fake firecrackers, etc.

- **Pyrotechnic Special Effects** - means authorized explosives as defined under the Explosives Act that are made, manufactured or used to produce a pyrotechnic theatrical effect in connection with a motion picture, theater or television production or as a performance, before a live audience.

Note: the four categories of fireworks defined in the Fireworks By-law are consistent with the classifications in the Explosives Act. The By-law requires individuals to comply with the Explosives Act. Additionally, staff found no evidence at this time regarding silent fireworks.

As the identified issue (detailed in Section 5.1.3) specifically pertains to Consumer Fireworks, this report will focus on standards related to such fireworks. It is important to note that the Fireworks By-law also establishes standards with respect to Display Fireworks, Prohibited Fireworks, and Pyrotechnic Special Effects.

a) Sale of Fireworks

The Fireworks By-law currently restricts the sale of Consumer Fireworks to the seven (7) days immediately prior to and on the statutory holidays known as Victoria Day, Canada Day and the celebration known as Diwali Day, unless a Consumer Fireworks Prohibition is in effect (during which prohibition no fireworks may be sold). Additional restrictions include, but are not limited to:

- Prohibiting the sale to anyone under the age of eighteen (18) years of age
- Prohibiting the sale of Prohibited Fireworks
- Prohibiting the sale of Consumer Fireworks from a Temporary Sales Unit without having obtained a Fireworks Sales Permit

b) Discharging Consumer Fireworks and other Prohibited Activities

As mentioned, the Fireworks By-law regulates the use of fireworks. Specifically, Section 8.1 (b) of the By-law prohibits anyone from possessing or discharging Consumer Fireworks except pursuant to the By-law. It establishes a time limit for when Consumer fireworks are permitted to be discharged:

“Between dusk and 11 p.m. on the statutory holidays known as Victoria Day, Canada Day and the celebration known as Diwali Day unless a Consumer Fireworks Prohibition is in effect.”

Additionally, Section 7.1 of the By-law exempts individuals from having to obtain a Fireworks Discharge Permit on any of the days specified in Section 8.1 (b). A Fireworks Discharge Permit is required for the discharge of Consumer Fireworks on any other day.

Further regulations are established in Section 8 of the Fireworks By-law. In addition to the Fireworks By-law, the discharge of fireworks is similarly regulated in the following City by-laws:

- **Parks and Facilities 83-2000, as amended:** prohibits the discharge of fireworks in parks and other City-owned land unless a permit is issued by the City.
- **Nuisance By-law 65-2009, as amended:** establishes a general prohibition on all nuisances occurring in public places.

5.1.2 Current Enforcement and Licensing Approach

Ensuring compliance with the City’s Fireworks By-law is a joint responsibility between Fire Services and Municipal Law Enforcement (M.L.E.). Specifically, the current approach to ensuring compliance is detailed in **Table 1**.

Table 1 Current Approach to Ensuring Compliance with the Fireworks By-law

Fireworks Activity	Responsible Divisions	Details
Discharge	<ul style="list-style-type: none"> • M.L.E. (Lead) • Fire Services 	<ul style="list-style-type: none"> • Complaints are investigated by both Municipal Law Enforcement Officers and Oshawa Fire Services • M.L.E. provides afterhours response outside of regular business hours. • Proactive enforcement (i.e. parks patrol) and enhanced coverage is undertaken by M.L.E. on Canada Day, Victoria Day, and Diwali Day.
Sale	<ul style="list-style-type: none"> • Fire Prevention (Lead) • M.L.E. 	<ul style="list-style-type: none"> • Administers the Fireworks Sales Permit system in the Fireworks By-law • Enforces the prohibitions related to the sale of fireworks in the Fireworks By-law

5.1.3 Issue Definition: Discharge of Consumer Fireworks

In addition to the correspondence (**Attachment 1**) received from Mr. Shanderuk, the City has received complaints about the discharge of fireworks. These complaints often relate to how the discharge of fireworks creates noise and nuisances contrary to the City’s by-laws as well as health and safety concerns to individuals and pets. Furthermore, some of the complaints relate to the improper or reckless use or discharging of fireworks in City Parks and other inappropriate areas (e.g. near roadways). Applicable statistics are detailed in Section 5.2.

5.2 Statistics: Complaints, Enforcement, and Permits

Table 2 details the history of complaints received by Municipal Law Enforcement and Licensing Services (M.L.E.L.S.) between the period 2020 to 2022.

Table 2 M.L.E.L.S. Response History 2020 - 2022

Type	2020	2021	2022	Three Year Total
Complaint	8	20	15	43
Proactive Response	1	6	2	9
Total	9	26	17	52

Note: the above statistics are approximate as they were obtained using keyword electronic file searches and as such may not be all-inclusive of the complaints received.

The following statistics were provided from Fire Services:

- Between 2021 to 2022, there were nineteen (19) calls-for-service for Fire Suppression related to the discharge of fireworks for the three (3) day period before and after Victoria Day, Canada Day, and Diwali Day. There was no reported damage due to the discharge of fireworks for the aforementioned calls.
- Fire Prevention has not received any calls-for-service in the same period
- Fire Prevention issues approximately three (3) to four (4) Fireworks Sales Permits each year

The following statistics were provided from Recreation Services:

- Facility Booking Office (F.B.O.) has not received any complaints related to the discharge of fireworks
- F.B.O. has issued one (1) permit for the discharge of fireworks in Parks since 2019.

Operations Services identified the following City Parks as having higher than normal maintenance demands with respect to the required debris clean-ups from the discharge of fireworks:

- Bridle Park
- Coldstream Park
- Connaught Park
- Glen Stewart Park
- Grandview Village Park
- Greenhill Park
- Gulfstream Park
- Knights of Columbus Park
- Lake Vista Park
- Mount Joy Park
- Niagara Park
- North Oshawa Park
- Ritson Fields
- Sherwood Park
- Southmead Park
- Steeplechase Park
- Stone Street Park
- Woodview Park

5.3 Municipal Benchmarking

The results of a municipal scan involving municipal responses to the issue of fireworks and fireworks by-laws is appended as **Attachment 3**. Seventeen (17) municipalities, including the Durham Region Lakeshore Municipalities, were considered.

Highlights of the results include:

- Of the municipalities scanned, only one (1) municipality – the City of Brampton – has prohibited fireworks.
- Most municipal by-laws (sixteen (16) of seventeen (17)) take a similar approach to the issue of fireworks, including prohibitions outside of certain holidays, prohibitions outside of certain hours, and processes for the issuance of permits.
- Some municipalities are currently reassessing their fireworks by-laws and approach to the use of fireworks to determine if any changes are necessary.

5.4 Proposed Options for Addressing Fireworks

Four (4) options for responding to the issue of fireworks have been identified based on considerations from Fire Services, Municipal Law Enforcement and Licensing Services, Facilities Management Services (Parks Planning and Redevelopment), Operations Services (Parks Maintenance Services), as well as municipal benchmarking. **Table 3** summarizes the four (4) options.

Table 3 Summary of Proposed Options for Addressing Fireworks

Option	By-law Amendment Required	Increased Enforcement Efforts	Increased Education	Proposed Implementation Timing
Option “A”: Enhanced enforcement of Fireworks By-law	Not applicable*	✓	✓	Q2, 2023
Option “B”: Restricted to Identified City Parks	✓	✓	✓	Q2, 2023
Option “C”: City-Wide Prohibition on sale and discharge of Fireworks	✓	✓	✓	Q2, 2023
Option “D”: Public Consultation on Options “A”, “B”, and “C”	Not applicable*	Not applicable	Not applicable	Q3/Q4, 2023

Note: *this excludes the by-law amendments being proposed in Section 5.5 to introduce tiered and escalating Administrative Monetary Penalties as well as other minor technical amendments.

5.4.1 Option “A”: Enhanced Enforcement of Fireworks By-law

In Option “A”, M.L.E. and Fire Services would further collaborate to enhance the enforcement of the Fireworks By-law. This would involve increased enforcement efforts before and after the Victoria Day, Canada Day, and Diwali Day, when the sale and discharge of fireworks are permitted, including on the day of the relevant holiday. Additionally, the City would implement a communications and education campaign to inform residents of appropriate standards.

Advantages	Disadvantages
<ul style="list-style-type: none">Enhanced enforcement efforts can be introduced quickly	<ul style="list-style-type: none">Increased resources required for M.L.E.L.S.

In the event that the Safety and Facilities Services Committee chooses this option, the Safety and Facilities Services Committee may wish to pass the following motion:

That the Safety and Facilities Services Committee recommend to City Council:

“That staff be directed to increase enforcement efforts and undertake a communications and education program related to Fireworks By-law 59-2014, as amended, as outlined in Section 5.4.1 of Report SF-23-13 “Options to Amend Fireworks By-law 59-2014”, dated March 15, 2023.”

5.4.2 Option “B”: Restricted to Identified City Parks

In Option “B”, the Fireworks By-law would be amended to further restrict the discharge of fireworks. Specifically, this restriction would prohibit the discharge of fireworks on the permitted holidays to a limited number of City parks. Staff used criteria to determine which of the City’s Parks would be most suitable to designate as Parks where the discharge of fireworks would be permitted in accordance with the By-law. The criteria are as follows:

- Compliance with the Fireworks By-law
- The park and surrounding areas contains appropriate vehicular access for Fire and emergency vehicles
- Not within or near playgrounds or on grass sporting fields
- Not within a parkette
- Not within proximity to ecologically sensitive uses (e.g. Second Marsh)
- Not within proximity to trees, buildings, or other obstacles
- The park has appropriate parking

Based on the criteria above, staff have identified the following Parks suitable for designation for the discharge of fireworks. It is important to note that if Option “B” is approved, staff would further designate specific locations in the designated parks where the discharge of fireworks is permitted.

Table 4 Parks Suitable for Discharge Designation

#	Park	Ward
1)	Columbus Park	1
2)	Everglades Park	1
3)	Raglan Park	1
4)	Ritson Fields	1
5)	Russett Park	2
6)	Copperfield Park	3
7)	Easton Park	3
8)	Hyde Park	3
9)	Knights of Columbus Fields	3
10)	Whitehall Park	3
11)	Brick Valley Park	4
12)	Cordova Park	5
13)	Ed Broadbent Park	5
14)	Florell Drive Park	5
15)	Southmead Park	5
16)	Stone Street Park	5

This approach could reduce nuisance and noise concerns across the City and would help to partially limit enforcement and Fire Services’ education efforts to a specific number of permitted City Parks. It is important to note that individuals would still be required to obtain a permit through the F.B.O. for the discharge of fireworks in a City Park in accordance with the Parks and Facilities By-law 83-2000.

Advantages	Disadvantages
<ul style="list-style-type: none"> • May help to reduce city-wide issues by encouraging the discharging of fireworks at certain locations • May reduce maintenance issues, as locations are known, concentrated and available to be proactively scheduled. 	<ul style="list-style-type: none"> • May increase secondary issues related to noise, nuisance and parking in the areas of permitted parks, as the discharging of fireworks is concentrated in designated parks. • May increase required enforcement response related to monitoring secondary issues (e.g. parking) around permitted parks, as well as ensuring compliance in all other areas of the City of Oshawa

In the event that the Safety and Facilities Services Committee chooses this option, the Safety and Facilities Services Committee may wish to pass the following motion:

That the Safety and Facilities Services Committee recommend to City Council:

1. That the Safety and Facilities Services Committee select park(s) from the list detailed in Table 4 of SF-23-13 “Options to Amend Fireworks By-law 59-2014”, dated March 15, 2023, to designate as parks suitable for the discharge of fireworks;

2. That Council approve a by-law to further amend Fireworks By-law 59-2014, as amended, to restrict the discharging of fireworks to certain City of Oshawa parks as outlined in Section 5.4.2. of Report SF-23-13 “Options to Amend Fireworks By-law 59-2014”, dated March 15, 2023, in a form and content acceptable to the Chief Administrative Officer and to Legal Services; and,
3. That staff work with Corporate Communications to educate residents about the new restrictions on discharging of fireworks.”

5.4.3 Option “C”: City-Wide Prohibition on Sale and Discharge of Fireworks

In Option “C”, the Fireworks By-law would be amended in collaboration with Legal Services to introduce a city-wide prohibition on the sale and discharge of fireworks

A prohibition on fireworks can:

- Mitigate the risk of fires, injury and property damage;
- Reduce air pollution and debris
- Reduce excessive noise and nuisance issues
- Protect animal habitats

In the City of Brampton, where fireworks were recently prohibited, residents can continue to enjoy fireworks over holidays such as Victoria Day, Canada Day, Diwali, and New Year’s Eve at City-led events with pyrotechnics. Currently, the City of Oshawa only offers city-led fireworks displays at the City’s annual Canada Day event. The cost of the City’s fireworks display for Canada Day is approximately \$40,000.

Advantages	Disadvantages
<ul style="list-style-type: none">• Significantly reduces any health and safety concern with regard to the improper discharge of fireworks• Significantly reduces the noise and nuisance implications related to the sale and discharge of fireworks	<ul style="list-style-type: none">• Limits residents from being able to experience fireworks on currently permitted holidays• May increase required enforcement response related to those who choose to not comply with the city-wide discharge and sale prohibition.

In the event that the Safety and Facilities Services Committee chooses this option, the Safety and Facilities Services Committee may wish to pass the following motion:

That the Safety and Facilities Services Committee recommend to City Council:

1. That Council approve a by-law to further amend Fireworks By-law 59-2014, as amended, to prohibit the selling and discharging of fireworks in the City of Oshawa as outlined in Section 5.4.3 of Report SF-23-13 “Options to Amend Fireworks By-law 59-2014”, dated March 15, 2023, in a form and content acceptable to the Chief Administrative Officer and to Legal Services; and,
2. That staff work with Corporate Communications to educate residents about the new city-wide prohibition on the selling and discharging of fireworks.”

5.4.4 Option “D”: Public Consultation on Options “A”, “B”, and “C”

In Option “D”, staff will consult the public for feedback on Options “A”, “B”, and “C”, and will report back to the Safety and Facilities Services Committee with the results of the consultation and recommended next steps.

The consultation process would involve the following actions:

- Industry consultation:
 - Direct engagement with businesses that have previously been issued Fireworks Sales Permits
 - Direct engagement with Advisory Committees such as:
 - Oshawa Animal Care Advisory Committee
 - Oshawa Environmental Advisory Committee
 - Direct engagement with groups such as:
 - Canadian Mental Health Association
 - Canadian National Fireworks Association
 - Durham Regional Police Service
 - Durham Region Municipal Insurance Pool
- Public consultation:
 - Feedback form available online on Connect Oshawa and on paper at Service Oshawa for a four-week period
- Reporting back on findings and proposed amendments for Committee’s consideration

Advantages	Disadvantages
<ul style="list-style-type: none">• Allows for public and industry input on the regulatory approach	<ul style="list-style-type: none">• Delays the timeline for implementation of chosen option meaning no changes would be in effect over the summer holidays

In the event that the Safety and Facilities Services Committee chooses this option, the Safety and Facilities Services Committee may wish to pass the following motion:

That the Safety and Facilities Services Committee recommend to City Council:

“That staff be directed to proceed with a public and industry consultation as detailed in Section 5.4.4 of Report SF-23-13 “Options to Amend Fireworks By-law 59-2014”, dated March 15, 2023, on the proposed policy options related to the issue of fireworks and Fireworks By-law 59-2014.”

5.5 Proposed Technical Amendments to the Fireworks By-law and Tiered and Escalating Administrative Monetary Penalties (Applicable to All Options)

In addition to all of the proposed options in Section 5.4, the following technical amendments are being proposed to increase clarity and to establish Tiered and Escalating Administrative Monetary Penalties (A.M.P.):

- Amend Section 9 of the By-law to establish Tiered and Escalating A.M.P.s with the following tiers:
 - **Tier 1:** \$250
 - **Tier 2:** \$350
 - **Tier 3:** \$450

The proposed penalty amounts are aligned with those established in the City's Nuisance By-law 65-2009, as amended.

- Implement minor typographical changes to reflect updates in position titles and to increase clarity with respect to references to by-laws and legislation.
- Renumbering certain sections to increase clarity and ease of reference.
- Implement minor typographical changes to provide further clarity on when permits are required for the discharge of Consumer Fireworks.

6.0 Financial Implications

The estimated financial implications are detailed in **Table 5** and those related to Options "A", "B", and "C", are attributed to the scheduling of additional Municipal Law Enforcement Officers to undertake enhanced enforcement as well as communications and public education activities (e.g. newspaper advertisements).

Table 5 Estimated Financial Implications related to Options

Option	Estimated Cost
Option "A": Enhanced Enforcement of Fireworks By-law	\$5,000
Option "B": Fireworks Discharge Restricted to Identified City Parks	\$5,000
Option "C": City-Wide Prohibition on Sale and Discharge of Fireworks	\$5,000
Option "D": Public Consultation on Options "A", "B", and "C"	No direct financial implications

It is important to note that the figures presented above are preliminary and depending on the chosen option, staff will continue to monitor and will advise Council of any significant financial implications that result based on the option chosen.

7.0 Relationship to the Oshawa Strategic Plan

The recommendations in this report relate to the following Oshawa Strategic Plan Goals:

- 4.2 Accountable Leadership
- 4.3 Social Equity



Phil Lyon, Director,
Municipal Law Enforcement and Licensing Services



Derrick Clark, Fire Chief
Fire Services



Tracy Adams, Chief Administrative Officer,
Office of the C.A.O.

From: Anthony Shanderuk [M.F.I.P.P.A. Sec.14(1)]

Sent: Sunday, December 4, 2022 10:43 AM

To: clerks <clerks@oshawa.ca>

Subject: Fireworks in North Oshawa

Hi my name is Anthony Shanderuk. I've been a resident in North Oshawa since 1998. I live in the Ritson Road and Conlin Rd Area. I've reached out to John Neil counselor of Ward 1. Their office has directed me to this email. I got so excited when I heard that Brampton announced they were banning fire works. North Oshawa has become a breeding ground for fire works. They start going off at the first long weekend till the end of summer. They go off at hours of the night through the week, some nights until 2am. They light them in the streets in their back yards. Some nights it sounds like we are being bombed. When I call the police about the noise they tell me it's the fire department I need to call because it has to do with fire. By law officers say it's not their job so where do you turn to these off the streets and keep peace through the summer months. My dog won't even go outside during the summer nights because she is shaking in fear of these loud bangs. We need to take her in the basement and turn our tv up loud to try and drown the fireworks out. some night I have to sleep in the basement instead of my warm bed because my dog is to terrified to go up stairs. The summers are now so frustrating because you never know when they will go off. There seams to be no set dates or times for the people that lite them off. Can we put a stop to this like Brampton and set higher fines.



As amended by By-law 96-2019

By-law 36-2019

By-law 59-2014

By-law 49-2021

of The Corporation of the City of Oshawa

being a by-law to repeal and replace By-law 103-73 (the "Fireworks By-law").

WHEREAS the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, authorizes municipalities to prohibit the setting off of fireworks without a permit and to impose conditions for obtaining, continuing to hold and renew a permit, including the submission of plans.

AND WHEREAS the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, also provides that municipalities may pass by-laws for the health, safety and well-being of Persons.

AND WHEREAS the Council of The Corporation of the City of Oshawa desires to regulate the sale, possession and discharge of fireworks within the City of Oshawa.

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

1. SHORT TITLE

1.0 This by-law may be cited as the "Fireworks By-law".

2. INTERPRETATION

2.0 In this by-law:

"Building" means any structure used or intended for supporting or sheltering any use or occupancy.

"Chief Fire Official" means the Fire Chief, the Deputy Fire Chief, the Chief Fire Prevention Officer, any Fire Prevention Officer or any Fire Prevention Inspector within Oshawa Fire Services.

"City" means The Corporation of the City of Oshawa.

"Consumer Fireworks" means low hazard fireworks classified under Class 7, Division 2, Subdivision 1 under the *Explosives Act* generally used for recreation such as showers, fountains, golden rain, lawn lights, pin wheels, and roman candles.

"Council" means the Council of the Corporation of the City of Oshawa.

"Discharge", when used in relation to Fireworks, includes firing, igniting, exploding and setting off Fireworks.

"Display Fireworks" means high hazard fireworks as defined under the *Explosives Act* generally used for recreation such as rockets, serpents, shells, bombshells, tourbillons, maroons, large wheel, bouquets, barrages, bambardos, waterfalls, batteries, illumination, set pieces and pigeons.

"*Explosives Act*" means the *Explosives Act*, R.S.C. 1985, c. E-17, and the regulations thereto, as may be amended from time to time.

"Fireworks" means Consumer Fireworks, Display Fireworks and Pyrotechnic Special Effects.

"Fireworks Discharge Permit" means an authorization under this By-law to Discharge Display Fireworks or Pyrotechnic Special Effects.

"Fireworks Sales Permit" means a Permit issued under this By-law to sell Consumer Fireworks.

"Fireworks Supervisor" means a Person who is qualified under the *Explosives Act* to Discharge Display Fireworks and Pyrotechnic Special Effects.

"Officer" means a Municipal Law Enforcement Officer appointed to enforce the by-laws of the City and/or a Fire Prevention Officer and/or Inspector from the Fire Prevention Division of Oshawa Fire Services, including the Fire Chief and any member of Oshawa Fire Services designated by the Chief Fire Official.

"Permanent Sales Location" means a building or structure with a permanent foundation, which exists in the same location 365 days per year.

“Person” includes a natural individual, and their heirs, executors, administrators or other legal representatives, a corporation, partnership or other form of business association, or a receiver or mortgagee in possession.

“Prohibited Fireworks” means those fireworks prohibited by the *Explosives Act*, including but not limited to 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 and silver salutes and flash crackers, throw down and step on torpedoes, and crackling balls, tear gas pens and launchers, party peppers and table bombs, table rockets and battle sky rockets, firecrackers, fake firecrackers, etc

“Pyrotechnic Special Effects” means authorized explosives as defined under the *Explosives Act*, that are made, manufactured or used to produce a pyrotechnic theatrical effect in connection with a motion picture, theater or television production or as a performance, before a live audience;

“Temporary Sales Unit” means an enclosed portable stand, cart, display rack, cargo container or trailer, or other display unit that can be moved from one location to another and is used for the sale of Consumer Fireworks. No Temporary Sales Unit may remain in the same location for more than nine (9) consecutive days. A Temporary Sales Unit does not include a motor vehicle as defined in the *Highway Traffic Act*.

SALE OF FIREWORKS

3. PROHIBITED ACTIVITIES

3.1 No Person shall:

- (a) sell any Consumer Fireworks to any Person at any time except seven (7) days immediately prior to and on the statutory holidays known as Victoria Day, Canada Day and the celebration known as Diwali Day, unless a Consumer Fireworks Prohibition is in effect. (96-2019) (49-2021)
 - (a.1) sell any Consumer Fireworks to any Person at any time when a Consumer Fireworks Prohibition is in effect (49-2021)
- (b) sell or supply Fireworks to any Person under the age of eighteen (18) years;
- (c) sell, store or supply Prohibited Fireworks;
- (d) sell Consumer Fireworks from a Temporary Sales Unit without first having obtained a Fireworks Sales Permit;
- (e) sell Consumer Fireworks in a manner that is not in conformance with the *Explosives Act*;
- (f) sell Display Fireworks or Pyrotechnic Special Effects unless otherwise permitted under the *Explosives Act*; or
- (g) sell Consumer Fireworks from a motor vehicle as defined in the *Highway Traffic Act*

4. FIREWORKS SALES PERMITS

4.0 An application for a Fireworks Sales Permit to sell Consumer Fireworks from a Temporary Sales Unit seven (7) days immediately prior to and on the statutory holidays known as Victoria Day, Canada Day and the celebration known as Diwali Day shall be made at the office of the Chief Fire Official on the form prescribed. The Chief Fire Official may prescribe any information to be given therein and other necessary papers to be completed or submitted by the applicant in conjunction with the application. (96-2019) (49-2021)

- 4.1 Applications for Fireworks Sales Permits shall be made no less than twenty-one (21) days prior to the first sales date.
- 4.2 Separate Fireworks Sales Permit applications must be made for each proposed Temporary Sales Unit location.
- 4.3 Fireworks Sales Permits shall be valid only seven (7) days immediately prior to and on the statutory holidays known as Victoria Day, Canada Day and the celebration known as Diwali Day (49-2021)

- 4.4 Every Fireworks Sales Permit application shall be submitted to the Chief Fire Official and be accompanied by:
- (a) the appropriate non-refundable fee as set out in the City's General Fees and Charges By-law, as may be amended from time to time;
 - (b) if the applicant is a corporation, a copy of the incorporating document and a copy of the last annual information filed or, if a registered partnership, a copy of the registered declaration of partnership and a copy of the business name registration;
 - (c) a description of the Consumer Fireworks to be sold;
 - (d) proof of commercial general liability insurance in an amount no less than \$5,000,000.00, naming the City as an additional insured and containing a cross liability clause;
 - (e) an indemnification and hold harmless undertaking in favour of the City and signed by the applicant or by an individual having the authority to bind the applicant;
 - (f) the operating dates of the Temporary Sales Unit and a letter of authorization from the owner of the property on or from which the Temporary Sales Unit is proposed to be located containing:
 - (i) the name of the owner of the Temporary Sales Unit; and
 - (ii) the proposed location on the property of the Temporary Sales Unit; and
 - (g) such other information as the Chief Fire Official may require.
- 4.5 The Chief Fire Official may revoke a Fireworks Sales Permit where, in his or her sole opinion, the applicant has not complied or is not complying with the provisions of this By-law.
- 4.6 Where the Chief Fire Official revokes a Fireworks Sales Permit, Consumer Fireworks shall no longer be sold from the sales location for the remainder of the term of the Fireworks Sales Permit.
- 4.7 Where a Fireworks Sales Permit is revoked, the applicant is not entitled to a return of any fee paid to obtain the Fireworks Sales Permit.
- 4.8 Notwithstanding Subsections 4.7 and 4.8, where a Fireworks Sales Permit is revoked, the applicant may apply for a new Fireworks Sales Permit subject to the provisions of Section 4 for the next proposed sales period.
- 4.9 Receipt of the application and/or the Fireworks Sales Permit fee by the City shall not represent approval of the application for the issuance of a Fireworks Discharge Permit nor shall it obligate the City to issue a Fireworks Sales Permit.
- 4.10 No Person shall transfer or assign his or her Fireworks Sales Permit.
- 4.11 In the event that a Person attempts to transfer or transfers his or her Fireworks Sales Permit, the Fireworks Discharge Permit is void and there shall be no return of any fee paid.
- 4.12 No Permit shall be transferred or assigned and if a person Permitted pursuant to this By-law sells, leases or otherwise disposes of his/her interest in the discharge or sales of fireworks, his/her Permit shall, notwithstanding any other provision of this By-law, be revoked.

5. TEMPORARY SALES UNITS

- 5.0 A Person holding a Fireworks Sales Permit shall:
- (a) ensure that a minimum of 2 signs are posted in prominent locations on the outside of the Temporary Sales Unit indicating that Persons shall not smoke or ignite any flammable material, or have in their possession any lighted match, lighter, pipe, cigar, cigarette, open flame or spark emitting device within 8 metres of the Temporary Sales Unit; (36-2019)
 - (b) ensure that there are two 2A10BC rated fire extinguisher is available at each

entrance during the times sales are taking place; (36-2019)

- (c) ensure that at least 2 operational doors are available to provide means of access to and egress from the Temporary Sales Unit;
- (d) ensure that no more than 15 customers are in a Temporary Sales Unit at the same time;
- (e) ensure that no Consumer Fireworks are exposed to direct sunlight;
- (f) ensure that, with the exception of its entrance and exit, access to an area at least eight (8) metres around the perimeter of the Temporary Sales Unit is restricted by means of a barrier, such as snow fencing, pylons or other material satisfactory to the City;
- (g) ensure that the Fireworks Sales Permit is posted in a conspicuous place on the Temporary Sales Unit at all times during the term of the Fireworks Sales Permit;
- (h) permit the inspection by the Chief Fire Official of the Consumer Fireworks and any site where the Consumer Fireworks may be stored, displayed or Discharged together with all associated equipment and documentation pertaining to the storage, display or Discharge of Consumer Fireworks; or
- (i) not locate a Temporary Sales Unit:(36-2019)
 - (i) within eight (8) metres of any combustible or flammable substance, ignition source, heat producing equipment or spark emitting device; (36-2019)
 - (ii) within eight (8) metres of any parked vehicle or parking space that is not fenced off in accordance with Subsection 5.1(f) of this By-law; (36-2019)
 - (iii) within fifteen (15) metres of any highway, street, roadway, laneway or thoroughfare; (36-2019)
 - (iv) within twenty-five (25) metres of any facility, including a retail gas station, that contains any fuel dispensing pump or venting pipe or which dispenses, sells or refills:
 - a. gasoline or fuel;
 - b. propane tanks or cylinders;
 - c. any compressed natural gas or other compressed flammable substance;(36-2019)
 - (v) within twenty-five (25) metres of any building not included within Subsections 5.1(i)(vi) or 5.1(i)(vii) of this By-law; (36-2019)
 - (vi) within one hundred (100) metres of any public park, hospital, nursing home, home for the aged, retirement home, church or school; (36-2019)
 - (vii) within one hundred (100) metres of any land where explosives, gasoline or other flammable substances are:
 - a. manufactured;
 - b. stored within a manufacturing facility or fuel distribution station not used as a retail gas station;(36-2019)
 - (viii) within any location not permitted by the City's Zoning By-law 60-94, as amended; (36-2019)

6. PERMANENT SALES LOCATIONS

- 6.0 A Fireworks Sales Permit is not required to sell Fireworks from a Permanent Sales Location.
- 6.1 Notwithstanding Subsection 6.1, no Person shall fail to comply with the *Explosives Act* when selling, storing, or displaying Fireworks from a Permanent Sales Location.

DISCHARGING FIREWORKS

7. FIREWORKS DISCHARGE PERMITS

- 7.0 A Fireworks Discharge Permit is required to Discharge Display Fireworks and Pyrotechnic Special Effects at any time.
- 7.1 No Fireworks Discharge Permit is required to Discharge Consumer Fireworks between dusk and 11 p.m. on the statutory holidays known as Victoria Day, Canada Day and the celebration known as Diwali Day. (96-2019)
- 7.2 An application for a Fireworks Discharge Permit to Discharge Display Fireworks and/or Pyrotechnic Special Effects shall be made at the office of the Chief Fire Official on the form prescribed and the Chief Fire Official may prescribe any information to be given therein and other necessary papers to be completed or submitted by the applicant in conjunction with his application. (49-2021)
- 7.3 Every Fireworks Discharge Permit application shall be submitted to the Chief Fire Official a minimum of twenty-one (21) days prior to the proposed Discharge date and be accompanied by:
- (a) the appropriate non-refundable fee as set out in the City's General Fees and Charges By-law, as may be amended from time to time;
 - (b) a description of the Display Fireworks and/or Pyrotechnic Special Effects to be Discharged, the Discharge techniques to be used, and the manner and means of restraining Persons from being too near the Discharge location;
 - (c) a description of the proposed location for the Display Fireworks and/or Pyrotechnic Special Effects display;
 - (d) a letter of authorization from the owner of the property on which the Display Fireworks and/or Pyrotechnic Special Effects will be Discharged consenting to the display;
 - (e) a current certificate of insurance providing proof of liability insurance in the minimum amount of \$5,000,000.00, naming the City as an additional insured and containing a cross liability clause;
 - (f) a copy of the permit issued pursuant to the *Explosives Act* for the Fireworks Supervisor who will be handling and discharging the Display Fireworks and/or Pyrotechnic Special Effects;
 - (g) where deemed applicable by the Chief Fire Official, written confirmation from the Durham Region Police Service that appropriate arrangements have been made by the applicant for traffic and crowd control during the display; and
 - (h) such further and other information as the Chief Fire Official may require.
- 7.4 In addition to the requirements set out in this By-law, all Persons applying for or holding a Fireworks Discharge Permit to Discharge Display Fireworks and/or Pyrotechnic Special Effects shall comply at all times with the *Explosives Act*.
- 7.5 Where the proposed display location is City-owned property, the applicant shall obtain written approval from the City to Discharge Display Fireworks and/or Pyrotechnic Special Effects on the property and shall provide the Chief Fire Official with an agreement indemnifying and saving harmless the City with respect to any and all actions either directly or indirectly from the display.

- 7.6 Separate Fireworks Discharge Permit applications must be made for each and every proposed display location.
- 7.7 The Chief Fire Official may revoke a Fireworks Discharge Permit where, in his or her sole opinion, the applicant has not complied or is not complying with the provisions of this By-law.
- 7.8 Where a Fireworks Discharge Permit is revoked, the applicant is not entitled to a return of any fee paid to obtain the Fireworks Discharge Permit.
- 7.9 Receipt of the application and/or the Fireworks Discharge Permit fee by the City shall not represent approval of the application for the issuance of a Fireworks Discharge Permit nor shall it obligate the City to issue a Fireworks Discharge Permit.
- 7.10 No Person shall transfer or assign his or her Fireworks Discharge Permit.
- 7.11 In the event that a Person attempts to transfer or transfers his or her Fireworks Discharge Permit, the Fireworks Discharge Permit is void and there shall be no return of any fee paid.

8. PROHIBITED ACTIVITIES

8.1 No Person shall:

- (a) possess or Discharge Fireworks except pursuant to this By-law;
- (b) Discharge Consumer Fireworks except between dusk and 11 p.m. on the statutory holidays known as Victoria Day, Canada Day and the celebration known as Diwali Day unless a Consumer Fireworks Prohibition is in effect; (96-2019) (49-2021)
 - (b.1) Discharge Consumer Fireworks at any time when a Consumer Fireworks Prohibition is in effect (49-2021)
- (c) possess or Discharge any Prohibited Fireworks;
- (d) Discharge Fireworks on any property, without obtaining the written authorization of the legal owner of the property, including into, in or on any highway, street, lane, square, public park or other public place;
- (e) fail to provide and maintain operational fire multi-purpose ABC extinguishing equipment ready for immediate use, and present at all times and for a reasonable period thereafter, at the location or site of the Discharge of Consumer Fireworks (including having knowledge of the operational procedures associated with said fire multi-purpose extinguishing equipment);
- (f) fail to follow the manufacturer's requirements for the Discharge of Fireworks;
- (g) fail to permit the inspection by the Chief Fire Official of the Fireworks and any site where the Fireworks may be Discharged together with all associated equipment and documentation pertaining to the Discharge of Fireworks;
- (h) being under the age of 18 years, possess or Discharge Fireworks;
- (i) permit any Person under the age of 18 years to Discharge Fireworks;
- (j) Discharge Fireworks into, inside of, or on a building, accessory building, structure, or motor vehicle;
- (k) Discharge Consumer Fireworks,
 - (i) within 300 metres of any premises or place where explosives, gasoline or other flammable substances are manufactured or stored in bulk,
 - (ii) in, on or onto any land occupied by a hospital, nursing home, home for the aged, church or school
- (l) Discharge Display Fireworks and/or Pyrotechnic Special Effects,
 - (i) within one hundred (100) metres of any highway or entrance to a public park,

- (ii) within three hundred (300) metres of,
 - 1. any premises or place where explosives, gasoline or other flammable substances are manufactured or stored in bulk, or
 - 2. any land occupied by a hospital, nursing home, home for the aged, church or school; or
- (iii) within five hundred (500) metres of another approved Display Fireworks and/or Pyrotechnic Special Effects display location;
- (m) Discharge Display Fireworks or Pyrotechnic Special Effects without a Fireworks Discharge Permit;
- (n) who holds a Fireworks Discharge Permit,
 - (i) Discharge or permit to be Discharged Display Fireworks and/or Pyrotechnic Special Effects on a day or at times other than the day or days and times specified in the Fireworks Discharge Permit,
 - (ii) Discharge or permit to be Discharged Display Fireworks and/or Pyrotechnic Special Effects at a location other than the location specified in the Fireworks Discharge Permit,
 - (iii) permit any Person other than a Fireworks Supervisor to Discharge Display Fireworks and/or Pyrotechnic Special Effects,
 - (iv) fail to be present in Person at all times during the setup of the display area, the handling and Discharge, and the cleanup of the Display Fireworks and/or Pyrotechnic Special Effects,
 - (v) fail to ensure that a Fireworks Supervisor is present at all times during the setup of the display area, the handling and Discharge, and the cleanup of the Display Fireworks and/or Pyrotechnic Special Effects, or
 - (vi) fail to take all such safety precautions as are required by the Chief Fire Official for the handling and Discharge of Display Fireworks and/or Pyrotechnic Special Effects.
- (o) Discharge Fireworks in a manner that creates a nuisance or that creates an unsafe condition, danger from fire or from risk of accident, injury or damage at or in respect of any place, location or site, or to or in respect of any Person, property or thing.

9. ADMINISTRATIVE PENALTIES

9.0 Consumer Fireworks Prohibition (49-2021)

- 9.0.1 The Chief Fire Official may declare a Consumer Fireworks Prohibition when, in his or her sole opinion, conditions exist which would make the discharge of Consumer Fireworks unsafe. These conditions may include atmospheric or environmental conditions, to help implement restrictions intended to reduce the transmission of disease, as well as any local circumstances which may prevent the safe discharge of Consumer Fireworks. (49-2021)
- 9.0.2 The public shall be notified that a Consumer Fireworks Prohibition is in effect on the City of Oshawa's website. (49-2021)
- 9.1 Administrative Penalty Process By-law 63-2013 applies to each administrative penalty issued pursuant to this by-law.
- 9.2 Each person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law 63-2013, be liable to pay to the City an administrative penalty in the amount of \$125 for each day on which the contravention occurs or continues.

10. OFFENCES

- 10.1 Each person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine of:
- (a) not less than \$300 and not more than \$5,000;
 - (b) not less than \$400 and not more than \$10,000 for a second conviction of the same offence; and
 - (c) not less than \$500 and not more than \$25,000 for a third or subsequent conviction of the same offence.
- 10.2 Prosecution under this by-law shall not preclude any other legal actions required to recover damages required to repair, replace or restore damaged real or personal property, as the case may be.

11. CONFLICT

- 11.1 This by-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the City or by any governmental authority having jurisdiction to make such restrictions or regulations.
- 11.2 If there is a conflict between a provision of this By-law and a provision of any other City by-law, the provision that establishes the higher standard to protect the health and safety of the public and to maintain clean and tidy condition on land shall apply.

12. SEVERABILITY








- 12.1 If any provision or part of a provision of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in certain circumstances, the balance of the By-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

13. EFFECTIVE DATE

- 13.1 This By-law is effective on July 3, 2014.
- 13.2 By-law 103-73 is hereby repealed.

By-law passed this twentieth day of May, 2014.

Fireworks By-laws: Municipal Benchmarking (Survey Completed January 2023)

Municipality	Prohibited	Permitted	Permitted Holidays
Ajax			<ul style="list-style-type: none"> Lunar New Year, Eid al-Fitr, Victoria Day, Canada Day, and Diwali Permitted on the holiday and one (1) day immediately preceding and following between 11:00 a.m. – 11:00 p.m.
Clarington			<ul style="list-style-type: none"> Victoria Day and Canada Day Permitted on the holiday and three (3) days immediately prior to between dusk and 11:00 p.m.
Pickering			<ul style="list-style-type: none"> Victoria Day and Canada Day Permitted on the holiday and long weekends including the statutory holiday
Whitby			<ul style="list-style-type: none"> Victoria Day, Canada Day, New Years' Eve, and New Years' Day Permitted on the holiday between dusk and 11:00 p.m.
Brampton			<ul style="list-style-type: none"> Not applicable due to prohibition
Burlington			<ul style="list-style-type: none"> Victoria Day and Canada Day Permitted on the holiday between dusk and 11:00 p.m.
Guelph			<ul style="list-style-type: none"> Victoria Day, Canada Day, Diwali, and other religious events approved by the Fire Department Permitted on the holiday and the day before Canada Day between 9:00 a.m. and 11:59 p.m.
Hamilton			<ul style="list-style-type: none"> Victoria Day and Canada Day
London			<ul style="list-style-type: none"> Victoria Day and Canada Day Permitted on the holiday, or the Saturday preceding when the holiday is on a Monday or Tuesday, or the Saturday following when the holiday is Wednesday – Friday, between dusk and 11:00 p.m.
Markham			<ul style="list-style-type: none"> Victoria Day and Canada Day
Mississauga			<ul style="list-style-type: none"> Victoria Day, Canada Day, Diwali, and Chinese New Year

Municipality	Prohibited	Permitted	Permitted Holidays
Newmarket			<ul style="list-style-type: none"> • Victoria Day and Canada Day • Permitted on the holiday until 11:00 p.m.
Oakville			<ul style="list-style-type: none"> • Victoria Day, Canada Day, New Years Day, and any religious or cultural celebrations • Permitted on the day of, the day before, and the day after
Ottawa			<ul style="list-style-type: none"> • Victoria Day and Canada Day • Permitted on the day of, the day before, and the day after
Sarnia			<ul style="list-style-type: none"> • Victoria Day and Canada Day • Permitted on the day of, day before, and the day after
Toronto			<ul style="list-style-type: none"> • Victoria Day and Canada Day • Permitted until 11:00 p.m.
Vaughan			<ul style="list-style-type: none"> • Victoria Day and Canada Day