

A by-law to amend By-law 0135-2014, as amended, being the Licensing Administrative Penalty By-law to establish administrative penalties related to the licensing of outdoor fireworks portable display units

WHEREAS sections 8, 9 and 11 of the *Municipal Act, 2001*, S.O. 2001, c.25 (the "*Municipal Act, 2001*"), authorize a municipality to pass by-laws necessary or desirable for municipal purposes;

AND WHEREAS section 434.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended provides that a municipality may require a person to pay an administrative penalty, subject to such conditions as the municipality considers appropriate, if the municipality is satisfied that the person has failed to comply with a bylaw of the municipality passed under the *Municipal Act, 2001*;

AND WHEREAS section 151(5) of the *Municipal Act, 2001* provides that subsections 151(1)-(4) apply with necessary modifications to a system of licences with respect to any activity, matter or thing for which a by-law may be passed under sections 9 and 11 as if it were a system of licences with respect to a business;

AND WHEREAS on June 11, 2014, Council of The Corporation of the City of Mississauga ("Council") enacted the Licensing Administrative Penalty By-law 0135-2014, as amended, ("Licensing Administrative Penalty By-law");


AND WHEREAS on October 11, 2023, Council adopted General Committee Recommendation 0440-2023 to repeal the fireworks-related provisions in the Business Licensing By-law 0001-2006, including section 2(z), and incorporate those provisions into a consolidated fireworks licensing and use by-law, as set out in the corporate report from the Commissioner of Corporate Services, dated September 19, 2023 and entitled "Fireworks By-law Review";

AND WHEREAS on October 25, 2023, Council adopted Resolution 0237-2023 to, *inter alia*, establish an administrative penalty under the Licensing Administrative Penalty By-law for owning and operating an outdoor fireworks portable display unit without a licence;

NOW THEREFORE the Council of the Corporation of the City of Mississauga ENACTS as follows:

1. That Schedule "B" of By-law 0135-2014, as amended, is hereby further amended by adding the Designated By-law provisions listed in Schedule "A" to this By-law.
2. That Schedule "B" of By-law 0135-2014, as amended, is hereby further amended by deleting the following Designated By-law provision:
 - (a) Sell by retail any Fireworks from inside a building or part thereof
3. This By-law shall come into force on December 1, 2023.

ENACTED and PASSED this _____ day of _____ 2023.

Approved by Legal Services City Solicitor City of Mississauga

Tushar Sharma
Date: October 31, 2023
File: BL.01-23.04

_____ MAYOR

_____ CLERK

SCHEDULE “A”

FIREWORKS LICENSING AND USE BY-LAW

1. For the purposes of section 3 of this By-law, Column 1 in the following table lists the provisions in the Fireworks Use and Licensing By-law that are hereby designated.
2. Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 1.
3. Column 3 in the following table sets out the Administrative Penalty amounts that are payable for contraventions of the designated provisions listed in Column 1.

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
1	2(a)	Own an Outdoor Fireworks Portable Display Unit without a licence	\$125.00
2	2(b)	Operate an Outdoor Fireworks Portable Display Unit without a licence	\$125.00
3	2(c)	Sell by retail any Fireworks from inside a building or part thereof in the City without a licence	\$125.00