

A by-law to amend By-law 0182-2023 being the Fireworks Licensing and Use By-law to update the fireworks classification terminology in accordance with federal regulations and make certain amendments to definitions, prohibitions and penalties

WHEREAS section 121 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended (the “Act”), provides that a local municipality may prohibit and regulate the sale of fireworks and the setting off of fireworks;

AND WHEREAS section 11 of the Act grants authority to lower tier municipalities to pass by-laws respecting business licensing;

AND WHEREAS section 151 of the Act provides that without limiting sections 9, 10, and 11 of the Act, a municipality may provide for a system of licenses with respect to a business;

AND WHEREAS on November 8, 2023, Council of the Corporation of the City of Mississauga (“Council”) enacted the Fireworks Licensing and Use By-law 0182-2023 (the “Fireworks Licensing and Use By-law”);

AND WHEREAS on December 6, 2023, Council adopted General Committee Recommendation ____-2023 to amend the Fireworks Licensing and Use By-law to update the fireworks classification terminology and make certain amendments to definitions, prohibitions and penalties, as set out in the corporate report from the Commissioner of Corporate Services, dated November 20, 2023 and entitled “Nuisance Gathering Enforcement;

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

1. That the Fireworks Licensing and Use By-law 0182-2023 be amended as follows:

(a) That the following definition be deleted in its entirety from Section 1:

“**Class 7 Division 2 Fireworks**” comprises manufactured Fireworks and has five (5) subdivisions, as defined in the explosive regulations made pursuant to the *Explosives Act*, R.S., 1985, c. E-17 (“Explosives Act”)

(b) That the following definitions be added to Section 1:

“**Consumer Fireworks**” means low hazard fireworks generally used for recreation that are classified under type F.1 of the Explosives Regulations, and includes but is not limited to, showers, sparklers, golden rain, fountains, volcanoes, snakes and caps for toy guns;

“**Display Fireworks**” means high hazard fireworks identified for professional use that are classified under type F.2 of the Explosives Regulations and includes but is not limited to, large Roman candles, aerial shells, comets, cakes, waterfalls, bombshells, large wheels, barrages, bombardos, mines and may include Firecrackers as defined by this By-law;

“**Explosives Act**” means the Explosives Act, 1985, c. E-17, as amended, and any act or regulations enacted from time to time in substitution therefor;

“**Explosives Regulations**” means the Explosives Regulations, 2013, SOR/2013-211, as amended, issued under the Explosives Act, and any regulations enacted from time to time in substitution therefor;

“**Fireworks Operator Certificate**” means the types of certificates that are required for the use of Display Fireworks under the Explosives Regulations;

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“Property Owner” means a Person who is the registered owner of a property, property manager, tenant or any other Person who otherwise has rightful possession of or possessory control of any property;

“Public Fireworks Display” means an exhibition of low or high hazard recreational Fireworks in an open air assembly, occupancy to which the public is invited or admitted, with or without a fee being charged;

“Set off” or **“set off”** includes firing, igniting, exploding and setting off Fireworks;

- (c) That the definitions for “Inspector”, “Person” and “Sell” be deleted in their entirety from Section 1 and replaced with the following:

“Officer” means persons authorized to undertake an inspection required for the purposes of the enforcement of this By-law and includes by-law enforcement officers, officers or employees (including the Fire Chief and fire inspectors) of the City, and members of the Ontario Provincial Police and Peel Regional Police;

“Person” or **“person”** includes any individual person, a corporation and its directors and officers, a partnership, any other form of business or legal association or entity and the heirs, executors, and administrators or other legal representatives of an individual and their respective successors and assignees;

“Sell” or **“sell”** includes display for sale, expose for sale or offer for sale;

- (d) That all references to “Inspector” in the By-law be deleted and replaced with “Officer”.
- (e) That Sections 31, 32, 33 and 34 be deleted in their entirety and replaced with the following:

31. No person shall set off, or cause or permit the setting off of, any Fireworks on any public street or roadway within the City at any time.

31.1 No person shall set off, and no Property Owner shall cause or permit the setting off of, Fireworks within the City:

- (1) in, on or into any building, structure, or motor vehicle;
- (2) within 100 metres of any place where explosives, gasoline or other highly flammable substances are sold or stored; and
- (3) in a manner that may create a nuisance or an unsafe condition, risk of fire or injury or damage to any person or property.

32. (1) No person shall set off, and no Property Owner shall cause or permit the setting off of, any Consumer Fireworks within the City except:

- (a) on a Holiday, excluding New Year’s Eve, from dusk until 11 p.m.; or
- (b) on New Year’s Eve, from dusk until 1 a.m. on New Year’s Day; or
- (c) any other day for which a permit has been issued by the Fire Chief according to this By-law.

(2) A person permitted to set off any Consumer Fireworks according to subsection 32(1) of this By-law shall only do so on their private property.

(3) In the event of rain on a Holiday in such amount that it is impractical to set off Consumer Fireworks, the next day following a Holiday, as the case may be, shall be considered to be the Holiday.

33. No person shall set off any Display Fireworks within the City unless:

- (1) they have a valid Fireworks Operator Certificate issued by the Explosives Regulatory Division of Natural Resources Canada;

- (f) That Section 36 be amended by adding the following:

ENACTED and **PASSED** this day of 2023.

CLERK