



BY-LAW NO. 2025-0006

A By-law to regulate and prohibit the sale and discharge of consumer fireworks and to provide for the issuance of permits for the discharge of display fireworks and to repeal By-law No. 2023-0032.

WHEREAS Section 121 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a local municipality may prohibit and regulate the sale and possession of fireworks and the setting off of fireworks, and further that a by-law may prohibit those activities unless a permit is obtained from the municipality that may imposed conditions for obtaining, continuing to hold and renew the permit, including requiring the submission of plans;

AND WHEREAS Section 120 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, 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;
- d) Prohibit the manufacture or storage of explosives unless a permit is obtained from the municipality for those activities and may impose conditions for obtaining, continuing to hold and renewing the permit, including requiring the submission of plans;

AND WHEREAS sections 23.1 and 23.2 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, authorizes a municipality to delegate certain powers and duties;

AND WHEREAS section 391 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended enables a municipality to pass by-laws imposing fees or charges on persons;

AND WHEREAS section 7.1(1) of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, as amended, provides that the council of a municipality may pass by-laws regulating fire prevention, including the prevention of the spreading of fires;

AND WHEREAS on October 28, 2024, Council for the Town of Halton Hills approved Report No. ADMIN-2024-014, dated October 28, 2024, in which certain recommendations were made relating to the discharge of fireworks.

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:

1. DEFINITIONS

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

“Consumer Fireworks” means low hazard fireworks that are generally used for recreation and are classified as Type F.1 explosives under the **Act** including but not limited to roman candles, flying lanterns, barrages, cakes, comets, mines, missiles, skyrockets, fountains, wheels, ground spinners, burning school houses and flying ghosts, but does not include sparklers.

“Display Fireworks” means high hazard fireworks that are generally used for public display and designed for use by professionals and are classified as Type F.2 explosives under the **Act** including but not limited to aerial shells, waterfalls, lances, rockets, serpents, shells, bombshells, tourbillions, maroons, bouquets, bombardos, fountains, batteries, illumination set pieces and pigeons, and large wheels.

“Display Supervisor” means a Person who is an approved purchaser of **Display Fireworks** and who is qualified under the **Act** to supervise the discharge of **Display Fireworks**.

“Display Supervisor with Endorsements” means a Person who acts as a Lead Supervisor in charge of displays, responsible for training and supervising **Display Supervisors**.

“Fire Chief” means the Fire Chief of the Town of Halton Hills or their authorized designate.

“Fireworks ban” means a period of time during which the **Fire Chief**, in their absolute discretion, declares a total ban on the setting off of any **Display Fireworks** or **Pyrotechnics**.

“Fireworks Permit” means a permit to discharge **Display Fireworks** or **Pyrotechnics** issued by the **Fire Chief** or their authorized designate.

“Film Production Company” means a company that is responsible for commercial or trade film production shoots, including feature films, documentaries and commercials and has obtained a film permit from the **Town**.

“FPPA” means the *Fire Protection and Prevention Act, 1997, S.O. 1997, c.4*, as amended, and the regulations enacted thereunder as amended from time to time or any act or regulations enacted in substitution therefor.

“Officer” means a municipal law enforcement officer, fire inspector, fire prevention officer, police officers and any person appointed by Council to enforce this By-law.

“Person” includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation company and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative.

“Prohibited Fireworks” means fireworks included on the most recent list of prohibited fireworks or explosives set out in the **Act**, including but not limited to flying lanterns, cigarette loads or pings, exploding matches, sparking matches, ammunition for miniature tie clip, cufflink or key chain pistols, auto alarms or jokers, cherry bombs, M-80’s, silver salutes and flash bombs and smoke bombs, tear gas pens and launchers, party peppers and table bombs, table rockets and battle sky rockets, fake firecrackers and other similar trick devices or practical joke devices.

“Pyrotechnician” means a **Person** who is certified under the **Act** as ‘pyrotechnician’, ‘senior pyrotechnician’, ‘special effects pyrotechnician’ or ‘special effects pyrotechnician – detonating cord’ and is qualified to purchase and supervise the display of ‘pyrotechnic special effects’ under the **Act**.

“Pyrotechnics” includes high hazard fireworks used to produce a special effect in a film or television production or a performance before a live audience; explosives which may be classified as Type F.3 in the **Act**; fireworks accessories which may be classified as Type F.4 in the **Act**; black powder and hazard category PE 1 black powder substitutes which may be classified as Type P.1 in the **Act**; smokeless black powder and hazard category PE 3 black powder substitutes which may be classified as Type P.2 in the **Act**; initiation systems classified as Type I under the **Act** such as blasting accessories; and detonating cord classified as Type E.1 under the **Act**.

“Town” means The Corporation of the Town of Halton Hills.

“**User Fees By-law**” means the **Town By-law**, adopted from time to time, for imposing fees or charges with respect to services or activities provided, related costs payable, and the use of its property.

2. PROHIBITION – UNAUTHORIZED AND PROHIBITED FIREWORKS

- 2.1 No **Person** shall sell, offer to sell, display, purchase, distribute, possess or set off or discharge, or cause or permit to be used, sold, offered for sale, purchased, distributed, possessed, set off or discharged, any fireworks or explosives not authorized by the Explosives Regulatory Division of the Government of Canada.
- 2.2 No **Person** shall use, set off, discharge, fire, sell, offer to sell, purchase, display, distribute, possess or cause or permit to be used, fired, sold, offered for sale, purchased, distributed, possessed, set off or discharged any **Consumer Fireworks** or **Prohibited Fireworks**.
- 2.3 No **Person** shall sell or distribute any **Consumer Fireworks, Display Fireworks, Prohibited Fireworks** or **Pyrotechnics**.
- 2.4 Notwithstanding 2.2, fireworks may be discharged or set off by **Film Production Companies** in accordance with the provisions of this By-law.

3. FIREWORKS PERMIT

- 3.1 Only **Persons** who hold a valid Fireworks Display Supervisor Certification or a Pyrotechnician Certification shall be eligible to apply for a **Fireworks Permit**.
- 3.2 The **Fire Chief** may impose such conditions upon the issuance of a Fireworks Permit as they consider are required to ensure the safety of the public.
- 3.3 The **Fire Chief** has absolute discretion to refuse a Fireworks Permit for any reason whatsoever and without limiting the generality of the discretion, and a reason may include any of the provisions of this By-law, any other by-law, the Fire Code, the **Act** or Regulations, the past history of the applicant, the proposed locale of the display, insurance, the safety measures to be taken or lack thereof, any environmental consideration, or any consideration regarding the safety of the public or property.
- 3.4 **Persons** who discharge fireworks under the authority of a **Fireworks Permit** shall comply with all the provisions of this By-law. However the **Fire Chief** may relieve a **Person** who obtains a **Fireworks Permit** from any of the provisions of this By-law.
- 3.5 Every **Film Production Company** shall obtain a **Fireworks Permit** for the use of fireworks or **Pyrotechnics**.
- 3.6 Every application for a **Fireworks Permit** shall be made to the **Fire Chief** a minimum of fifteen (15) days prior to the event when the proposed discharge of **Display Fireworks** or **Pyrotechnics** is to occur.

4. APPLICATION

- 4.1 Every application for a Fireworks Permit shall include:
- a) a complete application form provided by the Town’s Fire Services Department;
 - b) proof of comprehensive general liability insurance in an amount not less than five million dollars (\$5,000,000.00) per occurrence, naming the Corporation of the Town of Halton Hills as an additional insured and where required by the Town, naming the neighbouring properties as an additional insured, and containing a cross liability clause acceptable to the Town.

- c) payment of all non-refundable application fees in the amount as described in the applicable Town's **User Fees By-law**;
- d) proof of certification of the applicant as a **Display Supervisor** or **Pyrotechnician** certified under the **Act**;
- e) a description of the site to be used for setting off the **Display Fireworks** or **Pyrotechnics** sufficient to identify and locate the site, the discharge or firing area, the fallout area, and the safety distance from the audience or any member of the public, and, where more than one site is proposed, a separate application shall be made for each site;
- f) proof of certification of a **Display Supervisor with Endorsements** should the fireworks shells be over 155 millimetres (6 inches);
- g) a description of the manner in which unused **Display Fireworks** or **Pyrotechnics** will be disposed of;
- h) an indication of the number of **Persons** authorized to handle and discharge the **Display Fireworks** or **Pyrotechnics**, each of whom shall be a responsible and competent certified individual of at least eighteen (18) years of age;
- i) such further and other information as the **Fire Chief** may require.

5. ISSUANCE OR REFUSAL OF PERMIT

5.1 The **Fire Chief**;

- a) may issue a permit;
- b) may issue a permit with conditions;
- c) shall refuse to issue a **Fireworks Permit** where:
 - i. the application is incomplete;
 - ii. the applicant for a **Fireworks Permit** does not meet the certification criteria for the proposed fireworks or **Pyrotechnics**;
 - iii. the purpose of the discharge or display is not for either a **Film Production Company** or a community event;
 - iv. there are reasonable grounds to believe that the discharge or display will result in a breach of this By-law, the **Act** or any applicable statute, regulation or By-law; or
 - v. in the opinion of the **Fire Chief**, there are not adequate fire prevention safeguards or protections from fire hazards in place.

6. CONDITIONS

6.1 The following conditions shall apply to a **Fireworks Permit** issued under this By-law:

- a) the **Fireworks Permit** is valid only for the discharge or display at the time and place and on the date or dates set forth in the **Fireworks Permit**;
- b) the **Fireworks Permit** is valid only for the discharge or display of the type of firework(s) (**Display Fireworks** or **Pyrotechnics**) set forth in the **Fireworks Permit**;
- c) where the location set out in the **Fireworks Permit** for the discharge or display is not on property owned by the permit holder, the permit holder shall obtain the permission of the owner of the property for the discharging or holding of a display;

- d) the permit holder shall supervise the discharge or display;
- e) the permit holder shall restrain unauthorized **Persons** from attending near the location where the **Display Fireworks** or **Pyrotechnics** are being discharged;
- f) the permit holder shall provide and maintain fully operational, fire extinguishing equipment, including portable extinguishers or charged garden hose, present and ready for immediate use, and for reasonable time hereafter, at the site where the **Display Fireworks** or **Pyrotechnics** are discharged;
- g) where a **Fireworks Ban** comes into effect, on the day set out in the **Fireworks Permit**, no Fireworks may be discharged;
- h) the permit holder shall ensure that all unused **Display Fireworks** or **Pyrotechnics** and all debris are removed; and
- i) in addition to the conditions set out in section 6.1, the **Fire Chief** may impose any conditions on a **Fireworks Permit** that the **Fire Chief** considers necessary in the interest of public safety, or that are advisable in the circumstances, or to give effect to the objects of this By-law.

7. REVOCATION AND GENERAL PERMIT REGULATIONS

7.1 The **Fire Chief** may revoke, without prior notice to the permit holder or any other **Person**, any **Fireworks Permit** issued pursuant to this By-law:

- a) where the use, setting off, discharge, firing or holding any display of **Display Fireworks** or **Pyrotechnics** is contrary to:
 - i. the provisions of this By-law;
 - ii. any conditions upon which the **Fireworks Permit** was issued; or
 - iii. any other applicable law;
- b) if the **Fireworks Permit** was issued on mistaken, false or incorrect information;
- c) if the **Fire Chief** has concerns that the use, setting off, discharge, firing or holding any display of **Display Fireworks** or **Pyrotechnics** poses a serious risk to public safety;
- d) if the **Fireworks Permit** was issued in error; or
- e) if the permit holder requests in writing to the **Fire Chief** that **Fireworks Permit** be revoked.

7.2 No **Person** shall use, set off, discharge or fire nor shall they cause or permit to be used, set off, discharged, or fired **Display Fireworks** or **Pyrotechnics** or hold a display of **Display Fireworks** or **Pyrotechnics**:

- a) without a **Fireworks Permit** issued by the **Fire Chief**; or
- b) in contravention of the provisions of the **Fireworks Permit** issued to that **Person**.

7.3 Any **Fireworks Permit** issued pursuant to this By-law is non-transferable.

7.4 Every permit holder shall produce their **Fireworks Permit** upon being so directed by the **Fire Chief** or **Officer**.

7.5 The issuance of any **Fireworks Permit** by the **Fire Chief** shall not relieve the permit holder from compliance with any other applicable law.

8. ENFORCEMENT

- 8.1 Any **Officer** shall be responsible for the enforcement of this By-law.
- 8.2 Any **Officer** or any agent acting on behalf of the **Town** may at any reasonable time enter upon land and into structures for the purpose of carrying out an inspection to determine whether this By-law is being complied with and any power of entry shall be exercised in accordance with Part XIV of the *Municipal Act, 2001*.
- 8.3 Where an inspection is conducted in accordance with section 8.2 of this By-law, an Office may;
- a) require the production of documents and things for review that may be relevant to the inspection;
 - b) inspect and remove documents or things which may be relevant to the inspection for the purpose of making copies;
 - c) require any information from any **Person** concerning a matter related to the inspection, including but not limited to names, addresses, contact information, and proof of identity or other identification; and
 - d) alone or in conjunction with a **Person** possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 8.4 No **Person** shall hinder or obstruct, or attempt to hinder or obstruct, any **Person** who is exercising a power or performing a duty under this By-law.

9. OFFENCES AND PENALTIES

- 9.1 Every **Person** who contravenes a provision of this By-law is guilty of an offence and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by their corporation is guilty of an offence.
- 9.2 Every **Person** who contravenes a provision of this By-law designated in Schedule I1 and Schedule I2 of By-law No. 2025-0008, as amended, shall upon the issuing of a penalty notice be and is liable to pay to the **Town** an administrative penalty in the amount set out in By-law No. 2025-0008, as amended.
- 9.3 Every **Person** who is charged with an offence under this By-law by the filing of a certificate of offence under Part I of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, upon conviction is liable to a fine as provided for by the aforesaid act.
- 9.4 Every **Person** who is charged with an offence under this By-law by the laying of an information under Part III of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, upon conviction is liable, pursuant to the fine provisions of the *Municipal Act, 2001*, to a fine as follows:
- a) to a minimum fine of \$500 and to a maximum fine of \$100,000;
 - b) for each day or part of a day that the offence continues, to a minimum fine of \$500 and a maximum fine of \$10,000, and the total of all daily fines for the offence is not limited to \$100,000; and
 - c) in the case of multiple offences, for each offence included in the multiple offence, to a minimum fine of \$500 and a maximum fine of \$10,000 , and the total of all fines for each included offence is not limited to \$100,000.

10. ADMINISTRATION

10.1 This By-law may be referred to as the “Fireworks By-law”.

11. SEVERABILITY

11. Should any provision, or part of a provision of this By-law be declared invalid, or to be of no force and effect by a court of competent jurisdiction, it is the intent of Council that such provision, or part of a provision, shall be severed from this By-law, and every other provision of this By-law shall be applied and enforced in accordance with its terms to the extent possible according to law.

12. REPEAL

12.1 By-law No. 2023-0032 is hereby repealed.

13. ENACTMENT

13.1 This By-law shall come into full force and effect on the day of its passing.

BY-LAW read and passed by the Council for the Town of Halton Hills this 20th day of January, 2025.

MAYOR – ANN LAWLOR

TOWN CLERK – VALERIE PETRYNIAK