



THE CORPORATION OF THE CITY OF MISSISSAUGA

Fireworks Licensing and Use By-law 0182-2023

(Amended by By-law 0210-2023)

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 Council of the Corporation of the City of Mississauga (“Council”) considers it desirable and necessary to enact a consolidated by-law in order to more effectively regulate the sale and setting off of fireworks within the limits of the City of Mississauga;

AND WHEREAS Council wishes to repeal the Fireworks By-law 0293-2001 and repeal the Outside Fireworks: Vendor Licensing By-law 0340-2001 and replace them with this consolidated fireworks licensing and use by-law, as set out in the corporate report brought to the October 11, 2023 Council meeting from the Commissioner of Corporate Services, dated September 19, 2023 and entitled “Fireworks By-law Review”;

AND WHEREAS Council wishes to repeal the fireworks-related provisions in the Business Licensing By-law 0001-2006 and incorporate them into this consolidated fireworks licensing and use by-law, as set out in the corporate report brought to the October 11, 2023 Council meeting 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 adjust fines for fireworks offences in accordance with section 429(3) of the Act and establish administrative penalties under the Licensing Administrative Penalty By-law 0135-2014 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 the following:

DEFINITIONS

1. For the purposes of the By-law and the annexed schedules:

“**Additional Fee**” means a fee, in addition to the Licence fee, imposed by the municipality on a business at any time during the term of the Licence for costs incurred by the municipality attributable to the activities of the business;

“**Administrative Fees**” means a monetary penalty as set out in the City’s Licensing Administrative Penalty By-law for a contravention of a Designated By-law;

“**Administrative Penalty**” means a monetary penalty as set out in Schedules “A” and “B” to the Licensing Administrative Penalty By-law for contravention of a Designated By-law;

“**Applicant**” means a person applying for a new Licence or renewing a Licence under this By-law;

“**City**” means The Corporation of the City of Mississauga;

“**Class 7 Division 2 Fireworks**” Definition deleted by By-law 0210-2023.

“**Clerk**” means the Clerk of the City of Mississauga or their duly appointed Deputy;

“**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; (0210-2023)

“**Council**” means the Council of The Corporation of the City of Mississauga;

“**Designated By-law**” means a by-law or provision of a by-law that is designated under the Licensing Administrative Penalty By-law or any other by-law, as a by-law or provision of a by-law to which the Licensing Administrative Penalty By-law applies;

“**Designated Location**” means an area or site approved by the City, in accordance with paragraph 7(3) herein, used for the purpose of vending;

“**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; (0210-2023)

“**Diwali**” means the day during the Indian festival of lights where fireworks will be permitted, the day of which will be confirmed by Director of Enforcement, or his/her designate, through consultation with community groups;

“**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; (0210-2023)

“**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; (0210-2023)

“**Fire Chief**” means the Chief of the municipality's Fire and Emergency Services Division and includes any staff official acting on their behalf;

“**Firecracker**” means any class of Fireworks that explodes when ignited and does not make any significant display or visible effect after the explosion but does not include caps for toy guns;

“**Fireworks**” means a pyrotechnic device or a substance that is made, manufactured or used to produce an explosion or detonation and includes Fireworks composition and manufactured Fireworks as defined in the Explosives Regulations made pursuant to the Explosives Act;

“**Fireworks Operator Certificate**” means the types of certificates that are required for the use of Display Fireworks under the Explosives Regulations; (0210-2023)

“**Fireworks Storage Unit**” means a container, trailer or other movable storage unit used for the storage of the Fireworks offered for sale to which the public is prohibited and which has two (2) exits;

“**Holiday**” means:

- (a) the following statutory holidays: Canada Day and Victoria Day; and
- (b) Other days; Diwali, New Year's Eve and Lunar New Year;

“**Individual**” means a natural person and does not include a corporation, partnership or association;

“Indoor Fireworks Retail Outlet” means a retail outlet that sells Fireworks from inside a building or part thereof;

“Inspector” Definition deleted by By-law 0210-2023.

“Licence” means the certificate issued by the Licence Manager under this By-law;

“Licensee” means any person licensed under this By-law;

“Licence Manager” means the Manager of the Compliance and Licensing Enforcement Unit of the City’s Enforcement Division and includes his or her designates or the Manager of the Mobile Licensing and Enforcement Section of the City’s Enforcement Division and includes his or her designates, whichever applicable;

“Licensing Administrative Penalty By-law” means the City’s Licensing Administrative By-law 0135-2014, as amended (or its successor), being a by-law to establish a system of administrative penalties respecting those who have failed to comply with any part of a system of business licences established by the City;

“Licensing Section” means the Compliance and Licensing Enforcement Unit of the City’s Enforcement Division or the Mobile Licensing and Enforcement Section of the City’s Enforcement Division, whichever applicable;

“Lunar New Year” means the first day of the Lunar calendar, and for greater certainty shall include the Chinese New Year, the day of which will be confirmed by Director of Enforcement, or his/her designate, through consultation with community groups;

“Motor Vehicle” includes an automobile, truck, motorcycle and any other vehicle propelled or driven otherwise than by muscular power but does not include a motorized snow vehicle, motor-assisted vehicle or trailer;

“New Year’s Eve” means December 31st;

“New Year’s Day” means January 1st;

“Notice of Additional Fee” means a written notice from the Licence Manager to a Licensee advising them of their requirement to pay an Additional Fee;

“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; (0210-2023)

“Operator” means any person who sells or offers for sale by retail, or displays or exposes for the purpose of sale by retail any Outdoor Fireworks Portable Display Unit;

“Outdoor Fireworks Portable Display Unit” means a container, cart, trailer or other movable display unit used for the purpose of sales by retail of Fireworks offered for sale but does not include a motorized vehicle and may also act as the fireworks storage unit when sales by retail have concluded;

“Owner” means a person who alone or with others, owns and/or has ultimate control over, and/or directs the operation of a business;

“Penalty Notice” means a notice given to a person pursuant to the City’s Licensing Administrative Penalty By-law for a contravention of a Designated By-law;

“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; (0210-2023)

“Premises” includes lands, and any fences, buildings, sheds or similar structures situated thereon;

“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; (0210-2023)

"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; (0210-2023)

"Sell" or **"sell"** includes display for sale, expose for sale or offer for sale; (0210-2023)

"Separation Barrier" means either a natural or man-made blockade which provides adequate division between designated locations or an existing business selling similar products to those of the vendor;

"Set off" or **"set off"** includes firing, igniting, exploding and setting off Fireworks; (0210-2023)

"Zoning Certificate" means a certificate duly issued by the City approving the use for which the Licence application has been made on the property where the business is located.

LICENSING REQUIRED

2. No person shall:
 - (a) own an Outdoor Fireworks Portable Display Unit being operated in the City,
 - (b) operate an Outdoor Fireworks Portable Display Unit in the City, or
 - (c) sell by retail any Fireworks from inside a building or part thereof in the Cityunless the person is licensed under this By-law.
3. Where the licensed Outdoor Fireworks Portable Display Unit Owner is also the Operator, an Outdoor Fireworks Portable Display Unit Operator's Licence will not be required.
4. A person shall carry on business only in the name in which the business is licensed.
5. No person shall publish or cause to be published any representation that the person is licensed under this By-law if the person is not so licensed.

LICENSING SECTION

6. The Licensing Section shall:
 - (1) receive and process all applications for Licences and renewal of Licences;
 - (2) issue all Licences when an application is made in accordance with the provisions of this By-law and the attached Schedules, and meets all requirements under this By-law and attached Schedules;
 - (3) impose terms and conditions on a Licence where the Licence Manager is of the opinion that a term or condition of a Licence should be imposed;
 - (4) refuse to issue, renew a Licence or revoke or suspend a Licence, where the Licence Manager is of the opinion that the Applicant is disentitled to a Licence under section 23;
 - (5) maintain complete records showing all applications received and Licences issued;
 - (6) enforce the provisions of this By-law and attached Schedules; and
 - (7) generally perform all the administrative functions conferred upon it by this By-law and the attached Schedules.

APPLICATION FOR AN OUTDOOR FIREWORKS PORTABLE DISPLAY UNIT LICENCE

7. (1) An application for an Outdoor Fireworks Portable Display Unit Owner's Licence shall be completed on the forms provided by the Licensing Section.

- (2) Each executed application for an Outdoor Fireworks Portable Display Unit Owner's Licence shall be submitted to the Licensing Section and be accompanied by:
 - (a) the fee in the appropriate amount as set out in the applicable City User Fees and Charges By-law;
 - (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 letter of authorization including the following information from the property owner where the Outdoor Fireworks Portable Display Unit is to be located:
 - (i) the name of the Outdoor Fireworks Portable Display Unit Owner; and
 - (ii) a plan of the private property showing the Designated Location on the property where the Outdoor Fireworks Portable Display Unit and Fireworks Storage Unit will be located; and
 - (iii) the term for which the approval is granted by the property owner;
 - (d) a certificate of insurance endorsed to provide both that the Mobile Licence Manager will be given at least ten (10) days notice in writing prior to any cancellation, expiration or change in the amount of the policy and that the insured has policy coverage in respect to any one accident a third party liability limit of at least \$5,000,000; and
 - (e) a certificate confirming that the Applicant has completed a training program that has been approved by the Director of Enforcement or his/her designate.
- (3) The Designated Location referred to in clause (2)(c)(ii) above shall only be approved where:
 - (a) The Designated Location is not within thirty (30) metres (98 feet) of any intersection;
 - (b) The Designated Location is not within one hundred (100) metres (328 feet) of the entrance to any public park;
 - (c) The Designated Location is not within one hundred (100) metres (328 feet) of the property line of any land occupied by a public, separate or private school;
 - (d) The Designated Location is not within five hundred (500) metres (1,640 feet) of another approved Designated Location except where there is a separation barrier; and
 - (e) The Designated Location is not within five hundred (500) metres (1,640 feet) of a business which sells to the public similar products and where a Business Licence has been issued for the sale of the products as required under the Business Licensing By-law.
8. An Outdoor Fireworks Portable Display Unit Owner must make a separate application for a Licence for each of the Designated Locations at which the Owner carries on business.
9. (1) An application for an Outdoor Fireworks Portable Display Unit Operator's Licence shall be completed on the forms provided by the Licensing Section.
 - (2) Each executed application for an Outdoor Fireworks Portable Display Unit Operator's Licence shall be submitted to the Licensing Section and be accompanied by:
 - (a) a letter of potential employment for the Outdoor Fireworks Portable Display Unit Owner for whom they will work;

- (b) the fee in the appropriate amount as set out in the applicable City User Fees and Charges By-law; and
 - (c) a certificate confirming that the Applicant has completed a training program that has been approved by the Director of Enforcement or his/her designate.
10. Where an application for a Licence is refused, the fees paid pursuant to paragraph 7(2)(a) or 9(2)(b) shall be fully refunded.
11. No individual shall be licensed under this By-law unless the individual is eighteen (18) years of age or over.

APPLICATION FOR AN INDOOR FIREWORKS RETAIL OUTLET OWNER'S LICENCE

12. (1) An application for an Indoor Fireworks Retail Outlet Owner's Licence and an application for the renewal of such a Licence shall be completed on the forms provided by the Licensing Section.
- (2) Each executed application shall be submitted to the Licensing Section by the Owner and be accompanied by:
- (a) the fee in the appropriate amount as set out in the applicable City User Fees and Charges By-law;
 - (b) a Zoning Certificate indicating that the use for which the application has been made is approved under the Zoning By-law as an approved use of the premises;
 - (c) if the owner 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; and
 - (d) a certificate confirming that the Applicant has completed a training program that has been approved by the Director of Enforcement or his/her designate.
- (3) Notwithstanding paragraph 12(2)(b), where an application is made for the renewal of a Licence and where a Zoning Certificate has been received approving the use of the property for that which the renewal application has been made, no new Zoning Certificate is required.
- (4) Notwithstanding paragraph 12(2)(b), where an application is made for a new or the renewal of a Licence and where a Zoning Certificate has been issued based upon the use being approved by a Committee of Adjustment Decision, the Zoning Certificate is subject to all conditions and restrictions imposed by the Committee of Adjustment on the use, including the term that the use is permitted, and upon expiry of the term, as permitted by the Committee of Adjustment, the Zoning Certificate shall no longer be valid.
- (5) Notwithstanding paragraph 12(2)(c), where a corporation applies for a renewal of a Licence and there has been no change in the officers or directors of the corporation, only a copy of the last annual information filed must be submitted by the Owner with the Owner's executed application.
- (6) Where an application for a Licence or for renewal of a Licence is refused, the fee paid pursuant to paragraph 12(2)(a) shall be fully refunded.
- (7) Notwithstanding the above, no refund shall be made where an Additional Fee imposed pursuant to this By-law remains outstanding at the time of renewal and where the Additional Fee is equal to or greater than the Licence renewal fee, except where the outstanding Additional Fee is less than the renewal fee for the Licence, the Applicant shall be refunded the difference between the renewal fee and the Additional Fee outstanding.
- (8) An Owner must obtain a separate Licence for each of the premises at which the Owner carries on business.

- (9) No individual shall be licensed under this By-law unless the individual is eighteen (18) years of age or over.
- (10) Notwithstanding this section 12 or any other Licence application requirement set out in this By-law, the Licence Manager may accept a variation or alternative to one or more of the Licensing application requirements where the Licence Manager is of the opinion that such is necessary for purposes of administering this By-law.

LICENCE ON TERMS AND CONDITIONS

13. (1) Notwithstanding any other provisions of this By-law, the Licence Manager may impose terms and conditions on any Licence at issuance, renewal or any time during the Licence period, including special conditions, as are necessary to give effect to this By-law and may include, but are not limited to, conditions restricting the hours of business other than those set out in this By-law and the attached Schedules or conditions that the business Owner have employees in attendance at the business location during the hours of operation to ensure public safety and comfort and compliance with this By-law.
- (2) Notwithstanding any other provisions of this By-law, the Licence Manager may impose Additional Fees on a Licensee, by way of a Notice of Additional Fee at any time during the term of the Licence for costs incurred by the municipality attributable to the activities of the Licensee.
- (3) The Notice of Additional Fee shall be sent to the Licensee by Registered Mail and shall provide the Licensee with sixty (60) days to pay the outstanding amount from the date of such Notice.

INSPECTION

14. On receipt of an application for a Licence or as a condition of the continuation of a Licence, the Officer may, at any reasonable time make an inspection to ensure that all the provisions of this By-law and the appropriate Schedules have been satisfied. (0210-2023)
15. Upon an inspection under section 14, the Officer is entitled to inspect all books of account, vouchers, correspondence and the records of the person being inspected relevant to the purposes of the inspection. (0210-2023)
16. No person shall obstruct the person inspecting or withhold, destroy, conceal or refuse to furnish any information or thing required by the Officer. (0210-2023)

DISPLAY OF LICENCE AND BY-LAW

17. (1) Every Owner shall prominently display the Licence and a copy of this Fireworks Licensing and Use By-law at the licensed premises at all times and shall produce the Licence upon request by the Licence Manager or an Officer. (0210-2023)
- (2) Where the Licensee does not have a licenced premises, the Licensee shall carry the Licence at all times when the Licensee is engaged in the activity for which the Licence has been issued and shall produce the Licence upon request by the Licence Manager, an Officer or peace officer. (0210-2023)

LICENCE NON-TRANSFERABLE

18. A Licence issued under this By-law is not transferable.

TERM OF LICENCE

19. Every Licence expires on the expiry date set out in Schedule 1 to this By-law.

NOTIFICATION OF CHANGES

20. (1) Every Licensee shall notify the Licensing Section in writing within seven (7) days after the event of;
 - (a) any change in the Licensee's address;

- (b) any change in number or composition of officers, or directors, if a corporation, or in partners, if a partnership;
 - (c) the names and addresses of officers and directors, the location of the corporate head office and/or change of ownership of shares, if a corporation; or
 - (d) any change in business name.
- (2) Where a change of business name or the Licensee's address has occurred and notification has been made in accordance with subsection (1) of this section, every Licensee shall return the Licence immediately to the Licensing Section for amendment.
21. Every Outdoor Fireworks Portable Display Unit Operator shall notify the Licensing Section in writing within seven (7) days after the event of a change in the Owner that they are operating for.
22. No person to whom a Licence has been issued under this By-law shall alter, erase or modify or permit the alteration, erasure or modification of that Licence or any part thereof, unless approved by the Licence Manager.

GROUNDINGS FOR REFUSAL TO ISSUE OR TO RENEW A LICENCE

23. An Applicant whose application meets all the requirements of this By-law and its Schedules is entitled to a Licence or the renewal of a Licence except where:
- (a) there are reasonable grounds to believe that any application or any other document provided to the Licensing Section by or on their behalf contains a false statement or provides false information; or
 - (b) the past or present conduct of the Applicant, or of any partner, in the case of an Applicant which is a partnership, or of any director or officer of the corporation, if the Applicant is a corporation, affords reasonable grounds to believe that the business in respect of which the application is made will not be carried on in accordance with the law and with integrity and honesty; or
 - (c) the financial position of the Applicant affords reasonable grounds to believe that the business will not be carried on in a financially responsible manner; or
 - (d) there are reasonable grounds to believe that the Applicant does not meet all the requirements of this By-law or any other applicable City By-law, or that the business is carried on or intended to be carried on in an area of the City where such business is prohibited by this By-law, or in respect of which the issuing of a Licence in respect of the business is not permitted by this By-law; or
 - (e) the Applicant has failed to pay a fine or fines imposed by a court as a sentence arising from convictions for breach of a by-law enacted by the City; or
 - (f) the Applicant has failed to pay an Administrative Penalty imposed by the City arising from a contravention of a Designated By-law; or
 - (g) any Additional Fee imposed on a Licensee remains unpaid after the due date as indicated in the Notice of Additional Fee sent to the Licensee; or
 - (h) there are reasonable grounds to believe that the equipment, vehicles and other personal property used in connection with the carrying on of or engaging in the business licensed hereunder is dangerous or unsafe; or
 - (i) the fee payable in respect of the Licence applied for has not been paid.
24. Council may refuse to issue a Licence or revoke a Licence where the Applicant is disentitled to a Licence under section 23 or on such grounds as are in the discretion of Council.

THE LICENCE MANAGER'S POWER TO REFUSE TO ISSUE, RENEW A LICENCE OR REVOKE OR SUSPEND A LICENCE

25. (1) The powers and authority to refuse to issue or renew a Licence, to cancel, revoke or suspend a Licence, or to impose terms and conditions on a Licence, are hereby delegated to the Licence Manager and his or her delegates.
- (2) Where the Licence Manager is of the opinion that:
- (a) an application for a Licence or renewal of a Licence should be refused,
 - (b) a reinstatement should not be made;
 - (c) a Licence should be revoked
 - (d) a Licence should be suspended, or
 - (e) a term or condition of a Licence should be imposed,
- he or she shall make that decision.
- (3) After a decision is made by the Licence Manager, written notice of that decision shall be given to the Applicant or Licensee advising the Applicant or Licensee of the Licence Manager's decision with respect to the application or Licence.
- (4) The written notice to be given under subsection (3), shall:
- (a) set out the grounds for the decision;
 - (b) give reasonable particulars of the grounds;
 - (c) be signed by the Licence Manager; and
 - (d) indicate the final date for giving notice of appeal from the decision.
- (5) No person shall be permitted to re-apply for a Licence or a renewal of a Licence within one year after the date of the Licence Manager's decision to refuse to issue, renew or revoke a Licence pursuant to this by-law, or if such decision was appealed and the decision was upheld on appeal, from the date of the decision on the appeal.

APPEAL

26. (1) An Applicant or Licensee who has been served with notice of a decision under subsection 25(3) may appeal to the Mississauga Appeals and Property Standards Committee by sending a notice of appeal to the Committee Coordinator within seven (7) days after being served with notice of the decision and paying the appeal fee as set out in the applicable User Fees and Charges By-law.
- (2) A decision that is not appealed within the time referred to in subsection (1) shall be final.
- (3) An appeal under subsection (1) shall be commenced by a notice of appeal in such form as is required by the rules of the Mississauga Appeals and Property Standards Committee or if no such rule applies, in a written form setting out the reasons for the appeal.

RETURN OF LICENCE AFTER REVOCATION OR SUSPENSION

27. (1) When a Licence has been revoked, deemed unrenovable, cancelled or suspended, the holder of the Licence shall return the Licence to the Licensing Section within twenty four (24) hours of service of written notice of the decision of the Licence Manager or, where an appeal has been filed, the decision on appeal and, the Licence Manager, may enter upon the business Premises of the Licensee for the purpose of receiving, taking, or removing the said Licence.

- (2) When a person has had his Licence, revoked or suspended under this By-law, he or she shall not refuse to deliver up or in any way obstruct or prevent the Licence Manager from obtaining the Licence in accordance with subsection (1).

CANCELLATION OF A LICENCE

28. Any Licence issued under this By-law may be cancelled at any time upon the written request of the Licensee.

ORDER TO COMPLY

29. Where a Licensee has contravened any provisions of this By-law, or its Schedules the Officer may: (0210-2023)
 - (a) serve a written notice on the Licensee, advising of the contravention and directing compliance; or
 - (b) direct in a written order that a thing or matter is required to be done and in default of such matter or thing being done, the matter or thing will be done at the Licensee's expense by the City and that the City will recover the expense by action or in like manner as municipal taxes.

NOTICE

30. (1) Any notice or order required to be given or served under this By-law is sufficiently given or served if delivered personally or sent by registered mail, addressed to the person to whom delivery or service is required to be made at the last address for service appearing on the records of the Licensing Section.
 - (2) Where service is made by registered mail, the service shall be deemed to be made on the seventh (7th) day after the date of mailing, unless the person on whom service is being made establishes that they did not, acting in good faith, through absence, accident, illness, or other cause beyond their control, receive the notice or order until a later date.
 - (3) A Penalty Notice shall be given and/or served in accordance with the Licensing Administrative Penalty By-law.

USE OF FIREWORKS

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. (0210-2023)
 - 31.1. No person shall set off, and no Property Owner shall cause or permit the setting off of, Fireworks within the City: (0210-2023)
 - (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: (0210-2023)
 - (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. (0210-2023)

- (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. (0210-2023)
33. No person shall set off any Display Fireworks within the City unless: (0210-2023)
- (1) they have a valid Fireworks Operator Certificate issued by the Explosives Regulatory Division of Natural Resources Canada;
 - (2) they have received a permit issued by the Fire Chief;
 - (3) they set off the Display Fireworks only on the day or days specified on the permit; and
 - (4) they set off the Display Fireworks only at the location specified on the permit.
- 33.1. No Property Owner shall cause or permit the setting off of any Display Fireworks on their private property unless each person setting off Display Fireworks is in compliance with the requirements in section 33 of this By-law. (0210-2023)
34. No person shall hold a Public Fireworks Display at any time unless: (0210-2023)
- (1) they have a valid Fireworks Operator Certificate issued by the Explosives Regulatory Division of Natural Resources Canada; and
 - (2) they have received a permit for such public display issued by the Fire Chief;
- 34.1. No Property Owner shall cause or permit a Public Fireworks Display on their private property unless the person holding the Public Fireworks Display is in compliance with the requirements in section 34 of this By-law. (0210-2023)

PENALTY

35. (1) Every person who contravenes any provision of this By-law, and every director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and is liable to a fine and any other penalties imposed pursuant to the *Provincial Offences Act*, R.S.O. 1990, c. P-33, and the *Municipal Act, 2001*, as each may be amended from time to time.
- (2) Any 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 and is found guilty of the offence is liable, pursuant to the *Municipal Act, 2001*, to the following fines:
- (a) a minimum fine of \$500 and a maximum fine not exceeding \$100,000;
 - (b) in the case of a continuing offence, for each day or part of a day that the offence continues, a minimum fine of \$500, and a maximum fine not exceeding \$10,000, and the total of all daily fines for the offence is not limited to \$100,000; and
 - (c) in the case of a multiple offence, for each offence included in the multiple offence, a minimum fine of \$500, and a maximum fine not exceeding \$10,000, and the total of all fines for each included offence is not limited to \$100,000.
- (3) An offence under this By-law may constitute a continuing offence or a multiple offence as set out in the *Municipal Act, 2001*.
- (4) Every person who contravenes the designated provisions of this By-law as set out in the City's Licensing Administrative Penalty By-law shall, when given a Penalty Notice, be liable to pay to the City an Administrative Penalty in the amount specified in the City's Licensing Administrative Penalty By-law, and shall be liable to pay to the City Administrative Fees pursuant to the City's Licensing Administrative Penalty By-law, and shall follow the procedures for payment or review/appeal as outlined in the City's Licensing Administrative Penalty By-law.
- 35.1 Every person who is convicted of an offence under this By-law may be liable, in addition to the fines established under subsection 35(2)(a), to a special fine, which may exceed

\$100,000, designed to eliminate or reduce any economic advantage or gain from contravening this By-law. (0210-2023)

VALIDITY

36. (1) If a Court of competent jurisdiction declares any section or part of a section of this By-law invalid, it is the intention of Council that the remainder of the By-law shall continue to be in force.
- (2) The Schedules attached to this By-law shall form part of this By-law.

INTERPRETATION

37. In this By-law, unless the context otherwise requires, words imparting the singular number shall include the plural, and words imparting the masculine gender shall include the feminine and further, the converse of the foregoing also applies where the context so requires.

SHORT TITLE

38. This By-law may be referred to as the Fireworks Licensing and Use By-law.

BY-LAW REPEAL AND ENACTMENT

39. The Fireworks By-law 0293-2001 is repealed effective at the end of November 30, 2023, immediately before the time this By-law comes into force and effect.
40. The Outside Fireworks: Vendor Licensing By-law 0340-2001 is repealed effective at the end of November 30, 2023, immediately before the time this By-law comes into force and effect.
41. This By-law shall come into force on December 1, 2023.

ENACTED and **PASSED** this 10th day of November, 2023.

Signed by Chris Fonseca, Acting Mayor and Sacha Smith, Acting Clerk.

SCHEDULE 1
Licence Expiry Dates

1. The Outdoor Fireworks Portable Display Unit Owner's and Operator's Licences issued pursuant to this By-law shall be valid, subject to the other provisions of this By-law, for a period of ten (10) days immediately preceding, and inclusive of, a Holiday for which the Licensee has paid the applicable fee.
2. The Indoor Fireworks Retail Outlet Owner's Licence issued pursuant to this By-law shall also be valid, subject to the other provisions of this By-law, for a period of ten (10) days immediately preceding, and inclusive of, a Holiday for which the Licensee has paid the applicable fee.

SCHEDULE 2
Sale of Fireworks from an Outdoor Fireworks Portable Display Unit

1. Every application for a Licence made under this By-law and this Schedule shall be accompanied by a description of the Fireworks to be sold.
2. Where the Outdoor Fireworks Portable Display Unit is a trailer, a current provincial permit for the trailer issued and in good standing from the Ministry of Transportation of Ontario shall be supplied.
3. Every Owner and Operator licensed under this By-law and this Schedule shall ensure that:
 - (1) No Smoking signs are posted on the Outdoor Fireworks Portable Display Unit and the Fireworks Storage Unit;
 - (2) The Fireworks Storage Unit is not located within fifteen (15) metres of any public roads or within thirty (30) metres of any inhabited buildings;
 - (3) There shall be an area of at least fifteen (15) metres in radius surrounding the Fireworks storage Unit that is properly cordoned off to prohibit access by the public with motorized vehicles;
 - (4) The public are not permitted within thirty (30) metres of the Fireworks Storage Unit;
 - (5) A minimum of one (1) 6A:80B:C or up to three (3) 10lb A.B.C. rated fire extinguishers are available for the Owner and each Operator in attendance during the time sales are taking place;
 - (6) No Fireworks are sold to anyone under the age of eighteen (18) years;
 - (7) On the day of a Holiday, no Fireworks are sold past 9 p.m.;
 - (8) No Firecrackers are sold;
 - (9) The Outdoor Fireworks Portable Display Unit and Fireworks Storage Unit are set up and operated only at the Designated Location indicated on their Licence; and
 - (10) No Fireworks are sold to any person without first providing the person with fireworks safety information, in a form as approved by the Licence Manager.
4. No licensed Outdoor Fireworks Portable Display Unit shall use the services of an unlicensed Operator.

SCHEDULE 3
Sale of Fireworks from an Indoor Fireworks Retail Outlet

1. Every application for a Licence made under this By-law and this Schedule shall be accompanied by:
 - (1) A Zoning Certificate issued by the City of Mississauga Planning and Building Department, certifying that retail sales are permitted at the location; and
 - (2) A letter from the Fire Chief or designate stating that an inspection has been conducted of the location, quantities and manner in which the Fireworks will be stored and displayed and that they are in compliance with the provisions of the *Fire Protection and Prevention Act*, S.O. 1997, c. 4, as amended; and the *Fire Code*, O. Reg. 213/07.

2. No person licenced under this By-law and this Schedule shall:
 - (1) Sell Fireworks to anyone under the age of eighteen (18) years;
 - (2) Sell Firecrackers or restricted pyrotechnic devices;
 - (3) Sell or display any Fireworks outside of the building or part thereof;
 - (4) Sell Fireworks at any time during the year except for either:
 - (a) ten (10) days immediately preceding and inclusive of a Holiday, for which the Licensee has paid the applicable fee; or
 - (b) on a date set out on a permit issued by the Fire Chief.
 - (5) Sell Fireworks past 9 p.m. on the day of a Holiday;
 - (6) Display any Fireworks in any display window except where the Fireworks do not contain any explosive or chemical material;
 - (7) Store or sell any Fireworks not in conformity with all other applicable legislation or requirements; and
 - (8) Sell Fireworks to a person without first providing the person with fireworks safety information, in a form as approved by the Licence Manager.