

THE CORPORATION OF THE TOWN OF OAKVILLE
BY-LAW NUMBER 2025-082

A By-law to prohibit and regulate the sale and discharge of fireworks within the Town of Oakville, and to repeal By-law 2009-056

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 impose conditions for obtaining, continuing to hold and renewing the permit, including requiring the submission of plans;

WHEREAS the use of consumer fireworks, excluding sparklers, contributes to noise and environmental concerns, increases the risk of firework-related vandalism in Oakville parks, and may impair public health, safety and welfare and the enjoyment of property;

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

WHEREAS the Council of the Corporation of the Town of Oakville deems it desirable to regulate the sale and discharge of fireworks;

COUNCIL ENACTS AS FOLLOWS:

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1. Definitions

(1) In this By-law:

“**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;

“**Administrative Penalties for Non-Parking Violations and Orders By-law**” means By-law 2021-038, or successor by-laws;

“**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 schoolhouses and flying ghosts, but does not include sparklers, Christmas crackers or caps for toy guns;

“**Council**” means the Council of The Corporation of the Town of Oakville;

“**Director**” means the Director of Municipal Enforcement Services, or designate;

“**Discharge**” when used in relation to consumer fireworks, display fireworks, pyrotechnics and prohibited fireworks includes firing, igniting, exploding and setting off such articles;

“**Display Fireworks**” means high-hazard fireworks generally used for community celebrations and designed for use by professionals and are

classified as Type F2 explosives under the Act including but not limited to rockets, serpents, aerial shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, batteries, illumination set pieces and pigeons;

“Fire Chief” means the Fire Chief of the Town of Oakville or their authorized designate;

“Fireworks” include any consumer fireworks, display fireworks, or pyrotechnics, excluding any prohibited fireworks;

“Fireworks Permit” means a permit to discharge consumer fireworks, display fireworks or pyrotechnics issued by the Fire Chief;

“Fireworks Supervisor” means a person certified as a technician under the Act to conduct displays of fireworks;

“FPPA” means the Fire Protection and Prevention Act 1997, S.O. 1997, c.4, as amended;

“Officer” means any person authorized by the Corporation of the Town of Oakville to enforce by-laws and includes Municipal Law Enforcement Officers, Fire Prevention Officers, provincial offences officers and Halton Regional Police Officers;

“Penalty Notice” means a notice issued pursuant to the provisions of the Administrative Penalties for Non-Parking Violations and Orders By-law;

“Permit Holder” means an individual certified as a display supervisor or pyrotechnician under the Act;

“Person” means an individual, firm, corporation, partnership, association or organization, including a charitable organization;

“Private Property” means land that is not owned or occupied by the Town;

“Prohibited Fireworks” means any fireworks or explosives not authorized by the Explosives Regulatory Division of the Government of Canada and includes but is not limited to cigarette loads or pings, exploding matches, sparkling matches, ammunition for miniature tie clip, or 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; exploding golf balls, stink bombs, table rockets and battle sky rockets, firecrackers, fake

firecrackers and other trick devices or practical jokes, as included on the most recent list of prohibited fireworks, as published from time to time under the Act;

“Property Owner” means the registered property owner and, in the case of a condominium, shall mean the condominium corporation or a person authorized to act on behalf of the corporation;

“Pyrotechnician” means a person who is certified under the Act as a ‘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.

“Rates and Fees Schedule” means the Town’s then current Rates and Fees Schedule approved by Council as part of the annual budget approval process;

“Town” means the Corporation of The Town of Oakville.

2. Interpretation

- (1) This By-law is a Designated By-law under the Administrative Penalties for Non-Parking Violations and Orders By-law.

3. Prohibitions

- (1) No person shall:
 - (a) possess, sell or discharge prohibited fireworks;
 - (b) sell consumer fireworks;

- (c) possess or discharge any fireworks without a current and valid fireworks permit;
 - (d) fail to comply with the safe distance requirements set out in section 4 of this By-law;
 - (e) fail to comply with this By-law;
 - (f) fail to comply with conditions of the fireworks permit;
 - (g) fail to comply with the Act;
 - (h) hinder or obstruct or attempt to hinder or obstruct any Officer who is exercising a power or performing a duty under this By-law; or
 - (i) fail to produce their fireworks permit upon request by the Director, the Fire Chief or an Officer.
- (2) When fireworks and/or prohibited fireworks are discharged from private property, the property owner is deemed to have permitted, allowed or caused the discharge of fireworks and/or prohibited fireworks on their property, unless there is evidence to the contrary, the proof of which lies with the property owner.

4. Safe Distance

- (1) The safe distance from the firing site must be:
- (a) at least twice the height of the effects for straight articles;
 - (b) two and a half times the height of the effects for angled articles;
 - (c) a minimum of three hundred (300) metres from any premises or place where explosives, gasoline or other highly flammable substances are manufactured or stored in bulk; or
 - (d) a minimum of three hundred (300) metres from any hospital, nursing home, home for the aged, place of worship or school.
- (2) If there is a conflict between subsections 4(1)(a), (b), (c), or (d), the safe distance becomes the greater of three hundred (300) metres or the distance required under the Act.

5. Administration

- (1) The Fire Chief:
 - (a) is authorized to receive and process all complete applications for fireworks permits under this By-law;
 - (b) may request that the applicant for a fireworks permit produce the original of any documents that may be required under this By-law;
 - (c) may impose terms and conditions in accordance with subsection 6(8) of this By-law; and
 - (d) may refuse to issue or may revoke a fireworks permit in accordance with this By-law.

6. Fireworks Permit

- (1) Any fireworks permit issued pursuant to this By-law is non-transferable.
- (2) Every application for a fireworks permit shall be made to the Fire Chief upon such application form as may be provided from time to time.
- (3) The permit holder must be a fireworks supervisor or pyrotechnician.
- (4) The Fire Chief will not accept an application for a fireworks permit unless it has been filled out in total, contains correct information, an indemnification agreement and is accompanied by the fee as set out in the rates and fees schedule and all documents required by this By-law or by the Fire Chief.
- (5) A complete application for a fireworks permit shall be submitted to the Fire Chief a minimum of fifteen (15) business days prior to the event when the proposed discharge of fireworks is to occur.
- (6) Every application for a fireworks permit shall include:
 - (a) proof of comprehensive general liability insurance in an amount no less than five million dollars (\$5,000,000.) naming The Corporation of the Town of Oakville as an additional insured and containing a cross liability clause;
 - (b) proof of the applicant's certification as a fireworks supervisor or a pyrotechnician under the Act;

- (c) proof of the property owner's consent for the discharging of fireworks on their property if the applicant is not the property owner;
 - (d) the fee for a fireworks permit as set out in the rates and fees schedule; which fee is non-transferable and non-refundable.
 - (e) a plan as outlined in the Regulations to the Act;
 - (f) the discharge techniques to be used in the display;
 - (g) a description of the place and method of storage of fireworks on the site;
 - (h) a description of the manner in which unused fireworks will be disposed of;
 - (i) a list of persons authorized to handle the fireworks, each of whom shall be a responsible and competent individual of at least eighteen (18) years of age and certified under the Act; and
 - (j) such further and other information the Fire Chief may require.
- (7) The Fire Chief:
- (a) may issue a fireworks permit;
 - (b) may accept a variation or alternative to one or more of the application requirements for a fireworks permit where the Fire Chief is of the opinion that such variation or alternative provides substantially the same information and is necessary for purposes of administering this By-law; or
 - (c) may refuse to issue a fireworks permit:
 - (i) if they are not satisfied that the applicant is of the full age of eighteen (18) years. Applicants may be required to confirm that they are eighteen (18) years of age, in a form provided by the Fire Chief;
 - (ii) if the application is incomplete;
 - (iii) if the application for a fireworks permit is received by the Fire Chief less than fifteen (15) business days prior to the event when the proposed discharge of fireworks is to occur.

- (iv) if the applicant for a fireworks permit does not meet the Act's certification criteria for the proposed fireworks;
 - (vi) where 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
 - (vii) if, in the opinion of the Fire Chief, there are not adequate fire prevention safeguards or protections from fire hazards in place.
- (8) Every fireworks permit shall contain the following conditions:
 - (a) fireworks shall only be discharged on the date and at the time, location and discharge site shown on the fireworks permit;
 - (b) no person, except the permit holder shall discharge any fireworks;
 - (c) the permit holder shall be present at the display at all times during which the display is being set up, discharged and cleaned up;
 - (d) the permit holder shall comply at all times with the provisions of this By-law, the Act, the FPPA, the 'Display Fireworks Manual' published by Natural Resources Canada or any successor publication; and
 - (e) the permit holder shall ensure that all unused fireworks and all debris are removed.
- (9) In addition to the conditions set out in subsection 6(8), the Fire Chief may impose any conditions on a fireworks permit that they consider to be 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 of a Fireworks Permit

- (1) The Fire Chief may revoke, without prior notice to the permit holder or any other person, any fireworks permit issued under this By-law:
 - (a) where the discharging of fireworks 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 discharge of fireworks poses a 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 the fireworks permit be revoked.
- (2) The issuance of any fireworks permit by the Fire Chief shall not relieve the permit holder or any authorized individuals under the Act from compliance with any other applicable law.

8. Orders

- (1) Where an Officer has reasonable grounds to believe that a contravention of this By-law has occurred, the Officer may issue an order to the person contravening this By-law in accordance with the provisions of the Administrative Penalties for Non-Parking Violations and Orders By-law.
- (2) Any person who contravenes an order under this By-law is guilty of an offence.

9. Enforcement

- (1) The Director or the Fire Chief shall enforce this By-law.
- (2) The Director, the Fire Chief or an Officer may enter on any land and building or structure thereon, at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- (a) the provisions of this By-law;
 - (b) an order made under this By-law; or
 - (c) an order made under section 431 of the Municipal Act.
- (3) For the purposes of an inspection under subsection 9(2), the Director, the Fire Chief or an Officer may:

- (a) require the production for inspection of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require information from any person concerning a matter related to the inspection; or
 - (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.
- (4) Any Officer who observes a contravention of this By-law may seize any fireworks in the possession of the person or corporation who committed the contravention. Failure to surrender any fireworks or prohibited fireworks shall be deemed as obstruction of the Officer.
- (5) Any person who is alleged to have contravened any of the provisions of this By-law shall identify themselves to the Officer upon request. Failure to identify upon request shall be deemed as obstruction of the Officer.

10. Administrative Penalties

- (1) An Officer who finds or has reasonable cause to believe that a person has contravened any provision of this By-law may issue a penalty notice to the person in accordance with the provisions of the Administrative Penalties for Non-Parking Violations and Orders By-law.
- (2) Each person who has been issued a penalty notice shall, upon issuance of the penalty notice, be liable to pay an administrative penalty to the Town in the amount of \$300 or as revised in the rates and fees schedule.
- (3) If an Officer has issued a penalty notice under subsection 10(1) of this By-law and has reasonable cause to believe that the same person has contravened the same provisions of this By-law, including any Schedules, for a second time within twenty-four (24) months of the date the first penalty notice is deemed to be served, the Officer may issue a second penalty notice to the person.
- (4) Upon issuance of the second penalty notice, the person shall be liable to pay an administrative penalty to the Town in the amount of \$400 or as revised in the rates and fees schedule.

- (5) If an Officer has issued a penalty notice under subsection 10(3) of this By-law and has reasonable cause to believe that the same person has contravened the same provision of this By-law, including any Schedules, for a third or subsequent time within twenty-four (24) months of the date the second penalty notice is deemed to be served, the Officer may issue a third or subsequent penalty notice to the person.
- (6) Upon issuance of a third or subsequent penalty notice, the person shall be liable to pay an administrative penalty to the Town in the amount of \$500 or as revised in the rates and fees schedule.
- (7) A person who has been issued a penalty notice under this By-law may request a review of the penalty notice in accordance with the Administrative Penalties for Non-Parking Violations and Orders By-law.

11. Service and Notice

- (1) Service of any penalty notice, order, or any other notice may be given as specified in the Administrative Penalties for Non-Parking Violations and Orders By-law.

12. Offence

- (1) Every person who contravenes any provision of this By-law is guilty of an offence.
- (2) The making of a false or intentionally misleading recital of fact, statement or representation in any agreement, statutory declaration or application form required by this By-law shall be deemed to be a violation of the provisions of this By-law.

13. Penalty

- (1) Every person who is convicted of an offence is liable to a fine of not less than \$300 and not more than \$5,000 for the first offence and to a fine of not more than \$10,000 for a subsequent offence.
- (2) If a corporation is convicted of an offence, the maximum penalty that may be imposed upon the corporation is \$50,000 for a first offence and \$100,000 for a subsequent offence and not as provided in subsection 13(1) above.
- (3) For the purposes of subsections 13(1) and 13(2), an offence is a subsequent offence if there has been a previous conviction under this By-law.

14. References

- (1) References in this By-law to any legislation or by-law means as may be amended or successor by-laws or legislation, and includes any regulations thereunder.

15. Severability

- (1) Should any section, clause or provision of this By-law be declared to be invalid by a court of competent jurisdiction, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the part which was declared to be invalid.

16. Title

- (1) This By-law may be known as the “Fireworks By-law”

17. Repeal

- (1) By-law 2009-056 is hereby repealed.

18. Effective Date

- (1) This By-law comes into force on the day it is passed.

PASSED this 23rd day of June, 2025

MAYOR

CLERK