

THE CORPORATION OF THE CITY OF GUELPH

By-law Number (1993)-14362
(Office Consolidation)
[Amended by By-laws (1994)-
14680;(1998)-15878;(1999)-
16207; (2013)-19578]

A by-law to regulate the display,
sale and setting off of fireworks
and to adopt Municipal Code
Number 121, and to repeal By-
law Number (1992)-14097.

Pursuant to the provisions of Sections 210 paragraph 37 and 210 paragraph 38 of The Municipal Act, R.S.O. 1990, Chapter M.45, which permit municipal councils to pass by-laws for regulating the sale and setting off of fireworks,

THE CORPORATION OF THE CITY OF GUELPH ENACTS AS FOLLOWS:

1. Interpretation

In this By-law the following terms shall have the corresponding meanings:

- (a) "**Display Unit**" means a bin, crate, box, case or other device used to display fireworks to the public;
- (b) "**Fireworks**" means any and all classes of fireworks, including and without limiting the generality of the foregoing the following clauses which are included in the Federal Explosives Regulation, Department of Energy, Mines and Resources:
 - (i) "**Low-hazard**" fireworks for recreation such as firework showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, volcanoes and sparklers;
 - (ii) "**High-hazard**" fireworks for recreation such as rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, mines and firecrackers (also known as "display fireworks").
- (c) "**Fireworks vendor**" means any person, organization or company that sells, displays or offers for sale fireworks;
- (d) "**Person**" includes a corporation;
- (e) "**Site**" means any area within the City of Guelph on which fireworks are displayed, sold or offered for sale;

- (f) “**Site Plan**” means a drawing of a site which includes all applicable measurements of every vending structure and the surrounding area within 100 metres of the site and on which all buildings and structures, streets or other landmarks are indicated;
- (g) “**Temporary Vendor**” means any person, organization or company that sells, displays or offers for sale fireworks in or from a vending structure;
- (h) “**Vending Structure**” means any vehicle, roadside stand or temporary structure, tent or air-supported structure or other conveyance in or from which fireworks are displayed, sold or offered for sale.

2. When Sales Permitted **[amended by By-law (1999)-16207]**

No person shall display, offer for sale or sell fireworks or any class or classes thereof except on the days being observed as Victoria Day and Canada Day, and for the year 1999 only, December 31st and for seven (7) days prior to the days being observed as Victoria Day and Canada Day, and for the year 1999 only, December 31st.

3. Sales

No person shall display, offer for sale or sell fireworks unless the person is in compliance with all applicable provisions of this By-law.

4. By-law Posting

Every fireworks vendor shall ensure that a copy of this By-law is posted on the site in a conspicuous place visible to the public.

5. Sale to Minors Prohibited

(a) No person shall sell fireworks to any person under the age of eighteen (18) years.

(b) No person shall sell fireworks to any person without a sign being present on the site and clearly visible to the public, in each display unit, stating that sales to persons under eighteen (18) years of age are prohibited.

6. Storage and Display of Fireworks

(a) When fireworks are displayed for sale within any building, the fireworks vendor shall ensure that no lot, bin or bundle of fireworks shall exceed a weight of 25 kilograms and no fireworks shall be exposed to direct sunlight.

(b) Where the total stock of fireworks on a site exceeds a weight of 1,000 kilograms, the fireworks vendor shall require a licence from the Explosives Division, Department of Energy, Mines and Resources.

- (c) Every fireworks vendor shall ensure that all fireworks displayed or offered for sale are kept within an enclosed, non-combustible display unit, locked and accessible only to employees of the fireworks vendor.
- (d) No person shall have in his or her possession within six (6) metres of any fireworks kept or displayed for sale any lighted match, lighted lighter, lighted pipe, lighted cigar, lighted cigarette or any other lighted fire producing device.
- (e) Every fireworks vendor shall ensure that all fireworks that remain unsold at the expiration of the selling period specified in Section 2 of this By-law are immediately stored in a cool, dry place remote from flammable materials and inaccessible to the public.

7. Temporary Vendor

Every temporary vendor shall comply with all of the provisions of this By-law and shall:

- (a) (i) Obtain the appropriate business licence from the City Clerk prior to doing business; and
 - (ii) Ensure that such licence is prominently displayed in a place visible to the public on the site from which the vendor is doing business;
- (b) Provide a letter to the City Clerk from the owner of property on which a vending structure is to be located, indicating permission to do so has been given to the temporary vendor;
- (c) Provide a site plan showing the location of each vending structure in reference to City streets, buildings on the site and parking areas on the site, demonstrating compliance with the Federal Explosives Division, Department of Energy, Mines and Resources Table of Outside Distances as indicated in Appendix "A" to this By-law;
- (d) Not permit the display or sale of fireworks unless the site complies with the Outside Distance regulations set out in Appendix "A" to this By-law;
- (e) Erect and maintain connected pylons or fencing of a temporary nature to establish a no-encroachment zone at the perimeter of the separation distances outlined in Appendix "A" to this By-law;
- (f) Post and maintain at every entrance point to the no-encroachment zone and at every entrance point to each vending structure, a sign that is clearly visible to the public stating that the items listed in Section 6(d) of this Bylaw are prohibited within six (6) metres of a vending structure;

- (g) Ensure that where the public is permitted access to a vending structure, that such structure has at least two (2) separate entrances;
- (h) Ensure that the public complies with Section 6(d) of this By-law;
- (i) Ensure that no more than twenty (20) persons are in any vending Structure at any one time;
- (j) Ensure that when the public is permitted access to a vending structure the temporary vendor or an agent or employee of the temporary vendor is in attendance;
- (k) Not operate unless a 2A10BC rated fire extinguisher is provided for each employee to combat fires which have not yet spread to the fireworks and ensure that fires involving fireworks are not fought but rather efforts are concentrated on evacuation and crowd control;
- (l) Post and maintain a sign indicating "IN CASE OF FIRE CALL 911" that is clearly visible to the public in each vending structure at all times;
- (m) Not leave a vending structure on any site overnight unless at least one (1) security person is on duty whenever the temporary vendor is absent from the site;
- (n) Where a vending structure is a tent, ensure that the tent material conforms with NFPA 701-1977, "Standard Methods of Fire Tests for Flame Resistant Textiles and Films: and that the tent is so labelled;
- (o) Where a fire alarm system is not provided in accordance with Subsection 3.2.4 of the Ontario Building Code, ensure that a person is employed for and is on firewatch duty at all times in vending structures that are tents and air-supported structures, whenever such structures are open to the public, in order to patrol the area and ensure the entrances are kept clear and that the regulations of this By-law relating to the public are enforced.

8. Discharge of Fireworks [**amended by By-law (1994)-14680; (1998)-15878; (2013)-19578**]

- (a) No person shall discharge any fireworks on City-owned lands unless permission to do so has been given by the Guelph Fire Chief or his/her designate, which permission may be subject to terms and conditions, including but not limited to, the provision of liability insurance naming the City of Guelph as an additional insured.
- (b) No person shall discharge any fireworks within the City of Guelph at any time except on the days observed as Victoria Day, Canada Day, Diwali and on the day immediately preceding Victoria Day, Canada

Day unless permission to do so has been given by the Guelph Fire Chief or his/her designate.

- (c) In addition to subsections (a) and (b) of this section, no person shall discharge any fireworks within the City of Guelph before 9:00 a.m. or after 11:59 p.m. on the day such discharge is permitted.
- (d) When granting an approval under section 8.(a) or 8.(b) the Guelph Fire Chief or his/her designate, The delegated authority stipulates the Fire Chief will consult with Bylaw Compliance staff, take into account public safety and potential noise levels. It will also require that the public be made aware of any authorized display or discharging of fireworks at least 48 hours prior to an event.

9. **Fireworks Displays [amended by By-law 92013)-19578]**

- (a) No person or organization shall conduct a fireworks display using High hazard fireworks within the City of Guelph without first obtaining approval to do so from the Guelph Fire Chief or his/her designate.
- (b) No person or organization approved by the Guelph Fire Chief or his/her designate to conduct a Highhazard fireworks display shall do so without first obtaining a permit from the Guelph Fire Department to conduct the fireworks display.
- (c) No person shall be permitted to set off High-hazard fireworks in a fireworks display without first successfully completing a fireworks supervisor course and holding a valid Fireworks Supervisor Card.
- (d) No person shall use any fireworks in a fireworks display other than those authorized pursuant to the Explosives Regulations of the Department of Energy, Mines and Resources.
- (e) Every person having control of any fireworks to be used in a fireworks display shall ensure that such fireworks are stored in a cool, dry place remote from flammable materials and inaccessible to the public.
- (f) Every person or organization that conducts a fireworks display shall ensure that all fireworks that failed to fire are immediately disposed of in a safe manner having regard to the particular type of fireworks involved.
- (g) Every person or organization that conducts a fireworks display shall ensure that all unfired fireworks are subsequently stored in accordance with Section 9(e) of this By-law.
- (h) When granting an approval under section 9.(a) or 9.(b) the Guelph Fire Chief or his/her designate, The delegated authority stipulates the Fire Chief will consult with Bylaw Compliance staff, take into account

public safety and potential noise levels. It will also require that the public be made aware of any authorized display or discharging of fireworks at least 48 hours prior to an event.

10. Offence

It shall be an offence for any person to contravene any provision of this By-law.

11. Penalties

Any person convicted of an offence under any provision of this By-law shall be liable to a penalty as set out in Section 61 of the Provincial Offences Act, R.S.O. 1990, Chapter P.33 or any successor thereof.

12. By-law Number (1992)-14097 is hereby repealed.

[amended by By-law (2013)-19578]

13. Sections 8 (a),(b),(d) and 9 (a),(b) and (h) come into effect immediately.

[amended by By-law (2013)-19578]

14. Municipal Code Amendment #488 is hereby adopted and amends Chapter 151, "Fireworks" of The Corporation of the City of Guelph Municipal Code.

PASSED this FOURTH day of MAY, 1993.

Original Signed by:
John Counsell - Mayor

Original Signed by:
V. Charlene Lavigne
-Acting City Clerk

APPENDIX "A" FIREWORKS TABLE OF OUTSIDE DISTANCES

COLUMN "A" Railway, Aerodrome, Canal (in active use) or other navigable water, Dock, Pier or Jetty; Market Place, Public Recreation and Sports Ground or other open place where the public is accustomed to assemble; Public Highway, Private Road which is a principal means of access to a Church, Chapel, College, School, Hospital or Factory; River Wall, Sea Wall, Reservoir.

COLUMN "B" Dwelling House, Retail Shop, Government and Public Buildings. Church, Chapel, College, School, Hospital, Theatre, Cinema or other Building where the public is accustomed to assemble; Factory Building or works used for storage in bulk of petroleum spirit, gas or other inflammable substances; Building or works used for the storage and manufacture of explosives or articles which contain explosives.

Weight in Pounds	Category "X" Distance in Feet	Weight in Pounds	Category "X" Distance in Feet
100	25	100	50
200	30	200	60
400	35	400	70
600	40	600	80
800	45	800	90
1000	50	1000	100
2000	58	2000	115
3000	62	3000	124
4000	65	4000	130
5000	68	5000	135
6000	70	6000	139
8000	73	8000	146
10000	75	10000	150
15000	80	15000	159
20000	83	20000	165
30000	87	30000	174
40000	90	40000	180
50000	93	50000	185
60000	95	60000	189
80000	98	80000	195
100000	100	100000	200
150000	105	150000	209
200000	108	200000	215
250000	110	250000	220

E.G. A Vendor with a stock of 200 pounds of fireworks must be 30 feet from anything in column "A" and 60 feet from anything in column "B". [Clause 7. (b), (c), (d)]