



THE CORPORATION OF THE CITY OF BRAMPTON

OFFICE CONSOLIDATION

BY-LAW 163-2016

A by-law to regulate the sale and use of fireworks and to repeal By-law 147-2006

Section 150 of the Municipal Act permits a local municipality to license, regulate and govern any business carried on within the municipality;

Section 121 of the Municipal Act permits a municipality to prohibit and regulate the sale of fireworks and the setting off of fireworks;

Fireworks safety is a concern of the Council of the City of Brampton. The restrictions on the sale and purchase of fireworks in this by-law are intended to promote:

- the health and safety of Brampton citizens;
- the control of nuisances, particularly danger to persons and property from fireworks that escape from the property where they are set off; and
- consumer protection, particularly the use of unauthorized fireworks.

BACKGROUND STATEMENT TO THIS BY-LAW

Consumer fireworks are fireworks that are designed for recreational use by the public. They are different from display fireworks, which are fireworks used in larger, usually public, fireworks displays. Consumer fireworks are dealt with in part 12 of Regulation C.R.C chapter 599 of the Federal Explosives Act. Display fireworks are dealt with in part 13.

THE COUNCIL of the Corporation of the City of Brampton ENACTS as follows:

DEFINITIONS

1. In this by-law:

"Act" means the Explosives Act, R.S.C., 1985, c. E-17.

"Consumer Fireworks" are low hazard fireworks generally used for recreation, which are classified as type F.1 explosives in the Regulation.

"Display Fireworks" (Type F.2) are high hazard firework articles designed for use by professionals, such as: aerial shells, roman candles, waterfalls, lances and wheels. They are fireworks in Subdivision 2 of Division 2 in the Regulation.

"Fire Chief" includes the Fire Chief's designate.

"Fireworks Display Supervisor Certification" authorizes a person to purchase and set off Display Fireworks.

“Fireworks Permit” is a permit to discharge fireworks issued by the Fire Chief. Without limiting this definition, a Fireworks Permit may be for display fireworks, or for consumer fireworks, or both.

“Inspector” is any other person appointed to enforce this by-law and includes the following:

- Municipal Law Enforcement Officer
- Fire Prevention Officer
- Police Officer

“Permitted Fireworks” are consumer fireworks that do not travel more than three (3) metres (10 feet) from the point of ignition, and may include fireworks such as fountains, wheels, ground spinners, burning school houses, flying ghosts and sparklers.

“Prohibited Fireworks” are consumer fireworks that would reasonably be expected to travel or pose a hazard more than three (3) metres (10 feet) from the point of ignition, such as roman candles, flying lanterns, barrages, bombshells, cakes, comets, mines, missiles and skyrockets.

“Regulation” is Regulation C.R.C., c. 599, and any amended or successor Regulations, made under the Explosives Act, R.S. 1985, c. 17.

“Retailer” is a person, other than a distributor, who sells consumer fireworks.

ALL FIREWORKS

2. No person shall possess or set off any fireworks not authorized by the Explosives Regulatory Division of the Government of Canada.
3. Licensing of retailers of fireworks is regulated by Business Licensing By-law 332-2013, particularly Schedule 13.

MINORS

4. No person shall knowingly sell or supply fireworks to a person less than eighteen years of age.
5. No person shall sell or supply fireworks to a person who appears to be under twenty-five years of age without proof of age.
6. No person shall knowingly sell or supply fireworks to a person who is not buying them for his personal use but for a person who is under eighteen years of age.
7. A person who accepts money from a person less than eighteen years of age or apparently less than twenty-five years of age without proof of age in return for fireworks purchased from a licensed retailer is deemed to have sold or supplied fireworks in contravention of Sections 4 or 5.
8. No parent or guardian of any person less than eighteen years of age shall allow or permit such minor person to set off, discharge or fire or cause or permit to be set off, discharged or fired any consumer fireworks.

CONSUMER FIREWORKS

Types

9. No person shall set off or be in the possession of Prohibited Fireworks.
10. A person may set off Permitted Fireworks subject to the restrictions of this By-law.

Sales of

11. No person shall sell or offer for sale, buy or offer to buy any Permitted Fireworks except on:
 - New Year’s Eve;
 - Victoria Day;
 - Canada Day;
 - Diwali; or
 - the seven days preceding New Year’s Eve, Victoria Day, Canada Day or Diwali.
12. No person shall sell or offer for sale, buy or offer to buy Prohibited Fireworks.
13. No person shall sell Permitted Fireworks without meeting the conditions set out in the Business Licencing By-law 332-2013.

Storage of

14. A person, who acquires Permitted Fireworks for use, must store them in accordance with this section.

Up to 25 kg	No more than 3 kg of fireworks (net explosives quantity) may be stored in a dwelling or in a place attached to a dwelling. Up to 25 kg of Permitted Fireworks (net explosives quantity) may be stored in a place or container that is not in or attached to a dwelling.
More than 25 kg	Any quantity of Permitted Fireworks over 25 kg (net explosives quantity) must be stored in accordance with federal law.
Safety precautions	The Permitted Fireworks must be stored in a dry place to which access is denied to anyone under 18 years of age, away from any source of heat and any substance that could cause ignition. A place or container containing more than 3 kg of Permitted Fireworks must be attended when it is unlocked.

When

15. No person shall set off Permitted Fireworks, except on Victoria Day, Canada Day, Diwali, or New Year’s Eve, unless a Fireworks Permit has first been obtained.
16. No person shall set off Permitted Fireworks, except between the hours of dusk and 11:00 p.m.

Where

17. No person shall set off Permitted Fireworks:
 - (1) in a manner that might create a danger or nuisance to any person or property;
 - (2) in, on or into any building, structure, or automobile;
 - (3) on or into any highway, street, lane, boulevard, roundabout, or private roadway;

- (4) on or into any land used for school purposes;
- (5) on or into any park, parkette, trail, linear park, land used for storm water management, square, other public place or any land owned by the government of Canada, the Region of Peel, the City of Brampton, or any of their boards or agencies; and
- (6) on any land whatsoever, except on land belonging to the person setting off the fireworks, or on other privately owned land where the consent of the owner has been obtained;

Safety

18. A person, who sets off Permitted Fireworks, must take measures that minimize the likelihood of fires or harm to people or property, including:
 - (1) when setting off Permitted Fireworks or using sparklers, having a container of water or charged hose line available and readily accessible;
 - (2) never lighting a firework or holding a lit firework in their hand, other than a sparkler;
 - (3) after the use of sparklers, placing expired sparklers into a container of water to fully cool before disposal; and
 - (4) allowing all fireworks materials to fully cool before disposal.

PROPERTY OWNERS

19. No property owner, on his or her property, shall:
 - (1) permit, allow, or cause the display of or set off Prohibited Fireworks, or
 - (2) permit, allow, or cause the display of or set off of Permitted Fireworks, except on Victoria Day, Canada Day, Diwali, or New Year's Eve, unless a valid Fireworks Permit has been obtained;
 - (3) permit, allow, or cause the setting off of any Permitted Fireworks in, on or into any building, structure, or automobile;
 - (4) permit, allow, or cause the setting off of any Permitted Fireworks on or into any highway, street, lane, boulevard, roundabout, park land, or private roadway;
 - (5) permit, allow, or cause the setting off of any Permitted Fireworks in a manner that might create a danger or nuisance to any person or property;
 - (6) permit, allow, or cause the setting off of display fireworks at any time of the year, even on Victoria Day, Canada Day, Diwali, or New Year's Eve, unless a valid Fireworks Permit has been obtained.
20. When fireworks are discharged from a property, the property owner is deemed to have permitted, allowed or caused the setting off of the fireworks, unless there is evidence to the contrary.

FIREWORKS PERMITS

21. No person shall set off Display Fireworks at any time of the year, (even on New Year's Eve, Victoria Day, Canada Day or Diwali), unless he or she has a valid Fireworks Permit.
22. No person shall set off Permitted Fireworks at any time of the year, other than on New Year's Eve, Victoria Day, Canada Day or Diwali, unless he or she has a valid Fireworks Permit.

23. Persons, who discharge fireworks under authority of a Fireworks Permit, must 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 Section 17.
24. Only persons, who hold a valid Fireworks Display Supervisor Certification, shall be eligible to apply for a Fireworks Permit.
25. The Fire Chief may impose such conditions upon the issuance of a Fireworks Permit as he or she considers are required to ensure the safety of the public.
26. The Fire Chief has absolute discretion to refuse a Fireworks Permit for any reason whatsoever and without limiting the generality of the discretion, a reason may include any of the provisions of this By-law, any other by-law, the Fire Code, the Act or Regulation, 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.
27. Every applicant for a Fireworks Permit, including Fireworks Permit for Consumer Fireworks only, shall be required to produce evidence of comprehensive general liability insurance of the amount of no less than five million dollars, and adding the Corporation of the City of Brampton and the Regional Municipality of Peel as additional insureds.
28. All applications for a Fireworks Permit shall be made at least ten days prior to the proposed event.

PENALTY

29. Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act* to a minimum of \$500.
30. Any corporation who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*, a minimum fine of \$2,000.

SEIZURE

31. Any Inspector who observes a contravention of the provisions of this by-law may seize any fireworks in the possession of the person or corporation who committed the contravention.

SEVERABILITY

32. If a court of competent jurisdiction declares any provision or part of a provision of this Bylaw to be invalid or to be of no force and effect, it is the intention of Council in enacting this By-law that the remainder of this Bylaw shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

REPEAL OF BY-LAWS

33. By-law 147-2006 is repealed.

EFFECTIVE DATE

34. This By-law will come into force on October 1, 2016.

READ a FIRST, SECOND and THIRD TIME and PASSED in Open Council this
14th day of September 2016

THE CORPORATION OF THE CITY OF BRAMPTON

Original Signed by: Linda Jeffrey, Mayor

Original Signed by: Peter Fay, City Clerk