



OFFICE CONSOLIDATION

BY-LAW 147-2006

(Amended by By-laws 133-2007 and 133-2008)

A by-law to re-enact a new Fireworks By-law to adopt requirements to be imposed by the proposed federal Explosives Act and to repeal By-law 293-97

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

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

AND WHEREAS the following is the statement pursuant to Section 150(3) of the Municipal Act:

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:

1. DEFINITIONS

In this by-law:

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

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

"consumer fireworks" are low hazard fireworks generally used for recreation such as: showers, golden rain, lawn lights, pinwheels, roman candles, volcanoes, and sparklers. These are classified as type F.1 explosives in the Regulation.

"display fireworks" are high hazard fireworks generally used for public display, such as: rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, batteries, illumination, set pieces, pigeons and firecrackers. They are technically called "fireworks in Subdivision 2 of Division 2" in the Regulation (**By-law 133-2007**).

"Diwali" (**Deleted – By-law 133-2008**)

"fireworks" includes one single item of fireworks.

"fireworks permit" means 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.

"regulation" means Regulation C.R.C., C. 599, pursuant to the Act.

ALL FIREWORKS

2. No person shall use fireworks not authorized by the Explosives Regulatory Division of the Government of Canada.
3. For regulations respecting licensing requirements for vendors of fireworks, please see Schedule S-18 of By-law 1-2002.

CONSUMER FIREWORKS

When

4. No person shall hold a display of or set off consumer fireworks, except on Victoria Day, Canada Day, Diwali, or New Year's Eve, unless a Fireworks Permit has first been obtained.

Where

5. Subject to Section 13, no person shall set off any consumer fireworks:
 - (1) in, on or into any building, structure, or automobile;
 - (2) on or into any highway, street, lane, boulevard, roundabout, or private roadway;
 - (3) on or into any land used for school purposes;
 - (4) 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;
 - (5) in a manner that might create a danger or nuisance to any person or property; and for greater clarity a lot with less than 18 m of frontage is deemed to be one whereon the setting off of fireworks might create a nuisance;
 - (6) without limiting the generality of the foregoing, 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.

SALES ONLY PRECEDING CERTAIN HOLIDAYS

6. No person shall sell or offer for sale, buy or offer to buy any consumer 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.

MINORS

7. No person shall knowingly sell or supply fireworks to a person less than eighteen years of age.
8. No person shall sell or supply fireworks to a person who appears to be under eighteen years of age.
9. 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.
10. A person who accepts money from a person less than eighteen years of age or apparently less than eighteen years of age in return for fireworks purchased from a licenced vendor is deemed to have sold or supplied fireworks in contravention of Sections 7 or 8.

FIREWORKS PERMITS

11. 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.
12. No person shall set off consumer 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.
13. Persons who discharge fireworks under authority of a Fireworks Permit must also 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 5.

14. Only persons who have successfully completed a fireworks supervisor's course and who hold a valid Fireworks Supervisor Card shall be eligible to apply for a Fireworks Permit.
15. 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.
16. 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, character or financial state 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 of property.
17. 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.
18. All applications for a Fireworks Permit shall be made at least ten days prior to the proposed event.
19. Section 20 is advisory only (**By-law 133-2007**).

WHERE CONSUMER FIREWORKS ARE TO BE STORED

20. A person who acquires consumer fireworks for use must store them in accordance with this section (**By-law 133-2007**).

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 fireworks (net explosives quantity) may be stored in a place or container that is not in or attached to a dwelling.
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Safety precautions

The 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 consumer fireworks must be attended when it is unlocked.

More than 25 kg (net explosives quantity)

Any quantity of consumer fireworks over 25 kg must be stored in accordance with federal law.

PENALTY

21. 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*.

REPEAL OF BY-LAWS

22. By-law 293-97 is repealed.

EFFECTIVE DATE

23. This By-law will come into force on June 1, 2006.

READ a FIRST, SECOND and THIRD TIME and PASSED in Open Council this 24th day of May, 2006

THE CORPORATION OF THE CITY OF BRAMPTON

Original Signed by: Susan Fennell, Mayor

Original Signed by: Kathryn Zammit, City Clerk