



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 199 - 2016

A By-law to amend Business Licensing By-law 332-2013, as amended,
to replace Schedule 13, regarding licensing of Vendors of Consumer Fireworks

Recitals

Business Licensing By-law 332-2013 was passed pursuant to the *Municipal Act, 2001*, respecting the issuance of Business Licences in the City of Brampton.

Schedule 13 of Business Licensing By-law 332-2013 regulates Vendors of Consumer Fireworks.

Resolution C252-2016, approved by City Council on September 14, 2016, established the types of Consumer Fireworks to be sold in the City of Brampton, and authorized amendment to Business Licensing By-law 332-2013, to replace Schedule 13.

NOW THEREFORE the Council of The Corporation of the City of Brampton ENACTS as follows:

1. That Business Licensing By-law 332-2013, as amended, is further amended by repealing Schedule 13, Relating to Vendors of Consumer Fireworks, and replacing it with Appendix A, attached hereto.

ENACTED and PASSED this 28th day of September, 2016.

Approved as to
form.


2016/09/20

S. Navacues


Approved as to
content.

2016/09/15

Wendi Hunter



Linda Jeffrey, Mayor



Peter Fay, City Clerk

Appendix A
SCHEDULE 13 TO BY-LAW# 332 -2013
RELATING TO
VENDORS OF CONSUMER FIREWORKS

Definitions

1. In this Schedule:

"Act" means the *Explosives Act* R.S.C., 1985, c.E.17, as amended, and the Explosives Regulations made under the Act;

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

"Distributor" means a person who sells consumer fireworks to a retailer or another distributor. A distributor is also a person who sells directly to the public from an establishment that is not open to the public such as mail order or internet;

"Explosives Act Inspector" means an inspector as defined under the Act;

"Federal Law" means the Act, the regulations and other applicable law of Canada and "federal permission" has a like meaning;

"Permanent Retail Establishment" means a place or building where fireworks are sold but that is not a temporary retail establishment, including but not limited to a tent or trailer;

"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 and flying ghosts.

"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 Permitted Fireworks.

Meaning of Quantities

2. In this Schedule, all references to a quantity of fireworks means the net explosives quantity of the fireworks. If the net explosives quantity cannot be determined for a consumer fireworks article, the net explosives quantity is calculated as 25% of the gross mass of the article. Example: a reference in this by-law to 25 kg of fireworks, where the net explosives quantity cannot be reasonably determined, means 100 kg of gross mass of fireworks.

Licence Requirements

3. A Person shall not sell or offer to sell Permitted Fireworks to the public without obtaining a Licence from the Licence Issuer.
4. Every Application for a Licence shall include:
 - (a) a letter from the owner of the property granting permission to sell Permitted Fireworks;
 - (b) confirmation from Zoning Services that the location shown on the Applicant's plan complies with the Zoning By-law;
 - (c) a letter of approval issued by the Fire Chief; and
 - (d) a certificate of insurance as required by section 37 of this Bylaw that:
 - (i) is endorsed to include The Corporation of the City of Brampton as an additional insured; and
 - (ii) provides commercial general liability coverage in the amount of \$5,000,000.00.

Sale and Possession of Consumer Fireworks

5. No Person shall:
 - (a) Sell or offer for sale, cause or permit to be sold, sell or otherwise distribute Permitted Fireworks unless the vendor has obtained a Consumer Fireworks Vendor's Licence under this By-law, and:
 - (i) The fireworks are included on the most recent list of authorized explosives as published from time to time by the Explosives Branch of the Department of National Resources (Canada) or its successor;

- (ii) The fireworks are displayed in individual lots that do not exceed 25 kilograms in gross weight;
 - (iii) The fireworks are displayed in a package, glass case or other suitable receptacle away from flammable and combustible substances, any source of heat or any substance that could cause ignition, such as open flames or lit cigarettes; and
 - (iv) The fireworks must not be exposed to heat or dampness that could cause them to deteriorate.
- (b) Sell or offer for sale, cause or permit to be sold, sell or otherwise distribute Prohibited Fireworks to the public.
 - (c) Sell or offer for sale, buy or offer to buy any Permitted Fireworks at any time during the year, except the 7 days prior to Victoria Day, Canada Day, Diwali and New Year's Eve;
 - (d) Knowingly sell or supply fireworks to a person less than 18 years of age or who appears to be under 25 years of age without proof of age;
 - (e) Accept money from a person less than 18 years of age or appears to be less than 25 years of age without proof of age; or
 - (e) Store Permitted Fireworks for sale except as permitted under the Act.

Purchasers

- 6. (a) A retailer may only sell Permitted Fireworks on the condition that the quantity sold for one purchase is less than 25 kg (net explosives quantity).
 - (b) Notwithstanding 6 (1), larger quantities may be sold if Federal Regulations are followed.
7. Every retailer shall provide a copy of any fireworks safety information, as may be required by the Licence Issuer, to every person who acquires Permitted Fireworks.
8. (1) Every retailer must keep a record of every sale of 25 kg (net explosives quantity) or more of Consumer Fireworks for at least 2 years after the date of sale. The record must include the following information:
- (a) The name and address of the person who acquired the fireworks;
 - (b) The person's driver's licence number, if applicable and its expiry date;

- (c) A copy of the Explosives Act Inspector's permission, if applicable;
 - (d) The type, trade name, manufacturer and quantity of fireworks sold;
and
 - (e) The date of sale.
- (2) Every retailer must inform purchasers that their personal information is being collected and that this personal information will only be used, if necessary, for law enforcement purposes.
9. Every retailer shall produce a copy of the record required in Section 8 upon demand, to any peace officer; an employee of the Explosives Regulatory Division Natural Resources of Canada, Fire Marshal, Fire Prevention Officer, Police Officer or By-law Enforcement Officer and it is an offence to fail to do so.

Retail Establishments

10. A retailer may sell Permitted Fireworks only from inside a Permanent Retail Establishment.
11. A Permanent Retail Establishment must be secure from unauthorized access when it is not open for business.

Near Flammable Substances

12. Every Permanent Retail Establishment, including all detached storage units, must be located at least 15 metres from any of the following:
- (a) Gas pumps or gas station;
 - (b) Propane pumps;
 - (c) Retail propane dispensing tanks;
 - (d) Above ground storage tanks for flammable liquid or flammable gas;
And
 - (e) Compressed natural gas dispensing facilities.
13. Every Permanent Retail Establishment, including all detached storage units, must be located at least 100 metres from all above ground bulk storage tanks for flammable substances.

Structural Requirements for Permanent Retail Establishments

14. Every Permanent Retail Establishment and every detached storage unit that contains more than 40 kg (net explosives quantity) of Permitted Fireworks must have:
 - (a) An exterior wall fire separation with a fire resistance rating of at least 1 hour and an exterior wall opening protection rating of at least $\frac{3}{4}$ hour, if it is located 3 metres or more from an adjacent permanent building or structure;
 - (b) An exterior wall separation with a fire resistance rating of at least 2 hours and an exterior wall opening protection rating of at least $1\frac{1}{2}$ hours, if it is located less than 3 metres from an adjacent permanent building or structure.
15. A Permanent Retail Establishment that is located in a multi-tenant building or a building that includes a dwelling:
 - (a) Must be separated from the other units or the dwelling unit by a fire separation that has no openings and a fire resistance rating of at least 2 hours;
 - (b) May not store more than 25 kg (net explosives quantity) except for those having more than 4645 m² (50,000 sq. ft.) of retail gross floor area (excluding areas that are used for offices and storage where the public is not permitted to enter), for which the limit is 40 kg (net explosives quantity).
16. A storage unit that is attached to a building with an area where fireworks are on display for sale must be either:
 - (a) Equipped with an automatic sprinkler system that meets the requirements of the Ontario Building Code; or
 - (b) Separated from the display area, by a fire separation that has a fire resistance rating of at least 1 hour.
17. No Consumer Fireworks may be sold from or stored for sale in a dwelling.

Storage

18. No more than 250 kg (net explosives quantity) of Permitted Fireworks may be stored in a standalone retail establishment, including all detached storage units. Out of the 250 kg, a total of 25 kg (net weight) may be displayed for sale.

19. Any retailer storing a quantity of Permitted Fireworks greater than 250 kg (net explosives quantity) must abide by Federal Laws.
20. Permitted Fireworks must not be stored in the same storage unit as any other type of explosive. Storage units must be kept clean, dry and organized.

General

21. Only Permitted Fireworks that are packaged in family or blister packs may be displayed for sale in those areas of a retail establishment to which the public has access. They must be displayed at least 1 metre from the floor. Those that are not in family or blister packs must be kept behind the sales counter or locked up (for example, in a display case) and maybe handled only by an employee up to the point of sale.
22. Permitted Fireworks on display for sale must be attended when the retail establishment is open to the public. All storage units must be attended when they are unlocked. Fireworks in a temporary retail establishment must be attended at all times.
23. Permitted Fireworks on display for sale or in a storage unit must be kept well away from flammable and combustible substances and from any source of heat or substance that could cause ignition, such as open flames or lit cigarettes. They must not be exposed to heat or dampness that could cause them to deteriorate.
24. Permitted Fireworks on display for sale must be separated into lots not exceeding 25 kg gross weight each.
25. Each lot must be separated:
 - a) By a flame break to slow the spread of fire from one lot to another;
 - b) From flammable and combustible goods such as fuels, paints and solvents, to prevent fire from spreading rapidly from the goods to the fireworks.
26. Aisles between lots must have a minimum width of 1.2 metres or a 6 mm wood partition that extends 15 centimeters above the height of the lot or extends to the display shelf above.
27. A display shelf should not have more than 10 percent of its area containing holes or other openings.

Warning Sign

28. A clearly visible sign that has the words "Fireworks" and "Smoking Prohibited" must be posted in letters or symbols at least 10 centimeters in height in the area where the fireworks are on display for sale and on each storage unit.

Evacuation in the Event of a Fire

29. A retail establishment must have at least 2 unobstructed exits to ensure that employees and the public can quickly evacuate the establishment in the event of fire. Also, all aisles that contain fireworks must be at least 1.2 metres wide and must not be blocked at either end.