



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 58-94

A by-law to regulate the sale and setting off of fireworks and to Repeal By-law 73-93

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

DEFINITIONS

In this by-law:

1. "Act" means the Explosives Act, R.S.C., 1985, c. E-17 and the regulations as amended to and as in effect on the date of the passing of this by-law.

"Commissioner" means the Commissioner of Public Works and Building or his designate;

"Recreational low hazard fireworks" are low hazard fireworks generally used for recreation such as fireworks showers, golden rain, lawn lights, pin wheels, roman candles, volcanoes, sparklers, Christmas crackers and caps for toy guns.

"Recreational high hazard fireworks" are high hazard fireworks generally used for recreation such as rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, batteries, illumination, set pieces, pigeons and firecrackers (also known as display fireworks).

"Licensed factory" means a licensed factory as defined in the Explosives Act.

"Licensed Fireworks Magazine" means a magazine licensed for fireworks as defined in the Explosives Act.

2. No person shall:
- (1) sell or offer for sale any recreational low hazard fireworks except on Victoria Day, Canada Day and the fourteen (14) days immediately preceding each of them unless that person is the operator of a licensed factory or licensed fireworks magazine;
 - (2) display in any shop window, any recreational low hazard firework except a mock sample not containing any explosive material;

- (3) set off any recreational low hazard fireworks in or into any building, structure, or automobile;
- (4) set off any recreational low hazard fireworks in, on or into any highway, street, lane, square or other public place;
- (5) set off any recreational low hazard fireworks in such a place or in such a manner as might create a danger or nuisance to any person or property; and
- (6) hold a display of recreational low hazard fireworks except on his own land or other privately owned land where the consent of the owner has been obtained.

SPECIAL PERMIT

3. A person or organization may, with the approval of the Commissioner, hold a recreational high hazard fireworks display by special permit as issued by the Fire Chief.
4. A person or organization may hold a recreational low hazard fireworks display by special permit as issued by the Fire Chief.

RECREATIONAL HIGH HAZARD

5. The Fire Chief may issue a permit for a display of recreational high hazard fireworks if he is satisfied that the regulations set out in this by-law are complied with.
6. The Fire Chief may impose such conditions upon the issue of a permit for a display of recreational high hazard fireworks as he considers are required to ensure the safety of the public.
7. Nothing in this by-law prohibits the issue of a permit for a display of recreational high hazard fireworks at any time of the year but no such permit shall be issued unless application has been made in writing to the Fire Chief at least thirty (30) days prior to the day upon which it is proposed to hold the display.
8. No person shall set off any recreational high hazard fireworks except as part of a display of recreational high hazard fireworks authorized by a permit issued pursuant to this by-law.
9. No person shall hold a display of recreational high hazard fireworks except under and in accordance with a permit to do so pursuant to this by-law.

RECREATIONAL LOW HAZARD

10. The Fire Chief may issue a permit for a display of recreational low hazard fireworks if he is satisfied that the regulations set out in this by-law are complied with.
11. The Fire Chief may impose such conditions upon the issue of a permit for a display of recreational low hazard fireworks as he considers are required to ensure the safety of the public.

12. No person shall set off any recreational low hazard fireworks except as part of a display of recreational low hazard fireworks authorized by a permit issued pursuant to this by-law.
13. No person shall hold a display of recreational low hazard fireworks except under and in accordance with a permit to do so pursuant to this by-law.

DISCHARGE OF FIREWORKS

14. No person shall discharge any fireworks within the limits of the City of Brampton at any time during the whole of the year except on the days observed as Victoria Day and Canada Day or by Special Permit.
15. No person, other than a person who has successfully completed a fireworks supervisor's course and who holds a valid Fireworks Supervisor Card, shall set off or cause to be set off recreational high hazard fireworks for a display approved under this section.
16. No person shall use in any fireworks display fireworks other than those authorized pursuant to Explosives Regulations of the Department of Energy, Mines and Resources.
17. No person shall store fireworks to be used in an approved display other than in a cool, dry place, remote from flammable materials and inaccessible to the public.
18. Every person shall ensure that all fireworks that remain unfired and any fireworks that failed to fire, shall immediately be disposed of in a safe manner having regard to the particular type of fireworks remaining.

STORAGE AND DISPLAY WITHIN BUILDINGS

19. No person shall:
 - (1) display or sell within any building, fireworks in a "lot" or "bin" which exceeds twenty-five (25) kilograms (55 lbs.);
 - (2) display or sell fireworks exposed to direct sunlight;
 - (3) display or sell fireworks which exceeds 1,000 kilograms (2,200 lbs.), unless the wholesaler is licensed by the Explosives Division, Department of Energy, Mines and Resources;
 - (4) have in his or her possession within six (6) metres (20 feet) of any fireworks kept or displayed for sale, any:
 - (a) lighted match;
 - (b) lighted lighter;
 - (c) lighted pipe;
 - (d) lighted cigar; or
 - (e) lighted cigarette.

- (5) have in his or her possession within a building or within six (6) metres (20 feet) of a building in which any fireworks are kept or displayed for sale, any:
 - (a) lighted match;
 - (b) lighted lighter;
 - (c) lighted pipe;
 - (d) lighted cigar; or
 - (e) lighted cigarette.
- (6) permit access to fireworks stored within any building, unless the building has two separate operative doors and signs stating that the items listed in subsection (4) are prohibited within six (6) metres (20 feet) of the building and are posted at every point of entrance to the building;
- (7) offer for sale fireworks unless kept within an enclosed non-combustible display unit; and
- (8) sell fireworks to persons under eighteen (18) years of age.


REPEAL OF BY-LAWS

- 20. By-law 73-93 is hereby repealed.
- 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.

READ a FIRST, SECOND and THIRD TIME and PASSED in OPEN COUNCIL,
this 28th day of March , 1994.


PETER ROBERTSON - MAYOR


LEONARD J. MIKULICH - CLERK

APPROVED
AS TO FORM
LAW DEPT.
BRAMPTON

DATE 12/30/94