



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 148-2006

A By-law to amend Licensing By-law 1-2002
to require persons who sell fireworks
to obtain a business licence

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 By-law 1-2002 was passed pursuant Sections 150 to 163 of the *Municipal Act* respecting the issue of licences in the City of Brampton;

AND WHEREAS it is deemed appropriate to amend By-law 1-2002 for the purposes as set out in the next sentence;

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.

NOW THEREFORE the Council of The Corporation of the City of Brampton ENACTS AS FOLLOWS:

1. By-law 1-2002 is amended by replacing Schedule S-18 with the attached S-18.
2. Appendix A to By-law 1-2002 is amended by replacing the line of box entitled "fireworks" under Stationary Licence Fees with the following:

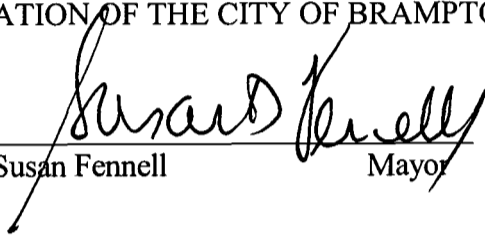
| | | |
|---|-------|-----------|
| Fireworks (Victoria Day, Canada Day, Diwali and New Year's Eve) | \$125 | Per Event |
|---|-------|-----------|

EFFECTIVE DATE

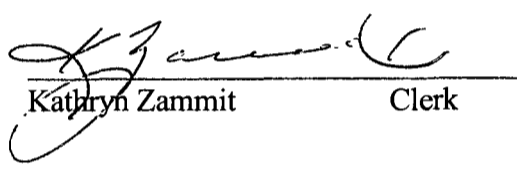
3. This By-law will come into force June 1, 2006.

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



 Susan Fennell Mayor



 Kathryn Zammit Clerk

Approved as to form and content

T Yao May 15/06
 Ted Yao
 Legal Counsel

SCHEDULE S-18 TO BY-LAW 1-2002

Relating to Fireworks

DEFINITIONS

1. In this Schedule:

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

"Fire Chief" shall include the Fire Chief's designate.

"Consumer fireworks" has the same meaning as in the Act, namely consumer fireworks are fireworks that are designed for recreational use by the public. They are classified as type F.1 or 7.2.1. More information may be found at www.nrcan.gc.ca/mms/explosif.

"Display fireworks" has the same meaning as in the Act, namely high hazard fireworks generally used for recreation such as rockets, serpents, shells, bomb shells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, batteries, illumination, set pieces, pigeons and firecrackers.

"Distributor" means is 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 by mail order or over the internet).

"Federal law" means the Act, the Regulation and other applicable law of Canada and "federal permission" has a like meaning.

"Permanent retail outlet" means a place or building in which fireworks are sold that is not a temporary retail outlet.

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

"Temporary retail outlet" means a place or building in which fireworks are sold that is not affixed to the ground and includes a temporary structure, a storage unit or shed, tent, trailer, a vehicle and a shipping container.

2. In this Schedule, a reference to a quantity of fireworks means the net mass of the fireworks. If the net fireworks quantity cannot reasonably be determined for a consumer fireworks article, the net explosives quantity is calculated as 25% of the gross mass of the article.

REQUIREMENT OF LICENCE

3. No person shall sell or offer to sell consumer fireworks to the public without obtaining a licence from the Licence Issuer.

WHO RETAILER MAY SELL TO

4. A retailer may only sell a person consumer fireworks on the following conditions:
- (a) the quantity sold for one purchase may not exceed 100 kg;

(b) the purchaser must be at least 18 years old.

Quantities above 100 kg require federal permission.

5. No person shall sell or supply fireworks to a person who appears to be under eighteen years of age.
6. No person shall knowingly sell or supply fireworks to a person who is not buying them for his or her personal use but for a person who is under eighteen years of age.
7. Every retailer must give a copy of Annex 2 to every person who acquires consumer fireworks. Other documents that include the same information are also acceptable.

RETAIL OUTLETS

8. A retailer may sell consumer fireworks only from inside a permanent structure or a temporary structure such as a trailer or other shelter. Tents, even those made with flame retardant material, are not permitted.
9. A retail outlet must be secure from unauthorized access when it is not open for business.

LOCATION OF RETAIL OUTLETS

10. Every temporary retail outlet, including all detached storage units, must be located at least 6 metres from any combustible material, any building or any other temporary retail outlet. It must also be located at least 3 metres from any parking space or parked vehicle.

NEAR FLAMMABLE SUBSTANCES

11. Every permanent and temporary retail outlet, including all detached storage units, must be located at least 15 metres from any of the following:
 - (a) Gas pumps at a gas station;
 - (b) Retail propane dispensing tanks;
 - (c) Above-ground storage tanks for flammable liquid or flammable gas;
 - (d) Compressed natural gas dispensing facilities.
12. Every permanent and temporary retail outlet, including all detached storage units, must be located at least 100 metres from all aboveground bulk storage tanks for flammable substances.
13. Sections 14 and 15 shall come into force on a day to be proclaimed by Council.

STRUCTURAL REQUIREMENTS FOR PERMANENT RETAIL OUTLETS

14. Every permanent retail outlet and every detached storage unit that contains more than 100 kg of consumer fireworks must have:
 - (a) An exterior wall 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; or
 - (b) An exterior wall fire resistance rating of at least 2 hours and an exterior wall opening protection rating of at least $1\frac{1}{2}$ hour, if it is located less than 3 metres from an adjacent permanent building or structure.

MULTI TENANT BUILDINGS

15. A permanent retail outlet that is located in a multi tenant building or a building that includes a dwelling must be separated from the other units or the dwelling by a fire separation that has no openings and a fire resistance rating of at least 2 hours.

ATTACHED STORAGE UNITS

16. A storage unit that is attached to 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 National Fire Protection Association Standard NFPA 13: Installation of Sprinkler Systems, 2002 edition; or
 - (b) separated from the display area by a fire separation that has a fire resistance rating of at least 1 hour.

CONSTRUCTION OF STORAGE UNITS

17. A storage unit must be constructed to prevent unauthorized access and to protect the contents from weather. It must be adequately ventilated to prevent deterioration of consumer fireworks.

NO SELLING FROM DWELLINGS

18. No consumer fireworks may be sold from or stored for sale in a dwelling.

25 KG LIMIT IN MULTI-TENANT BUILDINGS

19. No more than 25 kg of consumer fireworks may be stored in a retail outlet that is located in a multi-tenant building or a building that includes a dwelling.

250 KG LIMIT IN RETAIL OUTLET

20. No more than 250 kg of consumer fireworks may be stored in a stand-alone retail outlet, including all detached storage units. Out of the 250 kg, a total of 25 kg may be displayed for sale.

STORAGE GREATER THAN 250 KG

21. Any quantity of consumer fireworks greater than 250 kg must be stored according to federal law.

PUBLIC TOUCHING OF FIREWORKS

22. Only consumer fireworks that are packaged in family or blister packs may be displayed for sale in those areas of a retail outlet 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 may be handled only by an employee up to the point of sale.

ATTENDING THE STOCK

23. Consumer fireworks on display for sale must be attended when the retail outlet is open to the public. All storage units must be attended when they are unlocked. Fireworks in a temporary retail outlet must be attended at all times.

CONTENTS AND MAINTENANCE OF STORAGE UNITS

24. Consumer 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.

PROTECTION FROM IGNITION AND DETERIORATION OF FIREWORKS

25. Consumer 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.

WARNING SIGN

26. A clearly visible sign that has the word "Fireworks" and prohibits smoking must be posted in letters or symbols at least 10 cm high in the area where the fireworks are on display for sale and on each storage unit. However, a sign is not required in the display area if a sign that prohibits smoking has already been posted.

PRECAUTIONS TO SLOW THE SPREAD OF FIRE

27. Consumer fireworks on display for sale must be separated into lots not exceeding 10 kg each. Each lot must be separated by a flame break to slow the spread of fire from one lot to another. The lots must also be separated from flammable and combustible goods such as fuels, paints and solvents, to prevent fire from spreading rapidly from the goods to the fireworks.

EVACUATION IN THE EVENT OF FIRE

28. A retail outlet must have at least 2 unobstructed exits to ensure that employees and the public can quickly evacuate the outlet 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.

WHO MAY ACQUIRE CONSUMER FIREWORKS

29. The following eligible persons may acquire consumer fireworks provided that the conditions in column 3 are met.

| Column 2 | Column 3 |
|---------------------|--|
| (1) Less than 25 kg | A person who is at least 18 years old may acquire up to 25 kg of consumer fireworks. |
| (2) More than 25 kg | A person who wishes to acquire more than 25 kg of consumer fireworks must comply with federal law. |

LICENCE REQUIREMENTS

30. Every application for a licence shall:
- (a) supply to the Licence Issuer a letter from the owner of the property granting them permission to sell fireworks;
 - (b) supply, when required by the Licence Issuer, a compliance letter from the Zoning Department;

(c) submit to an inspection by the Licence Issuer of each premises to be licensed and all inventory to be sold; and

(d) submit, if required, proof of recent inspection by the Fire and Building Departments.

31. The amount of general commercial liability insurance required by every applicant for a licence under this schedule is five million dollars instead of the amount set out in Section 8 of the by-law. In addition, the Corporation of the City of Brampton and the Regional Municipality of Peel must be added as additional insureds.

Annex 2

Safety instructions for consumers / Consignes de sécurité à l'intention des consommateurs

Please refer to Part 12 of the Explosives Regulations for additional safety standards for consumer fireworks.

Pour plus de renseignements sur la sécurité, consulter la partie 12 du Règlement sur les explosifs.



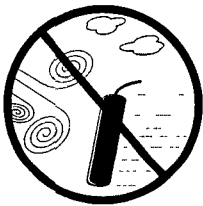
PEOPLE UNDER 18 YEARS OLD who use consumer fireworks must be supervised by an adult.

LES PERSONNES DE MOINS DE 18 ANS qui utilisent les pièces pyrotechniques à l'usage des consommateurs doivent être sous la surveillance d'un adulte.



CHOOSE a wide, clear site away from all obstacles (for example, 30 m x 30 m for firing roman candles).

CHOISIR un emplacement bien dégagé, loin de tout obstacle (Par exemple un terrain de 30 m x 30 m pour des chandelles romaines.)



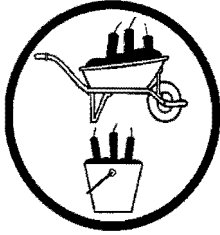
DO NOT FIRE IN WINDY CONDITIONS.

NE PAS ALLUMER LES PIÈCES PYROTECHNIQUES PAR TEMPS VENTEUX.



READ all instructions on the fireworks. PLAN the order of firing before you begin.

LIRE toutes les directives sur les pièces pyrotechniques. PLANIFIER l'ordre d'allumage.



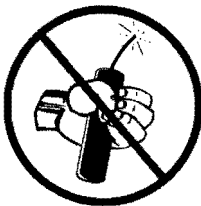
USE A GOOD FIRING BASE such as a pail, a box or a wheelbarrow filled with earth or sand.

UTILISER UNE BONNE BASE D'ALLUMAGE: seaux, boîtes ou brouettes remplis de terre ou de sable.



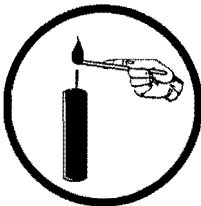
BURY fireworks that do not have a standing base HALFWAY unless the label on the firework indicates otherwise. Set them at a 10-degree angle, pointing away from people.

ENFOUIR À MOITIÉ les pièces pyrotechniques qui ne possèdent pas de base, sauf indication contraire sur l'emballage. Les installer à un angle de 10 degrés à l'opposé des spectateurs.



NEVER try to light a firework or hold a lit firework in your hand, other than a sparkler.

NE JAMAIS tenir dans la main les pièces pyrotechniques qui sont allumées ou celles que vous tentez d'allumer, sauf les étincelleurs.



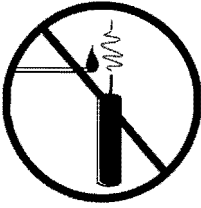
LIGHT CAREFULLY: Always light the fuse at its tip.

ALLUMER PRUDEMMENT : Toujours allumer l'extrémité de la mèche.



KEEP WATER NEARBY: Dispose of used fireworks (including debris) in a pail of water.

GARDER DE L'EAU À PORTÉE DE LA MAIN : Jeter les pièces pyrotechniques utilisées ainsi que les débris dans un seau d'eau.



NEVER try to RELIGHT a firework that did not go off. NEVER try to fix a firework that is defective. WAIT at least 30 minutes before approaching what appears to be a 'dud' firework.

NE PAS TENTER DE RALLUMER une pièce pyrotechnique qui n'a pas fonctionné et NE JAMAIS tenter de réparer une pièce qui semble défectueuse. Attendre 30 minutes avant d'approcher d'une pièce ratée.



KEEP fireworks in a cool, dry, ventilated place, out of the reach of children.

CONSERVER les pièces pyrotechniques dans un endroit sec, frais, aéré et inaccessible aux enfants.