

PROTECTION

Chapter 520 FIREWORKS - REGULATION FIRECRACKERS - PROHIBITION

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Article 1
INTERPRETATION

520.1.1 Chief Fire Official - defined

“Chief Fire Official” means the person who may, from time to time, be appointed by the Council of the City of Brantford to the position of Chief of the Fire Department of the City of Brantford.

520.1.2 Chief of Police - defined

“Chief of Police” means the person who may, from time to time, be appointed by the Brantford Police Services Board to the position of Chief of Police of the Police Service of the City of Brantford.

520.1.3 Display fireworks - defined

“display fireworks” means any fireworks classified as high hazard fireworks in the regulations under the Explosives Act (Canada), as amended, and may include the fireworks commonly known as rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, batteries illumination, set pieces and pigeons.

520.1.4 Consumer fireworks - defined

“consumer fireworks” means low hazard fireworks for recreation as defined in the Explosives Act (Canada), as amended and includes but is not limited to fireworks showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, volcanoes, sparklers, and other similar devices, but does not include Christmas crackers and paper caps containing not more than twenty-five one-hundredths of a grain of explosive.

520.1.5 Firecracker - defined

“firecracker” means any combustible or explosive composition, or any substance, or combination of substances, or article, prepared for the sole purpose of producing an audible effect by combustion, explosion, or detonation, and includes the fireworks commonly known as cherry bombs, silver salutes, M80 salutes, flash crackers, throwdown torpedoes, cigarette loads, trick matches and auto alarms.

520.1.6 Fireworks - defined

“fireworks” means fireworks as defined and classified in the regulations under the Explosives Act (Canada), as amended.

520.1.7 Fireworks supervisor - defined

“fireworks supervisor” means a person who has successfully completed an approved fireworks supervisor course offered pursuant to the Explosives Act (Canada), as amended.

520.1.8 Council – defined

“Council” means the elected Council of the City.

520.1.9. Appropriate Weather Conditions – defined

“Appropriate Weather Conditions” means that the wind speed does not exceed 15 kilometers per hour and that it is not raining, nor foggy, nor is there a declared smog alert. Further, it shall mean that the ground conditions are not dry, the area has not been subject to a drought nor has the Fire Chief declared a burning ban due to weather conditions. The appropriate Federal and/or Provincial Government agency shall be used as the source of this information.

520.1.10 Discharge– defined

“Discharge” means the use, release, emission, ejection, dispensation, lighting, or setting off of fireworks or permitting the use, release, emission, ejection, dispensation, lighting, or setting off of fireworks.

520.1.11 Child – defined

“Child” means a person who is under the age of eighteen.

By-law 147-2019, 24 September, 2019.

Article 2

GENERAL PROVISIONS

520.2.1 Selling - Chapter posted - conspicuous place

A copy of this Chapter shall be posted in a conspicuous place upon any premises, trailer, roadside stand, vehicle or any other conveyance from which fireworks are sold.

520.2.2 Selling - public access

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. 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.

520.2.3 Selling - consumer fireworks - display of

Fireworks displayed in any shop window shall be mock samples only that contain no explosive compound.

520.2.4 Selling - consumer fireworks - storage

Fireworks that are offered for sale by a vendor must be stored away from flammable goods and not exposed to direct sun or heat or displayed in any windows.

520.2.5 Selling - fireworks - prohibited

No person shall sell any fireworks in the City of Brantford from a location that stores or handles or dispenses any gasoline, diesel fuel, oil or other gas related products.

520.2.6 Selling - under age eighteen - prohibited

At no time shall any person or corporation sell any fireworks in the City of Brantford to anyone under the age of eighteen years.

520.2.7 Selling - holidays only - exception

No person shall sell any fireworks in the City of Brantford at any time except on Victoria Day and Canada Day, and five calendar days preceding these holidays, provided that nothing in this Chapter shall prevent the sale of fireworks to the holder of a permit for the purpose of a display.

520.2.8 Selling - firecrackers - prohibited

No person shall sell or offer firecrackers for sale within the City of Brantford at any time.

520.2.9 Discharge of - prohibited - exception

No person shall discharge any fireworks on any land or within any building or structure under the control and jurisdiction of The Corporation of the City of Brantford, Grand Erie District School Board and Brant/Haldimand-Norfolk Catholic District School Board unless:

- a) that person has obtained written permission to do so from the authority which owns the land, building, or structure on or within which the fireworks shall be discharged, and has also obtained written permission from the owner or owners of any land upon which any debris may reasonably be expected to fall; and

- b) a copy of the documents in which the written permission is granted have been forwarded to the Brantford Fire Department and the Brantford Police Service.

520.2.10 Display fireworks - permit - required

No person shall discharge display fireworks except under the authority of a permit issued in accordance with Article 3 and in compliance with the requirements set forth in Sections 520.3.3 through 520.3.15 inclusive.

520.2.11 Discharge - firecrackers - prohibited

No person shall discharge firecrackers within the City of Brantford.

Article 3

PERMIT - DISPLAY FIREWORKS

520.3.1 Display fireworks - issuance - information required

The Chief Fire Official, or designate, shall issue permits for display fireworks on the conditions set forth in Sections 520.3.3 through 520.3.15 inclusive, and each permit shall state:

- a) the name of the person to whom it is issued and, where the permittee is not an individual, the name of an agent or representative of the permittee;
- b) the address and telephone number of the person and, where applicable, any agent or representative thereof;
- c) the place, date and alternate (rain) date upon which the display is to be held; and
- d) the name, address, phone number and registration number of the fireworks supervisor under whose supervision the display shall be held.

520.3.2 Display fireworks - issuance - conditions - set out

All permits shall be issued only on the conditions set out in Sections 520.3.3 through 520.3.15 inclusive.

520.3.3 Site drawings - by supervisor - requirements

A permit shall be issued only on the condition that the fireworks supervisor has submitted a drawing of the site with the application for permit identifying the type of display, dimensions of firing zone and direction he or she will be firing the display.

520.3.4 Land - owner's written permission - requirement

A permit shall be issued only on the condition that there shall have been filed with the Chief Fire Official, or designate, written permission from the owner or owners of the land on which the fireworks shall be discharged and from the owner or owners of any land upon which debris might reasonably fall.

520.3.5 Insurance - requirements

A permit shall be issued only on the condition that the display shall be held by or under the auspices of a legal entity, which shall have obtained a policy of public liability and property damage insurance in respect of the display with policy limits not lower than \$5 million per occurrence.

520.3.6 Place - date - of display - as specified - only

A permit shall be issued only on the condition that the display be held only at the place and on the date set forth in the permit.

520.3.7 Supervision - of display - requirement

A permit shall be issued only on the condition that the display be under the supervision of a fireworks supervisor.

520.3.8 Public - kept back - safe distance - requirements

A permit shall be issued only on the condition that the persons present at the display fireworks other than those engaged in the conducting or supervising thereof, be kept a safe distance from the firing zone as outlined in the Pyrotechnics Special Effects Manual issued by the Explosives Regulatory Division of Natural Resources Canada.

520.3.9 Storage - display fireworks - regulations

A permit shall be issued only on the condition that display fireworks be stored in compliance with the requirements of the regulations under the Explosives Act (Canada), as amended, and in accordance with any directions of the Chief Fire Official or designate.

520.3.10 Fireworks - firing area - guarded by permittee

A permit shall be issued only on the condition that all fireworks and the firing area be guarded and protected by the permittee against interference or trespass by unauthorized persons.

520.3.11 Discharge - location - minimum distance

A permit shall be issued only on the condition that no display fireworks be discharged within 200 metres of any place where explosives, gasoline or other highly flammable substances are manufactured or stored in bulk, or within 200 metres of a hospital, nursing home, retirement home, or home for the aged.

520.3.12 Authorized fireworks - purchase - use - only

A permit shall be issued only on the condition that only fireworks authorized by the regulations under the Explosives Act (Canada), as amended, be purchased and used.

520.3.13 Fire extinguisher - rating - required

A permit shall be issued only on the condition that fire extinguishers be provided for the firing zone to cope with any fire and conform to the requirements of the Pyrotechnics Special Effects Manual issued by the Explosives Regulatory Division of Natural Resources Canada.

520.3.14 Display - concluded - time - extension - endorsement

A permit shall be issued only on the condition that all display fireworks be concluded by 2300 hours on the date indicated on the permit unless a specific exemption is granted by Council for an extension of this time and such exemption is endorsed on the permit.

520.3.15 Unused fireworks - disposal - method

A permit shall be issued only on the condition that the Chief Fire Official, or designate, receives from the fireworks supervisor a plan that conforms to the requirements of the Pyrotechnics Special Effects Manual issued by the Explosives Regulatory Division of Natural Resources Canada and is satisfactory to the Chief Fire Official or designate which explains the manner in which all unused fireworks are to be disposed of.

Article 4**TEMPORARY VENDOR - ISSUANCE CONDITIONS****520.4.1 Operation - without permit - prohibited - conditions**

Fireworks shall not be distributed or sold from a stationary trailer, roadside stand, or from any vehicle or other conveyance whatsoever, unless the person has obtained a fireworks temporary vendor's permit to do so from the Chief Fire Official or designate, and complies with the requirements set out in Sections 520.4.2 to 520.4.11 inclusive.

520.4.2 Land owner - written permission - requirement

The seller shall have obtained and filed with the Chief Fire Official or designate, the written permission of the owner of the land on which the trailer, roadside stand, or any vehicle or other conveyance will be parked.

520.4.3 Site plan - showing location - other information

A site plan must be provided showing the location of the trailer, roadside stand, vehicle or other conveyance from city streets, buildings on the property, and parking in compliance with Section 520.4.4.

520.4.4 Location - safe distance - from road - parking - other
The trailer, roadside stand, vehicle or other conveyance shall be located a safe distance from parking areas, public roads and railways as well as occupied buildings and dwellings, which distance shall be at least the following, where not greater than 1000 kilograms of fireworks are present:

- (a) 20 metres to roads and parking;
- (b) 40 metres to occupied buildings, dwellings and gas stations,

and in all cases, pylons or fencing shall be used to establish a “no encroachment” zone around the trailer, roadside stand, vehicle or other conveyance.

520.4.5 Trailer entry - two doors - no smoking signs
Trailers that allow public entry must have two separate doors, and visible “No Smoking” signs must be posted at the approach to the trailer.

520.4.6 Attendant - at entrance - number of shoppers - limited
At least one person must be posted at the entrance to the trailer set out in Section 520.4.5 to enforce the “No Smoking” rule and to limit the number of shoppers in the trailer, which shall not exceed 15.

520.4.7 Fire extinguisher - rating - required
At least one 2A 10BC rated fire extinguisher must be provided for each employee’s working area to combat any fires which have started but which have not yet spread to the fireworks.

520.4.8 Fire - accidental - evacuation ensured
Where any fire has spread to the fireworks, the seller shall take all necessary and reasonable steps to ensure that all persons are immediately evacuated from the area.

520.4.9 Sign - fire emergency number - posted
A sign indicating “In case of fire the emergency number is 911.” must be posted.

520.4.10 Trailer - on site - overnight - security required
If the trailer, roadside stand, any vehicle or other conveyance is to be left on the site overnight, one security person must be on duty from closing to opening.

520.4.11 Trailer - staff - fireworks supervisor - minimum - one
At least one person staffing the stationary trailer, roadside stand, vehicle or any other conveyance must be a qualified fireworks supervisor.

Article 5
CONSUMER FIREWORKS

520.5.1. Discharge– consumer fireworks

No person shall Discharge consumer fireworks within the boundaries of the City of Brantford unless approved by the Chief Fire Official.

520.5.2. Discharge– on land other than owner – permission required

No person shall Discharge fireworks on any land of which he or she is not the owner, without obtaining the prior written permission of the owner to do so.

520.5.3. Discharge– unsafe – creating nuisance – prohibited

No person shall store, handle, or Discharge consumer fireworks in an unsafe manner, or in a manner that creates a nuisance, taking into account the noise, danger from fire and explosion, and risk of death, injury and damage to property inherent in the storage, handling or use of fireworks.

520.5.4. Discharge– fallout – permission required

No person shall Discharge consumer fireworks where fallout or debris lands on any land of which he or she is not the owner, without first obtaining the prior written permission of the owner to do so.

520.5.5. Child – Discharge

No person shall permit a Child to Discharge any fireworks, other than a sparkler where the Child is under the supervision of an adult at all times.

520.5.6. Storage – not accessible to any Child

A person who stores fireworks shall use reasonable care to ensure that those fireworks are not accessible to any Child.

Use of consumer fireworks approved

520.5.7. Discharge– approved

The use of consumer fireworks is deemed to be approved by the Chief Fire Official if:

- (a) The Discharge of consumer fireworks occurs on the following dates:
 - (i) Victoria Day or on the three (3) calendar days immediately preceding Victoria Day;
 - (ii) Canada Day or on the three (3) calendar days immediately preceding Canada Day;
 - (iii) Any other date with specific authorization of the Brantford Fire Department;
- (b) The Discharge of consumer fireworks occurs between sunset

and 11:00 PM on the days specified above;

- (c) The Discharge of consumer fireworks is on lands owned by the person who sets off the consumer fireworks, or if he or she is not the owner, that they have prior written permission from the property owner to do so;
- (d) The Discharge of consumer fireworks is performed in such a manner that fallout or debris lands on property the person owns or if he or she is not the owner, that they have prior written permission from the property owner to do so;
- (e) The Discharge of consumer fireworks occurs in Appropriate Weather Conditions;
- (f) The Discharge of consumer fireworks is in accordance with the manufacturer's safety instructions for each individual ordinance;
- (g) The Discharge of consumer fireworks only occurs when a suitable means of extinguishment is readily available;
- (h) The consumer fireworks are only handled and Discharged by persons over 18 years of age, subject to section 520.5.6; and
- (i) After Discharge, consumer fireworks, casings, or other debris, are completely extinguished so as not to create a fire hazard.

By-law 147-2019, 24 September, 2019.

Article 6 ENFORCEMENT

520.6.1 Fine - for contravention

Every person who contravenes any of the provisions of this Chapter is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty pursuant to the provisions of the Provincial Offences Act.

520.6.2. Collection of Costs

If any contravention of this by-law results in the Brantford Fire Department being dispatched, the person and/or property owner may be charged with the cost of the Fire Department response according to the rates established in the City's Fees and Charges By-law.

By-law 147-2019, 24 September, 2019.

Article 7 SEVERABILITY

520.7.1 Validity

Should any Article or Section of this Chapter be declared by a court of competent jurisdiction to be ultra vires the Corporation, the remaining Sections shall nevertheless remain valid and binding and shall be read as if the offending Article or section had been struck out.

Article 8
REPEAL - ENACTMENT

520.8.1 By-law - previous

By-law 17-71 and 71-85 of The Corporation of the City of Brantford (being Chapter 337 of the City of Brantford Municipal Code), is hereby repealed.

520.8.2 Effective date

This Chapter shall come into force and take effect on the date of the final passing of the enabling by-law. By-law 13-2007, 19 February, 2007.