

**BY-LAW NUMBER 222-02**

- of -

**THE CORPORATION OF THE COUNTY OF BRANT**

To regulate the supply and sale of fireworks in the County of Brant

**WHEREAS** pursuant to section 121 of *Municipal Act, 2001*, S.O. 2001, c.25, Council has authority to prohibit and regulate the sale and the setting off of Fireworks, and to require the obtaining of a permit;

**AND WHEREAS** the Council of the Corporation of the County of Brant is desirous of regulating the supply, sale and use of *Fireworks* within the boundaries of the *County* of Brant;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE COUNTY OF BRANT ENACTS** as follows:

**Section 1 – Definitions**

- (1) *Canada Day* means July 1.
- (2) *Chief Fire Official* means a *person* designated by the Corporation of the *County* of Brant pursuant to provisions of the *Fire Prevention and Protection Act*, and shall include his or her designate.
- (3) *Christmas Cracker* means a device which when pulled at each end makes a popping sound and which may contain candy or other favours.
- (4) *County* shall mean The Corporation of the County of Brant.
- (5) *County Council* means the elected *Council* of The Corporation of the County of Brant.
- (6) *Exhibition Fireworks* means any *Fireworks* classified in Class 7, Division 2, Subdivision 2 in the regulations under the *Explosives Act (Canada)*, except *Firecrackers*, and does 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 and further includes pyrotechnics as classified in Class 7, Division 2, Subdivision 5 in the regulations under the *Explosives Act (Canada)*.
- (7) *Exhibition Fireworks Display* means the discharge of *Exhibition Fireworks*.
- (8) *Explosives Act (Canada)* means *Explosives Act*, R.S.O., c. E-15.
- (9) *Family Fireworks* means any firework classified in Class 7, Division 2, Subdivision 2 in the regulations under the *Explosives Act (Canada)*, except *Christmas Crackers*, sparklers and caps for toy guns, and does include *Fireworks* showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, and volcanoes.

- (10) *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.
- (11) *Fireworks* means *Fireworks* as defined and classified in the regulations under the *Explosives Act (Canada)*, excluding *Firecrackers*, *Christmas Crackers*, sparklers, and caps for toy guns.
- (12) *Fireworks Display* means the discharge of *Fireworks*.
- (13) *Fireworks Supervisor* means a *person* who has successfully completed an approved *Fireworks Supervisor* course offered pursuant to the *Explosives Act (Canada)*.
- (14) *Municipal Law Enforcement Officer* means any *person* appointed as such by the Corporation of the County of Brant to enforce municipal by-laws.
- (15) *No smoking sign* means a sign clearly identifying a no smoking rule, with letters or symbols at least ten (10) centimeters high.
- (16) *Person* includes a corporation and its directors and officers, and their heirs, executors, assignees and administrators or other legal representatives of an individual and their respective successors and assignees.
- (17) *Seller* means any *person* working in any building, structure, trailer, roadside stand, vehicle or other conveyance where *Fireworks* are sold, and shall include every employee and the *vendor*.
- (18) *Vendor* means owner or operator of any building, structure, trailer, roadside stand, vehicle or other conveyance where *Fireworks* are being sold.
- (19) *Victoria Day* means the Monday preceding May 25.

## **Section 2 – General Provisions**

- (1) Every *vendor* of *Fireworks* shall post, and keep posted, a copy of this by-law in a conspicuous place upon any premises, trailer, roadside stand, vehicle and any other building, structure or conveyance from which *Fireworks* are sold, or offered for sale.
- (2)
  - (a) No *person* shall sell or offer for sale, or permit the sale or offering for sale, of any *Fireworks* within the *County* to anyone under the age of eighteen (18) years.
  - (b) No *person* under the age of eighteen (18) years shall discharge, or be permitted to discharge, *Fireworks*.

- (3) (a) No *person* shall *Display*, sell or offer for sale, or permit the sale or offering for sale of any *Fireworks* within the *County* at any time except on *Victoria Day* and *Canada Day* and six (6) calendar days preceding these holidays, provided that nothing in this by-law shall prevent the sale of *Exhibition Fireworks* to the holder of a permit for the purpose of a *Fireworks Display* in accordance with *Explosives Act (Canada)*.
- (b) Nothing in this by-law shall restrict the sale of *Christmas Crackers*, sparklers or caps for toy guns.
- (4) No *person* shall discharge *Family Fireworks* within the *County*, except for on *Canada Day* or *Victoria Day* or seven (7) days preceding and seven (7) days subsequent to *Canada Day* and *Victoria Day*, unless under the authority of and in compliance with the conditions of a permit issued pursuant to section 3.
- (5) (a) No *person* shall *Display*, sell or offer for sale, or permit the sale or offering for sale, of *Firecrackers* within the *County* at any time.
- (b) No *person* shall set off, or cause to be set off, *Firecrackers* within the *County* at any time.
- (6) No *person* shall discharge, or permit the discharge of any *Fireworks* on land, including any public lane, street, highway, sidewalk, boulevard, park, building or structure or other public place, owned or operated by the *County* unless:
  - (a) That *person* has obtained written permission to do so from the *County*; and
  - (b) That *person* has deposited with the *County* an insurance policy with limits that are acceptable to the *County* and that is satisfactory to the *County* in respect of bodily injury that may result or arise out of the holding of the *Fireworks Display* and to indemnify the *County* for damage to or destruction of *County* property that may occur by reason thereof, provided that at the option of the *County* a certificate of insurance covering such a policy may be substituted for the insurance policy.
- (7) No *person* shall *Display*, sell or offer for sale, or permit the sale or offering for sale, or discharge, or permit the discharge of *Fireworks*, except in accordance with the *Explosives Act (Canada)* and all associated regulations.
- (8) No *person* shall discharge, or permit the discharge of *Exhibition Fireworks*, except:
  - (a) Under the authority of a permit issued in accordance with Section 3 of this By-Law; and
  - (b) In accordance with:
    - (i) the conditions set out in Section 3 of this By-Law;
    - (ii) the conditions set out on the permit; and
    - (iii) any requirements of the *Chief Fire Official*.

### **Section 3 – Permits To Discharge**

- (1) The *Chief Fire Official* may issue permits for *Exhibition Fireworks Displays* or *Family Fireworks* displays outside of the permitted period as set out in section 2 (4), in the form provided as Schedule 'A' and in accordance with the conditions set out in this section.
- (2) The applicant submits an application at least 30 calendar days prior to the event, in the form as required by the *Chief Fire Official*, that includes:
  - (a) The name of the *person* to whom it is issued and, where the permittee is not an individual, the name of an agent of the permittee;
  - (b) The address and telephone number of the *person* and, where applicable any agent thereof;
  - (c) The place, date and alternate (rain) date upon which the *Fireworks 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.
- (3) The applicant provides written permission from the owner or owners of the land on which the *Fireworks* shall be discharged.
- (4) The applicant provides a certificate of insurance verifying proof of public liability insurance in respect of the *Display* with policy limits not lower than two (2) million dollars per occurrence.
- (5) The applicant provides a plan satisfactory to the *Chief Fire Official* which explains the manner in which all unused *Fireworks* are to be disposed of.
- (6) A permit issued under this section may be revoked at any time by the *Chief Fire Official* in the event of non-compliance with the provisions of this by-law. Any such permit is *personal*, is not transferable and is issued subject to this by-law.

### **Section 4 – Vendors**

- (1)
  - (a) Every *vendor* shall post, and keep posted, a visible *no smoking sign*, in a conspicuous place, at every entranceway, exit, and doorway of the building, structure, trailer, roadside stand, vehicle or other conveyance where *Fireworks* are being *Displayed*, sold or offered for sale.
  - (b) Every *seller* must enforce the “no smoking” rule.
- (2) Every *vendor* shall provide at least one functional 2A 10BC rated fire extinguisher, accessible at all times.
- (3) The *seller* shall take all necessary and reasonable steps to ensure that all *persons* are immediately evacuated from the area, where any fire may spread to the *Fireworks*.

- (4) Every *vendor* shall post, and keep posted, a sign indicating “***IN CASE OF FIRE, THE FIRE EMERGENCY NUMBER IS 911***”, accompanied with all necessary information pertaining to the address or location of the premises, building, structure, trailer, roadside stand, vehicle or other conveyance.

### **Section 5 – Temporary Vendors**

- (1) No *person* shall Display, sell or offer for sale, or permit the sale or offering for sale, of *Fireworks* from a stationary trailer, roadside stand, or from any vehicle or other conveyance whatsoever unless:
  - (a) That *person* has obtained a peddler’s license from the *County*; and
  - (b) Acts in compliance with Section 4 and Section 5 of this by-law.
- (2) Every *vendor* shall obtain and file with the *County* written permission of the owner of the land on which the trailer, roadside stand, vehicle, or other conveyance will be parked.
- (3) Every *vendor* shall provide to the *County*, a site plan showing the location of the trailer, roadside stand, vehicle or other conveyance, indicating the distance from public roads, buildings on the property and parking.
- (4)
  - (a) Every *vendor* shall ensure that the trailer, roadside stand, vehicle or other conveyance is 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:
    - (i) twenty (20) metres to public roads and parking;
    - (ii) forty (40) metres to occupied buildings, dwellings and gas stations.
  - (b) Every *vendor* shall use pylons or fencing to establish a perimeter around the trailer, roadside stand, vehicle or other conveyance.
  - (c) No *vendor* shall have more than one thousand (1,000) kilograms of *Fireworks* present.
- (5) Every *vendor* shall ensure that at least one (1) *person* is posted at each entrance to the trailer set out in Section 4(1) to enforce the “No Smoking” rule and to limit the number of *persons* in the trailer, which shall not exceed fifteen (15).
- (6) Every *vendor* shall ensure that, any trailer, roadside stand, vehicle or other conveyance containing fireworks is secured if it is left on a site overnight.

### **Section 6 – Enforcement**

- (1) Every *person* who contravenes any of the provisions of this By-Law is guilty of an offence and upon conviction is liable to any penalty imposed pursuant to the provision of *The Provincial Offences Act* , R.S.O. 1990 Chapter P.33, as amended.
- (2) *Municipal Law Enforcement Officers*, Officers of the Municipality’s policing service and the *Chief Fire Official* are authorized to enforce the provisions of this by-law.

**Section 7 – Severability**

- (1) If any section, subsection or part or parts thereof be declared by any court of law to be illegal or ultra vires, such part or parts shall be declared to be separate and independent and enacted as such.

**Section 8 – Repeals**

- (1) That the following By-laws and any amendments to said By-laws, and any other previous by-laws regulating *Fireworks*, are repealed upon the resolution of *Council* following the receipt of Provincial approval of set fines in respect to this by-law:

By-law No. 54-91 of the former Town of Paris  
By-law No. 96-41 of the former Township of Burford  
By-law No. 21-96 of the former Township of South Dumfries

**Section 9 – Effective Date**

- (1) That this By-law comes into force and effect upon resolution of *Council* following receipt of Provincial approval of set fines in respect of this by-law.

**READ** a first and second time, this 19<sup>th</sup> day of November, 2002.

**READ** a third time and finally passed in Council, this 19<sup>th</sup> day of November, 2002.

**THE CORPORATION OF THE COUNTY OF BRANT**

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Mayor

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Clerk