

# LICENCE

## Chapter 348 FIREWORKS - REGULATION FIRECRACKERS - PROHIBITION

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**Article 1  
INTERPRETATION**

**348.1.1 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.

**348.1.2 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.

**348.1.3 Exhibition fireworks - defined**

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

**348.1.4 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.

**348.1.5 Fireworks - defined**

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

**348.1.6 Fireworks supervisor - defined**

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

**348.1.7 Issuer of Licences - defined**

“Issuer of Licences” means the Clerk of The Corporation of the City of Brantford or any other person so designated by the Council of The Corporation of the City of Brantford.

**Article 2****GENERAL PROVISIONS****348.2.1 Selling - Chapter posting - 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.

**348.2.2 Selling - live 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.

**348.2.3 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.

**348.2.4 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.

**348.2.5 Selling - firecrackers - prohibited**

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

**348.2.6 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.

**348.2.7 Exhibition display - permit - required**

No person shall discharge exhibition fireworks or conduct an exhibition fireworks display, except under the authority of a permit issued in accordance with Article 3 and in compliance with the requirements set forth in Sections 348.3.3 through 348.3.15 inclusive.

**348.2.8 Discharge - firecrackers - prohibited**

No person shall discharge firecrackers within the City of Brantford.

**348.2.9 Application - Chapter 326**

The provisions of Chapter 326 of the City of Brantford Municipal Code apply to this Chapter.

**Article 3  
PERMIT****348.3.1 Exhibition display - issuance - information required**

The Chief Fire Official shall issue permits for displays of exhibition fireworks on the conditions set forth in Sections 348.3.3 through 348.3.15 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.

**348.3.2 Exhibition display - issuance - conditions - set out**

All permits shall be issued only on the conditions set out in Sections 348.3.3 through 348.3.15 inclusive.

**348.3.3 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.

**348.3.4 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 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.

**348.3.5 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.

**348.3.6 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.

**348.3.7 Supervision - of display - requirement**

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

**348.3.8 Public - kept back - safe distance - requirements**

A permit shall be issued only on the condition that the persons present at the exhibition fireworks display other than those engaged in the conducting or supervising thereof, be kept a safe distance from the firing zone not less than the following:

- (a) high level displays, including the exhibition fireworks commonly known as skyrockets and bombshells - 100 metres ahead and to the rear of the point of launch and 50 metres along the flanks. Skyrockets and bombshells shall not be

permitted to cross over or burst above any area occupied by any person;

- (b) low-level displays, including the exhibition fireworks commonly known as bombardos, barrages, mines and tourbillions - 50 metres
- (c) ground-level displays, including exhibition fireworks commonly known as fountains, bougeets, candles, batteries, wheels, pigeons, waterfalls, illuminations and other set pieces - 25 metres
- (d) combination displays - the longest distance required for any single component of the display.

#### **348.3.9 Storage - exhibition - fireworks - regulations**

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

#### **348.3.10 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.

#### **348.3.11 Discharge - location - minimum distance**

A permit shall be issued only on the condition that no exhibition 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.

#### **348.3.12 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) be purchased and used.

#### **348.3.13 Fire extinguisher - rating - required**

A permit shall be issued only on the condition that a fire extinguisher having a 4A 60BC rating be provided for the firing zone to cope with any fire.

#### **348.3.14 Display - concluded - time - extension - endorsement**

A permit shall be issued only on the condition that all exhibition fireworks displays 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.

**348.3.15 Unused fireworks - disposal - method**

A permit shall be issued only on the condition that the Chief Fire Official receives from the fireworks supervisor a plan satisfactory to the Chief Fire Official which explains the manner in which all unused fireworks are to be disposed of.

**Article 4****TEMPORARY VENDOR - ISSUANCE CONDITIONS****348.4.1 Operation - without licence - 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 licence to do so from the Issuer of Licences and complies with the requirements set out in Sections 348.4.2 through 348.4.11 inclusive.

**348.4.2 Land owner - written permission - requirement**

The seller shall have obtained and filed with the Issuer of Licences the written permission of the owner of the land on which the trailer/roadside stand or vehicle will be parked.

**348.4.3 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 348.4.4.

**348.4.4 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 kg 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.

**348.4.5 Self-serve trailers - two doors - no smoking signs**

Self-serve trailers must have two separate doors, and visible "No Smoking" signs must be posted at the approach to the trailer.

**348.4.6 Attendant - at entrance - number of shoppers - limited**

At least one person must be posted at the entrance to the trailer set out in Section 348.4.5 to enforce the "No Smoking" rule and to limit the number of shoppers in the trailer, which shall not exceed 15.

**348.4.7 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.

**348.4.8 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.

**348.4.9 Sign - fire emergency number - posted**

A sign indicating "IN CASE OF FIRE THE FIRE EMERGENCY NUMBER IS ...." which must be posted. The licensee shall insert the appropriate number.

**348.4.10 Trailer - on site - overnight - security required**

If the trailer is to be left on the site overnight, one security person must be on duty from closing to opening.

**348.4.11 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.

**348.4.12 Temporary Vendor's Licence - fee**

The Temporary Vendor's Licence fee shall be \$500.

## **Article 5 ENFORCEMENT**

**348.5.1 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*.

## **Article 6 SEVERABILITY**

**348.6.1 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 7**  
**REPEAL - ENACTMENT**

**348.7.1 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.

**348.7.2 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 169-2001, 12 November, 2001.