



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 133-2007

A By-law to amend Licensing By-law 1-2002
To make technical amendments to
Schedule S-18 relating to Fireworks and By-law 147-2006

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 Schedule S-18 of By-law 1-2002 was intended to replicate requirements for the sale of fireworks that may be gazetted by the Government of Canada in the spring of 2007;

AND WHEREAS the storage limit for multi-tenant buildings has been increased in the latest version of the federal government's draft regulation;

AND WHEREAS the following is the statement pursuant to Section 150(3) of the *Municipal Act*:

The reason for limiting the quantity of fireworks that may be stored in a multitenant building or a building containing a dwelling is:

1. Health and safety of persons in Brampton;
2. Control of nuisances which may affect persons in Brampton; and
3. Consumer protection of persons in Brampton.

AND WHEREAS the short period for selling fireworks makes it desirable that persons who contravene Schedule S-18 should be subject to the 60-day license suspension provisions as well as being subject to prosecution;

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

Amendments to By-Law 147-2006

1. The word "recreation" in the definition of "Display Fireworks" in Section 1 of By-law 147-2006 is replaced by the words "public display".

2. Section 19 of By-law 147-2006 is replaced by:

"19. Section 20 is advisory only."

3. Section 20 of By-law 147-2006 is replaced by:

"20. A person who acquires consumer fireworks for use must store them in accordance with this section.

Up to 25 kg	No more than 3 kg of fireworks (net explosives quantity) may be stored in a dwelling or in a place attached to a dwelling. Up to 25 kg of fireworks (net explosives quantity) may be stored in a place or container that is not in or attached to a dwelling.
Safety precautions	The fireworks must be stored in a dry place to which access is denied to anyone under 18 years of age, away from any source of heat and any substance that could cause ignition. A place or container containing more than 3 kg of consumer fireworks must be attended when it is unlocked.
More than 25 kg (net explosives quantity)	Any quantity of consumer fireworks over 25 kg must be stored in accordance with Federal law."

Amendments to By-Law 1-2002

20. Schedule S-18 of By-law 1-2002 is replaced with the attachment to this by-law labeled "Schedule S-18 to By-law 1-2002 relating to fireworks".

21. Appendix E to By-law 1-2002 is amended by adding the following:

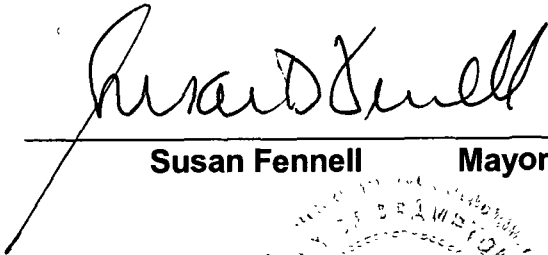
"SCHEDULE S-18 TO BY-LAW 1-2002
(Relating to fireworks)

- Section 4 (Sale to minor, etc)
- Section 5 (Sale to apparent minor)
- Section 6 (Sale to agent for minor)
- Section 7 (Fail to give safety sheet to customer)
- Section 8 (Fail to keep record of large sales)
- Section 9 (Fail to produce records of large sales)
- Section 10 (Improper structure for place of sale)
- Section 11 (Fail to lock place of sale)
- Section 12 (Locate temporary structure on parking space)
- Section 13 (Retail outlet too close to gas pump, etc)
- Section 14 (Retail outlet too close storage tank)
- Section 18 (Storage unit with no sprinkler system, etc)
- Section 19 (Insecure storage unit)
- Section 20 (Sale of fireworks from dwelling)
- Section 21 (More than 40 kg stored in multi-tenant building)
- Section 22 (More than 250 kg stored in stand alone building)
- Section 24 (Display loose fireworks, etc)
- Section 25 (Leave display unattended when open for business)
- Section 26 (Store in same unit as other explosives)
- Section 27 (Store too close to open flame, etc)
- Section 28 (No "fireworks" sign)

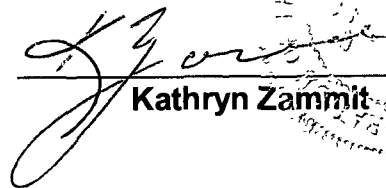
- Section 29 (Display not separated into lots)
- Section 30 (Lots not properly separated)
- Section 31 (Improper aisle width, etc)
- Section 32 (Improper display shelves)
- Section 33 (Improper exits)".

READ a FIRST, SECOND and THIRD TIME and PASSED in Open Council this 25th day of April 2007.

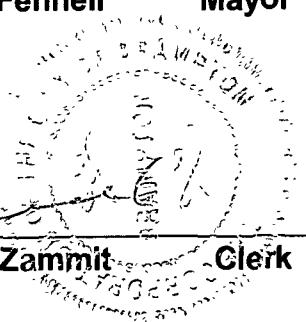
THE CORPORATION OF THE CITY OF BRAMPTON

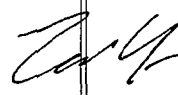


Susan Fennell Mayor



Kathryn Zammit Clerk



Approved as to form and content
 April 23/2007
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 public display 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/index/htm.

"Display fireworks" has the same meaning as in the Act, namely high hazard fireworks generally used for public display 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 establishment" means a place or building in which fireworks are sold that is not a temporary retail establishment.

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

"Temporary retail establishment" 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, trailer, a vehicle and a shipping container.

MEANING OF QUANTITIES

2. In this Schedule, all references to a quantity of fireworks means the net explosives quantity of the fireworks. If the net explosives 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.

Example: a reference in this by-law to 25 kg of consumer fireworks where the net explosives quantity cannot be reasonably determined means 100 kg of gross mass of fireworks.

LICENCE REQUIREMENT

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

PURCHASERS

4. A retailer may only sell consumer fireworks on the following conditions:
 - (1) the quantity sold for one purchase is less than 25 kg (net explosives quantity); and
 - (2) the purchaser is at least 18 years old.

Notwithstanding the condition in Subsection 4(1), larger quantities may be sold if Federal regulations are followed.

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 shall provide a copy of Appendix 1 to this schedule to every person who acquires consumer fireworks, or another document that includes the same information.
8. Every retailer must keep a record of every sale of 25 kg (net explosives quantity) or more of consumer fireworks, for at least 2 years after the date of sale. The record must include the following information:
 - (1) the name and address of the person who acquired the fireworks;
 - (2) the person's licence number, if applicable, and its expiry date;
 - (3) a copy of the inspector's permission, if applicable;
 - (4) the type, trade name, manufacturer and quantity of fireworks sold; and
 - (5) the date of the sale.
9. Every retailer shall produce a copy of the record required in Section 8, upon demand, to any peace officer, employee of Explosives Regulatory Division, Natural Resources Canada, Assistant to the Fire Marshal, Fire Prevention

Officer, or Municipal Law Enforcement Officer and it is an offence to fail to do so.

RETAIL ESTABLISHMENTS

10. A retailer may sell consumer fireworks only from inside a permanent structure or a temporary structure, a storage unit or shed, a trailer, a vehicle or a shipping container. Tents, even those made with flame retardant material, are not permitted.
11. A retail establishment must be secure from unauthorized access when it is not open for business.

LOCATION OF RETAIL ESTABLISHMENTS

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

NEAR FLAMMABLE SUBSTANCES

13. Every permanent and temporary retail establishment, including all detached storage units, must be located at least 15 metres from any of the following:
 - (1) gas pumps at a gas station;
 - (2) propane pumps;
 - (3) retail propane dispensing tanks;
 - (4) above-ground storage tanks for flammable liquid or flammable gas;
 - (5) compressed natural gas dispensing facilities.
14. Every permanent and temporary retail establishment, including all detached storage units, must be located at least 100 metres from all above-ground bulk storage tanks for flammable substances.
15. Sections 16 and 17 are advisory only.

STRUCTURAL REQUIREMENTS FOR PERMANENT RETAIL ESTABLISHMENTS

16. Every permanent retail establishment and every detached storage unit that contains more than 40 kg (net explosives quantity) of consumer fireworks must have:
 - (1) An exterior wall fire separation with a 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

- (2) An exterior wall separation with a fire resistance rating of at least 2 hours and an exterior wall opening protection rating of at least 1 ½ hour, if it is located less than 3 metres from an adjacent permanent building or structure.

MULTI TENANT BUILDINGS

17. A permanent retail establishment 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 unit by a fire separation that has no openings and a fire resistance rating of at least 2 hours.

ATTACHED STORAGE UNITS

18. A storage unit that is attached to a building with an area where fireworks are on display for sale must be either:
 - (1) equipped with an automatic sprinkler system that meets the requirements of the *Ontario Building Code*; or
 - (2) separated from the display area by a fire separation that has a fire resistance rating of at least 1 hour.

CONSTRUCTION OF STORAGE UNITS

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

NO SELLING FROM DWELLINGS

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

MULTI-TENANT BUILDINGS

21. (1) This section applies to all retail establishments that are located in a multi-tenant building or a building that includes a dwelling unit.
 - (2) No more than 25 kg (net explosives quantity) of consumer fireworks may be stored in any retail establishment except for those having more than 4645 m² (50,000 sq ft.) of retail gross floor area (excluding areas that are used for offices and storage where the public is not permitted to enter), for which the limit is 40 kg (net explosives quantity).

250 KG LIMIT IN STAND ALONE BUILDINGS

22. No more than 250 kg (net explosives quantity) of consumer fireworks may be stored in a stand-alone retail establishment, including all detached storage units. Out of the 250 kg, a total of 25 kg (net explosives quantity) may be displayed for sale.

STORAGE GREATER THAN 250 KG

23. Any retailer storing a quantity of consumer fireworks greater than 250 kg (net explosives quantity) must abide by Federal law.

PUBLIC ACCESS OF FIREWORKS

24. Only consumer fireworks that are packaged in family or blister packs may be displayed for sale in those areas of a retail establishment 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

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

CONTENTS AND MAINTENANCE OF STORAGE UNITS

26. 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

27. 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

28. 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.

PRECAUTIONS TO SLOW THE SPREAD OF FIRE

29. Consumer fireworks on display for sale must be separated into lots not exceeding 10 kg (net explosives quantity) each.
30. Each lot must be separated:
 - (1) by a flame break to slow the spread of fire from one lot to another; and
 - (2) from flammable and combustible goods such as fuels, paints and solvents, to prevent fire from spreading rapidly from the goods to the fireworks.
31. Aisles between lots must have a minimum width of 1.2 metres, or
 - (1) a 6 mm wood partition that extends 15 cm above the height of the lot or extends to the display shelf above.
32. A display shelf should not have more than 10% of its area containing holes or other openings.

EVACUATION IN THE EVENT OF FIRE

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

LICENCE REQUIREMENTS

34. Every application for a licence shall:
 - (1) include a letter from the owner of the property granting them permission to sell fireworks;
 - (2) include confirmation from the Zoning Division that the location shown on the applicant's plan complies with the Zoning By-law;
 - (3) provide a letter agreeing to submit to an inspection by the Licence Issuer of each premises to be licensed and all inventory to be sold; and
 - (4) submit, if required, proof of recent inspection by Fire and Emergency Services.

35. Notwithstanding Section 8 of the By-law, 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. In addition, the Corporation of the City of Brampton and the Regional Municipality of Peel must be added as additional insureds.

Appendix 1 Safety instructions for consumers

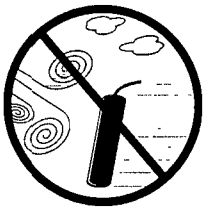
Please refer to Part 12 of the Explosives Regulations for additional safety standards for consumer fireworks.



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



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



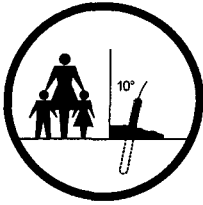
DO NOT FIRE IN WINDY CONDITIONS.



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



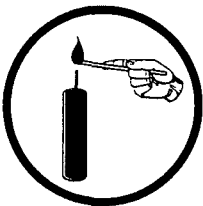
USE A GOOD FIRING BASE such as a pail, a box or a wheelbarrow filled with earth or sand.



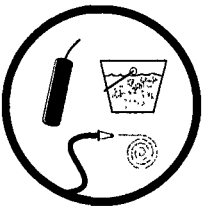
BURY fireworks that do not have a standing base **HALFWAY** unless the label on the firework indicates otherwise. Set them at a 10-degree angle, pointing away from people.



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



LIGHT CAREFULLY: Always light the fuse at its tip.



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



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.



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