

**CONTINUING CONSOLIDATION
FIREWORKS BY-LAW NO. 5821/96/90**

AS AMENDED BY BY-LAW NOS. 6665, 6706 and 6741.

BEING A BY-LAW of the City of Brandon to regulate the display of fireworks and to restrict the sale of fireworks, to be known as the "Fireworks By-law".

WHEREAS The City of Brandon is empowered under Part V. Division III, Section 297(1) of The Municipal Act, R.S.M. 1988 c.M225 to regulate the use and sale of fireworks within the municipality;

AND WHEREAS it is deemed just and proper to regulate the use and sale of fireworks within the municipality;

NOW THEREFORE, the Council of the City of Brandon in regular session assembled enacts as follows:

PART I: DEFINITIONS

1. (a) Unless otherwise expressly provided or unless the context otherwise requires, words and expressions in this by-law have the same meaning as the same words and expressions in The Municipal Act.
- (b) All reference hereto to "he" shall include "she" unless the context thereof requires otherwise.
- (c) In this by-law:
 - (1) "ACT" means The Canada Explosives Act and regulations thereto.
 - (2) "CHIEF INSPECTOR OF EXPLOSIVES" means the person designated as the Chief Inspector of Explosives under The Canada Explosives Act.
 - (3) "CITY" means The City of Brandon and any area under its jurisdiction or the area contained within the boundaries thereof.
 - (4) [REP. B/L 6665]
 - (5) "CITY SOLICITOR" means the City Solicitor for The City of Brandon or any one acting or authorized to act on his behalf.
 - (6) "CITY TREASURER" means the City Treasurer for the City of Brandon and any one acting or authorized to act on his behalf.
 - (7) "FIRE CHIEF" means the person in charge of the Fire Department of The City of Brandon or his designate(s).
 - (8) "FIREWORKS" means any article defined as a firework pursuant to The Canada Explosives Act or regulations thereto and without limiting the generality of the foregoing, shall also include High Hazard Fireworks and Low Hazard Fireworks as defined hereafter.

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1. (c) (9) **"HIGH HAZARD FIREWORKS"** means any fireworks such as rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, mines and fire crackers as defined in Class 7.2.2 of The Act as High Hazard Fireworks for Recreation.
- (10) **"LOW HAZARD FIREWORKS"** means any fireworks such as fireworks showers, fountains, golden rain, lawn light, pin wheel, Roman candles, volcanoes, sparklers, Christmas crackers and caps for toy guns as defined in Class 7.2.1 of The Act as Low Hazard Fireworks for Recreation.
- (11) **"PERSON"** includes every person, firm or corporation.
- (12) **"STATIC DISPLAY"** means a display for sale of what appears to be fireworks which contain no explosive materials and have been prepared by a fireworks manufacturer for use as a display.

PART II: GENERAL REGULATIONS

2. (a) No person shall display for sale, sell or offer for sale fireworks within the City.
 - (b) Notwithstanding subsection 2(a), static displays of fireworks, fireworks posters, or other advertising advising of the availability of fireworks shall be allowed, and;
 - (c) A person who has complied with Section 7 may sell fireworks to any person who presents a valid fireworks permit issued by the Fire Chief or signs a waiver, as set out in Schedule "D" stating the fireworks will not be setoff within the boundaries of the City of Brandon.
[AM. B/L 6706]
 - (d) A person selling fireworks pursuant to subsection 2(b) and (c) must maintain a copy of each fireworks permit presented prior to sale of any fireworks for a twelve month period commencing on the date of sale and present all such fireworks permits for inspection by the Fire Chief.
3. The storage of fireworks and the disposal of unused fireworks shall be in compliance with the Act.
 4. No person shall purchase fireworks, fire, set off, or otherwise ignite any fireworks in or above the City except under a permit issued therefore pursuant to Section 5 and in compliance with the conditions contained in Section 6 hereof.
 5. (a) The Fire Chief, at his absolute discretion, may authorize permits allowing for the firing or setting off of fireworks in conjunction with a proposed fireworks display within or above the boundaries of the City of Brandon.
[AM. B/L 6706]
 - (b) Any person desiring to purchase, fire, set-off or otherwise ignite any low hazard fireworks, or conduct a fireworks display including low hazard fireworks only within the boundaries of the City of Brandon shall make application to the Fire Chief for a Fireworks Permit, in the form attached hereto as Schedule "A", and such permit application shall state the following:
 - i) the name, address and proof of age and identity of the person to whom the permit is to be issued;
 - ii) where applicable, the name and address of an executive officer or other person responsible for the person receiving the permit;
 - iii) the place and date upon which the display is to be held;
 - iv) the name and address of each person under whose conduct and supervision the display shall be held;
[AM. B/L 6706]

5. (c) Any person desiring to purchase, fire, set-off or otherwise ignite any high hazard fireworks, or conduct a fireworks display which includes any high hazard fireworks within the boundaries of the City of Brandon shall make application to the Fire Chief for a Fireworks Permit, in the form attached hereto as Schedule "B", and such permit application shall state the following:
- i) the name, address and proof of age and identity of the person to whom the permit is to be issued;
 - ii) where applicable, the name and address of an executive officer or other person responsible for the person receiving the permit;
 - iii) the place and date upon which the display is to be held;
 - iv) where applicable, the name and address of the owner of the property upon which the display is to be held;
 - v) the name and address of each person under whose conduct and supervision the display shall be held;
 - vi) the name and address of the Supervisor approved by the Chief Director of Explosives who shall supervise the fireworks display;
 - vii) the location and manner in which the fireworks will be stored;
 - viii) the manner in which unused fireworks, if any, are to be disposed of; and
 - ix) the means which will be utilized in order to restrain unauthorized persons from coming into close proximity to the location where the fireworks are to be set off.
- [AM. B/L 6706]
- (d) Any applicant for a permit as referred to in paragraph 5(b)(i) or 5(c)(i) above may prove his identity and his age by presenting his driver's license, birth certificate or other identification satisfactory to the Fire Chief .
- (e) No person shall utilize the property of any other person for a fireworks display without the written permission of the owner nor shall any person permit fireworks to be set off from their property without the required permit.
[AM. B/L 6741]
- (f) The Fire Chief may, at his discretion, require any applicant to comply with the High Hazard Fireworks standards.
- (g) Any person desiring to purchase fireworks for use outside the boundaries of the City shall sign a waiver in the form as set-out in Schedule "D", prior to purchase and shall indicate thereon that the fireworks display will take place beyond the corporate limits of the City."
[AM. B/L 6706]
6. The following conditions shall apply to the firing or setting of fireworks or holding of a fireworks display under a permit issued pursuant to Section 5 hereof:
- (a)
 - i) The display of Low Hazard Fireworks shall be carried out under the direct conduct and supervision of at least one responsible person, who shall be designated in the permit, and shall be at least eighteen years of age.
 - ii) Notwithstanding paragraph (i) above and subsection (d) below, a permit shall not be required for the use of sparklers which may be used in a display so long as such display is conducted by or under the supervision of a person eighteen years of age or older and the use and sale of Christmas crackers and caps for toy guns shall not be regulated by this by-law.
 - (b) The display of High Hazard Fireworks shall be carried out under the direct conduct and supervision of a person approved by the Chief Inspector of Explosives.

6. (c) A display under either subsection 6(a) or 6(b) shall be conducted in a manner consistent with all safety procedures specified in regulations issued pursuant to the Act, and continue only while:
- i) all proper precautions are being observed in order to keep spectators at a safe distance from the location where the fireworks are being set off; and
 - ii) all proper precautions are being observed in order to protect public and private property; and
 - iii) proper fire extinguishing equipment is available.
- (d) No display shall be held without compliance with the distance restrictions as set out in the Act.
- (e) All unused fireworks and all debris shall be removed and disposed of in accordance with provisions of the Act.
- (f) Where the display is to be held on or above City owned property or on or above property over which the City has possession or control, the person to whom the permit is issued shall, prior to holding the display, deposit the following with the City Solicitor:
- i) a written undertaking by the person to indemnify the City for any liability that the City may incur as a result of damages arising out of the fireworks display;
 - ii) an insurance policy containing provisions including the amount of liability coverage acceptable to the City Solicitor, which provides for the protection and indemnification of the City in respect of any liability that the City may incur as a result of damages arising out of the fireworks display.
7. (a) Notwithstanding Section 4, a person may have possession of fireworks for the purpose of sale if such person has previously obtained a Fireworks Sales Permit, in the form attached hereto as Schedule "C", from the Fire Chief.
- (b) Fireworks Sales Permits shall only be issued to those persons, who, after inspection by the Fire Inspectors office of the Brandon Fire Department have been determined to meet all applicable Fire and Building Codes and the provisions of The Act.
8. The decision of the Fire Chief with respect to an application for a permit pursuant to Section 5 or 7 is final and absolute.
[AM. B/L 6665]

PART III: ENFORCEMENT

9. Any person who contravenes, neglects, omits or fails to obey or observe any provision of this By-law is guilty of an offense and is liable on summary conviction to a fine not exceeding One Thousand Dollars (\$1,000.00) and costs on conviction or to imprisonment for a term not exceeding thirty (30) days or to both such a fine and such an imprisonment.

PART IV: REPEAL AND ENACTMENT

- 10. (a) By-law No. 4450 is hereby repealed.
 - (b) The repeal of the by-law in the last preceding subsection mentioned shall not revive any By-law or any provision of any By-law repealed by it, nor shall the said repeal prevent the effect of any saving clause in the said by-law or the application of the said by-law or any other by-law or provision of law formerly in force to any transaction, matter or thing anterior to the said repeal to which they would otherwise apply.
 - (c) The repeal of the said by-law should not affect:
 - (1) Any penalty, forfeiture or liability incurred before the time of such repeal, or any proceedings for enforcing the same had, done, completed or pending at the time of such repeal; or
 - (2) Any action, suit, judgment, decree, certificate, execution, process, order, rule or any proceeding, matter or thing whatever, respecting the same had, done, made, entered, granted, completed, pending, existing or in force at the time of such repeal; or
 - (3) Any act, deed, right, title, interest, grant, assurance, registry, rule, regulation, contract, lien, charge, matter, or thing had, done, made, acquired, established, or existing at the time of such repeal; or
 - (4) Any office, appointment, commission, salary, allowance, security, duty, or any matter or thing appertaining thereto at the time of such repeal; or
 - (5) any bond, note, debenture, debt, or other obligation made, executed, or entered into by the City at the time of such repeal.
 - (d) The repeal of the said by-law shall also not defeat, disturb, invalidate, or prejudicially affect any matter or thing whatsoever had, done, completed, existing or pending at the time of such repeal.
11. This by-law shall come into full force and effect on the date of passing.

DONE AND PASSED in Council assembled this 13th day of November, A.D. 1990.

"R. N. Borotsik"
 MAYOR

"W. I. Ford"
 CITY CLERK

Read a first time this 13th day of November A.D. 1990.
 Read a second time this 13th day of November A.D. 1990.
 Read a third time this 13th day of November A.D. 1990.

I, Conrad Robert Arvisais, Clerk of the municipality of The City of Brandon DO HEREBY CERTIFY the above to be a true and correct copy of By-law No. 5821/96/90 as amended by By-laws Nos. 6665, 6706, and 6741.

 C.R. Arvisais, City Clerk

**SCHEDULE A
THE CITY OF BRANDON
FIREWORKS BY-LAW NO. 5821/96/90
LOW HAZARD FIREWORKS DISPLAY APPLICATION AND PERMIT**

1. APPLICATION

The undersigned hereby applies for a fireworks display permit pursuant to the regulations and provisions contained within the Fireworks By-law for the holding of a fireworks display within the City of Brandon.

i) Name of Applicant: _____ Age of Applicant: _____
Full Address: _____
Telephone No.: (home) _____ (business) _____
Driver's License No.: _____ Birth Certif No. _____
Or Other I.D.: _____

ii) If display is by or on behalf of a corporation, organization, etc.:
Name of Corporation/Organization: _____
Name of Authorized Agent: _____
Full Address: _____
Telephone No.: (home) _____ (business) _____

Signature of Authorized Agent

iii) The display shall be held at the following location:
Full Address: _____
Date: _____ between the hours of _____ and _____

iv) Name of person conducting or supervising display:
Full Address: _____
Telephone No.: (home) _____ (business) _____

Signature: _____

The undersigned agrees to comply with all provision of the Fireworks By-law and all safety measures as established by the Fire Chief of The City of Brandon, or his designate.

Applicant's signature

2. PERMIT

This application is approved/rejected this _____ day of _____ ,
A.D. 19____.

The City of Brandon

per:

Fire Chief/Designate

**SCHEDULE B
THE CITY OF BRANDON
FIREWORKS BY-LAW NO. 5821/96/90
HIGH HAZARD FIREWORKS DISPLAY APPLICATION AND PERMIT**

1. APPLICATION

The undersigned hereby applies for a fireworks display permit pursuant to the regulations and provisions contained within the Fireworks By-law for the holding of a fireworks display within the City of Brandon.

i) Name of Applicant: _____ Age of Applicant: _____
Full Address: _____
Telephone No.: (home) _____ (business) _____
Driver's License No.: _____ Birth Certif No. _____
Or Other I.D.: _____

ii) If display is by or on behalf of a corporation, organization, etc.:
Name of Corporation/Organization: _____
Name of Authorized Agent: _____
Full Address: _____
Telephone No.: (home) _____ (business) _____

Signature of Authorized Agent

iii) The display shall be held at the following location:
Full Address: _____
Date: _____ between the hours of _____ and _____

iv) If the applicant is not the owner of the said property, permission of the owner of the property must be obtained for such a display by having the owner sign this application:
Name of Owner: _____
Full Address: _____
Telephone No.: (home) _____ (business) _____
Signature: _____

v) Name of person conducting or supervising display:
Full Address: _____
Telephone No.: (home) _____ (business) _____
Signature: _____

vi) Supervisor approved by Chief Director of Explosives or his designate (if necessary):
Name: _____
Full Address: _____
Telephone No.: (home) _____ (business) _____
Signature: _____

- vii) **Location and Manner of Storage of Fireworks:**
 Full Address: _____
 Manner of Storage: _____

- viii) **Date and Manner of Disposal of Unused Fireworks:** _____
 Date of Disposal: _____
 Manner of Disposal: _____

- ix) **Description of method to be utilized to restrain unauthorized persons from coming into close proximity to the location where the fireworks are to be set off:** _____

The undersigned agrees to comply with all provision of the Fireworks By-law and all safety measures as established by the Fire Chief of The City of Brandon, or his designate.

 Applicant's signature

2. PERMIT

This application is approved/rejected this _____ day of _____, A.D. 19__.

The City of Brandon

per:

 Fire Chief/Designate

SCHEDULE C
THE CITY OF BRANDON
FIREWORKS BY-LAW NO. 5821/96/90
FIREWORKS SALES APPLICATION AND PERMIT

1. APPLICATION

i) Name of Applicant: _____ Age of Applicant: _____
Full Address: _____
Telephone No.: (home) _____ (business) _____
Driver's License No.: _____ Birth Certif No. _____
Or Other I.D.: _____

ii) The fireworks shall be sold from the following location:
Full Address: _____
Business Telephone No.: _____

iii) Nature of fireworks to be sold:
Low Hazard Fireworks YES _____ NO _____
High Hazard Fireworks YES _____ NO _____

iv) Location of Proposed Storage Facilities:
Full Address: _____

v) Fireworks Display:
Static Display YES _____ NO _____
Advertising YES _____ NO _____
Other (type) _____

Signature: _____

2. INSPECTIONS (to be completed by the Fire Department)

i) Conforms to the Fire Code YES _____ NO _____
ii) Conforms to the Building Code YES _____ NO _____
iii) Conforms to the Act YES _____ NO _____

The undersigned conducted the above noted inspections.

Fire Inspector

Date

3. PERMIT

This application is approved/rejected this _____ day of _____, A.D. 19__.

The City of Brandon

per:

Fire Chief/Designate

**SCHEDULE D
THE CITY OF BRANDON
FIREWORKS BY-LAW NO. 5821/96/90
WAIVER FORM**

The undersigned hereby acknowledges that the fireworks purchased pursuant to the regulations and provisions contained within the Fireworks By-law shall be for the holding of a fireworks display **OUTSIDE** the boundaries of the City of Brandon and are not subject to the issuance of a fireworks display permit as approved by the Fire Chief of the City of Brandon.

Name of Purchaser: _____

Full Address: _____

Telephone No. _____

The display shall be held at the following location:

Full Address: _____

Date: _____ between the hours of _____ and _____

Signature of Purchaser

Date

[AM. B/L 6706]