



MILTON FIRE DEPARTMENT

CONSUMER FIREWORKS Vendors Guide

The Town of Milton has passed a by-law regulating the sale, storage, display and discharge of fireworks within the community.

In effect as of March 30, 2009, the new by-law requires retailers to obtain a temporary permit from the Town to sell Consumer fireworks on specific days of the year. The Fire Department will inspect the retail site to ensure that the vendor is in compliance with building and zoning requirements, Fire Code and with the federal Explosives Act. A permit can be obtained through the fire department for a fee outlined under the current User Fee By-law

BY-LAW NO.037-2009 STATES:

Consumer Fireworks shall only be sold, offered for sale, caused or permitted to be sold or otherwise distributed on the ten days prior to Victoria Day, Canada Day and Diwali.

No person shall sell, offer for sale, cause or permit to be sold, or otherwise distribute Consumer fireworks:

- unless the person has obtained a permit to sell Consumer fireworks from the Chief Fire Official
- to a person who is under eighteen (18) years of age, and the vendor shall use reasonable care to ensure that said fireworks are not accessible to a minor

No person shall sell:

- firecrackers or pyrotechnic devices
- or display Consumer fireworks outside a building, or part thereof
- any Consumer fireworks articles that are not in approved packaging
- or store any Consumer fireworks not in conformity with all other applicable legislation or requirements

PERMIT TO SELL CONSUMER FIREWORKS

Every person who wishes to sell Consumer fireworks in the Town shall:

- submit an application to the Chief Fire Official for a permit to sell Consumer fireworks,
- pay the appropriate, non-refundable, fee as set out in the Town's User Fee By-law,
- provide a floor plan of the premises where Consumer fireworks are to be sold, showing where Consumer fireworks will be stored and displayed for sale.
- provide a list of the Consumer fireworks to be offered for sale.
- submit any other documentation or information required by the Chief Fire Official.

The Chief Fire Official shall inspect the premises where Consumer fireworks are proposed to be sold, offered for sale, caused or permitted to be sold or otherwise distributed.

Upon receipt of a completed Consumer fireworks sale permit application, the Chief Fire Official may issue a Consumer fireworks sales permit.

The Consumer fireworks permit shall be displayed in a conspicuous location in the premises.

DISPLAY OF CONSUMER FIREWORKS BY VENDORS

All vendors of Consumer fireworks shall:

- keep Consumer fireworks away from flammable goods and keep them in a way that they are not exposed to the sun or direct heat
- only display Consumer fireworks that contain mock samples and that do not contain explosive compound
- only display Consumer fireworks in lots, bins or bundles that weigh less than 25 kg
- a 'NO SMOKING' sign must be posted in the display area
- Consumer fireworks on display must be attended by an employee or kept within an enclosed, non-combustible display unit, locked and accessible only to employees.

STORAGE OF CONSUMER FIREWORKS

For Consumer fireworks that remain unsold at the expiration of the selling period, vendors shall immediately store said Consumer fireworks in a cool, dry place, remote from flammable material and inaccessible to the public.

Persons who store fireworks shall use reasonable care to ensure that those fireworks are not accessible to children.

REVOCAION OF PERMITS

All permits granted by the Chief Fire Official may be revoked whenever, in the Chief Fire Official's opinion, the holder of such permit is in non-compliance with the By-law's conditions or requirements, or the Chief Fire Official has concerns for public safety.

PERMIT FEES

A fee outlined under the current User Fee By-law will be charged to permit Temporary Fireworks Vendors and Mobile Fireworks Vendors to sell Consumer Fireworks only on Victoria Day and Canada Day and the ten day period before each recognized holiday.

ENFORCEMENT

This By-law shall be enforced by the Fire Department, Municipal Law Enforcement Officers, the Halton Regional Police Service, officers from Conservation Halton, Assistants to the Fire Marshal or such other persons as Council may designate.

PENALTY

Any person who violates any provisions of this By-law is, upon conviction, guilty of an offence and shall be liable to a fine, subject to the provisions of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, and be subjected to any other penalties permitted by law for each offence.

In the event the Fire Department responds to a fireworks incident being conducted without a permit, or in violation of the conditions of the permit, the full costs of extinguishment, including labour costs and equipment costs as determined by the Chief Fire Official, may be charged to the property owner and/or permit holder.

DEFINITIONS

Chief Fire Official shall mean the Town's Chief Fire Official, or his or her designate.

Discharge when in relation to fireworks, includes firing, igniting, exploding and setting off such articles.

Duty of Care everyone who has an explosive substance in his or her possession or under his or her care and control is under a legal duty to use reasonable care to prevent bodily harm and death to persons or damage to property by that explosive device.

Exhibition Fireworks shall mean high hazard fireworks used for public fireworks displays, also referred to as display fireworks, formerly Canadian Class 7.2.2.

Consumer Fireworks shall mean low hazard fireworks generally used for recreation, also referred to as consumer fireworks, formerly Canadian Class 7.2.1.

Firecracker means a pyrotechnic device that explodes instantaneously when ignited and does not produce any visible effect after the explosion, but does not include caps for toy guns.

Fireworks means those devices that explode or burn to produce visual or sound effects and include the definitions as provided in exhibition fireworks and Consumer fireworks and/or those defined as per the Explosives Act.

Fireworks Supervisor shall mean any person certified by Natural Resources Canada to conduct a fireworks display and who is responsible for ensuring all fireworks are properly installed and that all appropriate safety measures have been taken.

Mobile Vendor means any person, organization or company that sells, displays or offers Consumer fireworks for sale in or from a temporary mobile retail outlet.

Noise By-law shall mean the Town's Noise By-law, as amended from time to time.

Zoning By-law shall mean the Town's Zoning By-law, as amended from time to time.