

Section 5.7. Fireworks

5.7.1. Fireworks

Must conform to the Explosive Act

5.7.1.1. Application

1) Except as permitted by Sentence (2), this Section shall apply to the sale and discharge of *fireworks* and pyrotechnic devices.

2) This Section shall not apply to a person who possesses or discharges *fireworks* commonly used as distress flares.

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5.7.1.2. Manufacture, importation, and Transportation

1) The manufacture and importation of *fireworks* shall be in conformance with the "Explosives Act" and its Regulations, published by Natural Resources Canada.

2) The transportation of *fireworks* shall be in conformance with the "Transportation of Dangerous Goods Act" and its Regulations.

5.7.1.3. Discharge

1) Except as permitted in Clause 5.7.1.7.(1)(b), no person shall discharge, fire or set off *fireworks* from, on or over

- a) public land as defined in the Public Lands Act, or
- b) a forest protection area designated under the Forest and Prairie Protection Act.

5.7.1.4. Prohibited

1) No person shall have in their possession, sell, offer for sale, give away or otherwise distribute, discharge, fire or set off *firecrackers*.

2) No person shall purchase, store, use or supervise the use of a pyrotechnic device unless,

- a) the pyrotechnic device conforms to the requirements of the "Explosives Act" and its Regulations, published by Natural Resources Canada, and
- b) the person is certified in accordance with the "Explosives Act" and its Regulations, published by Natural Resources Canada.

5.7.1.5. Activities

1) No person shall discharge, fire or set off *fireworks*

- a) in a place or in a manner that creates a danger or constitutes a nuisance to any person or property,
- b) on a highway, road allowance, public beach or park unless they first obtain written permission from the fire department,
- c) on privately owned land unless they
 - i) first obtain the written consent of the *owner* or occupant of that land and the *owner* or occupant of neighbouring land on which debris might reasonably be expected to fall, and
 - ii) provide a copy of the consent required in Subclause (c)(i) to the fire department,;
- d) in a building or place, unless
 - i) the *fireworks* are specifically designed and clearly marked by the manufacturer for such use, and
 - ii) the *building or place* is acceptable to the fire department,
- e) within 10 m of any *building*, tent, trailer, canvas shelter or motor vehicle,
- f) within 200 m .of any place where explosives or *flammable liquids* or *combustible liquids* or substances are manufactured or stored,
- g) within 250 m of a correctional institution as defined in the Corrections Act, a facility as defined in the Mental Health Act, a nursing home within the

meaning of the Nursing Homes Act, a social care facility as defined in the Social Care Facilities Licensing Act, a hospital as defined in the Hospitals Act, an educational institution or a church, unless acceptable to the fire department, or

- h) when the wind velocity exceeds 45 km/h or when, in the opinion of the fire department, weather conditions create an undue fire hazard.

2) The fire department is permitted to require a person to cease the discharging, firing or setting off of *fireworks* when considered necessary to do so for reasons of safety.

5.7.1.6. **Authority**

1) The fire department, or *forest officer* in the forest protection area, is permitted to seize, take, remove or cause to be seized, taken or removed any *fireworks* offered or exposed for sale or being held or used contrary to this Section.

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2) Where *fireworks* are seized in accordance with Sentence (1), the fire department, or *forest officer* in the forest protection area, shall dispose of them in a safe manner.

5.7.1.7. **Written Permission**

(See Appendix A.)

1) No person shall

- a) purchase, possess, handle, discharge, fire or set off *fireworks* unless written permission issued by the fire department for that purpose has been obtained, or
- b) discharge, fire or set off *fireworks* in a forest protection area unless written permission issued by a *forest officer* for that purpose has been obtained.

2) Written permission issued under Sentence (1)

- a) shall specify the date, time and location on which the *fireworks* are to be discharged, and
- b) is permitted to contain any other terms and conditions the fire department or *forest officer* considers necessary to ensure the safe use of the *fireworks*.

3) Permission shall not be granted under this Section in respect to *high-hazard fireworks* unless the applicant possesses a *fireworks* supervisor card issued pursuant to the "Explosives Act" and its Regulations, published by Natural Resources Canada.

5.7.1.8. **Fireworks Sales**

1) No person shall sell, offer for sale or store for the purpose of sale, *fireworks* unless

- a) permission is obtained from the fire department for the sale and storage, and
- b) the *building* or place used for the sale or storage conforms to Part 3.

2) A request for permission under Sentence (1) shall be accompanied by a copy of the applicant's current business licence issued by the municipality in which the applicant carries on business.

3) A person who sells *fireworks* or offers them for sale shall ensure that

- a) the manufacturer's instructions on the safe use of *fireworks* are provided with each sale,
- b) notices acceptable to the fire department are posted at the sales outlet outlining the instructions referred to in Clause (a),
- c) a record of each sale is kept on the premises where the sale occurs for a period of not less than two years following the date of the sale, and
- d) a record referred to in Clause (c) shows
 - i) the date of the sale,
 - ii) the name, address and phone number of the purchaser,
 - iii) a description of the *fireworks* sold,
 - iv) the date and time the *fireworks* will be discharged, and

- v) the location and a description of the site where the *fireworks* will be discharged.

4) A person who sells *fireworks* or offers them for sale shall make available the record referred to in Clause (3)(c) in conformance with Article 2.2.1.2. of Division C.

5.7.1.9. Age Requirement

1) No person who is under 18 years of age shall purchase, possess, handle, discharge, fire or set off *fireworks*.

5.7.1.10. Discharging

1) *Fireworks* from which a projectile is discharged shall be set up in such a manner so that when ignited the projectile will go into the air in a vertical direction not more than 15° off the perpendicular.

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- 2) Where ground level *fireworks* are discharged
 - a) they shall be positioned out of the firing range of aerial *fireworks* and in a location where there is no dry grass or combustible material on the ground beneath them, and
 - b) the area shall be thoroughly wet down immediately before the *fireworks* are discharged.
- 3) A portable extinguisher having a rating of not less than 2-A shall be provided and kept in the immediate discharge area.

5.7.1.11. High.Hazard Display

- 1) Where *high-hazard fireworks* are discharged, the person responsible for discharging the *fireworks* shall ensure that
 - a) they have at least 2 assistants who are competent persons over 18 years of age and have been trained in the proper handling of *fireworks*,
 - b) the *fireworks* are set up in conformance with the "Display Fireworks Manual," published by Natural Resources Canada,
 - c) at least 2 portable extinguishers each having a rating not less than 2-A shall be not more than 45 m from the location at which the *fireworks* are discharged,
 - d) the potential landing area is cleared of spectators, vehicles, dry grass and other combustible material immediately prior to the beginning of the display and during the display,
 - e) nothing other than a flashlight or electrical lighting is used for artificial illumination,
 - f) no person, other than persons responsible for discharging the *fireworks*, is closer than 45 m from the location at which the *fireworks* are being discharged,
 - g) the location at which the *fireworks* are discharged is at least
 - i) 60 m from any highway or other similar means of travel used by the public, and
 - ii) 15 m from the nearest overhead obstruction,
 - h) a complete search is conducted of the display area for any duds within 12 hours of the conclusion of the display, and
 - i) any unused *fireworks* or duds remaining are disposed of in a safe manner within 12 hours of the conclusion of the display.