



MILTON FIRE DEPARTMENT

CONSUMER FIREWORKS

Safety Guide

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

In effect as of March 30, 2009, anyone wishing to set off or display Consumer fireworks must apply for a temporary permit through the Fire Department. Such individuals would need to meet requirements such as minimum lot line distances and other safety factors that would demonstrate that the display is being held in a safe manner. The use of sparklers is not considered as fireworks. There is no fee for a permit to celebrate on Victoria Day, Canada Day and Diwali and the new by-law allows recognition of other events for a fee outlined under the current User Fee By-law.

BY-LAW NO.037-2009 STATES:

No person shall discharge Consumer fireworks unless the person has obtained a permit to discharge Consumer fireworks from the Chief Fire Official.

No person shall display Consumer Fireworks on land except his own or other privately owned land where the consent of the owner has been obtained.

No person shall discharge Consumer fireworks except on Victoria Day, Canada Day, and Diwali and the two (2) days immediately preceding each of these days, or any other day for which a permit has been issued by the Chief Fire Official, and only then on that day.

No person shall discharge Consumer fireworks at any time except in accordance with the Noise By-law, between the hours of dusk and 11:00 p.m. on the same day.

No person shall discharge Consumer fireworks in any place or manner as to create a danger or nuisance to any person or property or to do or cause or allow any unsafe act or omission at the time and place of the discharging of any Consumer fireworks.

No person shall discharge Consumer Fireworks in a building or automobile.

General Conditions of the Discharge of Consumer Fireworks

Every person who discharges Consumer fireworks shall be mindful of their duty of care to individuals and property, and shall provide the following for set-up:

- an open area away from buildings, vehicles, overhead obstructions, and dry brush / grass
- a minimum clear area of 30m by 30m for aerial Consumer fireworks, and a minimum clear area of 20m by 20m for ground based Consumer fireworks

- fully operational fire extinguishing equipment ready and accessible at all times when Consumer fireworks are being discharged and for a reasonable period thereafter at the site
- a hard, flat and level surface for ground based Consumer fireworks to ensure stability of the item
- a means to bury aerial Consumer fireworks to half their length in the ground or in a large pail or box filled with earth or sand
- a means to keep all spectators at least 20m away

Every person who discharges Consumer fireworks shall:

- read the instructions, cautions and warnings on each Consumer fireworks item
- light only one (1) Consumer firework at a time
- wear proper eye protection and wear proper clothing
- keep children away from Consumer fireworks
- use care when handling and firing Consumer fireworks
- clean up the area after the display

Prior to discharge on the approved date, the applicant, his representative or agent shall access the Town's website, Fire Services home page, to confirm that the discharge of Consumer fireworks is approved for that date.

Every person or organization that conducts a Consumer fireworks display shall ensure that all Consumer fireworks that failed to fire or were not discharged are immediately disposed of in a safe manner, having regard to the particular type of fireworks involved.

REVOCATION 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

Permits are free to permit Consumer Fireworks Displays on Victoria Day, Canada Day and Diwali and the two days immediately preceding these two days. There is a fee outlined under the current User Fee By-law to permit Consumer Fireworks Displays on all other days of the year to recognize Special Occasions.

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.

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.