

# 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.

## Division B

## 5.7.1.6.

### 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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#### 5.7.1.7.

#### *Division B*

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.

### Division B

#### 5.8.1.1.

- 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.