

DIVISION 1
RULES FOR SELLERS

Acquisition for Sale

Distributor

338. (1) A distributor may acquire, store and sell consumer fireworks if they hold a licence. A distributor who acquires consumer fireworks must comply with this Division.

Retailer

(2) A retailer may acquire, store and sell consumer fireworks, whether or not they hold a licence. A retailer who acquires consumer fireworks must comply with this Division.

Sales Establishment

No sale from dwelling

339. A seller must not sell consumer fireworks from a dwelling.

Unobstructed exits

340. A seller must ensure that their sales establishment has at least two unobstructed exits, that all aisles containing consumer fireworks are at least 1.2 m wide and that the aisles are not blocked at either end.

Retail sales establishment

341. (1) The sales establishment of a retailer who does not hold a licence may be permanent (located in a permanent structure) or temporary (located in a tent, trailer or other temporary shelter).

Requirements

(2) Whether the establishment is permanent or temporary, the retailer must ensure that

(a) the sales establishment is protected from unauthorized access when it is not open for business; and

(b) all places where consumer fireworks are stored, whether inside or outside the establishment, must be at least 100 m from all above-ground storage tanks for flammable substances in bulk and at least 8 m from the following:

- (i) fuel dispensers at a fuel dispensing station,
- (ii) retail propane-dispensing tanks and cylinders,
- (iii) above-ground storage tanks for flammable substances, and
- (iv) dispensing facilities for compressed natural gas.

Temporary sales establishment

(3) If the sales establishment is temporary, the retailer must also ensure that

(a) all places where consumer fireworks are stored, whether inside or outside the establishment, are at least 8 m from all combustible materials, sources of ignition, thoroughfares, buildings or

other temporary sales establishments and at least 3 m from any vehicle parking area;

(b) the fireworks are*attended at all times; and

(c) if the sales establishment is a tent, the tent is made from flame-retardant material.

*Terms preceded by an asterisk are defined in section 6.

Storage

Storage — licence holder

342. (1) A seller who holds a licence must store all their consumer fireworks in the magazine specified in their licence and ensure that the requirement of section 343 is met.

Storage — unlicensed retailer

(2) A retailer who does not hold a licence must store their consumer fireworks in a sales establishment other than a dwelling and ensure that the requirements of sections 343 to 349 are met.

Handling

343. Consumer fireworks may be handled by a buyer only after they have been sold, unless they are in consumer packs that meet the requirements of section 345 or in packaging or containers that comply with the safety standards for means of containment under the [Transportation of Dangerous Goods Act, 1992](#).

Non-aerial fireworks

344. (1) Non-aerial fireworks (flares, fountains, snakes, ground spinners, strobe pots, wheels and ground whistles) may be displayed for sale only if they are in consumer packs that meet the requirements of section 345, or in packaging or containers that comply with the safety standards for means of containment under the [Transportation of Dangerous Goods Act, 1992](#), and are displayed in accordance with section 346.

Aerial consumer fireworks

(2) Aerial fireworks may be displayed for sale only if they are in consumer packs that meet the requirements of paragraphs 345(a) to (c), or in packaging or containers that comply with the safety standards for means of containment under the [Transportation of Dangerous Goods Act, 1992](#), and are displayed in accordance with section 346.

Adequate consumer pack

345. For the purposes of this Part, a consumer pack must meet the following requirements:

- (a) it must be of sufficient strength to withstand normal handling;
- (b) it must be designed so that it prevents a person who is handling it from being able to ignite the consumer fireworks it contains; and
- (c) it must be designed so that it prevents any shifting of the consumer fireworks during handling or transportation; and
- (d) the trade name of all consumer fireworks in the pack must be printed on it, along with the words "Non-aerial Fireworks/*Pièces pyrotechniques non aériennes*", in a location that is clearly visible.

Requirements for display

346. When consumer fireworks are displayed for sale, the following requirements must be met:

- (a) non-aerial fireworks in consumer packs that meet the requirements of section 345 or in

packaging or containers that comply with the safety standards for means of containment under the [Transportation of Dangerous Goods Act, 1992](#) must be separated into lots of 100 kg or less;

(b) aerial fireworks in packaging or containers that comply with the safety standards for means of containment under the [Transportation of Dangerous Goods Act, 1992](#) must be separated into lots of 100 kg or less;

(c) all other fireworks, whether aerial or non-aerial, must be separated into lots of 25 kg or less;

(d) each lot must be separated from the other lots by a fire break;

(e) the fireworks must be kept away from flammable substances and sources of ignition;

(f) the fireworks must not be exposed to heat or dampness that might cause them to deteriorate;

(g) the fireworks must be separated from the ceiling and from any fire prevention system by at least 0.6 m;

(h) only people authorized by the retailer may have access to the area behind a sales counter;

(i) smoking must be prohibited within 8 m of the fireworks; and

(j) the fireworks must be ^{*}attended when the sales establishment is unlocked.

^{*}Terms preceded by an asterisk are defined in section 6.

Exception

347. Sections 343 to 346 do not apply to sparklers and toy pistol caps.

Maximum quantity

348. (1) No more than 1 000 kg of consumer fireworks may be stored in a sales establishment at any one time, including fireworks that are displayed for sale. If the sales establishment is located in a building that contains a dwelling, no more than 100 kg may be stored at any one time, including fireworks that are displayed for sale.

Place of storage

(2) Consumer fireworks that are not displayed for sale must be stored in a ^{*}storage unit.

^{*}Terms preceded by an asterisk are defined in section 6.

Storage requirements — storage unit

349. When consumer fireworks are stored in a ^{*}storage unit,

(a) the storage unit must be located in a dry place, away from flammable substances and sources of ignition;

(b) the storage unit must be constructed and maintained to prevent unauthorized access and to protect the contents from weather;

(c) if the storage unit is a container, it must not impede exit in case of fire;

(d) if the storage unit is not a container, all exits must be kept unobstructed;

(e) any shelving in the storage unit must be constructed from a non-sparking material (for example, wood or painted metal);

(f) nothing other than consumer fireworks may be stored in the storage unit;

(g) the storage unit must be ^{*}attended when it is unlocked;

(h) the storage unit must be kept clean, dry, organized and free of grit;

(i) any spill, leakage or other contamination in the storage unit must be cleaned up immediately;

(j) precautions that minimize the likelihood of fire in or near the storage unit must be taken; and

(k) a sign that displays the words "Danger — Fire Hazard/*Risque d'incendie*" in letters at least 10 cm high and that prohibits smoking using letters, or a symbol, at least 10 cm high must be posted on the storage unit in a clearly visible location.

^{*}Terms preceded by an asterisk are defined in section 6.

Sale

Maximum quantity — licensed buyer

350. (1) A seller must not sell more consumer fireworks to a licensed buyer than the buyer is authorized by their licence to store.

Maximum quantity — unlicensed buyer

(2) A seller must not sell more consumer fireworks to an unlicensed buyer than the buyer is authorized by this Division to store.

Retailer

351. A retailer may sell only to users.

Copy of rules

352. (1) A distributor who sells consumer fireworks to a retailer must offer the retailer a copy of this Division.

Table

(2) A seller who sells consumer fireworks to a user must offer the user either a copy of the table at the end of this Part or a document that includes the same information.

Exception

(3) Subsection (2) does not apply to the sale of toy pistol caps.

Record of sale

353. A seller must keep a record of every sale of 150 kg or more of consumer fireworks for two years after the date of the sale. The record must include the following information:

- (a) the buyer's name and address;
- (b) in the case of a licensed buyer, the licence number and expiry date;
- (c) the trade name of each firework sold and the name of the person who obtained its authorization;
- (d) the quantity of fireworks sold under each trade name;
- (e) in the case of a sale by a distributor, an indication of whether the fireworks were purchased for re-sale or for use; and
- (f) the date of the sale.

Maximum quantity — dwelling

356. (1) The maximum quantity of consumer fireworks that may be stored at any one time in a dwelling is 10 kg.

Maximum quantity — storage unit

(2) The maximum quantity of consumer fireworks that may be stored at any one time in ^{*}storage units, whether in a single unit or in several, is 1 000 kg.

^{*}Terms preceded by an asterisk are defined in section 6.

Storage requirements — dwelling

357. (1) When consumer fireworks are stored in a dwelling, they must be stored away from flammable substances and sources of ignition, in a manner that protects them from theft and ensures that access to them is limited to people authorized by the user.

Storage requirements — storage unit

- (2) When consumer fireworks are stored in a ^{*}storage unit,
- (a) the storage unit must be located in a dry place, away from flammable substances and sources of ignition;
 - (b) the storage unit must be constructed and maintained to prevent unauthorized access and to protect the contents from weather;
 - (c) if the storage unit is a container, it must not impede exit in case of fire;
 - (d) if the storage unit is not a container, all exits must be unobstructed;
 - (e) any shelving in the storage unit must be constructed from a non-sparking material (for example, wood or painted metal);
 - (f) nothing other than consumer fireworks may be stored in the storage unit;
 - (g) the storage unit must be ^{*}attended when it is unlocked;
 - (h) the storage unit must be kept clean, dry, organized and free of grit;
 - (i) any spill, leakage or other contamination in the storage unit must be cleaned up immediately;
 - (j) precautions that minimize the likelihood of fire in or near the storage unit must be taken; and
 - (k) a sign that displays the words "Danger — Fire Hazard/*Risque d'incendie*" in letters at least 10 cm high and that prohibits smoking using letters, or a symbol, at least 10 cm high must be posted on the storage unit in a clearly visible location.

^{*}Terms preceded by an asterisk are defined in section 6.