

# COLUMBIA SHUSWAP REGIONAL DISTRICT

## BYLAW NO. 5509

A bylaw to establish the regulation of Fireworks and Firecrackers

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WHEREAS the Columbia Shuswap Regional District, pursuant to Section 799 of the Local Government Act has been granted, by Order-in-Council No. 474, additional powers to regulate, prohibit and impose requirements in relation to the use of fireworks and firecrackers,

AND WHEREAS Section 797.1(1)(d) of the Local Government Act provides that Section 728 of the Local Government Act, which states that the Board may regulate or prohibit the sale or disposal to any person of firecrackers and other fireworks of every nature of kind, apply in relation to the service;

NOW THEREFORE the Board of the Columbia Shuswap Regional District, in open meeting assembled, HEREBY ENACTS as follows:

### **Repeal**

1. Bylaw No. 46, cited as "Firecracker Prohibition By-law No. 46, 1971", is hereby repealed.

### **Definitions**

2.

*Fire Services Co-ordinator* means the Fire Services Co-ordinator of the Columbia Shuswap Regional District.

*Fireworks* means devices that explode or burn to produce visual or sound effects and such other explosive as may be designated as such by the Lieutenant-Governor in Council under the provision of the Fireworks Act of the Province of British Columbia or under the provision of the Canadian Explosives Act and its regulations, as the case may be, but does not include torpedoes, flares, fuses or similar pyrotechnic devices used by motorists, railroads, police or other agencies for signaling purposes or illumination.

*Permit* means a permit approved by the Fire Services Co-ordinator and issued under this Bylaw.

*Regional District* means the Columbia Shuswap Regional District.

### **Application**

3. This bylaw is applicable to Electoral Areas 'C', and 'F' of the Columbia Shuswap Regional District.

### **Sales Prohibition**

4. No sale or purchase of Fireworks is permitted.

### **Firecrackers Prohibited**

5. No person shall possess, fire, set off or discharge firecrackers.

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**Prohibition and Permit Requirements**

6. No person shall, at any time, possess or explode or set off fireworks, excluding sparklers, Christmas crackers and caps for toy guns, unless that person has first obtained a permit approved by the Fire Services Co-ordinator or his designate of the Regional District in accordance with this bylaw.
7. No person shall explode or set off fireworks on any property without the prior written consent of the owner.
8. No person shall explode or set off fireworks of Class 7.2.2 of the Canadian Explosives Act without holding a valid Fireworks Supervisor Card issued by the Explosive Branch of Energy, Mines and Resources, Canada.
9. Application for a permit required under this section shall be made in writing to the Fire Services Co-ordinator or his designate in a form provided by him and will contain all the information required by the form and any required by the Fire Services Coordinator as per Schedule A, which is attached to and forms part of this bylaw.
10. A permit will only be issued to a recognized organization or group for a celebration, such as Canada Day, New Years and Halloween.
11. A permit approved by the Fire Services Co-ordinator or his designate will be as per Schedule B, which is attached to and forms part of this bylaw.

**Regulations and Requirements**

12. The holder of a permit will take all steps necessary to ensure the safety and security of members of the public attending the fireworks event, as well as persons taking part in the display.

**Rescission of Permits**

13. The Fire Services Co-ordinator or an officer of the Regional District may rescind a Permit in the event that:
  - i) circumstances arising or ascertained after the Permit was issued demonstrate that the public safety risk or risk to public or private property exists in connection with the fireworks event;
  - ii) the Fire Services Co-ordinator determines that the Permit holder submitted false or inaccurate information in the application; or
  - iii) the Permit holder violates or breaches any of the provisions of this Bylaw.

**Offence**

14. Each day's continuance of an offence under Section 4 and 5 constitutes a new and separate offence.

**Penalties**

- 15. A person who contravenes or fails to comply with this Bylaw commits an offence and is liable upon conviction to the penalties prescribed by the Offence Act (British Columbia).
- 16. A municipal ticket information may be issued for any offence against this bylaw that has been designated as a ticketable offence pursuant to the Regional District's municipal ticket information bylaw.

**Severability**

- 17. If any portion of this bylaw is found by a court of competent jurisdiction to be invalid, the invalid portion is to be severed and the remainder of the bylaw is to remain valid.

**Citation**

- 18. This bylaw may be cited as "Fireworks/Firecracker Regulation Bylaw No. 5509."

READ a first time this 17<sup>th</sup> day of July, 2008.

READ a second time this 17<sup>th</sup> day of July, 2008.

READ a third time this 17<sup>th</sup> day of July, 2008.

RECONSIDERED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
MANAGER OF CORPORATE  
ADMINISTRATION SERVICES (SECRETARY)

\_\_\_\_\_  
CHAIR

CERTIFIED a true copy of  
Bylaw No. 5509 as adopted.

\_\_\_\_\_  
Manager of Corporate Administration  
Administration Services (Secretary)

**FIREWORKS REGULATION BYLAW NO. 5509**

**Schedule A**

**APPLICATION FOR A PERMIT TO EXPLODE OR SET OFF FIREWORKS**

Permit Fee: \$20.00

Is application for the setting off or exploding of High Hazard Fireworks as defined in Class 7.2.2 of the Canadian Explosive Act: Yes: \_\_\_\_\_

Or

Is application for the setting off or exploding of Low Hazard Fireworks as defined in Class 7.2.1 of the Canadian Explosive Act Yes: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_  
(Applicant must be the person supervising the setting off or exploding of the fireworks)

Residential Address: \_\_\_\_\_

Postal Code: \_\_\_\_\_ Telephone No. \_\_\_\_\_ Cell No. \_\_\_\_\_

Fireworks Supervisor Card No. \_\_\_\_\_ Expiry Date \_\_\_\_\_

**NOTE:** (Only required if setting off or exploding High Hazard Fireworks, Class 7.2.2)

I HEREBY MAKE APPLICATION FOR A PERMIT TO EXPLODE OR SET OFF FIREWORKS ON BEHALF OF:

Myself: \_\_\_\_\_ Name or Organization \_\_\_\_\_

Address: \_\_\_\_\_

Postal Code: \_\_\_\_\_ Telephone No. \_\_\_\_\_

ADDRESS WHERE FIREWORKS ARE TO BE EXPLODED OR SET OFF:

Same as Applicant \_\_\_\_\_ Address, if different from applicant address: \_\_\_\_\_

Name and Signature of Property Owner, indicating consent for the setting off or exploding of Fireworks:

Name \_\_\_\_\_ Signature \_\_\_\_\_

Date of Event: \_\_\_\_\_ From \_\_\_\_\_ am/pm to \_\_\_\_\_ am/pm

***I hereby acknowledge receipt of the "Fireworks Display Checklist:***

Applicants Signature \_\_\_\_\_

***Approved by the Columbia Shuswap Regional District*** \_\_\_\_\_

(Date)

(Signature)

**FIREWORKS REGULATION BYLAW NO. 5509**

**Schedule B**

**PERMIT TO EXPLODE OR SET OFF FIREWORKS**

Authority to set off or explode (check one)

High Hazard Fireworks as defined in Class 7.2.2 of the Canadian Explosive Act \_\_\_\_\_

OR

Low Hazard Fireworks as defined in Class 7.2.1 of the Canadian Explosive Act \_\_\_\_\_

Is hereby granted to:

Name \_\_\_\_\_

Address \_\_\_\_\_

Postal Code: \_\_\_\_\_ Telephone No. \_\_\_\_\_ Cell No. \_\_\_\_\_

For the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Between the hours of \_\_\_\_\_ am/pm and \_\_\_\_\_ am/pm

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**THE HOLDER OF THIS PERMIT ACKNOWLEDGES THAT THE COLUMBIA SHUSWAP REGIONAL DISTRICT IS NOT RESPONSIBLE FOR SUPERVISING OR INSPECTING THE SETTING OFF OF FIREWORKS AUTHORIZED BY THIS PERMIT.**

**BY ACCEPTING THIS PERMIT, THE PERMITTEE IS ACCEPTING ALL LIABILITIES ASSOCIATED WITH THE AUTHORITIES PROVIDED UNDER THIS PERMIT.**

**This permit may be superseded by another authority having jurisdiction, i.e. a fire ban imposed by the Ministry of Forests of BC.**

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Permit Issued by:

**COPY TO: Local Fire Chief**