



**VILLAGE OF SAYWARD
BYLAW NO. 481**

A BYLAW TO REGULATE, PROHIBIT AND IMPOSE REQUIREMENTS IN RELATION TO FIREWORKS

WHEREAS Section 8 of the *Community Charter* authorizes a Council, by bylaw, to regulate, prohibit and impose requirements in relation to firecrackers, fireworks and explosives;

AND WHEREAS, pursuant to Section 66 of the *Community Charter*, Council may, by bylaw, authorize the municipal Fire Chief to enter on property and inspect premises for conditions that may cause a fire, increase the danger of a fire or increase the danger to persons or property from a fire, take measures to prevent and suppress fires, require an owner or occupier of real property to undertake any actions directed by the Fire Chief or other authorized person for the purpose of removing or reducing anything or condition that person considers is a fire hazard or increases the danger of fire, and exercise some or all of the powers of the fire commissioner under section 25 of the *Fire Services Act*, RSBC 1996 c 144;

NOW THEREFORE the Council of the Village of Sayward, in open meeting assembled, enacts as follows:

1 CITATION

This bylaw may be cited as “**Fireworks Regulation Bylaw No. 481, 2022**”.

2 DEFINITIONS

Schedule "A" contains definitions of terms used in this Bylaw.

3 SALE, POSSESSION AND DISCHARGE

- (1) No Person shall offer for sale, sell, give, or trade Fireworks within the boundaries of the Village.
- (2) No individual under the age of 18 shall possess, detonate, discharge, apply for a Fireworks Permit or otherwise use Fireworks, within the Village.
- (3) No individual being the parent or guardian of any individual under the age of 18 years shall allow that individual to possess, detonate, discharge, or otherwise use Fireworks within the Village.
- (4) No Person shall possess Fireworks within the boundaries of the Village unless that Person holds a valid Fireworks Permit issued under this bylaw.

4 FIRE OR DISCHARGE OF FIREWORKS

No individual shall explode, light, activate, fire or discharge Fireworks within the boundaries of the Village unless that individual is authorized to do so under a valid Fireworks Permit issued under this Bylaw.

5 FIREWORKS PERMIT

A Fireworks Permit will only be issued for the following types of events:

- (1) Community events that are open to the general public;
- (2) Film and television events requiring the use of special effects pyrotechnic fireworks;
- (3) Halloween between the hours of 6pm and 10pm; and
- (4) New Year's Eve between the hours of 6pm and 12am.

A Person may apply, using the permit application form in Schedule "B", to the Fire Chief for a Fireworks Permit to possess, explode, light, activate, fire, or discharge Fireworks. Every application for a Fireworks Permit under this Bylaw shall be made by the individual who will explode, light, activate, fire, or discharge the Fireworks.

6 FIREWORKS PERMIT REQUIREMENTS

Every holder of a Fireworks Permit must:

- (1) possess, explode, light, activate, fire, or discharge only those Fireworks specified in the Fireworks Permit;
- (2) possess, explode, light, activate, fire, or discharge the Fireworks in accordance with the terms and conditions of the Fireworks Permit;
- (3) ensure that the Fireworks are possessed, exploded, lit, activated, fired, or discharged only by the holder of the Fireworks Permit, the individual identified as the holder of the Fireworks Operator Certificate (Display Supervisor) or an individual under the direct supervision of the holder of the Fireworks Operator Certificate (Display Supervisor); and
- (4) present the Fireworks Permit for inspection immediately upon demand by a Peace Officer.

7 FIREWORKS CERTIFICATES

Upon application for a Fireworks Permit, a Person shall provide the Fire Chief with a copy of:

- (1) a valid and current Fireworks Operator Certificate (Display Supervisor) that qualifies the applicant to light, activate, explode, fire or discharge the Fireworks proposed to be lit, activated, exploded, fired or discharged under the Fireworks Permit unless the Fire Chief determines that the Fireworks being used are consumer fireworks that are classified as "Class F.1" low hazard fireworks designed for recreational use under the *Explosives Regulations* such as fireworks showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, and volcanoes;
- (2) in the event that the Person has applied to light, activate, explode, fire or discharge Firecrackers, a valid and current Firecracker Use Certificate that qualifies the Fireworks Display Supervisor to light, activate, explode, fire or discharge the Firecrackers proposed

to be lit, activated, exploded, fired or discharged under the Permit.

8 POWER TO GRANT PERMITS

The Fire Chief is authorized and empowered to grant a Fireworks Permit provided that the applicant satisfies the requirements in this Bylaw.

9 POWER TO IMPOSE CONDITIONS ON PERMITS

The Fire Chief is authorized to impose terms and conditions on the Permit:

- (1) that allow the Fire Chief to enter the property at which the Person proposes to light, activate, explode, discharge, or fire Fireworks, and inspect the property for conditions that may cause a fire, increase the danger of a fire or increase the danger to persons or property from a fire;
- (2) that require the payment of an inspection fee for an inspection carried out in accordance with section 13 of this Bylaw;
- (3) that the Fire Chief considers are necessary to prevent and suppress an Incident;
- (4) that require an owner or occupier of the property at which the Person proposes to light, activate, explode, discharge, or fire Fireworks to undertake any actions directed by the Fire Chief for the purpose of removing or reducing any thing or condition that the Fire Chief considers is a fire hazard or increases the danger of fire.

10 POWER TO REFUSE PERMITS

The Fire Chief is authorized to refuse to issue a Fireworks Permit where satisfied that the application for a Fireworks Permit does not meet the requirements of this Bylaw, or any other statute or regulation that applies to Fireworks including but not limited to the *Explosives Act*, the *Explosives Regulations*, the *Fire Services Act*, and the *British Columbia Fire Code*.

11 POWER TO SUSPEND OR REVOKE PERMITS

The Fire Chief is authorized and empowered to suspend or revoke any Fireworks Permit in the following circumstances:

- (1) in the opinion of the Fire Chief, weather or other site conditions present an undue risk of an Incident; or
- (2) the Fire Chief determines or becomes aware that the holder of the Fireworks Permit has contravened or has permitted or suffered the contravention of any provision of this Bylaw or condition of the Fireworks Permit.

12 FEE ESTABLISHED

Every applicant for a Fireworks Permit shall pay the Permit Fee prescribed in the Fees and Charges Bylaw.

13 SITE INSPECTION

Before issuing any Fireworks Permit the Fire Chief may, at the expense of the Person applying for the Fireworks Permit, conduct one or more site inspections. The fee for such inspection or inspections is established in accordance with Fees and Charges Bylaw.

14 TIME FOR APPLICATION

Every application for a Fireworks Permit shall be made to the Fire Chief at least 14 days before the date of the event using the permit application form in Schedule "B".

15 CONTENTS OF APPLICATION

Every application for a Fireworks Permit, except as provided in 1), shall include:

- (1) Where the exception is applied under (5), permit info required is limited to subsection (3), (6), (9), (10), and (11) below;
- (2) the deposit of security with the Village in the form of a cash deposit, irrevocable letter of credit, or other form of security acceptable to the Village, in the amount of \$1,000, to be used for the purposes of paying any costs and expenses incurred or suffered by the Village, including but not limited to costs arising or resulting from damage to Village property or enforcement costs, caused by or arising from the applicant's failure to comply with the requirements of this bylaw and all other applicable laws, provided that, any amount of security not required for the foregoing purposes shall be returned to the holder of the Fireworks Permit;
- (3) payment of the applicable Permit Fee prescribed in the Fees and Charges Bylaw.
- (4) proof of public liability insurance in the name of the applicant and the Village, such insurance to be with one or more insurance companies registered to do business in the Province of British Columbia and in a form acceptable to the Village, and the insurance shall provide coverage in an amount not less than five million dollars (\$5,000,000) per occurrence;
- (5) proof of a valid Fireworks Supervisor's Certificate (Display Supervisor); except where the Fire Chief determines that a Fireworks Supervisor's Certificate (Display Supervisor) is not required under section 7(1) of this Bylaw;
- (6) if applicant has applied to light, activate, explode, fire or discharge Firecrackers, proof of a valid Firecracker Use Certificate;
- (7) a fire safety plan that includes:
 - (i) a site plan, drawn to scale with the direction of firing;
 - (ii) separation distances;
 - (iii) positions of ramps and mortars, if any;
 - (iv) description of any significant ground features, rights of way, buildings or structures, or overhead obstructions;
 - (v) parking areas or spectator viewing areas;
 - (vi) fallout zone
 - (vii) a north arrow; and
 - (viii) traffic control plans and locations for emergency vehicles;
- (8) an event description that includes:
 - (i) a time schedule for the event;
 - (ii) attendance estimates;
 - (iii) a list of all Fireworks to be used;

- (iv) firing procedures;
- (v) emergency response procedures;
- (vi) a list of crew members;
- (9) the name, address and telephone number of the applicant;
- (10) the name, address and telephone number of each wholesaler or retailer from whom the applicant will obtain the Fireworks; and
- (11) the name, address and telephone number of the owner of the property on which the Fireworks will be used, along with a written statement signed by the property owner indicating that the property owner has granted permission for the use of Fireworks on the property.

16 INDOOR & OUTDOOR MOVIE/TELEVISION/CONCERT PYROTECHNICS

If, in the opinion of the Fire Chief, the use of Fireworks at an indoor or outdoor film or television shoot, concert or stage production, or any other event will require on-site fire protection, then the Fire Chief may require the site to be attended by such Fire Rescue Department equipment and personnel as the Fire Chief considers necessary or desirable for the protection of persons, property or safety generally, and the cost for the attendance of the Fire Rescue Department, equipment and personnel shall be paid to the Village by the holder of the Fireworks Permit in accordance with the rates established in accordance with the Fees and Charges Bylaw.

17 COST RECOVERY

Every person who directly causes an Incident because of that person's misuse of Fireworks, including but not limited to the failure to comply with this Bylaw, a Fireworks Permit or an applicable statute or regulation, must pay a fee equal to the expenses incurred by the Village in supplying Fire Department personnel and equipment necessary to respond to the Incident, such fee to be calculated in accordance with the Fees and Charges Bylaw.

18 OFFENCES AND PENALTIES

Every person that contravenes or violates any provision of this bylaw or any term or condition of a Fireworks Permit, or who suffers or permits any act or thing to be done in contravention or in violation of any provision of this Bylaw or any term or condition of a Fireworks Permit, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw or any term or condition of a Fireworks Permit, commits an offence and shall be liable, on summary conviction, to a fine of not more than \$20,000 and any other penalty or order imposed pursuant to the *Community Charter* or the *Offence Act* RSBC 1996 c 338. Where the offence is a continuing one, each day that the offence continues shall be a separate offence.

19 ENFORCEMENT AND SURRENDER OF FIREWORKS

A Peace Officer is duly authorized by the Village to enter onto any property at any reasonable time to ascertain whether provisions of this Bylaw are being observed.

Any person who possesses Fireworks in violation of this Bylaw shall immediately surrender the Fireworks to a Peace Officer and the Peace Officer may dispose of them without compensation.

20 **SEVERABILITY**

If any section or subsection of this bylaw is found to be invalid by a court of competent jurisdiction, the section or subsection may be severed from the bylaw without affecting the validity of the remainder of the bylaw.

21 **SCHEDULES**

All Schedules attached to this bylaw form part of this bylaw.

Read a first time on the 15th day of March 2022.

Read a second time on the 15th day of March 2022.

Read a third time on the 15th day of March 2022.

Adopted on the 5th day of April 2022.

Certified a true copy of Bylaw No. 481 this ____ day of _____, _____ <hr/> Chief Administrative Officer Village of Sayward

Original signed by "M. Baker"
Mayor

Original signed by "L. Clark"
Corporate Officer

Schedule "A"

DEFINITIONS

BYLAW means this Fireworks Regulation Bylaw No. 481, 2022.

FEES AND CHARGES BYLAW means the Village of Sayward, Fees and Charges Bylaw No. 451, 2019, as may be amended or replaced from time to time.

FIRE CHIEF means the person appointed by Council as the Fire Chief, or his or her designate.

FIRE RESCUE DEPARTMENT means the regularly constituted Fire Rescue Department of the Village of Sayward.

FIRECRACKER means a firework with or without entwined fuses that is primarily intended to be used as a noise maker, rather than for visual effect, and without limitation includes bottle rockets, screechers, screecharoos, humaroos, supersonic bang, butterfly thunder and air bombs and items that are similarly named, or in the same noise producing category.

FIRECRACKER USE CERTIFICATE means a valid and current certificate issued under the Explosives Regulation that authorizes the individual who holds the Firecracker Use Certificate to explode Firecrackers.

FIREWORKS means one or more of the following:

- a) consumer fireworks that are classified as "Class F.1" low hazard fireworks designed for recreational use under the Explosives Regulations and includes, but is not limited to, sparklers, fountains, volcanoes, mines, and snakes;
- b) display fireworks that are classified as "Class F.2" high hazard fireworks designed for professional use under the Explosives Regulations and includes, but is not limited to, aerial shells, cakes, Roman candles, waterfalls, lances, and wheels;
- c) special effect pyrotechnic fireworks that are classified as "Class F.3" high hazard fireworks designed for professional use under the Explosives Regulation and includes gerbs, mines, comets and crossettes as well as special purpose pyrotechnics made for live stage performances and the film and television industry;
- d) Firecrackers.

but does not include sparklers, Christmas crackers, caps for toy guns, model rocket engines as specified in Subdivision 3, Division 2, Class 7 of the *Explosives Regulation*, or highway flares or other small distress signals used exclusively for that purpose.

FIREWORKS PERMIT means a permit to possess, explode, light, activate, fire and discharge Fireworks issued by the Fire Chief and includes the fire safety plan required in section 15(7) of this bylaw.

FIREWORKS SUPERVISOR'S CERTIFICATE (DISPLAY SUPERVISOR) means either a Level 1 Supervisor or Level 2 Supervisor's Certificate issued by the Explosives Branch of Natural Resources Canada but does

not include a fireworks operator certificate (display assistant) or a fireworks operator certificate (display visitor).

INCIDENT means a fire, an explosion, a situation where a fire or explosion has occurred or is imminent or any other situation presenting a danger or possible danger to life or property and to which the Fire Rescue Department has responded or will respond.

OWNER shall have the meaning assigned to it under the *Community Charter* of British Columbia and includes the authorized agent of the Owner.

PEACE OFFICER means the Fire Chief or his or her Deputy, of the Volunteer Fire Department of the Village of Sayward, acting as a Local Assistant to the Fire Commissioner as defined under the *Fire Services Act* (RSBC 1996, c.144), or any person employed by the Village of Sayward as a Bylaw Enforcement Officer, or any person carrying out the duties of a Police Officer for the Village of Sayward.

PERMIT FEE means the permit fee as set forth in the Village of Sayward Fees and Charges Bylaw.

PERSON includes an individual, and a firm or partnership, association, company, society, body corporate.

VILLAGE means the Village of Sayward.

Schedule "B"



Village of
Sayward

APPLICATION FOR FIREWORKS PERMIT

Name of Applicant _____ Age _____

Mailing Address of Applicant _____

Telephone: _____ Email Address: _____

I hereby make application for a Fireworks Event on behalf of:

Myself _____ or Organization _____

Address location of display: _____

Date of Event: _____ Time: _____

Describe event:

Fireworks source (wholesaler/retailer)

Name: _____

Address: _____ Phone: _____

Description of Fireworks being used: _____

Name, telephone number, address and signature of Owner where event to be held:

(signature)

If Fireworks Operator Certificate (Display Supervisor) is required:

Name of holder of Fireworks Operator Certificate (Display Supervisor):

Statement and signature of holder of Fireworks Operator Certificate (Display Supervisor):

I hereby certify that I am duly authorized under the *Explosives Regulations* to discharge the Fireworks described in this application; that I have read, understand and will act in accordance with all applicable laws, regulations, safety standards and manufacturers instructions applicable to the discharge of Fireworks; and further that I will comply with all requirements of the Fireworks Permit and the Fireworks Regulation Bylaw No. 481, 2022.

(signature)

Signature of Applicant

Date

Office use only:

Security deposit?	Y/N
Liability insurance?	Y/N
Fireworks Supervisor's Certificate	Y/N
Fire Safety Plan?	Y/N
Event description?	Y/N

Fee: _____

PAYMENT OF FEES: _____(check if paid)