

COLUMBIA SHUSWAP REGIONAL DISTRICT

BYLAW NO. 5601

A bylaw to establish the regulation of Fireworks and Firecrackers

WHEREAS the Columbia Shuswap Regional District, 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 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:

1. **Definitions**

Community Event means a special public function that is operated for the benefit of a registered "not for profit" or "charitable" group that does not benefit an individual, a group of individuals or a for-profit company.

Community Group means an organization whose main focus must be social, athletic, recreational, fraternal, benevolent or patriotic in nature, but this does not preclude profit-making.

Fire Services Coordinator 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.

Non-Community Event means a special public function that is held for the purpose of business, profit making or promotion of an individual, group, organization or Corporation.

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

Regional District means the Columbia Shuswap Regional District.

Recognized Organization means an organization incorporated under the laws of British Columbia, the main focus must be social, athletic, recreational, fraternal, benevolent or patriotic in nature, but this does not preclude profit-making.

Special Public Function means any annual or re-occurring event that shall be categorized as either a community event or non-community event.

The main characteristics of Special Public Functions are that they are open to the general public and held for the purpose of a celebration or have a specific theme and have a predetermined opening and closing time.

A special public function may be, but not limited to ethnic, commemorative, artistic, festival, street dance, theatrical, sporting, filming, picnics, sidewalk sale, parade, race, etc.

Application

2. This bylaw is applicable to Electoral Areas 'E' of the Columbia Shuswap Regional District.

Sales Prohibition

3. No sale or purchase of Fireworks is permitted.

Firecrackers Prohibited

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

Prohibition and Permit Requirements

5. 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.
6. No person shall explode or set off fireworks on any property without the prior written consent of the owner.
7. 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.
8. 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.

9. A permit will only be issued to a recognized organization or community group for a Special Public Function.
10. 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

11. 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

12. 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

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

Penalties

14. 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).
15. 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

16. 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.

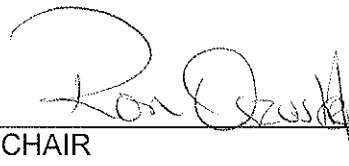
Citation

17. This bylaw may be cited as "Fireworks/Firecracker Area 'E' Regulation Bylaw No. 5601."

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|-------------------------|-------------|--------|------------|------|
| READ a first time this | <u>19th</u> | day of | <u>May</u> | 2011 |
| READ a second time this | <u>19th</u> | day of | <u>May</u> | 2011 |
| READ a third time this | <u>19th</u> | day of | <u>May</u> | 2011 |
| ADOPTED this | <u>19th</u> | day of | <u>May</u> | 2011 |



MANAGER OF CORPORATE
ADMINISTRATION SERVICES
(SECRETARY)



CHAIR

CERTIFIED a true copy of
Bylaw No. 5596 as adopted.

Manager of Corporate
Administration Services (Secretary)

FIREWORKS/FIRECRACKER REGULATION BYLAW NO. 5601

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:

Name of 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/FIRECRACKER REGULATION BYLAW NO. 5601

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 of Organization or Community Group: _____

Name of Permit Holder: _____
(the person supervising the setting off or exploding of the fireworks)

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
Electoral Area Director**

