



District of Sicamous

Fireworks Bylaw No. 963, 2019

Proposed Effective Date – May 1, 2019

DISTRICT OF SICAMOUS

BYLAW NO. 963, 2019

A Bylaw to regulate the Sale Possession and Discharge Fireworks within the District of Sicamous

WHEREAS Section 8 (3)(d) of the *Community Charter* provides that Council may by bylaw, regulate, prohibit and impose requirements in relation to firecrackers, fireworks, and explosives;

AND WHEREAS Section 8 (7)(b) of the *Community Charter* include the power to regulate, prohibit and impose requirements, as applicable, respecting persons, property, things and actives;

AND WHEREAS it is provided by Section 8(8)(a) of the *Community Charter* that Council may, Inter alia, authorize the issuance of a permit to any person or organization for the use of fireworks of any kind or nature and may specify the terms and conditions thereof set out by the Fire Commissioners Office.

NOW THEREFORE the Council of the District of Sicamous, in open meeting assembled, **ENACTS AS FOLLOWS:**

Definitions

In this Bylaw:

District means District of Sicamous.

Fire Chief means the person appointed as the Fire Chief of the Sicamous Fire Department and their designate.

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 and issued pursuant to this bylaw by the Fire Chief.

Sale includes but is not limited to sell, offer to sell, advertise for sale, display for sale, barter, dispose, distribute, furnish, give or trade.

Regulations

1. Sale
 - a) the *sale of fireworks* is prohibited in the *District*
2. Possession
 - a) the possession of *fireworks* is prohibited in the *District* without a current *permit*
3. Discharge
 - a) the discharge of *fireworks* is prohibited in the *District* without a current *permit*

Permits

1. Application
 - a) a formal application for a *permit* must be made in writing to the *Fire Chief* in a form provided and will contain all the information required by the form as per Schedule A, attached to and forms part of this bylaw
2. Conditions
 - a) a *permit* will only be issued to a recognized organization or group for a celebration, such as Canada Day, New Years and Halloween
 - b) 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
3. Permit
 - a) a *permit* approved by the *Fire Chief* or designate will be as per Schedule B, which is attached to and forms part of this bylaw
4. Rescission of Permits
 - a) the *Fire Chief* or designate of the *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 Chief* 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

Penalties

1. Offences
 - a) each day that a contravention of a provision of this bylaw continues will constitute a separate and distinct offence
 - b) 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)
 - c) a fine may be issued for any offence against this bylaw that has been designated as a ticketable offence pursuant to the *District's* Ticketing Information Utilization Bylaw No. 77, 1992 and amendments thereto

Severability

1. Each provision of this bylaw is intended to be independent to the extent that the setting aside of the provision by a court does not affect the validity of the remaining provisions.

Repeal

1. District of Sicamous Fireworks Bylaw No. 756, 2009 and all amendments and schedules thereto are hereby repealed.

Effective Date

1. The District of Sicamous Fireworks Bylaw No. 963, 2019 comes into effect May 1, 2019.

Title

1. This bylaw may be cited as the “**District of Sicamous Fireworks Bylaw No. 963, 2019**”.

READ a first time this 13th day of March, 2019.

READ a second time this 13th day of March, 2019.

READ a third time this 13th day of March, 2019.

ADOPTED this 27th day of March, 2019.

Mayor

Corporate Officer

Certified a true and correct copy of the
District of Sicamous Fireworks Bylaw No. 963, 2019

Corporate Officer

District of Sicamous

446 Main Street
PO Box 219
Sicamous, BC
VOE 2V0

T: 250 836 2477
F: 250 836 4314
E: info@sicamous.ca
sicamous.ca



Schedule "A"

**Application for the Discharge of Display Fireworks
and Pyrotechnic Special Effects**

Name of Applicant: _____ Date of Application: _____

Phone Number: _____ Age of Applicant: _____ Date of Display: _____

Fireworks Supervisors Card No: _____ Expiry Date: _____ Time of Display: _____

Mailing Address: _____

Event Address: _____

Type of Event: _____

Approximate Quantities of Fireworks: _____

THE APPLICANT HEREBY applies to discharge Display Fireworks and Pyrotechnic Special Effects at the above mentioned location and time. Applicant must be the person setting off the Fireworks and must

1. application must be submitted to the Fire Chief, District of Sicamous Fire Department, PO Box 219, Sicamous, B.C. VOE 2V0
2. if the Fireworks are not on property owned by the Applicant, written approval from the Owner of the property in the form of Schedule "B" must be attached to this application
3. a Certificate of Insurance with a minimum of \$5,000,000 liability and the District of Sicamous listed as an additional issued

THE APPLICANT CERTIFIES that they understand and will strictly abide by all the provisions set forth in the District Fireworks Bylaw No. 963, 2019 and all provincial and federal laws and regulations in force from time to time and any conditions or restrictions imposed in this permit by the Fire Chief.

THE APPLICANT UNDERSTANDS that they are responsible for the care, storage, transportation and discharge of the fireworks they have in their possession. They are also responsible for maintaining adequate insurance as set forth in the District's Bylaw. Upon the failure to discharge any fireworks on the specified date, it is the responsibility of the owner of the fireworks to make arrangements with the Fire Chief to safely dispose of them. The application fee for this Permit is non-refundable and the Permit is liable to rescission without financial reimbursement should any information supplied in this application be found to be false or should the applicant contravene any of the provisions set forth in the District Fireworks Bylaw No. 963, 2019 or any provincial and federal laws or regulations.

THE APPLICANT COVENANTS that the Applicant will indemnify and save harmless the District and its elected officials, employees, officers, agents and contractors from and against any and all manner of actions or causes of action, damages, cost, loss, or expenses of whatever kind (including, without limitation, legal fees) which the District or its elected officials, employees, officers, agents and contractors may sustain, incur, or be put to by reason of or arising out of:

1. the issuance of this permit; or
2. any act or omission of the Applicant or any person for whom the Applicant at law, responsible, including, without limitation, the non-observance or non-performance of any obligation imposed by federal or provincial law

Applicant's Signature: _____

Date: _____

Issued by the Fire Chief on _____ of _____, _____ Signature: _____

NOTICE OF COLLECTION OF PERSONAL INFORMATION

Personal information on this form is collected under the authority of the *Freedom of Information & Protection of Privacy Act* for the purpose of processing this application. Personal information is protected from unauthorized use and disclosure in accordance with the *Freedom of Information & Protection of Privacy Act* and may only be used and disclosed as provided by that Act. Questions regarding the collection of personal information can be directed to the Administrator or FOI Coordinator, District of Sicamous, PO Box 219, 446 Main Street, Sicamous, BC VOE 2V0, dco@sicamous.ca, 250-836-2477.

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Schedule "B"

Owner/Owners Save Harmless Agreement

(To be signed by the Owner/Owners of the property on which the Fireworks is to take place.)

I/We, _____ being the Owner/Owners of _____, consent to the holding of Fireworks on the property described herein and to be held at, in, or near the above described property in conjunction with:

_____ on _____, 20____
Name of Special Event or Festival

pursuant to the District of Sicamous Fireworks Bylaw No. 963, 2019 and agree to:

The Owner/Owners shall be liable for all loss, costs, damages, and expenses whatsoever incurred or suffered by the District, its elected officials, officers, employees and agents (the Indemnities) including but not limited to damage to or loss of property and loss of use thereof, and injury to or death of a person or persons resulting from or in connection with the performance, purported performance, or non-performance of this Fireworks Permit, excepting only where such loss, costs, damages and expenses are as a result of the sole negligence of the Indemnities.

The Owner/Owners shall defend, indemnify and hold harmless the Indemnities from and against all claims, demands, actions, proceedings, and liabilities whatsoever and all costs and expenses incurred in connection therewith and resulting from the performance, purported performance, or non-performance of this Fireworks Permit, excepting only where such claim, demand, action, proceeding or liability is based on the sole negligence of the Indemnities.

Signature of Owner(s) _____

Signature of Owner(s) _____

Date _____

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