



Village of Telkwa Fireworks Bylaw No. 648, 2015

INDEX OF AMENDING BYLAWS


This document has been reproduced for convenience only and is a consolidation of the "Village of Telkwa Fireworks Bylaw No. 648" with the following amending bylaws:

Amendment Bylaw	Effective Date
No. 720	November 12, 2020

NOTE TO USER

WHEREAS each bylaw consolidation shall be proof, in the absence of evidence to the contrary, of the original bylaw, of all bylaws amending it and of the fact of adoption of the original and all amending bylaws, pursuant to the "Village of Telkwa Consolidation of Bylaws Authorization Bylaw No. 711, 2020", which was adopted on the 10th day of November, 2020;

This consolidation is hereby certified to be a true and correct copy, this 12th day of November, 2020.


Corporate Officer
Village of Telkwa

**THE CORPORATION OF THE VILLAGE OF TELKWA
FIREWORKS BYLAW NO. 648, 2015**

A Bylaw to provide for the regulation, sale, possession and use of fireworks.

WHEREAS Council of the Corporation Village of Telkwa, in accordance with Section 8(3)(d) of the *Community Charter*, may establish a bylaw to regulate, prohibit and impose requirements in relation to firecrackers, fireworks and explosives.

NOW THEREFORE Council of the Corporation of the Village of Telkwa in open meeting enacts as follows:

1. CITATION

This Bylaw may be cited for all purposes as the "Fireworks Bylaw No. 648, 2015".

2. DEFINITIONS

2.1 In this Bylaw, unless the context otherwise requires:

"Approved" means approved by an Officer of the Village of Telkwa, Fire Chief or designate.

"Council" means the Council of the Village of Telkwa.

"Explosive" includes gunpowder, nitro glycerine, gun cotton, dynamite, blasting gelatin, gelnite, fulminate or mercury, or other metals, coloured fire and every other substance used or manufactured to produce a violent effect by explosion, or a pyrotechnic effect, and shall include fireworks, fuses, rockets, percussion caps, detonators, cartridges, and ammunition.

"Fire Chief" means the person who is appointed from time to time as Fire Chief of the Village of Telkwa Fire Department or that person's representative.

"Fire Department" means the Village of Telkwa Fire Department.

"Firecracker" includes a small fireworks with entwined fuses used solely as noise makers, not for pyrotechnic effects or have little or no pyrotechnic effect and without limitation such as bottle rockets, screechers, screecharoos, humaroos, supersonic bang, butterfly thunder and air bombs and items similarly named or are in the same noise producing category.

“Fireworks” means consumer fireworks, manufactured goods intended to be used for pyrotechnic effect that are classified by the Canada Explosives Regulations as low hazard fireworks for recreation (Class 7.2.1) such as, but not limited to, fireworks showers, fountains, golden rain, lawn lights, pinwheels, Roman candles, and volcanoes.

“Minor” means a person under the age of nineteen (19) years old.

“Occupant” means an owner, tenant, lessee, agent, licensee and any other person who has the right of access to and control of any, land, building or premises to which this bylaw applies.

“Peace Officer” means Fire Chief; Fire Prevention Officer; Bylaw Officer; Police/RCMP Officer.

“Possession” means when a person has anything in his/her personal possession or knowingly has it in the possession or custody of another person or place, whether or not that place belongs to or is occupied by him/her

“Restricted Area” means a storage area specifically assigned for the storage of fireworks that are behind a counter, in a locked cabinet, supervised by the retail proprietor or under constant surveillance.

“Village” means the Corporation of the Village of Telkwa.

“Sale” means the act of selling, the exchange of goods or services for money or other valuable considerations.

3. GENERAL

3.1 A Peace Officer may exercise the powers conferred by this bylaw.

3.2 The authority to set additional terms and conditions under this section is hereby delegated to the Fire Chief.

3.3 A person may not sell fireworks/firecrackers unless the person has a permit issued by the Village.

3.4 A Peace Officer may seize firecrackers or fireworks being held in violation of this bylaw, and may dispose of them without compensation.

- 3.5 The Fire Chief may enter onto 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.
- 3.6 An occupant of real property shall remove or reduce anything or condition from a building or yard which in the opinion of a Peace Officer is a fire hazard or increases the danger of fire during use of fireworks.
- 3.7 After an inspection the Fire Chief may order, in writing, that, within a reasonable time set out in the order, the occupant remove, destroy, repair or alter the use of the occupancy of the premises, or remove or take precautions against any fire hazard as set out in the order.
- 3.8 The Village shall charge any and all costs that are incurred while mitigating fires resulting from the misuse of fireworks to the person or persons responsible for discharging the fireworks or firecrackers.

4. FIREWORKS AND MINORS

- 4.1 No person shall sell, give or furnish fireworks or fire crackers to a minor.
- 4.2 No minor shall be in possession of, ignite or explode fireworks or fire crackers.

5. FIREWORKS DISPLAYS IN RETAIL OUTLETS

- 5.1 A person shall obtain a permit to sell public firework retail displays and abide by conditions contained in this bylaw (see Schedule A).
- 5.2 A fireworks permit allows a retail display, with restricted area, and can be purchased at the Village office.
- 5.3 The Fire Chief may not issue a permit pursuant to subsection 3.3 for a Fireworks Permit display unless a registered owner of the business is the person seeking the permit or the person seeking the permit has written consent from the registered owner of the business to seek such a permit.
- 5.4 If a Peace Officer, as a result of the existence of hazardous fire conditions, deems it advisable, he/she may cancel or suspend the permit for such time as is specified in the order.
- 5.5 The Fire Chief may impose additional conditions, restrictions, and provisions for any permit.

6. SAFETY

- 6.1 A person shall restrain the audience at a public display of fireworks. The audience shall be restrained behind lines at least forty-five (45) metres from the point at which the fireworks are discharged, or as the Fire Chief deems safe, and only persons in active charge of the display shall be allowed inside these lines.
- 6.2 A person shall not hold a public display of fireworks during a wind storm in which the wind reaches a velocity of more than ten (10) kilometres per hour.
- 6.3 (a) A person shall not hold a public display of fireworks when the outside temperature is thirty (30°) degrees Celsius or higher or if the humidity is thirty (30%) percent or less or both.
- (b) In the event of a fire ban a person shall not be permitted to discharge fireworks at any time.
- 6.4 A person shall direct all fireworks that fire a projectile into the air in a vertical direction.
- 6.5 A person shall direct all fireworks beside a lake or large body of water over the lake so falling residue will fall into the body of water.
- 6.6 Clean-Up after the show – wait 30 minutes after the display has finished. Check the firing area for duds, clean up all debris, and check it again the next morning.
- 6.7 There shall be at all times at least two (2) operators of the display constantly on duty during the discharge.
- 6.8 At least two (2) 10 lb certified fire extinguishers or equivalent shall be kept at as widely separated points as possible within the area in which the discharge is being done.
- 6.9 The Fire Chief shall decide all disputes arising as a result of the administration of the provisions of this bylaw. If a dispute arises between the business owner and the Fire Chief's decision, the issue may be brought to Council for resolution.
- 6.10 This bylaw shall be subject to the provisions of Natural Resource Canada Act.
- 6.11 A person may be permitted to have a public display of fireworks provided that the person fires the fireworks and firecrackers at least sixty (60) metres from the nearest permanent building, public highway or railway, or other means of

travel, or fifteen (15) metres from the nearest above ground telephone or telegraph line, tree or other overhead obstruction.

7. NOISE

7.1 This bylaw shall be subject to the provisions of Village of Telkwa Noise Bylaw No. 495, 2001, with the exception of Halloween and New Year's Eve celebrations between the hours of 5:00 pm and 1:00 am.

8. PENALTIES

8.1 A person who contravenes a provision of this Bylaw is guilty of an offence and is subject to the penalties imposed by this Bylaw.

8.2 Each day that a contravention of a provision of this Bylaw continues is a separate offence.

8.3 Every person who commits an offence against this bylaw is liable to a fine of not less than Two Hundred Dollars (\$200.00) and not more than Ten Thousand Dollars (\$10,000), as specified in the Village of Telkwa Fees and Charges Bylaw.

SCHEDULE "A"

**APPLICATION FOR A PERMIT
FOR THE DISPLAY & RETAIL SALE OF FIREWORKS**

Schedule "A" forms part of the VILLAGE OF TELKWA FIREWORKS BYLAW NO. 648, 2015

Receipt # _____

Fee: \$ _____

Paid: _____

APPLICATION is hereby made in accordance with the provisions of "Fireworks Bylaw No. 648, 2015:

DATE: _____

Business Name: _____

Contact: _____

Signing Authority (please print): _____

Capacity: _____

Address (include postal code): _____

Telephone: Cell: _____

Signature of Property Owner Signature of Tenant or Lessee _____

Attach written consent from the registered owner of the business if applicable as per s.5.3

SCHEDULE "A" CONTINUED

**VILLAGE OF TELKWA SPECIAL PERMIT FOR THE
DISPLAY AND SALE OF FIREWORKS**

PERMISSION is hereby granted in accordance with the provisions of "The Village of Telkwa Fireworks Bylaw No. 648, 2015" to:

Business Name: _____

Address: _____

Telephone Number: _____

THIS PERMIT IS NOT TRANSFERABLE

Issued at Telkwa, British Columbia, this day of _____, _____

Signature of Fire Chief _____

The Village of Telkwa accepts no responsibility for liability or costs incurred as a result of authorizing this permit.