



Fireworks Regulations

Bylaw No. 1050, 2014

Amended by:

Comprehensive Fees and Charges Bylaw No. 1094, 2017

CONSOLIDATED FOR CONVENIENCE ONLY



DISTRICT OF HOUSTON FIREWORKS BYLAW NO. 1050, 2014

A bylaw to regulate the sale and use of firecrackers and fireworks.

WHEREAS pursuant to the provisions contained in Section 8 of the Community Charter, Council may, by bylaw, regulate, prohibit and impose requirements in relation to firecrackers, fireworks and explosives;

AND WHEREAS pursuant to the provisions contained in Section 8 of the Community Charter, Council may, by bylaw, regulate, prohibit and impose requirements in relation to the protection and enhancement of the well-being of its community in relation to noise, vibration, odour, dust, illumination or any other matter that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;

AND WHEREAS the District of Houston is provided authority under section 154 of the Community Charter to delegate it's authority in relation to the issuance of permits under this bylaw;

AND WHEREAS Council deems it expedient and desirable to provide such regulations;

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

CITATION

1.0 This Bylaw may be cited for all purposes as "Fireworks Bylaw No. 1050, 2014".

DEFINITIONS

2.0 Unless otherwise defined or the context otherwise requires, all words and phrases in this bylaw shall be construed in accordance with the meaning assigned to them by the *Community Charter*, the *Local Government Act* and the *Interpretation Act*, as the context and circumstances may require and the following definitions apply:

"**APPROVED**" means approved by an Officer of the Fire Department of the District of Houston.

"**COUNCIL**" means the Council of the District of Houston.

"**DISTRICT**" means the Corporation of the District of Houston.

"**EXPLOSIVE**" means gunpowder, nitro glycerine, gun cotton, dynamite, blasting gelatin, gelignite, 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.

BL1094

"**FEES & CHARGES BYLAW**" means *Comprehensive Fees and Charges Bylaw No. 1094, 2017* including any amendments thereto.

"**FIRE CHIEF**" means the person who is appointed to be head of the Houston Fire Department and every person designated by Council under the Community Charter by name of office or otherwise to act in the place of the Fire Chief;

"FIRE DEPARTMENT" means the organization known as the Houston Volunteer Fire Department or the Houston Fire Department.

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"FIRECRACKER" means 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 includes bottle rockets, screechers, screecharoos, humaroots, supersonic bang, butterfly thunder and air bombs and items similarly named or are in the same noise producing category.

"FIREWORKS" means 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, volcanoes and sparklers.

"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.

"OFFICER" means any person appointed by the Fire Chief to exercise the powers vested under this Bylaw or the Fire Services Act. An Officer includes members of the Fire Department appointed from time to time to the positions of Deputy Chief, Captain or Lieutenant.

"PEACE OFFICER" means a person employed by the Fire Department of the District of Houston, acting as a Local Assistant to the Fire Commissioner as defined under the Fire Services Act [RSBC 1996] Chapter 144 or any person employed by the District of Houston as a Bylaw Enforcement Officer, or any person carrying out the duties of a R.C.M.P. Officer for the District of Houston.

"PERSON" includes a corporation, partnership or party, and the personal or other legal representatives of a person to whom the context can apply according to this bylaw.

"POSSESSION" means when a person has anything in possession when he/she has it in his/her personal possession or knowingly, has it in the actual possession or custody of another person, or, has it in any place, whether or not that place belongs to or is occupied by him/her, for the use or benefit of himself/herself or of another person; and, where one of two or more persons, with the knowledge and consent of the rest, has anything in his/her custody or possession, it shall be deemed to be in the custody and possession of each and all of them.

"RESTRICTED ACCESS" means a storage area specifically assigned for the storage of fireworks that are behind a counter supervised by the retail proprietor, in a locked cabinet, or under constant surveillance.

"SALE" means the act of selling, the exchange of goods or services for money or other valuable considerations.

GENERAL

3.0 A person defined as a Peace Officer or Officer pursuant to this bylaw is empowered to exercise the powers conferred by this bylaw.

BL1094 3.1 The cost of mitigating fires will be assessed at the rates designated by the **Fees & Charges Bylaw.**

3.2 The sale of fireworks of every nature or kind are hereby prohibited in the District of Houston except by permit.

3.3 The sale and use of firecrackers are hereby prohibited in the District of Houston.

3.4 The throwing, propelling, ejecting, lighting, firing, exploding, setting off, discharging or possession of fireworks of every nature or kind is hereby prohibited in the District of Houston except as herein provided.

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

3.6 The Fire Chief or an Officer may 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.

3.7 An owner or occupier of real property shall remove or reduce any thing or condition from a building or yard which in the opinion of a Peace Officer or Officer is a fire hazard or increases the danger of fire during use of fireworks.

3.8 After an inspection the Fire Chief or an Officer may order in writing that within a reasonable time set out in the Order, the Owner or 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.

3.9 Any and all costs that are incurred while mitigating fires resulting from the misuse of fireworks will be charged to the person or persons responsible for discharging the fireworks or firecrackers.

3.10 The cost of mitigating fires will be assessed at the rate of three hundred dollars (\$300.00) per hour for every fire truck and thirty dollars (\$30.00) per hour for every fire fighter.

FIREWORKS AND MINORS

4.0 No person shall sell, give or furnish fireworks or fire crackers to a minor.

4.1 No minor shall be in possession, ignite or explode fireworks or fire crackers.

FIREWORKS DISPLAYS IN RETAIL OUTLETS

- 5.0 All public fireworks' retail displays must be sold under permit as required by this bylaw and abide by conditions contained in this bylaw (see Schedule A). Notwithstanding any clause in this bylaw, a Fireworks Permit allowing a retail display, with restricted access, of fireworks on the terms and conditions set out in the Fireworks Permit in the form attached hereto as Schedule "A", or to like effect, may be purchased from the District of Houston for **the permit fee established by the Fees & Charges Bylaw**.
- 5.1 Public display of fireworks shall be permitted only when the point at which the fireworks and firecrackers are to be fired is 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.
- 5.2 The Fire Chief will not issue a permit pursuant to subsection 3.2 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.
- 5.3 If an Officer, as a result of the existence of hazardous fire conditions, deems it advisable, he/she may cancel or suspend for such time as is specified in the order.
- 5.4 All permits and permissions issued pursuant to this bylaw shall be subject to such conditions, restrictions, and provisions as the Fire Chief may consider necessary or expedient to incorporate therein.

SAFETY

- 6.0 The audience at a public display of fireworks shall be restrained behind lines at least forty-five (45) metres from the point at which the fireworks are discharged and only persons in active charge of the display shall be allowed inside these lines.
- 6.1 No public display of fireworks shall be held during a wind storm in which the wind reaches a velocity of more than ten (10) kilometres per hour.
- 6.2 All fireworks that fire a projectile must be directed in such a manner that the projectile goes into the air in a vertical direction.
- 6.3 In circumstances where fireworks are to be fired beside a lake or large body of water, the fireworks may be directed in such a manner that the falling residue from the deflagration will fall into the body of water.
- 6.4 Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a safe manner.

- 6.5 No public display of fireworks shall be held when the outside temperature is thirty (30°) degrees Celsius or higher and/or if the humidity is thirty (30%) percent or less.
- 6.6 The persons in charge of the firing of fireworks in a public display shall not be a minor, and competent for the task.
- 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) fire extinguishers approved by the Fire Chief shall be kept at as widely separated points as possible within the area in which the discharge is being done.
- 6.9 All disputes arising as a result of the administration of the provisions of this bylaw shall be referred to the Fire Chief, who shall be the final authority in all cases.
- 6.10 Except where not in conflict therewith, or where excepted therefrom or permitted thereby, this bylaw shall be deemed to be at all times subject to the provisions of the Dominion Explosives Act, the Dominion Railway Act and the National Harbours Board Act, 1936, and any regulation or bylaw duly enacted pursuant to any of the said Acts or any statute or regulation relating to explosives having the force of law in the District. The word “explosive” wherever used in this bylaw shall be deemed to include all substances which are, or may be hereafter included in any definition of explosives contained in any of the said statutes, bylaws or regulations; provided, however, that the word “explosive” shall not be deemed to apply to fireworks, except in the sections of this bylaw dealing especially with such fireworks.

PENALTIES

- 7.0 Every person who violates any of the provisions of this bylaw or who permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw, or who neglects to do or refrain from doing anything required to be done by any of the provisions of this bylaw, shall be guilty of an offence punishable on summary conviction and shall be liable to a fine of not more than \$2,000.00 or to imprisonment for not more than six (6) months, or to both, the penalties being enforced and the fines and costs being recoverable upon summary conviction in the manner provided by the [Offence Act \[RSBC 1996\]](#) Chapter 338 as amended or according the penalty schedule in a Municipal Ticket Information Bylaw.

SCHEDULE “A”

- 8.0 Schedule “A” is attached hereto and forms part of this bylaw.

SEVERABILITY

8.0 If any section, subsection or clause of the bylaw is declared or held to be invalid by a court of competent jurisdiction, then that invalid portion shall be severed and the remainder of this bylaw shall be deemed to have been enacted and adopted without the invalid and severed section, subsection or clause.

| | | |
|--------------------|------------------|--------------------|
| READ A FIRST TIME | 18 th | DAY OF MARCH, 2014 |
| READ A SECOND TIME | 1 st | DAY OF APRIL, 2014 |
| READ A THIRD TIME | 1 ST | DAY OF APRIL, 2014 |
| ADOPTED THIS | 15 | DAY OF APRIL, 2014 |

BILL HOLMBERG
MAYOR

MARNI LAROCQUE
CORPORATE SERVICES OFFICER



DISTRICT OF HOUSTON FIREWORKS BYLAW NO. 1050, 2014

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

APPLICATION is hereby made in accordance with the provisions of "Fireworks Bylaw No. 1050, 2014 by:

Please print

Business Name: _____

Contact: _____

Signing Authority (Capacity): _____

Address (include postal code): _____

Telephone: _____ Cell: _____

Name of Supervisor: _____ Telephone: _____

Address: _____

Date: _____

Signature of Property Owner

Signature of Tenant or Lessee

**DISTRICT OF HOUSTON SPECIAL PERMIT FOR THE
DISPLAY AND SALE OF FIREWORKS**

PERMISSION is hereby granted in accordance with the provisions of "District of Houston Fireworks Bylaw No. 1050, 2014" to:

Business Name: _____

Address: _____

Telephone Number: _____

THIS PERMIT IS NOT TRANSFERABLE

Issued at Houston, British Columbia, this _____ day of _____, 20____.

Signature of Fire Chief

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