

**CITY OF POWELL RIVER  
BYLAW 2359, 2013**

**A Bylaw to Regulate Fireworks**

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**WHEREAS** Council may, by bylaw, regulate or prohibit or impose requirements in relation to fireworks and firecrackers;

**AND WHEREAS** Council considers it appropriate to regulate, prohibit and impose requirements in relations to fireworks and firecrackers;

**NOW THEREFORE** the Council of the City of Powell River in open meeting assembled enacts as follows:

**TITLE**

1. This Bylaw may be cited as **"Fireworks Regulation Bylaw 2359, 2013"**.

**INTERPRETATION**

2. In this Bylaw:

**"City"** means the City of Powell River;

**"Federal Act"** means the Explosives Act, R.S.C. 1985, C.E-15, as amended;

**"Federal Regulations"** means the Explosives Regulations, C.R.C. 1978, c. 599, as amended;

**"Fire Chief"** means the person appointed to be in charge of Powell River Fire Rescue and his deputy or designate;

**"firecracker"** means a small paper cylinder with entwined fuses, used solely as noise makers, containing pyrotechnic composition that produces a bang;

**"Fireworks Supervisor"** means a person who holds a valid fireworks supervisor certificate from Natural Resources Canada – Explosives Regulatory Division;

**"high-hazard fireworks"** means pyrotechnic devices producing effects of light or sound that are classified by the Federal Regulations as high-hazard fireworks for recreational use, and includes, but is not limited to, rockets, serpents, shells, bomb shells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, water falls, fountains, batteries, illumination, set pieces, pigeons and firecrackers;

**"low-hazard fireworks"** means pyrotechnic devices producing light, sound or smoke effects by combustion which are classified by the Federal Regulations as low hazard fireworks for recreational use and includes, but is not limited to, fireworks showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, and volcanoes, but excludes sparklers, Christmas crackers, and caps for toy guns;

**"Peace Officer"** means any member or auxiliary of the Royal Canadian Mounted Police, any firefighter or auxiliary of Powell River Fire Rescue or a bylaw enforcement officer.

**SALE OF FIREWORKS**

3. No person shall sell or dispose of any fireworks of any class or description to a person who is under the age of eighteen years or to a person who appears to be under the age of eighteen years.
4. No person shall sell or dispose of firecrackers or high-hazard fireworks within the City.
5. A person may only sell or dispose of low-hazard fireworks within the City under the following conditions:
  - (a) to a person over eighteen years of age;
  - (b) by obtaining and holding a valid and subsisting business licence under Business Licence Bylaw 2226, 2010 as amended;
  - (c) during the period October 24 and October 31 of each year; and
  - (d) in compliance with the Federal Act and Federal Regulations.

**SPECIAL USE FIREWORKS PERMIT**

6. A person or organization wishing to possess and explode fireworks to observe or celebrate a special event, festival, or theatrical performance must, at least fourteen days prior to the date of the event, apply in writing to the Fire Chief for a Special Use Fireworks Permit (the "Permit"), substantially in the form attached as Schedule "A". The Fire Chief is authorized to amend the Permit from time to time.
7. The Fire Chief shall consider each application for a Permit and shall specify in writing the terms and conditions under which a Permit, if any, is issued.
8. The Fire Chief may issue a Permit when the following conditions have been met:
  - (1) the written consent of the property owner or agent or representative of the owner charged with the control and care of the property is provided to the Fire Chief;
  - (2) the sponsor of the fireworks display has deposited with the City a certificate of insurance indicating that third party liability insurance coverage is available to protect the City in the event of bodily injury, including death, and property damage liability that may result from or arise out of the holding of the fireworks display and to indemnify the City from damage to and destruction of City property that may occur by reason of the fireworks display;
  - (3) the insurance policy shall name the City as an additional insured and contain a cross liability clause and shall be in an amount and form acceptable to the Fire Chief;
  - (4) the sponsor of the fireworks display must appoint a Fireworks Supervisor who will have complete authority over and be responsible for all fire safety features at the fireworks display and the Permit shall be issued in the Fireworks Supervisor's name; and
  - (5) the Fireworks Supervisor shall supervise the setting off or exploding the permitted fireworks.

**PERMIT TERMS AND CONDITIONS**

9. Every person to whom a Permit has been issued shall:

- (1) ensure that the fireworks are exploded at the date and time set out in the permit;
  - (2) ensure that the fireworks are exploded under the direct supervision of the Fireworks Supervisor, or another person approved in writing by the Fire Chief;
  - (3) ensure that only those fireworks set out in the permit are exploded;
  - (4) ensure that the exploding of the permitted fireworks shall conform to the Permit and the Federal Act and Federal Regulations;
  - (5) remove all fireworks and debris immediately after the exploding of the fireworks and safely dispose of such materials;
  - (6) when the permitted fireworks are exploded on public property, ensure that the land, buildings and structures on the property are left in a neat, clean, tidy and undamaged condition; and
  - (7) comply with all instructions of the Fire Chief or a Peace Officer.
10. The Permit holder shall be responsible to pay all costs incurred by the City for firefighting or remedial work, materials, and resources expended as a result of a fire caused by fireworks used during the event authorized by a Permit. The costs shall be calculated according to Schedule C attached.
11. The Fire Chief may rescind a Permit if:
- (1) the Permit holder fails to comply with any terms or conditions of the permit without the prior written consent of the Fire Chief;
  - (2) the Permit holder violates or breaches any of the provisions of this bylaw;
  - (3) circumstance arising or ascertained after the permit was issued demonstrate that a public safety risk to public or private property exists in connection with the fireworks event; or
  - (4) the Permit holder submitted false or inaccurate information on the Permit application.

## **PROHIBITION**

12. No person under the age of 18 shall possess any fireworks within the City.
13. No person shall explode, discharge or possess a firecracker within the City.
14. No person shall discharge or explode any fireworks on any highway, street, park, playground, school ground or any other public place within the City without first obtaining a Permit.
15. No person shall discharge or explode a firework which is pointed or directed at any person, animal, building, motor vehicle, tree or bush.

## **EXPLODING OF LOW-HAZARD FIREWORKS**

16. Any person over 18 may set off or explode low-hazard fireworks between the hours of 4:00 pm and 11:00 pm on October 31 of each year provided that the fireworks are set off or exploded in a safe manner on private property with the owner's consent.
17. The property owner shall be responsible to pay all costs incurred by the City for firefighting or remedial work, materials, and resources expended as a result of a fire caused by

setting off or exploding the fireworks on his or her property. The costs shall be calculated according to Schedule C.

**ENFORCEMENT**

18. This bylaw is designated, pursuant to the Community Charter as a bylaw that may be enforced by means of a ticket in the prescribed form.
19. The Fire Chief or a Peace Officer are designated to enforce this bylaw, including by means of a ticket, under section 264 of the Community Charter.
20. The words or expressions listed in the "Designated Offence" in Schedule B attached to and forming part of this Bylaw, are authorized to be used on a ticket to describe an offence against the respective section of this bylaw appearing in the Section column and shall be subject to a fine as listed in the corresponding Fine Amount column.
21. The Fire Chief or a Peace Officer is authorized to enter onto any property or into any building without warrant to ascertain that the provisions of this bylaw are being met.
22. No person shall hinder, delay, or obstruct in any manner, directly or indirectly, the Fire Chief or a Peace Officer in carrying out their duties or powers under this bylaw.
23. Where the Fire Chief or a Peace Officer finds firecrackers or fireworks being displayed or offered for sale by a vendor in contravention of this bylaw, the Fire Chief or Peace Officer may seize and destroy the firecrackers or fireworks without compensation to the vendor or owner of the fireworks.
24. Where the Fire Chief or a Peace Officer finds a person in posses of firecrackers or fireworks in contravention of this bylaw, the Fire Chief or Peace Officer may seize and destroy the firecrackers or fireworks without compensation to the owner.
25. Any person who violates any provision of this Bylaw is guilty of an offence and is liable upon conviction, to the penalties prescribed by the Offence Act.

**SEVERABILITY**

26. 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 is to remain valid.

**REPEAL**

District of Powell River Fireworks Bylaw No. 1411, 1991 as amended is hereby repealed.

READ a first time the 3<sup>rd</sup> day of October, 2013.

READ a second time the 3<sup>rd</sup> day of October, 2013.

READ a third time the 3<sup>rd</sup> day of October, 2013.

ADOPTED the 17<sup>th</sup> day of October, 2013.



David J. Formosa, Mayor



Marie Claxton, City Clerk



SCHEDULE A

City of Powell River  
**SPECIAL USE  
FIREWORKS PERMIT**

Application Date: \_\_\_\_\_

**Bylaw Information**

All Special Use Fireworks Permits are subject to the terms and conditions set forth in the Fireworks Regulation Bylaw 2359, 2013 as amended.

**Required Application Information**

All submissions must include the following information. Applicant to check completed item as part of the application package:

- Proof of third party liability insurance naming the City of Powell River as an Additional Insured for the event
- Written consent of property owner where event will be held
- Proof of valid Fireworks Supervisor Certificate

**Event Organizers**

Sponsoring Organization: \_\_\_\_\_

Contact Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

**Details of Event**

Proposed Event: \_\_\_\_\_

Date: \_\_\_\_\_ Duration: \_\_\_\_\_ to \_\_\_\_\_

Designated Fireworks Supervisor: \_\_\_\_\_ Contact Number: \_\_\_\_\_

**BC Coastal Fire Centre Prohibitions and Area Restrictions**

At date of application there are:

- No prohibitions in place
- Prohibitions (describe): \_\_\_\_\_
- Fire Danger Rating: \_\_\_\_\_

It is the responsibility of the applicant/Fireworks Supervisor to confirm status of the fire danger rating on the day of the event and comply with any prohibitions in effect.

**Applicant Signature**

**Fire Chief Approval**

Approval is given subject to the terms and conditions of Bylaw 2359, 2013 and any additional conditions listed below.

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Fire Chief Date

**Additional Conditions**

**SCHEDULE B****FINE SCHEDULE**

<b>Designated Offence</b>	<b>Section</b>	<b>Fine Amount</b>
Sell or dispose of fireworks to person under 18	3	\$300.00
Sell or dispose of firecrackers or high hazard fireworks within the City	4	\$300.00
Unlawful sale or disposal of low hazard fireworks	5	\$300.00
Unlawful possession of fireworks	12	\$300.00
Unlawful explosion, discharge or possession of firecrackers	13	\$300.00
Failure to apply for Special Use Fireworks Permit	6	\$300.00
Unlawful explosion of fireworks in a public place	14	\$300.00
Explosion of low hazard fireworks outside of permitted time	16	\$300.00
Obstruction of Fire Chief or Peace Officer	20	\$300.00

**SCHEDULE C**  
**FEE SCHEDULE**

<b>Aerial Vehicle</b>	<b>\$250.00 per hour ( 2 hour minimum)</b>
<b>Pumper/Rescue Vehicle</b>	<b>\$150.00 per hour ( 2 hour minimum)</b>
<b>Support Vehicle</b>	<b>\$100.00 per hour</b>
<b>Full time and paid on call staff</b>	<b>\$50.00 per hour per person (2 hour minimum)</b>
<b>Consumable goods</b>	<b>Replacement value plus all applicable taxes</b>