

VILLAGE OF ANMORE

BYLAW NO. 310-2001

A bylaw for the preservation of life, prevention of injuries, protection of property,
and control of firecrackers and fireworks

WHEREAS, pursuant to the provisions contained in the *Municipal Act*, being Chapter 290, R.S.B.C., 1979 and amendments thereto, Council may by Bylaw provide Regulations for the protection of persons and property;

AND WHEREAS, the Council of the Village of Anmore deems it expedient and desirable to provide such regulations;

NOW THEREFORE, the Council of the Village of Anmore in open meeting, enacts as follows:

1. TITLE

This Bylaw may be cited for all purposes as the "Anmore Fireworks Bylaw 310-2001".

2. INTERPRETATION

In this Bylaw,

- 2.1 "APPROVED" means approved by an Officer of the Sasamat Volunteer Fire Department.
- 2.2 "COUNCIL" means the Municipal Council of the Village of Anmore.
- 2.3 "VILLAGE" means the Village of Anmore.
- 2.4 "EXPLOSIVE" means gunpowder, nitro-glycerine, gun cotton, dynamite, blasting gelatin, gelignite, fulminate of mercury or other metals, colored 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, detonator, cartridges, and ammunition.
- 2.5 "FIRE CHIEF" means the person appointed as Fire Chief or Acting Fire Chief for the Sasamat Volunteer Fire Department.
- 2.6 "FIRECRACKER" means small fireworks with entwined fuses used solely as noisemakers, and not for pyrotechnic effect.

2.7 **“FIREWORKS”** means:

- (a) **“HIGH HAZARD FIREWORKS”** means manufactured goods intended to be used for pyrotechnic effect that are classified by the *Canada Explosives Regulations* as *high hazard fireworks for recreation (Class 7.2.1)* such as rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains and mines, but excludes fireworks having a practical use (**Class 7.2.5**) such as distress signals, line-throwing rockets, signal smoke signals and wildlife control devices, when used as they are intended.
- (b) **“LOW HAZARD 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 7.2.2)* such as firework showers, fountains, golden rain, lawn lights, pinwheels, Roman candles, volcanoes, and sparklers but excludes fireworks having a practical use (**Class 7.2.4**) such as highway flares or other small distress flares, when used as they are intended.

2.8 **“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.

2.9 **“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, Fire Chief, District Fire Chief, Captain, Acting Captain, Lieutenant and Acting Lieutenant.

2.10 **“PEACE OFFICER”** means a person recognized as a regular member of the Sasamat Volunteer Fire Department as an Officer, or any person employed by the Village of Anmore as a Bylaw Enforcement Officer, or any person carrying out the duties of a Police Officer for the Village of Anmore.

3. GENERAL

3.1 In the event of any inconsistency between the provisions of this Bylaw and the provisions contained in a statute and/or regulation enacted by the Government of the Dominion of Canada or the Province of British Columbia, the more restrictive provisions of those statutes and/or regulations shall apply.

- 3.2 As provided by Section 739 of the *Municipal Act* R.S.B.C. 1979, Chapter 290, and subject to the *Fire Services Act*, R.S.B.C. 1979, Chapter 133, the *National Fire Code of Canada 1985*, as revised, is adopted as Regulations for the Village of Anmore supplementary to Regulations made pursuant to this Bylaw. In the event of conflict between this Bylaw and the *National Fire Code*, the **Canada Explosives Act*, the *Dominion Railway Act*, and the *National Harbours Act* 1936, the provisions of the *National Fire Code*, the **Canada Explosives Act*, the *Dominion Railway Act*, and the *National Harbours Act* 1936, shall prevail over the provisions of this Bylaw.
- 3.3 If an Officer, on account of the existence of hazardous fire conditions deems it advisable, he may cancel or suspend for such time as is specified in the order, any Permits issued pursuant to this Bylaw, or he may attach to any or all such permits such conditions and restrictions as they think appropriate.
- 3.4 A person, defined as a Peace Officer pursuant to this Bylaw, is empowered to exercise the powers conferred in this Bylaw, and further, the Fire Chief and appointed Officers of the Fire Department are empowered to exercise the powers conferred by this Bylaw and the powers conferred by the *Fire Services Act* for the Village.
- 3.5 All permits issued pursuant to this Bylaw shall be subject to such conditions, restrictions, and provisions, as an Officer may consider necessary or expedient to incorporate therein.

4. STORAGE

- 4.1 It shall be unlawful for any person to store, or keep in storage any explosive or material used, or intended to be used for fireworks or firecrackers unless such person shall have first obtained permission in writing to do so from the Fire Chief.
- 4.2 An application for permission hereunder shall be made to the Fire Chief and shall set out the premises or portion thereof on which it is proposed that such explosives, fireworks, firecrackers, or material intended to be used for fireworks or firecrackers, are to be kept or stored and all particulars pertaining to the proposed storage and keeping of such materials shall be specified in such application.
- 4.3 No explosives, fireworks or firecrackers may be stored or kept contrary to the provisions of this Bylaw or permission issued hereunder.

- 4.4 It shall be unlawful for any person to store or keep in any premises in which other flammable materials are kept or stored, except in a fireproof vault or fireproof storeroom, any material used for, or intended to be used for fireworks in excess of *ninety-one kilograms* gross weight.
- 4.5 No person shall smoke, or allow any other person to smoke, in any area defined or set aside for storage of fireworks, firecrackers, or any material intended to be used as fireworks or firecrackers, and such area shall be so marked with signs displaying the words “**No Smoking**” or similar wording to that effect.

5. WHOLESALE AND RETAIL SALES

- 5.1 It shall be unlawful for any person to offer for sale, expose for sale, advertise or display, or sell at wholesale or retail, any firecrackers to any person or organization unless such person or organization is in possession of written permission of the Fire Chief authorizing a display including firecrackers.
- 5.2 The Fire Chief may give permission in writing to a person or organization to detonate or explode fireworks or firecrackers for Theatrical, Special effects, religious or ceremonial purposes, with any conditions restricting or limiting use as the Fire Chief deems advisable.
- 5.3 It shall be unlawful for any person directly or indirectly to sell, give or furnish to a person under the age of eighteen (18) years, any firework or firecracker whether for his own use or not.
- 5.3.1 It shall be unlawful for any person under the age of (18) to possess fireworks or firecrackers for any reason.
- 5.4 Unless authorized by the Fire Chief, it shall be unlawful for any person to possess, give, fire, or set off a firework, except *low hazard fireworks for recreation (Class 7.2.2)* from, and including, the twenty-fourth (24th) day of October to, and including, the thirty-first (31st) day of October in any year.

A permit issued by the Fire Chief pursuant to the provisions of this bylaw is required.

- 5.4.1 All requests for permits to see or distribute fireworks will require site inspection and the fees shall be as set out in Schedule “A” of this bylaw.

- 5.4.2 Sale, distribution, or storage of fireworks in or from vehicles, trailers or temporary structures is prohibited.
- 5.4.3 A “**Sale – Retail or Wholesale**” Business Licence is required for the sale of fireworks. Applications for business licences or permits to sell fireworks are to be received **no later** than the end of the first business day after October 07, in any year.
- 5.4.4 Sale of fireworks will only be allowed between the 24th day of October and 30th day of October in any year.
- 5.4.5 All sales of fireworks are to **cease on October 30 at 9:00 p.m.**
- 5.4.6 Vendors are to be held responsible for the clean up of their sales area and all signage to be removed by **12:00 p.m. October 31**. The clean up of the sales area and signage is not to be contracted out.
- 5.5 No person shall smoke, or allow any other person to smoke, in any area defined or set aside for wholesale or retail sale of fireworks, firecrackers, or any material intended to be used for fireworks or firecrackers, and such area shall be so marked with the appropriate “No Smoking” signs as required in Section 4.5 of this Bylaw.
- 5.6 No person shall offer for sale at retail, or display for sale, any fireworks that are not enclosed behind glass or wire enclosures to prevent customers from handling the fireworks on display.
- 5.7 In addition to all installed fire protection systems, the minimum Fire protection required for sale of fireworks will be two – 2 kg. ABC dry chemical fire extinguishers mounted and clearly visible.

6. REGULATION OF FIREWORKS AND FIRECRACKERS

- 6.1 Unless authorized by the Fire Chief, it shall be unlawful for any person to possess, give, fire, or set off, discharge or explode any firework, **except *low hazard fireworks for recreation (Class 7.2.2)*** from, and including, the twenty-fourth (24th) day of October to, and including, the thirty-first (31st) day of October in any year wherein a permit is not required.

- 61.1 Notwithstanding the exemption for a permit for *low hazard fireworks for recreation (Class 72.2)* from, and including, the twenty-fourth (24th) day of October to, and including, the thirty-first (31st) day of October in any year noted in 6.1, any person in possession or setting off, discharging or exploding any firework shall comply with this bylaw.
- 6.2 It shall be unlawful for any person to set off, discharge or explode any fireworks on any public street, lane, square or public place, unless such person or persons has first obtained both:
- a) Written permission from the property owner where the fireworks are to be set off; and
 - b) A permit issued by the Fire Chief for the display.
- It shall be the responsibility of the permit holder to ensure compliance with the provisions contained therein, or for any damages that may arise there from by reason of the issuance of such permit.
- 6.3 It shall be unlawful for any person to point or direct a firework at any person, animal, building or motor vehicle where such firework is in the process of exploding or detonating and where it is capable of projecting or discharging a charge or pyrotechnical effect for a distance of more than one (1) metre.
- 6.4 A Peace Officer may seize firecrackers or fireworks being held in violation of this Bylaw and may dispose of them without compensation.
- 6.5 Unless otherwise permitted by the Fire Chief, Public display of fireworks and firecrackers shall be permitted only when the actual point at which the fireworks and firecrackers are to be fired is at least;
- (1) **High hazard fireworks for recreation (Class 7.2.1)**, high-level displays shall be at least one hundred (100) meters from the nearest permanent building, public highway or other means of travel, and shall not be permitted to cross over or burst over areas occupied by the public;
 - (2) **High hazard fireworks for recreation (Class 7.2.1)**, low-level displays shall be at least forty-five (45) meters from the nearest permanent building, public highway or other means of travel, and shall not be permitted to cross over or burst over areas occupied by the public;

- (3) **Low hazard fireworks for recreation (Class 7.2.2)**, ground-level displays shall be at least thirty (30) meters from the nearest permanent building, public highway or other means of travel, and shall not be permitted to cross over or burst over areas occupied by the public;
 - (4) **No fireworks** may be set off within three hundred (300) meters of a hospital, nursing home, health lodge or home for the aged, school or church, unless the consent of the Fire Chief and the owner is obtained.
- 6.6 The audience at a public display of fireworks and firecrackers shall be restrained behind a visible line, fence or barrier at least equal to the distances specified in 6.5 above. The discharge of fireworks shall cease whenever the public enters the area defined by the visible line, fence or barrier. The public display shall not resume until the public is relocated behind the visible line, fence or barrier. Only those in active charge of the display shall be allowed inside the visible line, fence or barrier.
- 6.7 All fireworks that fire a projectile shall be so set up that the projectile will go into the air as nearly as possible in a vertical direction. Provided that where such fireworks are to be fired beside a lake or large body of water, they may be directed in such a manner that the falling residue from the deflagration will fall into the said body of water.
- 6.8 Any fireworks and firecrackers that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks and firecrackers remaining.
- 6.9 No fireworks and firecrackers display shall be held during a windstorm in which the wind reaches a velocity of more than twenty (20) kilometres per hour. In such cases the Fire Chief may authorize the display at a future date.
- 6.10 The persons in actual charge of the firing of fireworks and firecrackers in public display shall be able-bodied persons of at least nineteen (19) years of age, and competent for the task.
- 6.11 There shall be at all times at least two operators for the display, constantly on duty during the discharge. Whenever fireworks classified as **high hazard fireworks for recreation (Class 7.2.1)** are discharged at least one of the operators shall hold a valid Fireworks Supervisors Certificate.
- 6.12 At least two (2) approved 2 kg. ABC dry chemical fire extinguishers shall be kept at as widely separated points as possible within the actual area in which the discharge is being done.

6.13 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 authority in interpreting the regulations.

7. PENALTY SECTION

7.1 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 refrains from doing anything required to be done by any of the provisions of this Bylaw, shall be guilty of an offense punishable on summary conviction and shall be liable to a fine of not more than *\$5,000.00 or to imprisonment for not more than six 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 R.S.B.C. 1979, Chapter 305 as amended.

8. SEVERABILITY

8.1 If any section, subsection or clause of this 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.

9. EFFECTIVE DATE

This Bylaw shall come into force and take effect upon adoption thereto.

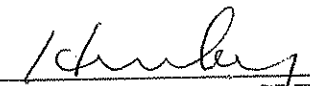
READ a first time this 18th day of September, 2001 A.D.

READ a second time this 18th day of September, 2001 A.D.

READ a third time this 18th day of September, 2001 A.D.

RECONSIDERED AND FINALLY PASSED AND ADOPTED this 9th day of October, 2001 A.D.


MAYOR


CLERK

I hereby certify that the foregoing is a true and correct copy of "Anmore Fireworks Bylaw No. 310-2001".

OCT 26/01
DATE


CLERK

VILLAGE OF ANMORE
FIREWORKS BYLAW NO. 310-2001

SCHEDULE OF FEES

Except for the discharging of *low hazard fireworks for recreation (Class 7.2.2)* between the **twenty-fourth (24th) day of October to, and including, the thirty-first (31st) day of October** in any year the following fees shall apply:

Application Fee and Permit Fee for sale of fireworks	\$50.00
Application and Permit Fee for Discharge of fireworks	\$25.00
Additional Site Inspections for sale or discharge of fireworks	\$50.00/hour

Application and Permit Fees are non-refundable
Additional Site Inspection fees must be paid in advance of inspections