

VILLAGE OF ANMORE

BYLAW NO. 569-2017

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

WHEREAS, pursuant to the *Community Charter, SBC Chapter 26*, and any amendments thereto, Council may, by bylaw, regulate, prohibit and impose requirements in relation to firecrackers, fireworks and explosives;

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

AND WHEREAS, Council declares the *Fireworks Act, SCBC Chapter 146*, to be applicable;

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 "Anmore Fireworks Bylaw No. 569-2017".

2. INTERPRETATION

In this Bylaw,

Approved means approved by an Officer of the Sasamat Volunteer Fire Department;

Chief Administrative Officer means the person appointed as Chief Administrative Officer or Acting Chief Administrative Officer for the Village of Anmore;

Council means the Municipal Council of the Village of Anmore;

Explosive means gunpowder, nitro-glycerine, gun cotton, dynamite, blasting gelatin, gelignite, fulminate of 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, detonator, cartridges, and ammunition;

Fire Chief means the person appointed as Fire Chief or Acting Fire Chief for the Sasamat Volunteer Fire Department;

Firecracker means small fireworks with entwined fuses used solely as noisemakers, and not for pyrotechnic effect;

Fireworks means and includes either or:

- (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.

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 under 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, and also includes the Chief Administrative Officer.

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.

Village means 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 Canadian federal government or the Province of British Columbia, the more restrictive provisions of those statutes and/or regulations shall apply.
- 3.2 If an Officer deems it advisable, on account of the existence of hazardous fire conditions, he/she may cancel or suspend for such time as is specified in the

order, any permits issued pursuant to this bylaw, or he/she may attach to any or all such permits such conditions and restrictions as may be deemed appropriate.

- 3.3 A Peace Officer is empowered to exercise the powers conferred in this bylaw, and further, the Fire Chief and his/her appointed Officers are empowered to exercise the powers conferred by this bylaw and the powers conferred by the *Fire Services Act*.
- 3.4 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 in such permit.

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 express written permission from the Fire Chief or the Chief Administrative Officer.
- 4.2 An application for permission hereunder shall be made to the Fire Chief or the Chief Administrative Officer, 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 (91 kg)* 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 express

written permission of the Fire Chief or the Chief Administrative Officer authorizing a display including firecrackers.

- 5.2 The Fire Chief or the Chief Administrative Officer 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 or the Chief Administrative Officer 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 old, any fireworks or firecrackers whether for his/her own use or not.
 - 5.3.1 It shall be unlawful for any person under the age of eighteen (18) years old to possess fireworks or firecrackers for any reason.
- 5.4 Unless authorized by the Fire Chief or the Chief Administrative Officer, 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) between October 24 to November 1 in any year.
 - 5.4.1 A permit issued by the Fire Chief or the Chief Administrative Officer pursuant to the provisions of this bylaw is required.
 - 5.4.2 All requests for permits to sell or distribute fireworks will require site inspection and the fees shall be as set out in "Schedule A" of this bylaw.
 - 5.4.3 The sales, distribution or storage of fireworks in or from vehicles, trailers or temporary structures is prohibited.
 - 5.4.4 A Business Licence and Valid Permit are required for the selling 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 7 in any year.
 - 5.4.5 The selling of fireworks is only permitted between October 24 to October 30 in any year.
 - 5.4.6 The selling of fireworks after October 30 at 9:00 p.m. is prohibited.
 - 5.4.7 Vendors are to be held responsible for the cleanup of their sales area and all signage is to be removed no later than October 31 at 12:00 p.m.

5.4.7.1 The cleanup 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 signage 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 the sale of fireworks is two (2) approved 2 kilogram ABC dry chemical fire extinguishers, mounted and clearly visible.

6 REGULATION OF FIREWORKS AND FIRECRACKERS

- 6.1 Unless authorized by the Fire Chief or the Chief Administrative Officer, it shall be unlawful for any person to possess, give, fire, or set off, discharge or explode any fireworks, except *low hazard fireworks for recreation (Class 7.2.2)* between October 24 to November 1 in any year, whereby a permit is not required.
- 6.1.1 Notwithstanding the exemption for a permit for *low hazard fireworks for recreation (Class 7.2.2)* on and including the dates between October 24 to November 1 any year, any person in possession of, setting off, discharging or exploding any fireworks 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, 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 or the Chief Administrative Officer for the display;

and it shall be the responsibility of the permit holder to ensure compliance with the provisions of this bylaw, or for any damages that may arise therefrom by reason of the issuance of such permit.

- 6.2.1 Notwithstanding section 6.2, the Village is exempt from requirement of a permit for any Village hosted community fireworks display, in any given year.
- 6.3 It shall be unlawful for any person to point or direct fireworks at any person, animal, building or motor vehicle where such fireworks are 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 or the Chief Administrative Officer, public display of fireworks and firecrackers shall be permitted only when the actual point at which the fireworks and firecrackers are to be fired shall be in accordance with the following, at minimum;
- (a) *High hazard fireworks for recreation (Class 7.2.1)* - high-level displays shall be at least one hundred (100) metres 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;
 - (b) *High hazard fireworks for recreation (Class 7.2.1)* - low-level displays shall be at least forty-five (45) metres 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;
 - (c) *Low hazard fireworks for recreation (Class 7.2.2)* - ground-level displays shall be at least thirty (30) metres 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; or
 - (d) 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 or the Chief Administrative Officer 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 section 6.5 of this bylaw. 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; and 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 safe manner 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 or the Chief Administrative Officer may authorize postponement of the display at a future date.
- 6.10 The persons in charge of the firing of fireworks and firecrackers for the public display shall be able-bodied persons of at least nineteen (19) years of age and shall be 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 kilogram 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 or the Chief Administrative Officer, 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 five thousand dollars (\$5,000) 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.

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. REPEALMENT

9.1 On adoption of this bylaw, Anmore Fireworks Bylaw No. 310-2001 is repealed.

READ a first time the 3rd day of October, 2017

READ a second time the 3rd day of October, 2017

READ a third time the 3rd day of October, 2017

ADOPTED this 17th day of October, 2017

J. McEWEN

MAYOR

C. MILLOY

MANAGER OF CORPORATE SERVICES

Certified as a true and correct copy of "Anmore Fireworks Bylaw No. 569-2017".

OCTOBER 17, 2017

DATE

C. MILLOY

MANAGER OF CORPORATE SERVICES

SCHEDULE A

SCHEDULE OF FEES

Except for the discharging of low hazard fireworks for recreation (Class 7.2.2) between October 24 to November 1 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