

**VILLAGE OF CHASE
BYLAW NO. 742 - 2010**

FIREWORKS AND FIRECRACKER REGULATION BYLAW

A Bylaw to Regulate Fireworks and Firecrackers

WHEREAS, the Municipal Council deems it necessary to provide for the protection and enhancement of the well-being of the Community in relation to Fireworks and Firecrackers within the Village of Chase;

AND WHEREAS, the Municipal Council, pursuant to Section 8 of the *Community Charter*, has the authority to regulate, prohibit and impose requirements in relation to fireworks and firecrackers;

NOW THEREFORE the Council of the Village of Chase, in the Province of British Columbia, hereby **ENACTS AS FOLLOWS**:

1. Title

This Bylaw may be cited as “*FIREWORKS AND FIRECRACKER REGULATION BYLAW NO. 742 - 2010*”.

2. Repeal

Village of Chase Fire Regulations Bylaw No. 550-1996 and all amendments thereto are hereby repealed in their entirety.

3. Definitions

In this Bylaw:

FIRE CHIEF means the Fire Chief of the Village of Chase or their designate.

FIREWORKS means devices that explode or burn to produce visual or sound effects and such other explosives as may be designated as such by the Lieutenant-Governor in Council under the provision of the Fireworks Act of the Province of British Columbia or under the provision of the Canadian Explosives Act and its regulations, as the case may be and includes roman candles but does not include torpedoes, flares, fuses or similar pyrotechnic devices used by motorists, railroads, police or other agencies for signaling purposes or illumination.

PERMIT means a Permit approved by the Fire Chief and issued under this Bylaw.

MUNICIPALITY means the area within the municipal boundaries of the Village of Chase.

4. Sales Prohibition

(1) No sale or purchase of Fireworks or Firecrackers in the Village of Chase is permitted.

5. Firecrackers Prohibited

- (1) No person shall possess, fire, set off or discharge firecrackers.

6. Prohibition and Permit Requirements

- (1) No person shall, at any time, possess or explode or set off fireworks, excluding sparklers, Christmas crackers and caps for toy guns, unless that person has first obtained a Permit approved by the Fire Chief in accordance with this bylaw.
- (2) No person shall explode or set off fireworks on any property without the prior written consent of the owner.
- (3) No person shall explode or set off High Hazard Fireworks of Class 7 of the Canadian Explosives Act without holding a valid Fireworks Supervisor Card issued by the Explosives, Safety and Security Branch of Natural Resources, Canada.
- (4) Application for a Permit required under this section shall be made in writing to the Fire Chief in a form provided by the Village of Chase and will contain all the information required by the form and any required by the Fire Chief as per Schedule A, which is attached to and forms part of this bylaw.
- (5) A Permit will only be issued to a person representing a recognized organization or group for a celebration, such as Canada Day, News Years and Halloween.
- (6) A Permit approved by the Fire Chief will be as per Schedule B, which is attached to and forms part of this bylaw.

7. Regulations and Requirements

- (1) The holder of a Permit will take all steps necessary to ensure the safety and security of members of the public attending the fireworks event, as well as persons taking part in the display.
- (2) The holder of a permit issued pursuant to this bylaw accepts all liabilities associated with the authorities provided under this permit.

8. Rescission of Permit

- (1) The Fire Chief or an officer of the Village of Chase may rescind a Permit in the event that:
 - i) circumstances arising or ascertained after the Permit was issued demonstrate that a public safety risk or risk to public or private property exists in connection with the fireworks event;
 - ii) the Fire Chief determines that the Permit holder submitted false or inaccurate information in the application;
 - iii) the Permit holder violates or breaches any of the provisions of this Bylaw; or

- iv) a fire ban is imposed.

9. Enforcement

- (1) The Fire Chief, a Peace Officer, Bylaw Enforcement Officer or designate and any other person duly authorized by the Municipality may enter onto any property at any reasonable time to ascertain whether the provisions of this Bylaw are being observed and may take whatever action deemed necessary in accordance with section 10.
- (2) All persons must, when directed to do so, surrender all fireworks in their possession to the Fire Chief, a Peace Officer, Bylaw Enforcement Officer or designate, each of whom is authorized to seize and hold all such fireworks in the interest of public safety and as evidence of the commission of an offence and a person who fails to surrender fireworks upon demand commits an offence.

10. Offences and Penalties

- (1) Any person who contravenes any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention of any provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this Bylaw, commits an offence against this Bylaw and is subject to:
- (a) a fine in accordance with Village of Chase Municipal Ticket Information Bylaw if an information respecting the infraction is laid by means of a ticket; and/or
- (b) upon summary conviction, a fine not exceeding \$2,000.00 and the costs of prosecution.

11. Severability

If any portion of this Bylaw is held to be invalid by a Court of competent jurisdiction, such invalidity does not affect the remaining portions of the Bylaw.

READ A FIRST TIME THE 27th DAY OF APRIL, 2010.

READ A SECOND TIME THE 27th DAY OF APRIL, 2010.

READ A THIRD TIME THE 27th DAY OF APRIL, 2010.

ADOPTED THE 11th DAY OF MAY, 2010.

X
Mayor

X
Corporate Officer

FIREWORKS AND FIRECRACKER REGULATION BYLAW NO. 742**Schedule A****APPLICATION FOR A PERMIT TO EXPLODE OR SET OFF FIREWORKS**

Permit Fee: \$20.00

Is application for the setting off or exploding of:

High Hazard Fireworks as defined in Class 7, section 14.1 of the Explosives Regulations under the Canadian Explosives Act: Yes: _____

Or

Low Hazard Fireworks as defined in Class 7, section 14.1 of the Explosives Regulations under the Canadian Explosives Act: Yes: _____Name of Applicant: _____
(Applicant must be the person supervising the setting off or exploding of the fireworks)

Mailing Address: _____

Residential Address: (if different) _____

Postal Code: _____ Telephone No. _____ Cell No. _____

Fireworks Supervisor Card No. _____ Expiry Date _____

NOTE: (Only required if setting off or exploding High Hazard Fireworks, Class 7)

I HEREBY MAKE APPLICATION FOR A PERMIT TO EXPLODE OR SET OFF FIREWORKS ON BEHALF OF:

Myself: _____ Name of Organization _____

Address: _____

Postal Code: _____ Telephone No. _____

ADDRESS WHERE FIREWORKS ARE TO BE EXPLODED OR SET OFF:

Same as Applicant _____ Address, if different from applicant address: _____

Name and Signature of Property Owner, indicating consent for the setting off or exploding of Fireworks:

Name _____ Signature _____

Date of Event: _____ From _____ am/pm to _____ am/pm

Approved by the Village of Chase _____
(Signature) (Date)

FIREWORKS AND FIRECRACKER REGULATION BYLAW NO. 742

Schedule B

PERMIT TO EXPLODE OR SET OFF FIREWORKS

Authority to set off or explode (check one)

High Hazard Fireworks as defined in Class 7, section 14.1 of the Explosives Regulations under the Canadian Explosives Act _____

OR

Low Hazard Fireworks as defined in Class 7, section 14.1 of the Explosives Regulations under the Canadian Explosives Act _____

Is hereby granted to:

Name _____

Address _____

Postal Code: _____ Telephone No. _____ Cell No. _____

For the _____ day of _____ 20____

Between the hours of _____ am/pm and _____ am/pm

Location _____

THE HOLDER OF THIS PERMIT ACKNOWLEDGES THAT THE VILLAGE OF CHASE IS NOT RESPONSIBLE FOR SUPERVISING OR INSPECTING THE SETTING OFF OF FIREWORKS AUTHORIZED BY THIS PERMIT.

BY ACCEPTING THIS PERMIT, THE PERMITTEE IS ACCEPTING ALL LIABILITIES ASSOCIATED WITH THE AUTHORITIES PROVIDED UNDER THIS PERMIT.

This Permit may be superseded by another authority having jurisdiction, i.e. a fire ban imposed by the Ministry of Forests of BC.

Signature of Permittee

Date

Permit Issued by:

COPY TO: Fire Chief