

# CORPORATION OF THE VILLAGE OF ASHCROFT

## BYLAW NO. 765

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Being a Bylaw to control and regulate the sale and display of Firecrackers and Fireworks within the Village of Ashcroft boundaries

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

**NOW THEREFORE**, the Council for the Corporation of the Village of Ashcroft, in open meeting assembled, enacts as follows:

### **PART 1 – CITATION**

1.1 Bylaw No. 765 may be cited as “Village of Ashcroft Fireworks Bylaw, 2009”.

### **PART 2 – DEFINITIONS AND INTERPRETATION**

#### **2.1 Definitions**

Schedule “A” contains definitions of terms used in this bylaw.

#### **2.2 Interpretation**

Unless otherwise defined, all words and phrases in this bylaw shall be construed in accordance with the meaning assigned to them by the current British Columbia *Building Code* (the “Building Code”) the *Fire Services Act* or the British Columbia *Fire Code* (the “Fire Code”), as the context and circumstances may require.

### **PART 3 – FIRECRACKERS AND FIREWORKS DETAIL**

#### **3.1 Selling, Giving or Trading Firecrackers and Fireworks**

No person may offer for sale, sell, give or trade Firecrackers and Fireworks within the boundaries of the Village.

#### **3.2 Possession of Firecrackers and Fireworks**

No person may possess Firecrackers and Fireworks within the boundaries of the Village unless that person holds a current Permit issued under this bylaw.

#### **3.3 Fire or Discharge of Firecrackers and Fireworks**

No person may fire or discharge Firecrackers and Fireworks within the boundaries of the Village unless authorized by a Permit under this bylaw.

#### **3.4 Fireworks Supervisor Certificate**

Every applicant for a Permit to discharge Firecrackers and Fireworks shall provide the Fire Chief with proof of a valid Fireworks Supervisor’s Certificate.

## **PART 4 – PERMITS AND FEES**

### **4.1 Permits**

- (a)** Every application for a Permit issued pursuant to this bylaw shall be made to the Fire Chief at least 14 days before the date of the event, on the form described as Schedule “B”.
- (b)** Every person making application for a Permit shall:
  - (i)** Deposit security with the Village in the form of a cash deposit, irrevocable letter of credit or other form of security acceptable to the Village, in the amount of \$1,000.00, to be used for the purposes of paying any costs and expenses incurred or suffered by the Village, including but not limited to costs arising or resulting from damage to village property or enforcement costs, caused by or arising from the applicants failure to comply with the requirements of this bylaw and all other applicable statutes, provided that, any amount of security not required for the foregoing purposes shall be returned to the applicant;
  - (ii)** Pay the Permit fee prescribed in Schedule “C”, except that the fee may be waived by the Fire Chief for events sponsored by the Village.
  - (iii)** Obtain and maintain public liability insurance in the name of the applicant and the Village and include proof of such insurance coverage along with the application. Such insurance shall be with one or more insurance companies registered to do business in the Province of British Columbia and in a form acceptable to the Village, and shall provide coverage on an “occurrence basis”, in an amount not less than two million (\$2,000,000.00) dollars;
  - (iv)** Provide proof of a valid Fireworks Supervisor’s Certificate in accordance with the requirement in Section 3.4;
  - (v)** Provide a site plan and details of the location, duration and safety measures in place for the event in accordance with the conditions of permit on Schedule “B” of this bylaw; and
  - (vi)** Accompany the Fire Chief on an initial site inspection and any required site re-inspections and pay the applicable inspection and re-inspection fees prescribed in Schedule “C” of this bylaw.

### **4.2 Permit Suspension or Revocation**

The Fire Chief is authorized and empowered to suspend or revoke any Permit issued under this bylaw, where it is determined that the holder of the permit contravened or authorized, permitted or suffered the contravention of, any provision of this bylaw, the *Fire Services Act* and its regulations, or any other applicable statute or the conditions or restrictions attached to the Permit.

### **4.3 Incident Cost Recovery**

Every person that causes an incident directly attributable to the person’s misuse of Firecrackers and Fireworks including but not limited to, the person’s failure to comply with the provisions of this bylaw, a Permit or other applicable statute or regulation, shall be deemed to have caused a nuisance and, in addition to any other penalty imposed by bylaw, shall be responsible for the costs incurred by the Ashcroft Fire Department in abating that nuisance by responding to the incident and, for that purpose shall pay a fee in the amount of \$300 per fire truck and \$30 per hour for each fire fighter.

**4.4 Offence**

Every person that contravenes or violates any provision of this bylaw or any permit or order issued pursuant hereto, or who suffers or permits any act or thing to be done in contravention or in violation of any provision of this bylaw or permit or order issued, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw or any permit or order issued, commits an offence and shall be liable, on summary conviction, to a fine of not more than \$10,000.00 and, where the offence is a continuing one, each day that the offence continues shall be a separate offence.

- 4.5 (a)** Without limiting Section 4.4, every person that possesses or discharges Firecrackers and Fireworks contrary to the provisions of this Bylaw commits an offence and shall, when directed to do so, surrender all Firecrackers and Fireworks in their immediate possession to a Bylaw Enforcement Officer that shall be authorized to seize and hold all such Firecrackers and Fireworks in the interest of public safety and as evidence of the commission of the offence.
- (b)** A person that contravenes subsection (a) by failing to surrender Firecrackers and Fireworks upon demand commits an offence.

**PART 5 – SEVERABILITY**

**5.1** If any part, section, sub-section, clause or sub-clause of this bylaw is, for any reason, held to be invalid by the decision of a Court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.

READ A FIRST TIME THIS	23 <sup>rd</sup>	DAY OF	November	, 2009
READ A SECOND TIME THIS	23 <sup>rd</sup>	DAY OF	November	, 2009
READ A THIRD TIME THIS	23 <sup>rd</sup>	DAY OF	November	, 2009
RECONSIDERED AND ADOPTED THIS	14 <sup>th</sup>	DAY OF	December	, 2009

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Morley H. (Andy) Anderson, Mayor

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J. Michelle Allen, Chief Administrative Officer

Certified to be a true and correct copy of  
Bylaw No. 765 as adopted by Council.

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J. Michelle Allen, Chief Administrative Officer

**CORPORATION OF THE VILLAGE OF ASHCROFT  
BYLAW NO. 765**

**SCHEDULE "A" - DEFINITIONS**

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In this bylaw, unless the context otherwise requires:

"Bylaw Enforcement Officer" means a person designated as a Bylaw Enforcement Officer in the Village of Ashcroft Ticket Information Utilization Bylaw, a member of the Ashcroft Volunteer Fire Department and any member of the Royal Canadian Mounted Police;

"Fire Chief" means the person appointed by Council as the Fire Chief for the Ashcroft Volunteer Fire Department or his designate;

"Fire Department" means the Village of Ashcroft Volunteer Fire Department;

"Firecrackers" means a small fireworks with entwined fuses used solely as noise makers, not for pyrotechnic effects or have little of 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 Explosive Regulations as low hazard fireworks for recreation (Class 7.2.1) such as fireworks showers, fountains, golden rain, lawn lights, pinwheels, roman candles, volcanoes and sparklers and items similarly named;

"Fireworks Supervisor" means a person possessing a valid Fireworks Supervisor Certificate issued by the Explosive Branch of Natural Resources Canada;

"Incident" means a fire, an explosion, a situation where a fire or explosion has occurred or is imminent or any other situation presenting a danger or possible danger to life or property and to which the Fire Department has responded;

"Owner" shall have the meaning assigned to it under the *Community Charter* of British Columbia and includes the authorized agent of the owner;

"Permit" means a permit to discharge Fireworks issued by the Fire Chief;

"Village" means the Village of Ashcroft.



**CORPORATION OF THE VILLAGE OF ASHCROFT  
BYLAW NO. 765**

**SCHEDULE "B" - PERMIT**

**CORPORATION OF THE VILLAGE OF ASHCROFT  
APPLICATION FOR A SPECIAL PERMIT FOR EXPLODING OF FIREWORKS**

Application is hereby made in accordance with the provision of "Village of Ashcroft Fireworks Bylaw No.765" by

**ORGANIZATION INFORMATION Please Print**

**Group or Organization:** \_\_\_\_\_

**Contact Name:** \_\_\_\_\_

**Signing Authority/Capacity** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**Telephone:** \_\_\_\_\_

**Cell:** \_\_\_\_\_

**For a special permit to explode fireworks on:**

the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_  
(Location)

From \_\_\_\_\_ am/pm to \_\_\_\_\_ am/pm

Name of Fireworks Supervisor conducting display: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

Fireworks Ticket No.: \_\_\_\_\_ Date Issued: \_\_\_\_\_

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Signature of Fireworks Supervisor

**CORPORATION OF THE VILLAGE OF ASHCROFT SPECIAL PERMIT**

**\*\*\*\*PERMIT IS NOT TRANSFERABLE \*\*\*\***

**PERMISSION** is hereby granted in accordance with the provisions of "Village of Ashcroft Fireworks Bylaw No. 765" to:

Name of Organization: \_\_\_\_\_

For the exploding of fireworks on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ from \_\_\_\_\_ am/pm  
to \_\_\_\_\_ am/pm at \_\_\_\_\_

**Issued at Ashcroft, British Columbia this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.**

Attach a copy of the following:

- Fireworks Supervisor Certificate
- Certificate of Insurance in the amount of \$2,000,000 naming the Village of Ashcroft as an insured
- Site plan and review of general conditions listed on the reverse of the permit

\_\_\_\_\_  
Signature of Fire Chief

***The Village of Ashcroft accepts no responsibility for liability or costs incurred as a result of authorizing this permit.***

**CORPORATION OF THE VILLAGE OF ASHCROFT  
BYLAW NO. 765**

**SCHEDULE "B" – PERMIT**



**CORPORATION OF THE VILLAGE OF ASHCROFT  
APPLICATION FOR A SPECIAL PERMIT FOR EXPLODING OF FIREWORKS**

**GENERAL CONDITIONS OF PERMIT**

1. Point from which fireworks are to be fired is a least 60 meters from the nearest building, public highway, roadway, railroad or 15 meters from the nearest above ground telephone or telegraph line, tree or overhead obstruction.
2. The spectators to a public display of fireworks must be restrained behind lines at least 45 meters from the point of discharge and only persons in charge of the display shall be allowed inside these lines.
3. All fireworks that fire a projectile must be directed in such a manner that the projectile goes into the air in a vertical direction.
4. Where the 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.
5. Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a safe manner.
6. No public display of fireworks shall be held during a wind storm in which the wind reaches a velocity of more than 20 kilometers per hour. In such cases, the Fire Chief may authorize the display at a future date.
7. No public display of fireworks shall be held when the outside temperature is 30 degrees C or higher and/or if the humidity is 30% or less. The Fire Chief may also cancel any permits in times when the fire danger rating is high.
8. The persons in charge of firing the fireworks in a public display shall be twenty-one (21) years of age and competent for the task.
9. At all times there shall be at least two (2) operators of the display constantly on duty during the discharge, and at least one (1) of the operators shall hold a valid Fireworks Supervisor's Certificate as issued by Natural Resources Canada, Explosives Regulatory Division.
10. At least two (2) fire extinguishers approved by the Fire Chief shall be kept within the area in which the discharge is being done.

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BYLAW NO. 765**

**SCHEDULE "C" – FEE SCHEDULE**

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Fireworks Permit	\$50 per event
Initial Site Inspection	\$100 per inspection
Site Re-Inspection	\$100 per inspection