

VILLAGE OF NEW DENVER

BYLAW NO. 462

A Bylaw to regulate the sale, use
and possession of fireworks

WHEREAS the Council may, by bylaw, pursuant to Section 2 of the Fireworks Act, declare that Act is applicable to the municipality; and

WHEREAS the Council may, by bylaw, pursuant to Section 932(e) of the Municipal Act, subject to the Fireworks Act, regulate or prohibit the sale or disposal to any person of firecrackers and other fireworks of every nature and kind; and

WHEREAS the Council may, by bylaw, pursuant to Section 933 of the Municipal Act, regulate or prohibit the exploding of firecrackers or other fireworks; and

WHEREAS it is deemed expedient to exercise the authority granted by the aforesaid sections within the Municipality in the manner and to the extent hereinafter provided;

NOW THEREFORE, the Municipal Council of the Corporation of the Village of New Denver, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as "Village of New Denver Fireworks Regulation Bylaw No. 462, 1995".

2. Definitions

"Class "A" Fireworks" means those low hazard fireworks defined as "Subdivision 1 of Division 2 Fireworks" by regulations made under the "Explosives Act" of Canada, and including fireworks showers, fountains, golden rain, lawn lights, pin wheels, roman candles, volcanoes and sparklers.

"Class "B" Fireworks" means those high hazard fireworks defined as "Subdivision 2 of Division 2 Fireworks" by regulation made under the "Explosives Act" of Canada, and including rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, batteries, illumination, set pieces, pigeons and firecrackers.

"Peace Officer" means a person employed by the Fire Department of the Village of New Denver, acting as a Local Assistant to the Fire Commissioner as defined under the Fire Services Act (RSBC, 1979, Chapter 133), or any person employed by the Village of New Denver as the Clerk-Administrator/Bylaw Enforcement Officer, or any person carrying out the duties of The Royal Canadian Mounted Police for the Village of New Denver.

3. Wholesale and Retail Sales

(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 fireworks unless such person is in possession of a valid Municipal Business Licence.

(2) It shall be unlawful for any person to offer for sale, expose for sale, advertise or display or sell at wholesale or retail, any fireworks without having first applied for and obtained a valid and subsisting Fireworks Vendor's Permit, duly signed by the Local Assistant to the Fire Commissioner and the Clerk/Administrator, as per Schedule "A" attached hereto and forming part of this bylaw.

- (3) For the purposes of this bylaw "fireworks" does not include caps for toy guns or sparklers.
- (4) It shall be unlawful for any person directly or indirectly to sell, give or furnish to a person any firecracker whether for his own use or not.
- (5) It shall be unlawful for any person directly or indirectly to sell, give or furnish to a person under the age of nineteen (19) years, any fireworks, whether for his own use or not.
- (6) Notwithstanding paragraph (1) it shall be unlawful for any person to sell fireworks of any class or description except between the twenty-fourth (24th) day of October and the thirty-first (31st) day of October in each year, unless such sale is authorized by a permit pursuant to Section 4 (3) of this bylaw.

4. Possession and Discharge of Fireworks

- (1) It shall be unlawful for any person to possess firecrackers.
- (2) It shall be unlawful for any person under the age of nineteen (19) years to possess, use, detonate or explode any fireworks or firecrackers.
- (3) It shall be unlawful for any person to set off, discharge or explode any fireworks on any street, lane, or public place unless such person or persons shall have obtained a valid Fireworks Discharge Permit, duly signed by the Local Assistant to the Fire Commissioner and the Clerk/Administrator, and it shall be the responsibility of said person or persons to ensure compliance with the provisions therein, or for any damages that may arise therefrom by reason of the issuance of any such Fireworks Discharge Permit.
- (4) Notwithstanding paragraph (3), it shall be unlawful for any person to set off, discharge or explode any fireworks on any street, lane, or public place without a valid Fireworks Discharge Permit, except on October 31st between the hours of 8:00 a.m. - 10:00 p.m.
- (5) Every application for a permit pursuant to this Section shall be in writing, and be in the form prescribed by Schedule "B" attached hereto and forming part of this bylaw.
- (6) Every permit authorized pursuant to this Section shall be in the form prescribed by Schedule "C" attached hereto and forming part of this bylaw.
- (7) It shall be unlawful for any person to point, direct or throw fireworks at any person, animal, building or motor vehicle where such fireworks is in the process of exploding.

5. Seizure

A Peace Officer may seize firecrackers or fireworks being held in violation of this bylaw and may dispose of them without compensation.

6. Penalty

A person who contravenes a provision of this bylaw is guilty of an offence and is liable upon summary conviction, to a penalty of not less than \$100.00 and not more than \$2,000.00.

7. Severability

If any section or subsection of this bylaw is found to be invalid by a court of competent jurisdiction, the section or subsection may be severed from the bylaw without affecting the validity of the remainder of the bylaw.

READ A FIRST TIME this 26th day of September, 1995.

READ A SECOND TIME this 26th day of September, 1995.

READ A THIRD TIME this 10th day of October, 1995.

RECONSIDERED AND FINALLY ADOPTED this 24th day of October, 1995.

G.L. Wright
MAYOR G.L. WRIGHT

Carol Gordon
CLERK/ADMINISTRATOR

Certified a True Copy
of Bylaw No. 462, 1995.

Carol Gordon
Clerk/Administrator

SCHEDULE "A"

THE CORPORATION OF THE VILLAGE OF NEW DENVER

FIREWORKS VENDOR'S PERMIT

Pursuant to Bylaw No. 462, "Fireworks Regulations Bylaw, 1995", permission is hereby granted to:

Name of owner(s)/company _____

Home address _____ Telephone _____

City _____ Province _____ Postal Code _____

to sell, display, and store low hazard fireworks for recreation as defined by the Explosives Act and Regulations, at:

Name of retail outlet _____

Address _____ Telephone _____

City _____ Province _____ Postal Code _____

Location where fireworks will be stored:

_____ Amount: _____ lb. _____ kg.

If location of storage is different from retail outlet, state:

Address _____ Telephone _____

City _____ Province _____ Postal Code _____

Employees or persons authorized to sell/handle fireworks:

Name _____

Address _____ Telephone _____

Name _____

Address _____ Telephone _____

This permit is effective from _____, 19_____

to _____, 19_____.

CONDITIONS OF SALE, DISPLAY AND STORAGE OF FIREWORKS

The vendor to whom this permit is issued, and whose signature appears hereunder, assumes all liability for any damage or injury which may occur as a result of the, display and storage of fireworks, and acknowledges that he/she understands and will comply with all enactments and regulations governing the sale, display and storage of fireworks.

SCHEDULE "A"

(continued)

This permit shall be valid only for the dates herein specified and shall be subject to the "Explosives Act" of Canada and made thereunder, and may be cancelled at anytime by the Local Assistant to the Fire Commissioner or the Clerk/Administrator of the Corporation of the Village of New Denver without prior notice.

The issuance of this Permit shall not be construed to cast upon the Corporation of the Village of New Denver, the Local Assistant to the Fire Commissioner or any other officer or employee thereof, responsibility for any damage that may arise from or as the result of the sale, display and storage of fireworks, or any damages that may arise therefrom by reason of the issuance of any such permission.

Signature of Vendor/Owner

Date

Clerk/Administrator
The Corporation of the Village of New Denver

Local Assistant to the Fire Commissioner/Fire Chief
The Corporation of the Village of New Denver

VILLAGE OF NEW DENVER FIREWORKS BYLAW NO. 462, 1995

SCHEDULE "B"

APPLICATION FOR FIREWORKS DISCHARGE PERMIT

Date: _____ 19 _____

Local Assistant To The Fire Commissioner,
Clerk/Administrator, The Corporation of the
Village of New Denver

I (We),

of

hereby make formal application pursuant to the above recited bylaw
for a permit to authorize:

(a) The purchase of the following described fireworks:

Class "A" Fireworks

Class "B" Fireworks

(b) The said fireworks are intended for use in connection with

(name of special event or festival)

to be held at _____
(description of place)

on the _____ day of _____ between the hours of _____
and _____ and for authority to use and explode the said
fireworks thereat.

(c) The said fireworks are to be purchased by _____
_____ of _____

and will be used and exploded under his/her direct supervision
and responsibility.

(d) It is understood and agreed by me (us) that the issuance of
the permit for which application is hereby made shall not be
construed to cast upon the Corporation of the Village of New
Denver or the Local Assistant to the Fire Commissioner or any
other officer or employee thereof, responsibility for any
damage that may arise from or as the result of the use or
exploding of any fireworks by reason of the issuance of such
permit.

Applicant's Signature

Address

Telephone Number

VILLAGE OF NEW DENVER FIREWORKS BYLAW NO. 462, 1995

SCHEDULE "C"

FIREWORKS DISCHARGE PERMIT

Date: _____

Pursuant to the above recited bylaw:

PERMISSION IS HEREBY GRANTED TO _____

_____ of _____ on behalf of

_____ (name of organization)

TO PURCHASE THE FOLLOWING FIREWORKS:

(a) Class "A" Fireworks _____ (detail of fireworks)

(b) Class "B" Fireworks _____ (detail of fireworks)

For use in connection with _____ (name of special event or festival)

to be held at _____ on the _____ day of _____ (description of place) between the hours of _____

and _____.

AND TO USE AND EXPLODE the aforesaid fireworks thereat on the date and between the hours above mentioned, and under the direct supervision of the said _____.

This permit shall be valid only for the above noted purpose and on the date and during the hours herein specified, is issued under authority of "Village of New Denver Fireworks Bylaw No. 462, 1995", and shall be subject to the "Explosives Act" of Canada and regulations made thereunder, and may be cancelled at any time by the Local Assistant to the Fire Commissioner or the Clerk/Administrator for the Corporation of the Village of New Denver without prior notice.

The issuance of this permit shall not be construed to cast upon the Corporation of the Village of New Denver or the Local Assistant to the Fire Commissioner or any other officer or employee thereof, responsibility for any damage that may arise from or as the result of the use or exploding of any fireworks by reason of the issuance of such permit.

Local Assistant to the Fire Commissioner

Clerk/Administrator/Corporation of the Village of New Denver