

DISTRICT OF 100 MILE HOUSE

By-law No. 576

A By-law to regulate and prohibit the sale and exploding of fireworks.

WHEREAS pursuant to Section 932(e) of the Municipal Act, R.S.B.C. 1979, C. 290, the Council of the District of 100 Mile House may by By-law subject to the Fireworks Act, R.S.B.C. 1979, C. 135, regulate or prohibit the sale or disposal to any person of firecrackers and other fireworks of every nature or kind;

AND WHEREAS pursuant to Section 933(1)(a) of the Municipal Act, R.S.B.C. 1979, C. 290, the Council of the District of 100 Mile House may by By-law applicable throughout the District or any defined area of it, regulate or prohibit, and the regulations may be different for different areas, the exploding of firecrackers or other fireworks and, notwithstanding any regulation or prohibition in this By-law, the Council of the District of 100 Mile House may authorize the issuance of a permit to a person or organization for the purpose of the observance or celebration of a special event or festival by the use of firecrackers or other fireworks of any kind, and may specify terms and conditions;

NOW THEREFORE the Council of the District of 100 Mile House in open meeting assembled enacts as follows:

INTERPRETATION

(1) In this By-law:

"Council" means the Council of the District;

"District" means the District of 100 Mile House;

"federal regulations" means the Explosives Regulations, C.R.C. 1978, C. 599, as of the date of the adoption of this By-law;

"high hazard fireworks" means any pyrotechnic devices for recreational use which produce light, sound or smoke effects by combustion which are classed as high hazard fireworks in the federal regulations as of the date of adoption of this By-law, including firecrackers, rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, batteries, illumination, set pieces and pigeons;

"low hazard fireworks" means any pyrotechnic devices for recreational use which produce light, sound or smoke effects by combustion which are classed as low hazard fireworks in the federal regulations as of the date of adoption of this By-law, including fireworks showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, and volcanoes, but excluding sparklers, Christmas crackers and caps for toy guns;

"Member in Charge, R.C.M.P." means the member of the Royal Canadian Mounted Police in charge of the Royal Canadian Mounted Police detachment for the District;

"officer" means any employee of the District appointed by resolution of Council as a By-law Enforcement Officer of the District for the purpose of enforcing this By-law and any member of the Royal Canadian Mounted Police detachment for the District.

#### SALE OR DISPOSAL OF FIREWORKS

- (2) No person shall sell or dispose of low hazard fireworks or high hazard fireworks to any person in the District except in accordance with this By-law.
- (3) No person shall sell or dispose of low hazard fireworks or high hazard fireworks to any person who is under the age of 18 years.
- (4) Subject to this By-law, a person may sell or dispose of low hazard fireworks or high hazard fireworks to any person who is the holder of a permit which has been issued by the Member in Charge, R.C.M.P. pursuant to Section 8 of this By-law.
- (5) No person shall sell or dispose of any high hazard fireworks to any person unless such person meets the qualifications set out in the federal regulations for an approved purchaser of high hazard fireworks.

#### EXPLODING OF FIREWORKS

- (6) No person shall explode any low hazard fireworks or high hazard fireworks in the District except in accordance with this By-law.
- (7) No person shall explode any low hazard fireworks or high hazard fireworks in the District unless that person is the holder of a valid permit in the form set out in Schedule "A" of this By-law which has been issued by the Member in Charge, R.C.M.P. pursuant to Section 8 of this By-law.
- (8) The Member in Charge, R.C.M.P. may issue a permit to any person who is 18 years or older for the exploding of low hazard fireworks or high hazard fireworks for the purpose of the observance or celebration of the special events or festivals set out in Schedule "B" of this By-law.
- (9) Where the Member in Charge, R.C.M.P. issues a permit under Section 8, he or she shall include in the permit:
  - (a) the name of the person to whom the permit is issued;
  - (b) the name of the person under whose direct supervision the low hazard fireworks or high hazard fireworks shall be exploded;

- (c) the special event or festival in respect of which the low hazard fireworks or high hazard fireworks shall be exploded;
- (d) the location, date and time at which the low hazard fireworks or high hazard fireworks shall be exploded; and
- (e) the type of fireworks which are permitted to be exploded.

TERMS AND CONDITIONS

- (10) Every person to whom a permit has been issued under Section 8 shall:
- (a) ensure that the low hazard fireworks or high hazard fireworks are exploded at the date and time set out in the permit;
  - (b) ensure that the low hazard fireworks and high hazard fireworks are exploded under the direct supervision of the person named in the permit pursuant to Section 9(a) of this By-law, or of another person approved in writing by the Member in Charge, R.C.M.P.;
  - (c) ensure that only the type of low hazard fireworks and high hazard fireworks set out in the permit pursuant to Section 9(e) of this By-law are exploded;
  - (d) ensure that the low hazard fireworks and high hazard fireworks are exploded
    - (i) safely and so as to avoid any personal injury, death and property or other loss or damage, and
    - (ii) in accordance with all safety procedures set out in the Fireworks Manual as published by the Explosives Branch of the Department of Energy, Mines and Resources (Canada) as of the date of the adoption of this By-law;
  - (e) remove all unexploded low hazard fireworks and high hazard fireworks and low hazard fireworks and high hazard fireworks debris immediately after the exploding of the low hazard fireworks and high hazard fireworks and safely dispose of them; and
  - (f) release the District from, and indemnify and hold harmless the District from and against, all liability, damage (including property damage), injury (including personal injury and death), loss, cost, expense, actions and causes of action, which the person to whom the permit has been issued, the District, or anyone else, has or has incurred or suffered in connection with the exploding of the low hazard fireworks and high hazard fireworks or any special event or festival in connection with the low hazard fireworks and high hazard fireworks are exploded.

(11) If low hazard fireworks and high hazard fireworks are exploded in a public park, every person to whom a permit is issued pursuant to Section 8 of this By-law shall:

- (a) leave all lands, buildings and structures in the public park in a neat, clean, tidy and undamaged condition; and
- (b) comply with all instructions of the Member in Charge, R.C.M.P., or any representative of the District designated for that purpose by resolution of the Council of the District, with respect to use of the public park for the exploding of the low hazard fireworks and high hazard fireworks and any matters set out in Section 11(a) of this By-law.

DUTY TO PRODUCE PERMIT

(12) Every person to whom a permit has been issued under Section 8 shall produce that permit upon demand by an officer.

OFFENCE

(13) Every person who violates any provision of this By-law commits a summary offence and on conviction is liable for each offence to a fine not exceeding \$2,000.00, and the cost of prosecution or to imprisonment for a period not exceeding six months, or both. Each day that an offence continues constitutes a separate offence.

ENFORCEMENT

(14) The Member in Charge, R.C.M.P., or any officer may enforce this By-law pursuant to the District of 100 Mile House Ticket Information By-law.

(15) The enforcement of this By-law pursuant to Section 14 shall not preclude the District from taking enforcement proceedings under the Offence Act (British Columbia) or otherwise for violations of this By-law.

SEVERABILITY

(16) If any Section, subsection or clause of this By-law is held invalid by a court of competent jurisdiction, then that invalid portion shall be severed and the remainder of this By-law shall be deemed to have been adopted without the invalid and severed Section, subsection or clause.

REPEAL OF EXISTING BY-LAW

(17) District of 100 Mile House Fireworks By-law No. 504, 1990, is repealed.

TITLE

(18) This By-law may be cited as "District of 100 Mile House Fireworks By-law No. 576, 1992."

READ A FIRST TIME this 28th day of July, 1992.

READ A SECOND TIME this 28th day of July, 1992.

READ A THIRD TIME this 28th day of July, 1992.

RECONSIDERED, PASSED AND ADOPTED this 11th day of August, 1992.

B. Carlson  
Mayor

[Signature]  
Clerk

SCHEDULE "B"

TO DISTRICT OF 100 MILE HOUSE FIREWORKS BY-LAW NO. 576, 1992

SPECIAL EVENTS OR FESTIVALS

NEW YEARS DAY

CANADA DAY

HALLOWEEN

MIDNIGHT MADNESS

DISTRICT OF 100 MILE HOUSE FIREWORKS BY-LAW NO. 576, 1992

FIREWORKS PERMIT - 2006

06-  
PERMIT NUMBER

1. APPLICANT: Name \_\_\_\_\_  
Physical Address \_\_\_\_\_  
Telephone \_\_\_\_\_  
Organization \_\_\_\_\_

2. EVENT: Description of Special Event/Festival: \_\_\_\_\_  
Date and Time of Display: \_\_\_\_\_  
Location of Display: \_\_\_\_\_  
Name of Person(s) Supervising Exploding of Fireworks: \_\_\_\_\_

3. **RELEASE AND INDEMNITY:** The applicant, and any organization named above in item number 1, hereby agree(s) to release the District from, and indemnify and hold harmless the District from and against, all liability, damage (including property damage), injury (including personal injury and death), loss, cost, expense, actions and causes of action, which the person to whom the permit has been issued, the District, or anyone else, has or has incurred or suffered in connection with the exploding of low hazard fireworks and high hazard fireworks or any special event or festival in connection with which the low hazard fireworks and high hazard fireworks are exploded.

**High Hazard Fireworks** means any pyrotechnic devices for recreational use which produce light, sound or smoke effects by combustion which are classed as high hazard fireworks in the Federal regulations as of the date of adoption of the By-law.

**Low Hazard Fireworks** means any pyrotechnic devices for recreational use which produce light, sound or smoke effects by combustion which are classed as low hazard fireworks in the Federal regulations as of the date of adoption of the By-law.

The applicant agrees to be bound by the terms set out above in item number 3 in consideration of the District of 100 Mile House granting this fireworks permit.

Applicant's Signature \_\_\_\_\_

Date \_\_\_\_\_

The applicant is hereby permitted:

- 1. To purchase low hazard fireworks and high hazard fireworks of the type specified, and
- 2. To explode low hazard fireworks and high hazard fireworks of the type specified, at the place and time specified, and under the supervision of the person named.

Member in Charge (OR Designate)  
District of 100 Mile House, RCMP

RCMP 100 Mile House

Date \_\_\_\_\_

Phone: (250) 395-2456  
Fax: (250) 395-3605