FIREWORKS BYLAW

THE CORPORATION OF THE VILLAGE OF BURNS LAKE
BYLAW NO. 895

A bylaw to regulate the use, sale, and discharge of fireworks and firecracker explosives.

WHEREAS, pursuant to the provisions contained in *Section 8 of the Community Charter*, Council may, by bylaw, prohibit and impose requirements in relation to fireworks and explosives;

AND 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 the protection and enhancement of the well-being of its community in relation to the matters referred to in Section 64 of the *Community Charter* (*nuisances, disturbances and other objectionable situations*);

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

NOW THEREFORE, Council of the Corporation of the Village of Burns Lake, in open meetings assembled, **ENACTS AS FOLLOWS**:

CITATION

This Bylaw may be cited for all purposes as the "*Corporation of the Village of Burns Lake Fireworks Bylaw 895, 2008*".

SECTION 1 - DEFINITIONS

In this By-law, unless the context otherwise requires, the following definitions shall have the meaning hereby assigned:

"**ACT**" means the *Explosive Act of Canada* and its affiliated *Regulations*;

"**APPROVED**" means any person who is approved by the Officer for the Village of Burns Lake to purchase or display fireworks and who is qualified under the *Act* to supervise the discharge of display fireworks;

"**BUY**", means taking possession by purchase;

"CONSUMER FIREWORK", means an outdoor, low hazard, recreational firework that is classed as a subdivision 1 of Division 2 of Class 7 Fireworks under the *Act* and includes fireworks showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, and volcanoes but does not include Christmas crackers, sparklers, and caps for toy guns.

"**COUNCIL**", means the Municipal Council for the Corporation of the Village of Burns Lake;

"**DISCHARGE**", means to fire, ignite, explode or set off or cause to be fired, ignited, exploded or set off and the words "discharged" and "discharging" have a similar meaning.

"DISPLAY FIREWORK" means an outdoor, high hazard, recreational firework that is classed as a subdivision 2 of Division 2 of Class 7 Fireworks under the *Act,* and includes rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, bombardos, waterfalls, fountains, batteries, illumination, set pieces and pigeons but does not include firecrackers;

"**FIRE CHIEF**" means a person appointed by the Council to be in charge of the Fire Department or authorized subordinates;

"**FIRECRACKER**" means a pyrotechnic device that explodes when ignited and does not make any subsequent display or visible effect after the explosion, and includes those devices commonly known as Chinese firecrackers;

"**FIREWORKS**" means consumer fireworks, display fireworks, and pyrotechnic special effects fireworks;

"**OFFENCE ACT**" means the *Fines Enforcement Regulation of British Columbia*;

"**OFFICER**", means a person employed as Fire Chief by the Fire Department of the municipality or any person employed by the municipality as a Bylaw Enforcement Officer or any member of the Royal Canadian Mounted Police for the Corporation of the Village of Burns Lake or person who is appointed as "Approved" by the Fire Chief of the municipality;

"**PERSON**", means a corporation, partnership or party including the personal or other legal representatives of a person to whom the context can apply according to this Bylaw;

"**PROHIBITED FIREWORK**" includes but is not limited to after-market modified fireworks, cigarette loads or pins, exploding matches, sparkling matches, ammunition for miniature tie clips, cufflink or key chain pistols, auto alarms or jokers, cherry bombs, M-80 and silver salutes and flash crackers, throw down torpedoes and crackling balls, exploding golf balls, stink bombs and smoke bombs, tear gas pens and launchers, party peppers and table bombs, table rockets and battle sky rockets, fake firecrackers and other trick devices or practical jokes as included on the most recent list of prohibited fireworks as published from time to tie under the *Act*.

"**PYROTECHNIC SPECIAL EFFECTS FIREWORK**" means a high hazard firework that is classed as a Subdivision 5 of Division 2 of Class 7 Firework under the *Act* and that is used to produce a special pyrotechnic effect or indoor or outdoor performances and includes black powder bombs, bullet effect, flash powder, air busts, smoke compositions, gerbs, lances and wheels.

"**SELL**", includes offer for sale, cause or permit to be sold, trade, or to otherwise dispose of; and to possess for the purpose of sale; and the words "selling" and "sold" have a similiar meaning;

"**STORE**", means to reserve a supply;

SECTION 2 - PROHIBITIONS

No person may sell, store, give, trade or otherwise use fireworks within the Village of Burns Lake boundaries.

No person may sell, store, give, trade or otherwise use firecrackers within the Village of Burns Lake boundaries.

No person, other than the authorized Officer, may fire or discharge fireworks, firecrackers or pyrotechnic special effects fireworks within the Village of Burns Lake boundaries unless that person has been appointed as approved by the Officer.

All persons appointed as approved by the Officer must hold a valid Fireworks Supervisor's Certificate.

SECTION 3 - ENFORCEMENT

No person shall obstruct an Officer engaged in the administration or enforcement of this Bylaw.

Every person who contravenes a provision of this Bylaw commits an offence and each day that the violation is caused or allowed to continue constitutes a separate offence.

Any person that is convicted of committing an offence of this Bylaw is liable to a fine of $2,000.

Every person who discharges fireworks, firecrackers and/or pyrotechnic special effects fireworks contrary to the provisions of this Bylaw commits an offence and shall when directed to do so, surrender all fireworks, firecrackers and/or pyrotechnic special effects fireworks in their immediate possession to an Officer who shall be authorized to search and seize and hold all such fireworks or explosives in the interest of public safety and as evidence of the commission of the offence.

Fireworks, firecrackers and/or pyrotechnic special effects fireworks seized under this Bylaw may be disposed of without compensation.

SECTION 4 - EXEMPTION

A person approved by the Officer of this Bylaw may discharge fireworks, firecrackers and/or pyrotechnic special effects fireworks for special events held by the municipality.

SECTION 5 - VALIDITY OF BYLAW

If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason found invalid by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

SECTION 6 - CITATION

This Bylaw may be cited for all purposes as the "*Corporation of the Village of Burns Lake Fireworks Bylaw #895, 2008*".

READ A FIRST TIME this 22ND day of JULY, 2008.

READ A SECOND TIME this 22ND day of JULY, 2008.

READ A THIRD TIME this 16TH day of SEPTEMBER, 2008.

ADOPTED this 30TH day of SEPTEMBER, 2008.

MAYOR

ADMINISTRATOR

Certified to be a true copy of the *"Corporation of the Village of Burns Lake Fireworks Bylaw #895, 2008"*.