

TOWN OF QUALICUM BEACH

BYLAW NO. 611

A BYLAW TO REGULATE THE STORAGE, SALE AND DISCHARGE OF FIREWORKS AND FIRECRACKERS

WHEREAS, pursuant to the provisions contained in Section 8 (3) (d) of the *Community Charter*, Council may, by Bylaw, regulate, prohibit and impose requirements in relation to firecrackers and fireworks of every nature or kind;

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 noise, vibration, odour, dust, illumination or any other matter that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;

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

NOW THEREFORE, the Council of the Town of Qualicum Beach, in open meeting assembled, ENACTS AS FOLLOWS:

CITATION

1. This Bylaw may be cited for all purposes as "Town of Qualicum Beach Fireworks Regulation Bylaw No. 611, 2007".

INTERPRETATION

2. In this Bylaw, unless the context otherwise requires:

"Council", means the Municipal Council of the Town of Qualicum Beach

"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.

"Explosive Act", means the *Explosives Act*, R.S.C., 1992, c. E-17, as may be amended from time to time, and includes the Explosive Regulations made thereunder.

"Fire Chief", means the Chief of the Qualicum Beach Fire Department as duly appointed by *Council* and shall include any member of the Qualicum Beach Fire Department acting under the direction of the Fire Chief.

"Family Fireworks" means fireworks defined as *Low Hazard Fireworks* pursuant to subdivision 1, of Division 2 of Class 7 in the Explosives Regulations of the *Explosives Act, Canada* as amended from time to time but does not include sparklers or Christmas crackers.

"Family Pack" means six or more *Family Fireworks* which are packaged together and intended to be sold as a unit, except that Roman Candles shall constitute not more than 25% of the total number of fireworks in the packaged unit.

"Firecracker", means small fireworks with entwined fuses used as noise makers having little or no pyrotechnic effect and, without limitation, includes bottle rockets, screechers, screecharoos, humaroos, supersonic bang, butterfly thunder and air bombs.

"Fireworks", means manufactured goods intended to be used for pyrotechnic effect that are classified by the *Explosives 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 similar products.

"Peace Officer", means a person employed by the Fire Department of the Town of Qualicum Beach, acting as a Local Assistant to the Fire Commissioner as defined under the *Fire Services Act* [RSBC 1996] CHAPTER 144 or any person employed by the Town of Qualicum Beach as a Bylaw Enforcement Officer, or any person carrying out the duties of a R.C.M.P. Officer for the Town of Qualicum Beach.

"Roman Candle" means a ground level *family firework* that is capable of projecting or discharging a charge or series of pyrotechnical effects more than 3 metres and which usually has a tube size of 1.90 cm (.75 inch) or less.

3. This Bylaw shall not apply to and nothing herein contained shall be deemed to refer to the storage or possession of *fireworks* or *firecrackers* exclusively for wholesale purpose or to the wholesale sales of *fireworks* in bulk to retailers licensed to carry on a retail business and holding a *Fireworks Vendor's Permit* in the Town of Qualicum Beach.

GENERAL REGULATIONS

4. (1) No person shall possess, sell, offer for sale, use, store, *discharge* or explode a *firecracker* within the Town of Qualicum Beach.
- (2) No person shall *discharge fireworks* of any nature within the Town of Qualicum Beach except on October 31 of each year.
- (3) Except from October 24 to and including October 31 in each year, and except as provided in this Bylaw, no person shall sell, offer for sale, expose for sale or possess *Fireworks* with the intent to sell the same.
- (4) No person shall offer for sale or sell *Fireworks* to a person who is under 18 years of age, or to a person who appears to be under the age of 18 years, and who does not produce evidence that he or she is 18 years of age or older.

- (5) No person shall offer for sale or sell a *Roman Candle* except as part of a *Family Pack*.
- (6) No person under the age of 18 years of age shall possess, explode or *discharge* any *fireworks* or *firecrackers* of any nature within the boundaries of the Town of Qualicum Beach.

VENDOR'S PERMIT

5. (1) No person shall offer for sale, display for sale, sell, or cause to be sold or keep with the intent to sell to any person, any *fireworks* without holding a valid and subsisting *Fireworks Vendor's Permit*, in the form attached hereto as Schedule "A", and without holding a valid and subsisting business License issued by the Town of Qualicum Beach.
- (2) An application for a *Fireworks Vendor's Permit* shall be made to the *Fire Chief* in the form attached hereto as Schedule "A", and shall be accompanied by a fee of fifty dollars (\$50.00).
- (3) The *Fire Chief* may revoke any permit issued pursuant to this bylaw, in any case, where the holder of the permit or an employee or agent of the holder has violated any of the provisions of this bylaw, the *Explosives Act*, or the *Fireworks Act*.
- (4) No person shall be issued a *Fireworks Vendor's Permit* or employ any person to exercise control or may exercise control over the storage, sales or disposal of *fireworks* unless they have first undergone a course of instruction on the use of portable fire extinguishers under the guidance of a person appointed for that purpose by the *Fire Chief*.

DISCHARGE OF FIREWORKS / FIRECRACKERS

6. (1) No person shall *discharge* or explode a *firecracker* of any nature within the boundaries of the Town of Qualicum Beach.
- (2) No person shall *discharge* or explode a *firework* which is pointed or directed at any person, animal, building, motor vehicle, tree or bush.
- (3) No person shall *discharge* or explode any *fireworks* in or on;
 - (a) a street, road, roadway, public sidewalk, boulevard or lane;
 - (b) a park;
 - (c) a property on which a school is located;
 - (d) a beach, beachfront, or other area of land lying below the natural boundary of the ocean or an inlet of the ocean;

- (e) land in a commercial or industrial zone as defined in the "Town of Qualicum Beach, Land Use and Subdivision Bylaw No. 580, 1999", or its successor bylaws.
- (4) Notwithstanding Sections 4.2 and 6.3, the *Fire Chief* may issue a *Special Use Fireworks Permit*, in the form hereto attached as Schedule "B", authorizing a person to explode or *discharge fireworks* in any of the locations mentioned in Section 6.3 or on days other than specified in Section 4.2 and may attach any terms and conditions to the permit he / she deems necessary.

STORAGE OF FIREWORKS

7. (1) No person shall store, cause to be stored or have in his / her possession or on his / her premises, more than 23 kg (50.705 lbs.) aggregate weight of *fireworks* at any time.
- (2) No person shall store or cause to be stored any *fireworks* adjacent to any heat, flame, or other source of ignition.
- (3) No vendor shall store, or cause to be stored, *fireworks* in a position or area that is readily accessible to customers or prospective customers. The storage area must be screened off from customers by a solid physical barrier and an attendant must always be on duty.
- (4) Every person holding a *Fireworks Vendor's Permit* at all premises where *fireworks* are stored or kept must maintain a ULC approved, minimum 2A 10BC rating, multi-purpose dry chemical portable fire extinguisher which is readily available on the premises at all times.
- (5) If the *Fire Chief* determines that a fire hazard exists on the premises of the holder of a *Fireworks Vendor's Permit* and the holder does not eliminate such hazard forthwith upon notice thereof, the *Fire Chief* may order the removal of all *fireworks* from the premises, and no person shall refuse or fail to comply with such order.

PENALTY AND SEIZURE

8. (1) Where a *Peace Officer* finds *fireworks* being displayed or offered for sale by a vendor who does not hold a current and subsisting *Fireworks Vendor's Permit*, the *Peace Officer* may seize and destroy the *fireworks* without compensation to the vendor or other owner of the *fireworks*.
- (2) Every person who possesses or *discharges firecrackers* or *fireworks* contrary to the provisions of this bylaw commits an offence and shall when directed to do so surrender all *firecrackers* or *fireworks* in their immediate possession to a Peace

Officer who shall be authorized to hold all such *firecrackers* or *fireworks* in the interest of public safety and as evidence of the commission of the offence.

- (3) Every person who violates any provisions of this bylaw or who permits any act or thing to be done in contravention or in violation of any provisions of this bylaw, or who neglects to do or refrain from doing anything required to be done by any of the provisions of this bylaw, shall be guilty of an offence punishable on summary conviction and shall be liable to a fine of not more than \$10,000.00 or to imprisonment for not more than six (6) months, or to both, the penalties being enforced and the fines and costs being recoverable upon summary conviction in the manner provided by the *Offence Act* [RSBC 1996] CHAPTER 338 as amended.

SEVERABILITY

9. If any section, subsection or clause of this bylaw is declared or held to be invalid by a court of competent jurisdiction, then that invalid portion shall be severed and the remainder of this bylaw shall be deemed to have been enacted and adopted without the invalid and severed section, subsection or clause.

REPEAL

10. Town of Qualicum Beach Fireworks Regulation Bylaw No. 540, 1993 is repealed in its entirety.

READ a first time the 13th day of August, 2007.

READ a second time the 10th day of September, 2007.

READ a third time the 1st day of October, 2007.

ADOPTED, the 17th day of October, 2007.

Teunis Westbroek, Mayor

Trudy Coates, Corporate Administrator

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TOWN OF QUALICUM BEACH
FIREWORKS VENDOR'S APPLICATION AND PERMIT

Section 1 – Application - To be completed by Vendor

Name of owner(s) / company: _____

Home Address: _____ Telephone: _____

City: _____ Province: _____ Postal Code: _____

Hereby makes application to sell, display, and store low hazard fireworks as defined by the *Explosives Act (Canada)* and its Regulations at the following premises within the boundaries of the Town of Qualicum Beach:

Name of Retail Outlet: _____

Address: _____

City: _____ Province: _____ Postal Code: _____

Location within premises where fireworks will be stored: _____

_____ weight: _____ kg. _____ lbs

If location of storage different from retail outlet, state:

Address: _____ Telephone: _____

City: _____ Province: _____ Postal Code: _____

Employees or persons authorized to sell / handle fireworks: (add additional sheets if required)

Names:	Address	Telephone
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

The Vendor whose signature appears hereunder, agrees to abide by all conditions contained herein, and assumes all liability for any damage or injury which might occur as a result of the sale, display, or storage of fireworks, by him /her or his / her employees or agents and acknowledges that he / she understands and will comply with all enactments and regulations governing the sale, display, and storage of said fireworks

Dated this _____ day of _____, _____

Signature of Vendor: _____

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TOWN OF QUALICUM BEACH
FIREWORKS VENDOR'S APPLICATION AND PERMIT

Section 2 : Conditions of Permit

To be completed by the Town of Qualicum Beach Fire Department

The vendor identified in Section 1 of this permit is hereby authorized to sell, display and store fireworks within the Town of Qualicum Beach subject to the following conditions:

1. Fireworks of any class or description shall not be sold to a person who is under the age of 18 years or to a person who appears to be under the age of 18 years and does not produce evidence that he / she is 18 years of age or older.
2. Fireworks of any class or description shall not be sold to any person except from the 24th day of October to the 31st day of October inclusive in any year.
3. Roman Candles shall not be sold except as part of a family pack as defined in Town of Qualicum Beach Fireworks Regulation Bylaw No. 611, 2007.
4. Neither the vendor or any person acting on behalf of the vendor may exercise control over the storage, sales, or disposal of fireworks unless he / she has first undergone a course of instruction in the use of portable extinguishers under the guidance of a person appointed for that purpose by the Fire Chief.
5. The vendor shall not store or cause to be stored or have in his / her possession or on his / her premises, more than 23 kg (50.705 lbs.) aggregate weight of fireworks at any time.
6. The vendor shall not store or cause to be stored any fireworks adjacent to any heat, flame, or other source of ignition.
7. The vendor shall not store, or cause to be stored, fireworks in a position or area that is readily accessible to customers or prospective customers. The storage area must be screened off from customers by a solid physical barrier and an attendant must always be on duty.
8. The vendor shall, in any premises in which fireworks are stored or kept for sale to any person, maintain a ULC approved, minimum 2A 10BC rating, multi-purpose dry chemical portable fire extinguisher which is readily available on the premises at all times.
9. The vendor shall post a copy of this permit in a conspicuous place in any place in which fireworks are stored, sold or displayed and such copy shall be available for inspection by the Fire Chief.
10. Special Conditions of Sale, Display and Storage of Fireworks:

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FIREWORKS VENDOR'S APPLICATION AND PERMIT**

Section 3: Authorization

This permit is effective from _____, _____ to _____, _____

Business Licence Obtained: (check when confirmed)

The vendor identified herein is hereby authorized to sell, display, and store fireworks in accordance with the conditions contained in this permit.

Dated this _____ day of _____, _____

Town of Qualicum Beach Fire Chief

BYLAW NO. 611
SCHEDULE "B"
TOWN OF QUALICUM BEACH

APPLICATION FOR A SPECIAL PERMIT FOR EXPLODING OF FIREWORKS

APPLICATION is hereby made in accordance with the provisions of "Town of Qualicum Beach Fireworks Regulation Bylaw No. 611, 2007" by

PERSONAL / ORGANIZATION INFORMATION
Please Print

Person, Group or Organization: _____

Address (include postal code): _____

Telephone : _____ Cell Phone: _____

For a special permit to explode fireworks on:

The ___ day of _____, 20___ at _____
(location)

from _____ a.m./p.m. to _____ a.m./p.m.

Name of Fireworks Supervisor: _____ Telephone: _____

Address: _____

Signature of Property Owner

Signature of Fireworks Supervisor

Date Issued: _____

Issued by: _____

Town of Qualicum Beach Special Permit

Permission is hereby granted in accordance with the provisions of "Town of Qualicum Beach Fireworks Regulation Bylaw No. 611, 2007" to:

Name of Person, Group or Organization: _____

Address & Telephone Number: _____

For exploding of Fireworks on the ___ day of _____, 20___ at _____
(location)

from _____ a.m. / p.m. to _____ a.m. / p.m.

THIS PERMIT IS NOT TRANSFERABLE

Issued at Qualicum Beach, British Columbia, this ___ day of _____, 20___

Attach a copy of the Certificate of Insurance in the amount of \$3,000,000.00 naming the Town of Qualicum Beach as an insured.

Signature of Fire Chief

* The Town of Qualicum Beach accepts no responsibility for liability costs incurred as a result of authorizing this permit.