

VILLAGE OF RADIUM HOT SPRINGS

Bylaw No. 397, 2013.

Being a bylaw to regulate the use and sale of firecrackers and fireworks.

WHEREAS, pursuant to the Community Charter, Council may regulate, prohibit and impose requirements in relation to firecrackers, fireworks and explosives, and;

WHEREAS, pursuant to the Community Charter, Council may 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 Corporation of the Village of Radium Hot Springs, in open meeting assembled, enacts as follows:

1. This By-law may be cited for all purposes as "Fireworks Bylaw No. 397, 2013".

SECTION 1 – DEFINITIONS:

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

"APPROVED" means approved by the Fire Chief or designated officer of the Radium Hot Springs Fire Department or an Assistant to the Fire Commissioner designated by the Village of Radium Hot Springs Council.

"COUNCIL" means the Municipal Council of the Corporation of the Village of Radium Hot Springs.

"EXPLOSIVE" means gunpowder, nitro glycerine, gun cotton, dynamite, blasting gelatin, gelignite, fulminate or mercury, or other metals, coloured fire and every other substance used or manufactured to produce a violent effect by explosion, or a pyrotechnic effect, and shall include fireworks, fuses, rockets, percussion caps, detonators, cartridges, and ammunition.

"FIRE CHIEF" means the person who is appointed to be head of the Radium Hot Springs Fire Department and every person designated to act in the place of the Fire Chief.

"FIRE DEPARTMENT" means the organization known as the Radium Hot Springs Volunteer Fire Department.

"FIRE CRACKER" means a small fireworks with entwined fuses used solely as noise makers, not for pyrotechnic effects or have little or 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 Explosives Regulations as low hazard fireworks for recreation such as fireworks showers, fountains, golden rain, lawn lights, pinwheels, Roman candles, volcanoes and sparklers.

"MINOR" means a person under the age of majority.

"OCCUPANT" means an owner, tenant, lessee, agent, licensee and any other person who has the right of access to, and control of any land, building or premises to which this Bylaw applies.

"OFFICER" means any person appointed by the Fire Chief to exercise the powers vested under this Bylaw and includes an Assistant to the Fire Commissioner designated by the Village of Radium Hot Springs Council.

"PEACE OFFICER" means an "officer" as defined above, any person employed by the Corporation of the Village of Radium Hot Springs as a Bylaw Enforcement Officer, or an R.C.M.P. Officer.

"PERSON" includes a corporation, partnership or party, and the personal or other legal representatives of a person to whom the context can apply according to this Bylaw.

"POSSESSION " means a person has anything in possession when he has it in his personal possession or, knowingly has it in the actual possession or custody of another person, or, has it in any place, whether or not that place belongs to or is occupied by him, for the use or benefit of himself or of another person; and, where one of two or more persons, with the knowledge and consent of the rest, has anything in his custody or possession, it shall be deemed to be in the custody and possession of each and all of them.

"SALE" means the act of selling, the exchange of goods or services for money or other valuable considerations.

"VILLAGE" means the Corporation of the Village of Radium Hot Springs.

SECTION 2: GENERAL

3. A person, defined as a Peace Officer pursuant to this Bylaw, is empowered to exercise the powers conferred by this Bylaw.
4. The authority to set additional terms and conditions under this section is hereby delegated to a Peace Officer.
5. The sale of firecrackers and other fireworks of every nature or kind are hereby prohibited in the Village of Radium Hot Springs.
6. The throwing, propelling, ejecting, lighting, firing, exploding, setting off, discharging or possession of firecrackers or other fireworks of every nature or kind is hereby prohibited in the Village except as herein provided.
7. A Peace Officer may seize firecrackers and other fireworks being held in violation of this Bylaw, and may dispose of them without compensation.
8. Notwithstanding any clause in this Bylaw, a Special Fireworks Permit allowing a display of fireworks or firecrackers on the terms and conditions set out in the Special Fireworks Permit in the form attached hereto as Schedule "A", or to like effect, may be purchased from the Village.
9. The Fire Chief or designate will not issue a permit pursuant to subsection 8 to a Special Fireworks Permit display unless a registered owner of the property is the person seeking the permit or the person seeking the permit has written consent from the registered owner of the property to seek such a permit.
10. Notwithstanding any clause contained in this Bylaw, the Fire Chief or designate may issue a permit to a person or organization to detonate or explode fireworks or firecrackers for religious or ceremonial purposes with strict conditions as the Fire Chief or designate deems necessary.
11. If an Officer, as a result of the existence of hazardous fire conditions, deems it advisable, he may cancel or suspend for such time as is specified in the order, any Permits issued pursuant to this Bylaw, or he may attach to any or all such Permits such conditions and restrictions as he thinks appropriate.
12. All Permits issued pursuant to this Bylaw shall be subject to such conditions, restrictions, and provisions as an Officer may consider necessary or expedient to incorporate therein.

13. An owner or occupier of real property shall remove or reduce any thing or condition from a building or yard which in the opinion of the Fire Chief or designate is a fire hazard or increases the danger of fire.

14. An Officer may enter on property and inspect premises for conditions that may cause a fire, increase the danger of a fire, or increase the danger to persons or property.

15. After an inspection, an Officer may order in writing that, within a reasonable time set out in the order, the Owner or Occupant remove, destroy, repair or alter the use of the occupancy of the premises, or remove or take precautions against any fire hazard as set out in the order.

16. All disputes arising as a result of the administration of the provisions of this Bylaw shall be referred to the Fire Chief or designate, who shall be the final authority in all cases.

17. Any and all costs that are incurred while mitigating fires resulting from the misuse of fireworks will be charged to the person or persons responsible for discharging the fireworks or firecrackers.

18. The cost of mitigating fires will be assessed at the rate of \$300.00 per hour for every fire truck and \$30.00 per hour for every fire fighter. These fees may be amended by the current fees bylaw for the Village.

SECTION 3 - FIREWORKS AND MINORS:

19. No person shall sell, give or furnish fireworks or fire crackers to a minor.

20. No minor shall be in possession, ignite or explode fireworks or fire crackers.

SECTION 4 - FIREWORKS DISPLAYS:

21. All public fireworks and firecracker displays must be performed under Permit issued under this Bylaw and abide by conditions contained in this Bylaw (see Schedule A). The fee for application shall be \$200 or as amended by the current fees bylaw for the Village. The Fire Chief or designate has the discretion to waive or reduce this application fee.

22. Every person making application for a public display Permit shall 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 \$1000.00 to be used for the purpose of paying expenses incurred or suffered by the Village as a result of the applicants failure to comply with the requirements of this Bylaw and all other applicable statues. Any amount of security not required for the foregoing purpose will be returned to the applicant.

23. Public display of fireworks and firecrackers shall be permitted only when the point at which the fireworks and firecrackers are to be fired is at least 60 metres from the nearest permanent building, public highway or railway, or other means of travel, or 15 metres from the nearest above ground telephone or telegraph line, tree or other overhead obstruction.

24. The audience at a public display of fireworks and firecrackers shall be restrained behind lines at least 45 metres from the point at which the fireworks and firecrackers are discharged and only persons in active charge of the display shall be allowed inside these lines.

25. All fireworks that fire a projectile must be directed in such a manner that the projectile goes into the air in a vertical direction.

26. Any fireworks and firecrackers that remain unfired after the display is concluded shall be immediately disposed of in a safe manner.

27. No public display of fireworks and firecrackers shall be held during a wind storm in which the wind reaches a velocity of more than 10 kilometres per hour. In such cases, the Fire Chief or designate may authorize the display at a future date.

28. The Fire Chief or designate, at their discretion, may cancel any permits in times where the fire danger rating is high or extreme.

29. The persons in charge of the firing of fireworks and firecrackers in a public display shall be at least twenty-one (21) years of age, and competent for the task.

30. There shall be at all times 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 Operator's Certificate as issued by Natural Resources Canada, Explosives Regulatory Division. The Fire Chief or designate has the discretion to waive or amend this requirement.

31. At least two (2) fire extinguishers approved by the Fire Chief or designate shall be kept and located at as widely separated points as possible within the area in which the discharge is being done.

32. For public displays, there shall be a valid General Comprehensive Liability Insurance policy in the amount of not less than Five Million (\$5,000,000) Dollars, naming the Village as an additional named assured. The Village will be provided with a copy of the insurance policy before carrying out the special fireworks display.

33. All disputes arising as a result of the administration of the provisions of this By-law shall be referred to the Fire Chief or designate, who shall be the final authority in all cases.

SECTION 5 – PENALTIES:

34. Every person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw, who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw or who does any act which violates any of the provisions of this bylaw is guilty of an offence against this bylaw and liable to the penalties hereby imposed. Each day that a violation continues to exist shall constitute a separate offence under this bylaw.

35. A person who is deemed to have committed an offence against this Bylaw is liable, on summary conviction under the Offence Act, to the penalties deemed appropriate by the presiding Provincial Court Judge or Justice of the Peace.

36. An R.C.M.P. Officer or a Bylaw Enforcement Officer may, at their discretion, and with respect to any contravention of any of the provisions of this bylaw, issue a notice warning of such contravention, issue a fine under the Municipal Ticket Information process, commence prosecution under the Offence Act, or seek a court injunction.

37. The fine, under the Municipal Ticket Information process, for a single infraction against this bylaw, shall be \$200.00 or as amended by the current Village Municipal Ticket bylaw.

SECTION 6 – SEVERABILITY:

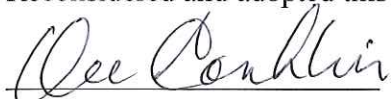
38. If any section, subsection, sentence, clause, or phrase of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.

SECTION 7 – EFFECTIVE DATE:

39. This Bylaw is effective, in force, and binding on all persons as from the day following the date of its adoption.

Read a first, second and third time this 12th day of June, 2013.

Reconsidered and adopted this 20th day of JUNE 2013.



Mayor Dee Conklin



Clerk Mark Read

SCHEDULE "A"
VILLAGE OF RADIUM HOT SPRINGS

APPLICATION FOR A SPECIAL PERMIT FOR EXPLODING OF FIREWORKS

APPLICATION is hereby made in accordance with the provisions of "Fireworks Bylaw No. 397, 2013" by:

Group or Organization: _____

Contact: _____

Signing Authority: _____

Address (include postal code): _____

Telephone / Cell: _____

For a special permit to explode fireworks on:

the _____ day of _____, 20__ at _____

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

Name of Fireworks Operator: _____ Telephone: _____

Address: _____

Fireworks Ticket No: _____ Date of expiry: _____

Signature of Property Owner

Signature of Fireworks Operator

VILLAGE OF RADIUM HOT SPRINGS FIREWORKS PERMIT

PERMISSION is hereby granted in accordance with the provisions of "Fireworks Bylaw No. 397, 2013" to:

Name of Organization: _____

Address & Telephone Number: _____

For the exploding of fireworks on the _____ day of _____, 20__ at _____

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

THIS PERMIT IS NOT TRANSFERABLE

Issued at Radium Hot Springs, British Columbia, this _____ day of _____, 20_____.

Signature of Fire Chief or designate

The Village of Radium Hot Springs accepts no responsibility for liability or costs incurred as a result of authorizing this permit.