RDKB

Bylaw No. 1822

A bylaw to establish the regulation of fireworks and firecrackers within Electoral Area C/Christina Lake

WHEREAS the Regional District of Kootenay Boundary, pursuant to Section 799 of the *Local Government Act* has been granted, by Order-in-Council No. 336, additional powers to regulate, prohibit and impose requirements in relation to the use of firecrackers and fireworks;

AND WHEREAS the *Local Government Act* authorizes the Board to regulate or prohibit, by bylaw, the sale or disposal to any person of firecrackers and other fireworks of every nature or kind;

NOW THEREFORE the Regional Board of the Regional District of Kootenay Boundary in open meeting assembled enacts as follows:

APPLICATION

1. This Bylaw is applicable to the Electoral Area C/Christina Lake of the Regional District of Kootenay Boundary.

DEFINITIONS

2.

Board	means the Board of the Regional District of Kootenay Boundary;
Bylaw Officer	means an employee of the Regional District who is authorized to respond to bylaw concerns or complaints and issue tickets;
Discharge	means to fire, ignite, detonate, light, project, explode, set off or throw;
Display	means a special event, festival or religious or other ceremony sponsored or conducted by a society, religious organization or individual;
Disposal	means transferring by any method and includes assigning, giving, selling, granting, charging, conveying, bequeathing, devising,

leasing, divesting, releasing and agreeing to do any of those things;

Fire Chief means the Chief of the Fire Department in the jurisdiction that the special event or festival is being held;

Fireworks means a substance or goods that is made, manufactured or used to produce an explosion or pyrotechnic device, including but not limited to:

(a) Fireworks as defined under the *Canada Explosives Act;*
(b) Fireworks as defined under the *Fireworks Act;*

Livestock means cattle and other animals of the bovine species, horses, donkeys, mules, llamas, ostrich, swine, sheep or goats;

Permit means a permit approved by a Regional District Fire Chief, Bylaw Officer or his/her designate and issued under this Bylaw;

Regional District means Regional District of Kootenay Boundary;

Sell includes offer for sale, cause of permit to be sold, trade, or to Otherwise dispose of; and to possess for the purpose of sale; the words "selling" and "sold" have a similar meaning;

Ticket means a municipal ticket information in the form described in the *Community Charter* Bylaw Enforcement Ticket Regulation;

1. SALES

1.1 No sale or purchase of fireworks is permitted.

2. PROHIBITIONS

2.1 No person may hold, possess, store, discharge, or otherwise use any fireworks unless that person has first obtained a permit approved by the Regional District.
2.2 No person may hold, possess, store, discharge or otherwise use fireworks in a manner that increases the risk of physical injury to any person or damage to any public or private property.
2.3 No person shall discharge fireworks on any property without the prior written consent of the owner.
2.4 No person under the age of eighteen (18) years old may hold, possess, store, discharge, or otherwise use any fireworks.
2.5 No person being the parent or guardian of any person under the age of eighteen (18) years shall allow that person to hold, possess, store, discharge, or otherwise use any fireworks.

2.6 No person shall discharge fireworks of Class 7.2.2 of the *Canada Explosives Act* without holding a valid Fireworks Operator Certificate issued by the Explosives Branch of Energy, Mines and Resources, Canada.

3. REQUIREMENTS

3.1 Any person eighteen (18) years of age or older must apply for and receive a permit before discharging fireworks.

3.2 Application for a permit required under this section shall be made in writing to the Fire Chief or his/her designate in a form provided by him/her and shall contain all the information required by the form and any required by the Fire Chief as per schedule 'A' attached to this Bylaw.

3.3 A permit approved by the Fire Chief or his/her designate shall be as per schedule 'B', attached to this Bylaw.

3.4 The holder of a permit will take all steps necessary to ensure the safety and security of the public attending the fireworks event, as well as persons taking part in the display.

3.5 The holder of a permit must ensure that fire suppression equipment is in place before fireworks are discharged.

3.6 Fireworks Permits will be issued for one day only and must be approved by the Fire Chief or his/her designate.

3.7 One-day permits will only be issued for the following days, at the discretion of the Fire Chief or his/her designate:

- January 1st;
- July 1st;
- July 4th;
- October 31st;
- December 31st.

Special request dates must be approved by the Regional District Board.

3.8 Applications for permits must be submitted to the Christina Lake Fire Department no later than seven (7) days prior to the intended discharge of fireworks.

3.9 No person shall discharge fireworks within 500 metres of a livestock property.

3.10 Permit holders must follow all Provincial fire ban/fireworks restrictions.

4. RESCISSION OF PERMITS

4.1 The Fire Chief or his/her designate or a Bylaw Officer of the Regional District may rescind a permit in the event that:

a) circumstances arising or ascertained after the permit was issued demonstrate that the risk to public safety or private property exists in connection with the fireworks event;
b) the Fire Chief or designate or Bylaw Officer or designate determines that the permit hold submitted false or inaccurate information the application; or
c) the permit holder violates or breaches any of the provisions of this Bylaw.

5. ENFORCEMENT

5.1 The Regional District will investigate potential violations of this Bylaw upon receiving at least two (2) written complaints.

5.2 No person shall obstruct any person engaged in the administration or enforcement of this Bylaw.

5.3 Every person who possesses or discharges fireworks contrary to the provisions of this Bylaw commits an offence and shall when directed to do so, must surrender all fireworks in their immediate possession to the Fire Chief or his/her designate or Bylaw Officer who shall be authorized to search and seize and hold all such firecrackers or fireworks in the interest of public safety and as evidence of the commission of the offence.

5.4 Fireworks seized under this Bylaw may be disposed of without compensation.

6. RIGHT TO ENTER

6.1 The authority having jurisdiction may enter upon any property to exercise the authority under Section 16 of the *Community Charter* or Section 268 of the *Local Government Act*, as applicable, with respect to this Bylaw.

7. PENALITIES/OFFENCE

7.1 A person who contravenes or fails to comply with this Bylaw commits an offense and is liable upon conviction to the penalties prescribed in the *Offence Act.*

7.2 Each and every occurrence of an offence constitutes a new and separate offence.

8. COST RECOVERY

8.1 In the event that the Fire Department responds to a fireworks-caused incident that requires fire response, the Regional District will recover associated costs from the property owner based on the provincial *Interagency Operational Procedures and Reimbursement Rates Agreement.*

9. SEVERABILITY

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

10. CITATION

10.1 This Bylaw may be cited as "Electoral Area C/Christina Lake Fireworks Regulation and Prohibition Bylaw No. 1822, 2023."

READ A FIRST TIME this day of , 2023.
READ A SECOND TIME this day of , 2023.
READ A THIRD TIME this day of , 2023.

RECONSIDERED and FINALLY PASSED and ADOPTED this ____ day of _____, 2023.

_____ _____

Chair Corporate Officer

Certified a true copy of Bylaw No. 1822 as adopted.

_____

Corporate Officer

Schedule "A" to Bylaw No. 1822

APPLICATION FOR A PERMIT TO DISCHARGE FIREWORKS

1. Is this application for the discharge of High Hazard Fireworks as defined in Class 7.2.2. of the *Canadian Explosive Act:* Yes ☐ No ☐

   Fireworks Supervisor Card No:_____ Expiry Date:_____
   (only required if discharging High Hazard Fireworks)

2. Is this application for the discharge of Low Hazard Fireworks as defined in Class 7.2.1. of the *Canadian Explosive Act:* Yes ☐ No ☐

3. Will you have fire suppression equipment on site: Yes ☐ No ☐

Name of Applicant: _____
(person supervising the discharge of the fireworks)

Organization/Community Group (if applicable):

_____

Address: _____ Postal Code: _____

Phone No:_____ Cell No:_____

Address where fireworks are to be discharged:_____

_____

Date of Event:_____ From: _____ am/pm to _____ am/pm

Name and signature of Property Owner, indicating consent for discharge of fireworks:

Name: _____ Signature:_____

Approved by the Regional District of Kootenay Boundary: Yes ☐ No ☐

_____ _____
Fire Chief or Designate Date

Schedule "B" to Bylaw No. 1822

PERMIT TO DISCHARGE FIREWORKS

The authority to discharge fireworks (check one ✓):

High Hazard Fireworks as defined in Class 7.2.2. of the *Canadian Explosive Act:*_____
Low Hazard Fireworks as defined in Class 7.2.1. of the *Canadian Explosive Act:*_____

is granted to: _____

or Organization/Community Group: _____

Name of Permit Holder:_____
(person supervising the discharge of the fireworks)

Address: _____ Postal Code: _____

Phone No:_____ Cell No:_____

For the _____ day of _____, 20_____

Between the hours of _____am/pm and _____ am/pm

THE HOLDER OF THIS PERMIT ACKNOWLEDGES THAT THE REGIONAL DISTRICT OF KOOTENAY BOUNDARY IS NOT RESPONSIBLE FOR SUPERVISING OF INSPECTING THE DISCHARGE OF FIREWORKS AUTHORIZED BY THIS PERMIT.

BY ACCEPTING THIS PERMIT, THE PERMITTEE IS ACCPETING ALL LIAIBLITIES ASSOCIATED WITH THE AUTHORITIES PROVIDED UNDER THIS PERMIT.

This permit may be superseded by another authority having jurisdiction; i.e. a fire ban imposed by the Province of BC.

_____ _____
Signature of Permittee Date

Permit issued by:

_____ _____
Name of Fire Chief or Designate Signature of Fire Chief of Designate

_____
Date

Copy to: Electoral Area Director