

FIREWORKS BYLAW
Bylaw No. 2246, 2005

A By-law to regulate the use and sale of firecrackers and fireworks

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

AND WHEREAS, pursuant to the provisions contained in Section 8 of the Community Charter, Council may, by by-law, 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 District of Pitt Meadows, in open meeting assembled, **ENACTS AS FOLLOWS**:

1. This By-law may be cited for all purposes as "Pitt Meadows Fireworks By-law No. 2246".

SECTION 1 - DEFINITIONS

2. In this By-law, unless the context otherwise requires:

"**APPROVED**", means approved by an **Officer** of the Fire Department of the Corporation of the District of Pitt Meadows.

"**COUNCIL**", means the Municipal Council of the Corporation of the District of Pitt Meadows.

"**DISTRICT**", means the Corporation of the District of Pitt Meadows.

"**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 Pitt Meadows Fire Department and every person designated by Council under the Community Charter by name of office or otherwise to act in the place of the Fire Chief;

"**FIRE DEPARTMENT**", means the organization known as the Pitt Meadows Volunteer Fire Department or the Pitt Meadows 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 (Class 7.2.1) 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 By-law applies.

“**OFFICER**”, means any person appointed by the Fire Chief to exercise the powers vested under this By-law or the Fire Services Act. An **Officer** includes members of the Fire Department appointed from time to time to the positions of Deputy Chief, Assistant Chief, Captain or Acting Captain.

“**PEACE OFFICER**”, means a person employed by the Fire Department of the Corporation of the District of Pitt Meadows, 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 Corporation of the District of Pitt Meadows as a By-law Enforcement Officer, or any person carrying out the duties of a R.C.M.P. Officer for the Corporation of the District of Pitt Meadows.

“**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 By-law.

“**POSSESSION**”, a person has anything in possession when he has it in his personal possession or knowingly, has it in the actual possession or custody or 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**”, the act of selling, the exchange of goods or services for money or other valuable considerations.

SECTION 2: GENERAL

3. A person, defined as a **Peace Officer** pursuant to this By-law, is empowered to exercise the powers conferred by this By-law, and further, the Fire Chief and appointed **Officers** of the Fire Department are empowered to exercise the powers conferred by this By-law and the powers conferred by the Fire Services Act.
4. The authority to set additional terms and conditions under this section is hereby delegated to an **Officer**.
5. The sale of firecrackers and other fireworks of every nature or kind are hereby prohibited in the District of Pitt Meadows.
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 District of Pitt Meadows except as herein provided.
7. A **Peace Officer** may seize firecrackers and other fireworks being held in violation of this By-

law, and may dispose of them without compensation.

8. Notwithstanding any clause in this By-law, 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 Fire Department for a fee of \$200.00.
9. The Fire Chief 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 By-law, the Fire Chief 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 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 By-law, 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 By-law 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 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 By-law shall be referred to the Fire Chief, 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.

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 By-law and abide by conditions contained in this By-law (see Schedule A).
22. Every person making application for a Permit shall deposit security with the District in the form of a cash deposit, irrevocable letter of credit or other form of security acceptable to the City in the amount of \$1000.00 to be used for the purpose of paying and cost or expenses incurred or suffered by the District as a result of the applicants failure to comply with the requirements of this By-law and all other applicable statutes. 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. In circumstances where fireworks are to be fired beside a lake or large body of water, the fireworks may be directed in such a manner that the falling residue from the deflagration will fall into the body of water.
27. Any fireworks and firecrackers that remain unfired after the display is concluded shall be immediately disposed of in a safe manner.
28. 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 may authorize the display at a future date.
29. No public display of fireworks and firecrackers shall be held when the outside temperature is 30 degrees C or higher and/or if the humidity is 30% or less. The Fire Chief may also cancel any permits in times where the fire danger rating is extreme.
30. 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.
31. 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 Supervisor's Certificate as issued by Natural Resources Canada, Explosives Regulatory Division.
32. At least two (2) fire extinguishers approved by the Fire Chief. and shall be kept at as widely separated points as possible within the area in which the discharge is being done.
33. 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 District as an additional named assured and to

provide the District with a copy of the insurance policy before carrying out the special fireworks display.

34. All disputes arising as a result of the administration of the provisions of this By-law shall be referred to the Fire Chief, who shall be the final authority in all cases.
35. Except where not in conflict therewith, or where excepted there from or permitted thereby, this By-law shall be deemed to be at all times subject to the provisions of the "Dominion Explosives Act", the "Dominion Railway Act" and the "National Harbours Board Act, 1936", and any regulation or By-law duly enacted pursuant to any of the said Acts or any statute or regulation relating to explosives having the force of law in the Municipality. The word "explosive" wherever used in this By-law shall be deemed to include all substances which are, or may be hereafter included in any definition of explosives contained in any of the said statutes, by-laws or regulations; provided, however, that the word "explosive" shall not be deemed to apply to fireworks, except in the sections of this By-law dealing especially with such fireworks.

SECTION 5 – PENALTIES

36. Every person who violates any of the provisions of this By-law or who permits any act or thing to be done in contravention or in violation of any of the provisions of this By-law, or who neglects to do or refrain from doing anything required to be done by any of the provisions of this By-law, 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.

SECTION 6 – SEVERABILITY

37. If any section, subsection or clause of the By-law 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 By-law shall be deemed to have been enacted and adopted without the invalid and severed section, subsection or clause.

SECTION 7 – REPEAL

38. "Pitt Meadows Fireworks By-law No. 1463 and amended thereto" is hereby repealed in its entirety.

READ a first time the 6th day of September, 2005.

READ a second time the 6th day of September, 2005.

READ a third time the 6th day of September, 2005

RECONSIDERED AND FINALLY ADOPTED, the 20th day of September, 2005.

"D.M. MACLEAN"

Mayor

"L.A. DARCUS"

Corporate Officer

CERTIFIED to be a true and correct copy of the "Pitt Meadows Fireworks Bylaw No. 2246, 2005", Finally Considered and Adopted the 20th day of September, 2005.

Corporate Officer

