DISTRICTOF MACKENZIE

BYLAW NO. 1204

A bylaw to provide regulations
for the control of Firecrackers, Fireworks, Explosives

WHEREAS Section 8(3) (d) of the Community Charter authorizes Council by bylaw to regulate the sale, possession and discharge of firecrackers and fireworks.

AND WHEREAS Council deems it expedient and desirable to provide such regulations with respect to the sale, possession, and discharge of firecrackers, and fireworks;

NOW THEREFORE the Council of the District of Mackenzie, in an open meeting assembled, **HEREBY ENACTS** as follows:

PART 1 - INTRODUCTION

1. TITLE

This Bylaw may be cited as "Fireworks Control Bylaw No. 1204, 2008".

2. DEFINITIONS

Council means the municipal council of the District of Mackenzie;

Discharge means to light, ignite, fire, set off or explode;

Display Application means an application for a Display Permit on a form prescribed for the purpose by the Fire Chief;

Display Permit means a current and valid permit in the form prescribed for the purpose by the Fire Chief authorizing a person to discharge fireworks;

District means the District of Mackenzie, including its Council, staff, officers, agents and employees;

Firecracker means a small firework with entwined fuses used solely as noise makers and not for pyrotechnic effect;

Fire Chief means the Fire Chief of the District of Mackenzie Fire Department and/or their designate;

Fire Department means the District of Mackenzie Fire Department;

Fireworks includes, but is not limited to, low hazard fireworks (consumer fireworks), high hazard fireworks (display fireworks) and pyrotechnics, but does not include sparklers, Christmas crackers, caps for toy guns, model rocket engines as specified in Subdivision 3, Division 2, Class 7 of the Explosives Regulation (Canada), or highway flares or other small distress signals used exclusively for that purpose.

High Hazard Fireworks means those fireworks defined as such under the Regulations, and without limiting the generality of the foregoing, includes rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardons, waterfalls, large fountains, batteries, illuminations, set pieces, pigeons, and firecrackers.

High Hazard Fireworks and Pyrotechnics Permit means a current and valid permit in the form prescribed for the purpose by the Fire Chief authorizing a person to discharge high hazard fireworks and pyrotechnics.

Low Hazard Fireworks means those fireworks defined as such under the Regulations and without limiting the generality of the foregoing, includes fireworks showers, fountains, golden rain, lawn lights, pin wheels, roman candles and volcanoes.

Minor means any person whose age is less than nineteen (19) years.

Owner means a person:

a. To whom a permit for fireworks has been issued under this bylaw;

b. Who owns, is in possession of, or has the care or control of fireworks;

c. Who is the custodial parent or legal guardian of a child under the age of nineteen (19) years who owns, is in possession of, or has the control of fireworks.

Peace Officer means a police officer or a police constable or other person employed for the preservation and maintenance of public peace and includes members of the Royal Canadian Mounted Police (R.C.M.P.), Bylaw Enforcement Officers, Fire Chief and the Local Assistant to the Fire Commissioner (LAFC).

Pyrotechnics means the use of materials capable of undergoing self-contained and self-sustained exothermic chemical reactions for the production of heat, light, gas, smoke and/or sound, and without limitation includes the use of such materials for special effects in connection with a movie or television production or any other form of show, entertainment or theatrical event.

Regulations mean the Explosive Act (Canada) and Explosives Regulation (Canada), as amended from time to time.

Sales Application means an application for the sale permit in the form prescribed for the purpose by the Fire Chief.

Sales Permit means a current and valid permit in the form prescribed for the purpose by the Fire Chief authorizing a person to sell, offer for sale or otherwise dispose of fireworks to a person nineteen (19) years of age or older.

PART 2 – POSSESSION OF FIREWORKS

3. FIRECRACKERS

It shall be unlawful for any person to possess, use, discharge any firecracker.

4. FIREWORKS

a. It shall be unlawful for any person under the age of nineteen (19) years to possess or discharge any fireworks or explosive device unless otherwise permitted by this bylaw.

b. No person shall possess or discharge fireworks except under the terms and conditions of a valid display permit obtained from the Fire Chief.

c. It shall be unlawful for any person to have in their possession any fireworks imported or manufactured illegally, or not authorized by the Explosive Regulatory Division of Natural Resources Canada.

5. MANUFACTURE, STORAGE AND TRANSPORTATION

a. The manufacture, storage and transportation of all fireworks and explosives devices shall conform to the Regulations.

b. The Fire Chief or LAFC must be notified in writing at least five (5) business days in advance of fireworks or explosive devices being stored on a property and shall have access to inspect the storage area at all reasonable times in order to ascertain whether the provisions of the Regulations or this bylaw are being complied with.

c. It shall be unlawful for any person to store or transport fireworks or explosive devices in contravention of their Sales Permit or Display Permit.

d. Upon theft of fireworks or explosives the owner of the fireworks or explosives is to make immediate notification of the theft to the R.C.M.P., District of Mackenzie and the Fire Chief, or LAFC. Notification is to include: Date/Time/Location/Types/Quantities of fireworks or explosives missing.

PART 3 – SALES

6. RESTRICTION

a. Applicants for a permit to sell fireworks must be nineteen (19) years of age or older.

b. A Sales Permit will not be issued to any person who during the past two years has had a Sales Permit cancelled or rescinded.

c. It shall be unlawful for any person to directly or indirectly sell, give or furnish to a person any firecracker whether for their own use or not.

d. It shall be unlawful for any person directly or indirectly to sell, give or furnish to a minor any fireworks, whether for their own use or not.

e. It shall be unlawful for any person to offer for sale, expose for sale, advertise or display or sell at wholesale or retail, any firework to any person or organization except between:

   i. the twenty-fifth (25^{th}) day of June and the first (1^{st}) day of July in each year;

   ii. the twenty-fourth (24^{th}) day of October and the thirty-first (31^{st}) day of October of each year; and

   iii. the twenty-seventh (27^{th}) day of December and the thirty-first (31^{st}) day of December of each year.

PART 4 – DISCHARGE OF FIRE WORKS

7. RESTRICTION ON USE OF FIREWORKS

No person shall discharge, propel, point or throw any fireworks at any person, animal, vehicle, building or structure.

8. RESTRICTED AREAS FOR FIREWORKS

Except as provided in a permit, no person shall discharge any fireworks on a highway, street, park, playground, school ground or any other public place within the District without the express written consent of the owner of the property.

9. LIGHTING OF FIREWORKS

Except as provided in a display permit, no person shall discharge any fireworks within the Municipality at any time except on:

a. the first (1st) day July in each year;

b. the thirty-first (31st) day of October in each year;

c. the thirty-first (31st) day of December in each year;

d. the observance or celebration of a special event or festival with a display permit issued by the Fire Chief.

10. LIGHTING OF HIGH HAZARD FIREWORKS

No person shall discharge High Hazard Fireworks or Pyrotechnics unless that person is a licensed holder of a certificate in compliance with the Explosives Regulatory Division of Natural Resources Canada, and holds a High Hazard Fireworks and Pyrotechnics Permit from the Fire Chief authorizing the activity.

PART 5 - PERMITS

11. DISPLAY PERMITS

The Fire Chief or an Officer designated by him may issue a display permit to light or explode fireworks, for the purpose of the observance or celebration of a special event or festival, to:

a. a person who is of the age of nineteen (19) years or older, or

b. an organization represented by a person who is over the age of nineteen (19) years.

12. APPLICATION

Every application for a display permit shall be in writing on a form prescribed for the purpose by the Fire Chief, and addressed to the Fire Chief District of Mackenzie.

13. HIGH HAZARD FIREWORKS AND PYROTECHNICS PERMITS

The Fire Chief may issue a permit to light or explode High Hazard Fireworks or Pyrotechnics to a person over the age of nineteen (19) years who has a valid certification as required by the Explosives Regulatory Division of Natural

Resources Canada provided that the applicant meets all the requirements of this bylaw and first:

a. submits a copy of the Explosives Regulatory Division event approval;

b. submits a Fire Safety Plan in a form acceptable to the Fire Chief;

c. submits an event and site plan detailing how the High Hazard Fireworks or pyrotechnics will be used and all appropriate safety measures for the event and all persons in attendance;

d. submits proof of a general liability insurance policy not less than $2 million with an endorsement for high hazard fireworks and pyrotechnics and such policy shall include the District as additionally named insured.

e. submits proof acceptable to the Fire Chief, that the applicant holds either a valid Fireworks Supervisor Level 1 card, or for unconventional sites as defined by the Explosive Regulatory Division, a valid Fireworks Supervisors Level 2 card, issued by the Explosives Regulatory Division of Natural Resources of Canada.

14. PERMIT REQUIREMENTS

Every permit issued must:

a. specify the High Hazard Fireworks or Pyrotechnics that the permit holder is authorized to light or explode; and

b. specify the day and the hours on which, and the description of the property or place where the Fireworks or Pyrotechnics may be discharged and used.

15. APPLICATION REQUIREMENTS

Every holder of a permit must:

a. present the permit to the seller of Fireworks or Pyrotechnics:

b. light or explode only those Fireworks or Pyrotechnics specified in the permit;

c. light or explode the Fireworks or Pyrotechnics only in accordance with the terms of the permit;

d. light or explode the Fireworks or Pyrotechnics only in accordance with the BC Fire Code Fire Safety Plan;

e. ensure that the Fireworks or Pyrotechnics are only lit or exploded under their direct supervision and responsibility; and

f. ensure that the use, handling, discharge, sale, possession and storage of the Fireworks or Pyrotechnics shall conform in every respect to the Regulations, the fire works manual as published by the Explosives Regulatory Division of Natural Resources Canada, and this Bylaw.

16. SALE OF HIGH HAZARD FIREWORKS

The sale of any High Hazard Fireworks shall only be to persons holding a valid permit issued under the Department of Natural Resources Explosive Regulatory Division.

17. CONTRAVENTION OF BYLAW

Every Person who contravenes or violates any provision of this Bylaw commits an offence.

18. CONTROL OF BURNING SITE

A person who fails to control or secure a site on which Fireworks or Pyrotechnics are discharged commits an offence.

19. PENALTIES

Any person who commits an offence pursuant to this bylaw is liable on summary conviction to a fine of not more than $10,000.00 and six month's imprisonment, and not less than $500.00.

20. SEVERABILITY

If any part, sub-section or phrase of this Bylaw is held to be invalid by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of the Bylaw will be deemed to have enacted without the invalid portion.

READ a first time this 28th day of July, 2008.

READ a second time this 28th day of July, 2008.

READ a third time this 28th day of July, 2008.

ADOPTED this 8th day of September, 2008.

I hereby certify the foregoing
to be a true and correct copy
of District of Mackenzie Bylaw
No. 1204 cited as "Fireworks
Control Bylaw No. 1204, 2008".

Mayor

Director of
Corporate Administration

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