

THE CORPORATION OF THE CITY OF WHITE ROCK

City of White Rock Fireworks By-law 2005 No. 1776

WHEREAS by bylaw prepared under the Section 8(3)(d) of the Community Charter, S.B.C. 2003, c. 26, as amended (“*The Community Charter*”), Council may regulate, prohibit and impose requirements in relation to the sale or disposal to any person of firecrackers and any other fireworks of every nature and kind and Council may regulate, prohibit, and impose requirements in relation to the exploding of firecrackers or other fireworks.

NOW THEREFORE, the Council of the Corporation of the City of White Rock, in an open meeting assembled, ENACTS as follows:

INTERPRETATION

1. This By-law may be cited for all purposes as “City of White Rock Fireworks regulation By-law 2005 No. 1776”
2. In the construction and for the purposes of this By-law the following words and terms shall have the meaning hereby assigned unless repugnant to the context hereof:

“Explosives Act” means the Explosives Act, R.S.C. 1992, c E-17, as may be amended from time to time, and includes all regulations thereunder.

“Fire Chief” means the Chief of the White Rock Fire Rescue Department as duly appointed by the City Council.

“Fireworks” means a substance that is made, manufactured, or used to produce an explosion or detonation or visible pyrotechnic display or pyrotechnic device, and includes firecrackers, cannon crackers, fireballs, mines, roman candles, skyrockets, squibs, torpedoes, composition and manufactured fireworks as defined in the *Explosives Act*, and any substance defined as fireworks under the *Fireworks Act*, R.S.B.C. 1996, c. 146.

“Fireworks Supervisor” means a person who holds a valid Fireworks supervisor certificate from Natural Resources Canada-Explosives Regulatory Division issued under the authority of Section 7 (1) (c) of the *Explosives Act*.

“Confiscate” means to seize and take physical control of Fireworks in the possession of any person who may detonate or discharged the Fireworks in contravention of this by-law, subject to the appeal process in Section 13 of this By-law.

“Forfeiture” means the transfer of ownership and disposal rights of any Fireworks

confiscated or otherwise surrendered for any offence against the City of White Rock Fireworks Regulation By-law 2005 No. 1776 that after a period of 30 days said Fireworks may be destroyed.

“Surrender” means the voluntary act of giving full rights of possession of Fireworks found to be in possession of any individual or group that have acted in contravention of this Bylaw to the City of White Rock. Once surrendered, Fireworks may be disposed of by the City of White Rock.

REGULATIONS

3. The sale of Fireworks of every nature is prohibited in the City of White Rock.
4. No person shall sell, dispose of, give or otherwise distribute Fireworks to another person unless that person is a Fireworks Supervisor.
5. No person shall transport, ignite, discharge, set-off or explode any Fireworks in the City unless the person is a Fireworks Supervisor and the holder of a valid permit issued by the Fire Chief pursuant to sections 7 - 10 of this By-law.
6. Except as provided in Sections 7 - 10 of this By-law no person shall ignite, discharge, setoff or explode any Fireworks within the City of White Rock.

PERMITS

7. A person or organization wishing to celebrate a special event or festival may apply in writing to the Fire Chief for a permit to possess and ignite or explode Fireworks.
8. Every application for a permit shall be in the form provided by the City for that purpose.
9. The Fire Chief shall consider each application for a permit and shall specify in writing the reasonable terms and conditions under which the permit is issued. The signature of the Fire Chief or his/her designate shall be affixed to each valid permit.
10. The Fire Chief shall not issue a permit for the discharge of Fireworks unless the following conditions are met:
 - a) The written consent of the property owner or an agent of the owner of the property is provided to the Fire Chief.
 - b) The applicant provides a certificate of insurance indicating that third party liability insurance coverage is in place to protect the City in the event of bodily injury, including death, and property damage liability that may result from or arise out of the permitted discharge or ignition of

Fireworks. The City shall also be indemnified for damage to and destruction to property that may occur by reason of the permitted Fireworks display, including defence costs. The insurance policy shall include the City as an additional named insured and contain a cross liability clause and shall be in an amount not less than \$5,000,000.00.

- c) An individual who is the holder of valid Fireworks Supervisor certification shall be appointed "*Event Fireworks Supervisor*" and will have complete responsibility for all fire safety features, security of all Fireworks and security of detonation and firing areas. The Permit shall be issued in that persons name after verification of certification by the Fire Chief.
- d) The named Event Fireworks Supervisor must be present and have authority and control over all ignition, firing and detonation of the permitted Fireworks.
- e) The permit issued to the Event Fireworks Supervisor shall authorize the purchase of the Fireworks as specified in the permit and for the specific purpose and at the specified date and time of the permitted event.
- f) The ignition and discharge of the permitted Fireworks shall conform in every respect to the issued permit and this By-law.
- g) The Fire Chief or his/her designate shall have the final authority to cancel any Fireworks display and revoke an issued permit based on public safety and the conditions at the time of the event.
- h) Every applicant for a permit shall pay a processing fee of \$50.00 prior to the review of the permit application by the Fire Chief.

SURRENDER, CONFISCATION AND FORFIETURE:

- 11. Any person found to be in possession of Fireworks prohibited under this By-law and under the age of 18 may have the Fireworks confiscated by a Peace Officer authorized under the Fire Services Act or RCMP Police Act.
- 12. Any person found possessing, transporting, igniting or discharging Fireworks other than as provided for in a permit issued under sections 7 - 10 of this By-law shall forthwith surrender all Fireworks in their possession to a Peace Officer authorized under the Fire Services Act or the RCMP Police Act.
- 13. Confiscated Fireworks shall, at the termination of a period of thirty days from the date of confiscation, become the property of the City of White Rock. The City may dispose of confiscated Fireworks after this time period. Within the thirty days from any confiscation of

Fireworks for violation of this By-law the owner may make claim for the return of the Fireworks provided that he/she is at least 18 years of age, provides legal proof of ownership of said Fireworks, and is a Fireworks Supervisor.

14. Voluntarily Surrendered Fireworks shall become the property of the City of White Rock and may be disposed of at any time after the surrender.

SUMMARY CONVICTION

15. Every person who violates any of the provisions of this By-law or who suffers or permits any act or thing to be done in contravention of this By-law, or who neglects to do or refrains from doing any act or thing required to be done by this By-law shall be liable on summary conviction to a minimum penalty of \$100.00 and a maximum penalty of \$5,000.00.
16. Each violation or breach of this By-law shall constitute a separate offence.
17. Notwithstanding anything in this By-law, every person who violates any of the provisions of this Bylaw may be served with a *Violation Notice* and shall thereupon be permitted to pay a penalty in the amount of \$200.00 and voluntarily surrender to the City of White Rock any Fireworks in their possession and involved in the breach or violation of this Bylaw.

Read a first time on the 11th day of October, 2005.

Read a second time on the 11th day of October, 2005.

Read a third time on the 11th day of October, 2005.

Adopted on the 17th day of October, 2005.

Judy Forster
Mayor

Tina Penney
Director of Corporate Services