

THE CORPORATION OF THE VILLAGE OF CLINTON
Village of Clinton Fireworks Prohibition Bylaw No. 540, 2016

A Bylaw to regulate the sale and discharge of Fireworks within the Village of Clinton

- WHEREAS:** The Community Charter provides that Council may by bylaw, regulate, prohibit and impose requirements in relation to firecrackers, fireworks and explosives;
- AND WHEREAS:** The Council of the Village of Clinton deems it expedient and necessary to prohibit the sale, and use of fireworks and firecrackers in Clinton except under special circumstances;
- NOW THEREFORE:** the Council of the Corporation of the Village of Clinton, in open meeting assembled, enacts as follows:

1. TITLE

This Bylaw may be cited as the "Village of Clinton Fireworks Prohibition Bylaw No.540, 2016

2. REPEAL

All previous Village of Clinton Fireworks Regulation Bylaw No. 475, 2010 is hereby repealed.

3. DEFINITIONS

- a. **"Act"** means explosive Act, RSC 1985, Chapter E-17, and the regulations enacted hereunder, both as amended from time to time.
- b. **"Bylaw Enforcement Officer"** – means the person designated by the Village of Clinton to enforce bylaws within the municipality including the RCMP
- c. **"Fire Chief"** – means a person appointed by Council to be in charge of the Clinton Fire Department or authorized subordinates
- d. **"Firecracker"** – means a small firework with entwined fuses used solely as noise makers and not for pyrotechnic effect
- e. **"Fireworks"** – includes cannon crackers, fireballs, firecrackers, mines, Roman candles, skyrockets, squibs, torpedoes, and any other explosive designated as a firework by provincial legislative regulation
- f. **"Fireworks Act"** means the Provincial Fireworks Act (RSBC 1996) Chapter 146
- g. **"Licensed Fireworks Supervisor"** means a person who is an approved purchaser of fireworks and who is qualified to supervise the discharge of fireworks

4. PROHIBITIONS

- a. No person may sell fireworks or firecrackers in the Village
- b. No person may buy sell, hold, store, discharge or otherwise use any Firecrackers or Fireworks
- c. No person may discharge fireworks except in accordance with the terms and conditions of a Permit issued under this Bylaw
- d. No person may be issued a permit except if they are a licensed fireworks supervisor for the purpose of storage, explosion and discharge of fireworks
- e. No person may point, direct or throw fireworks at any person, animal, building or other property
- f. No person may discharge fireworks within 100 metres of a location where flammable materials are stored, including gas stations, propane holding tanks, and lumber yards

5. PERMITS TO DISCHARGE FIREWORKS

- a. The exception to Section 4 the Fire Chief may issue a Permit to a person or organization for the discharge of fireworks for the purpose of the observance or celebration of a Special Public Event where all conditions to obtain a Permit under this Bylaw have been met.
- b. The issuance of a Permit does not authorize the sale within the Village of Fireworks or Firecrackers by any person to a Permit holder.
- c. Permit applications (Schedule "A") must be submitted to the Fire Chief at least 30 days prior to the date on which the Special Public Event is to occur. Where the applicant is from the Clinton Fire Department the permit applications must be submitted at least 24 hours prior to the start time of the Special Public Event.
- d. Any person named in a permit under this bylaw must be knowledgeable and comply with the provisions of the safety rules published from time to time by Natural Resources Canada and the provisions of any Federal and Provincial Acts related to fireworks.
- e. To be considered for a Permit under Schedule "A", an applicant must submit the following to the Fire Chief:
 - i. Written permission for the location of the Fireworks Display (Private or Public Property)
 - ii. Liability insurance in the amount of not less than \$3,000,000.00. The Village and the location owner must be named insured.
 - iii. A site diagram showing the location of all fireworks, operators, audience members, and fire suppression systems.
 - iv. A description of all products to be used, including charge size, effects and manufacturer's name;
 - v. A description of the firing systems to be used;
 - vi. A description of the fire prevention precautions in place;
 - vii. A copy of the fire safety plan;
 - viii. A copy of the applicant's Licensed Fireworks Supervisor certification;

- ix. Reference of persons with personal experience discharging fireworks and coordinating displays.

6. PERMIT CONDITIONS

- a. The Fire Chief may rescind a permit if:
 - i. The permit holder fails to comply with any terms or condition of the permit without prior written consent of the Fire Chief
 - ii. The permit holder violates or breaches any of the provisions of this bylaw;
 - iii. Circumstances arising or ascertained after the permit was issued demonstrates that a public safety risk to public or private property exists in connection with the fireworks event; or the Village determines the permit holder submitted false or inaccurate information in his or her permit application. (example very dry conditions and Wild Fire Hazard)

7. PENALTIES

- a. Any person who violates any provision of this bylaw shall be deemed to have committed an offense against this bylaw and shall be liable for:
 - i. Every person who violates a provision of this bylaw or who consents, allows or permits any Act or thing to be done in violation of a provision or neglects to or refrains from doing anything required to be done by a provision of this bylaw, is guilty of an offence and is liable on summary conviction, to a fine of not less than \$2500.00 and not exceeding \$10,000.00 and guilty of a separate offence each day that a violation continues to exist.
 - ii. Fines upon summary conviction as provided by the Offense Act and regulations thereto.

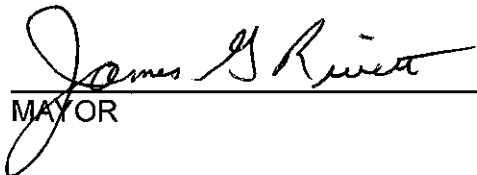
8. SEVERABILITY

If any section, paragraph or phrase of this bylaw is for any reason held to be invalid by a decision of a Court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.

9. COMMENCEMENT

This Bylaw shall come into force on the date of final adoption.

READ A FIRST TIME	this 27 th day of April, 2016.
READ A SECOND TIME	this 27 th day of April, 2016.
READ A THIRD TIME	this 27 th day of April, 2016.
RECONSIDERED and FINALLY ADOPTED	this 11 th day of May, 2016.



MAYOR



CORPORATE OFFICER

SCHEDULE "A"
FIREWORKS PERMIT BYLAW NO. 540, 2016

Name of Applicant: _____

Birth Date: _____ DATE: _____

Mailing Address: _____

Phone: _____ Email: _____

Licensed Fireworks Supervisor Card No. _____
(attach photocopy)

THE APPLICANT HEREBY applies to discharge CONSUMER __ or DISPLAY __ (check one)
Fireworks on property within the Village as follows:

Location: _____

Date: _____ Time: (Start) _____ (End) _____

Description of Special Public Event

Estimated number of spectators: _____

Expected type and quantity of Fireworks: _____

Contact name and phone for organizer or sponsor Special Public Event:

Contact name and phone for property owner: _____

Information on requirements can be obtained through the Fire Department or the Village Office

READ CAREFULLY

THE APPLICANT CERTIFIES that the applicant understands and will be guided by the provisions of Fireworks Regulation Bylaw, 540, 2016, as amended from time to time, and all applicable Provincial and Federal laws and regulations, as amended from time to time, and any conditions or restrictions imposed in this permit by the Fire Chief.

THE APPLICANT FURTHER CERTIFIES that the applicant is authorized to the appropriate level by Natural Resources Canada to possess and fire, set off or explode Fireworks of the class specified within this application.

IN CONSIDERATION of \$1.00 and other good and valuable consideration, the receipt and sufficiency of which the applicant acknowledges, the applicant covenants that the applicant will indemnify and save harmless the Village of Clinton and its elected officials, employees, officers, agents and contractors from and against any and all manner of actions or cause of action,

SCHEDULE "A"
FIREWORKS PERMIT BYLAW No. 540, 2016

damages, costs, loss, or expenses of whatever kind (including, without limitation, legal fees) which the Village or its elected officials, employees, officers, agents or contractors may sustain, incur, or be put to by reason of or arising out of:

- a. The issuance of this permit;
- b. The consumer Fireworks event or display Fireworks Event, including, without limitation, the handling, storage, discharging or other use of Fireworks in connection with this permit;
- c. The applicant's use or occupation of the location upon which the consumer Fireworks Event or display Fireworks Event is to occur; or
- d. Any Act or omission of the applicant or any person for whom the applicant is at law, responsible, including, without limitation, the non-observance or non-performance of any obligation imposed by Federal or Provincial law.

The applicant acknowledges that he or she has had the opportunity to seek independent legal advice as to the contents of this agreement and that he or she is not under any legal disability.

Signature of Applicant:

Date:

PERMISSION IS GRANTED to the above applicant to discharge consumer or display Fireworks, at the location and on the date and time(s) as set out above, subject to Fireworks Regulation Bylaw, 540, 2016, as amended from time to time, and to the following conditions and restrictions:

- This permit is not transferable. Only the applicant is authorized under this permit to discharge Fireworks.
- The applicant may only discharge the type and quantity of Fireworks described in the application.
- The applicant must ensure that all debris and litter related to a consumer Fireworks Event or display Fireworks Event that occurs on Village property, including any litter left by the spectators, is removed from the location at the conclusion of the Special Public Event.
- The applicant, except where the applicant is Clinton Fire Department, must obtain a Comprehensive General Liability insurance policy with an inclusive limit of not less than \$3,000,000.00 per occurrence for bodily injury or property damage and provide evidence of the same to the Fire Chief no later than twenty one (21) days prior to the Special Public Event.

Other Conditions:

FIRE CHIEF OR AUTHORIZED DESIGNATE: _____

DATE OF ISSUE: _____