

THE CORPORATION OF THE VILLAGE OF MONTROSE

BYLAW #731

A BYLAW TO REGULATE FIREWORKS AND FIRECRACKERS

WHEREAS Section 8 of the Community Charter authorizes Council to regulate, prohibit and impose requirements in relation to fireworks and firecrackers,

BE IT THEREFORE RESOLVED that the Council of the Village of Montrose in open meeting assembled, enacts as follows:

SHORT TITLE

1. (1) This Bylaw may be cited as the "FIREWORKS AND FIRECRACKER REGULATION BYLAW"

DEFINITIONS

2. FIRE CHIEF means the Fire Chief of the Regional District of Kootenay Boundary or their designate.

FIREWORKS means devices that explode or burn to produce visual or sound effects and such other explosives as may be designated as such by the Lieutenant-Governor in Council under the provision of the Fireworks Act of the Province of British Columbia or under the provision of the Canadian Explosives Act and its regulations, as the case may be but does not include torpedoes, flares, fuses or similar pyrotechnic devices used by motorists, railroads, police or other agencies for signaling purposes or illumination.

PERMIT means a Permit approved by the Fire Chief and issued under this Bylaw.

VILLAGE means the area within the municipal boundaries of the Village of Montrose.

SALES PROHIBITION

3. (1) No sale or purchase of Fireworks or Firecrackers in the Village of Montrose is permitted.

FIRECRACKERS PROHIBITED

4. (1) No person shall possess, fire, set off or discharge firecrackers.

PROHIBITION AND PERMIT REQUIREMENTS

5. (1) No person shall, at any time, possess or explode or set off fireworks, excluding sparklers, unless that person has first obtained a Permit approved by the Fire Chief in accordance with this bylaw.
- (2) No person shall explode or set off High Hazard Fireworks of Class 7 of the Canadian Explosives Act without holding a valid Fireworks Supervisor Card issued by the Explosives, Safety and Security Branch of Natural Resources, Canada.
- (4) Application for a Permit required under this section shall be made in writing to the Fire Chief in a form provided by the Village and will contain all the information required by the Fire Chief as per Schedule A, which is attached to and forms part of this bylaw.

- (5) A Permit will only be issued to a person representing a recognized organization or group for a celebration, such as a Village sponsored event, Canada Day, News Years and Halloween.

REGULATIONS AND REQUIREMENTS

- 6. (1) The holder of a Permit will take all steps necessary to ensure the safety and security of members of the public attending the fireworks event, as well as persons taking part in the display.
- (2) The holder of a permit issued pursuant to this bylaw accepts all liabilities associated with the authorities provided under this permit.

RESCISSION OF PERMIT

- 7. (1) The Fire Chief or an officer of the Village may rescind a Permit in the event that:
 - i) circumstances arising or ascertained after the Permit was issued demonstrate that a public safety risk or risk to public or private property exists in connection with the fireworks event;
 - ii) the Fire Chief determines that the Permit holder submitted false or inaccurate information in the application;
 - iii) the Permit holder violates or breaches any of the provisions of this Bylaw;
 - iv) a fire ban is imposed.

ENFORCEMENT

- 8. (1) The Fire Chief, a Peace Officer, Bylaw Enforcement Officer or designate and any other person duly authorized by the Village may enter onto any property at any reasonable time to ascertain whether the provisions of this Bylaw are being observed and may take whatever action deemed necessary in accordance with section 9.
- (2) All persons must, when directed to do so, surrender all fireworks in their possession to the Fire Chief, a Peace Officer, Bylaw Enforcement Officer or designate, each of whom is authorized to seize and hold all such fireworks in the interest of public safety and as evidence of the commission of an offence and a person who fails to surrender fireworks upon demand commits an offence.

OFFENCES AND PENALTIES

- 9. (1) Every person violating any provisions of this bylaw shall upon conviction be liable to a fine not exceeding One Thousand (\$1,000.00) Dollars, plus costs for such violation.

ENACTMENT

- 10. (1) If any section, subsection, sentence, clause, or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder.
- (2) Bylaw #178 is hereby repealed.
- (3) This Bylaw shall come into full force and effect on the final adoption thereof.

READ A FIRST TIME
READ A SECOND TIME
READ A THIRD TIME
RECONSIDERED AND FINALLY ADOPTED

this 3rd day of October, 2016
this 3rd day of October, 2016
this 3rd day of October, 2016
this 17th day of October, 2016

Mayor

Corporate Officer

Certified a true copy of Bylaw #731, as adopted

Corporate Officer

SCHEDULE 'A'



Application for Event Approval in the Village of Montrose

Part 1 – Application by Fireworks Supervisor
I hereby make an application to hold a fireworks display.

Name: _____
Phone: _____
Email: _____
Signature: _____

Sponsoring Agency: _____
Address: _____
Contact Person: _____
Telephone: _____
Date & Time of Display: _____
Location of Display: _____
Rain Date: _____

Part 2 – Approval of Local Authority
The applicant has complied with local requirements and has permission to hold a fireworks display at the location mentioned above.

Name of authorizing person: _____
Title: _____
Phone: _____
Signature: _____
Date: _____