

DISTRICT OF UCLUELET

Bylaw No. 967, 2004

A bylaw to regulate the sale, use, and possession of fireworks.

WHEREAS the Council may, by bylaw, pursuant to the *Fireworks Act*, declare that Act applicable to the municipality;

AND WHEREAS the Council may, by bylaw, and subject to the *Fireworks Act*, regulate or prohibit the sale or disposal to any person of firecrackers and fireworks of every nature and kind;

AND WHEREAS the Council may, by bylaw, regulate or prohibit the discharging or exploding of firecrackers or fireworks;

NOW THEREFORE the Council of the District of Ucluelet, in open meeting assembled, enacts as follows:

1. Title

This Bylaw may be cited as "Fireworks Regulation Bylaw No. 967, 2004."

2. Definitions

"**Firecracker**" means small fireworks with entwined fuses used solely as noisemakers, and not for pyrotechnic effect.

"**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, including, but not limited to, fireworks showers, fountains, golden rain, lawn lights, pinwheels, roman candles and volcanoes, but excluding sparklers, Christmas Crackers and caps for toy guns.

"**Bylaw Enforcement Officer**" means a person employed or appointed by the District of Ucluelet to enforce the provisions of this bylaw.

3. Wholesale and Retail Sales

- a) It shall be unlawful for any person to offer for sale, expose for sale, advertise or display or sell at wholesale or retail;
 - i) any fireworks, with the exception of sparklers, Christmas Crackers and caps for toy guns, to any person or organization except between October 24th and October 31st inclusive, in any year.
 - ii) any fireworks, to a person who is under the age of eighteen (18) years of age or to a person who appears to be under the age of eighteen (18) years and does not produce evidence that he/she is eighteen (18) years of age or older.
 - iii) any fireworks, unless such person is in possession of a valid District of Ucluelet Business Licence.

- b) It shall be unlawful for any person to supply any person, directly or indirectly, any firecracker, whether for his own use or not.

4. Possessions and Discharge of Fireworks and Firecrackers

- a) It shall be unlawful for any person to possess, sell, use, detonate or explode any firecrackers at any time of the year within the District of Ucluelet.
- b) It shall be unlawful for any person under the age of eighteen (18) years to possess, use, detonate or explode any fireworks.
- c) It shall be unlawful for any person to set off, discharge or explode any fireworks on any street, land, square or public place unless such person or persons shall first have obtained a permit from the District of Ucluelet, and it shall be the responsibility of the permit holder to ensure compliance with the provisions contained therein, or for any damages that may arise therefrom by reason of the issuance of any such permit.
- d) It shall be unlawful for any person to set off, discharge or explode any fireworks except between October 24th and October 31st inclusive, in any year unless such person(s) shall have first obtained a permit from the District of Ucluelet. It shall be the responsibility of the permit holder to ensure compliance with the provisions contained therein, or for any damages that may arise therefrom by any reason of the issuance of any such permit.
- e) It shall be unlawful for any person to point or direct or throw fireworks at any person, animal, building, motor vehicle, tree or bush, where such fireworks are in the process of exploding or detonating.

5. Vendors Permit

- a) It shall be unlawful for any person to offer for sale, expose for sale, advertise or display, or sell at wholesale or retail, any fireworks, unless such person is in possession of a valid Business License from the District of Ucluelet and a valid and subsisting Fireworks Vendors Permit issued by the District of Ucluelet.
- b) An application for a Fireworks Vendor Permit shall be made to the District of Ucluelet and shall be accompanied by a fee of \$50.00.
- c) The District of Ucluelet may refuse to issue a Fireworks Vendor Permit where:
 - i) The Vendor does not hold a valid and subsisting Business License issued by the District of Ucluelet;
 - ii) The Vendor, or an employee or agent of the Vendor, has been convicted of an offence against any of the provisions of this Bylaw or its predecessors, the Explosives Act (Federal) or the Fireworks Act (Provincial) within the twenty-four (24) months preceding the date of application.
 - iii) The District of Ucluelet may revoke a Fireworks Vendor Permit where the Vendor, or an employee or agent of the Vendor, violates any of the provisions of the Bylaw, the Explosives Act or the Fireworks Act.

6. Storage of Fireworks

- a) No person shall store, cause to be stored or have in his/her possession or on his/her premises, more than 23 kg (50.703 lbs) aggregate weight of fireworks at any time.
- b) No person shall store or cause to be stored any fireworks adjacent to any heat, flame or other source of ignition.
- c) No vendor shall store or cause to be stored, fireworks in a position or area that is readily accessible to customers or prospective customers. The storage area must be screened off from customers by a solid physical barrier and an attendant must always be on duty.
- d) An owner or occupier of premises in which fireworks are stored or kept for sale to any person must maintain a ULC approved, minimum 2A 10BC rating, multipurpose dry chemical portable fire extinguisher which is readily available on the premises at all times.
- e) Any owner or occupier of premises in which fireworks are stored, sold or disposed of to any person shall display or cause to display, a "NO SMOKING" sign with letters of a minimum height of 7.5 cm (2.95 inches) and of a contrasting colour to the background on the entrance door to the said premises and in a prominent position to the place where the fireworks are stored or sold.
- f) If the District of Ucluelet determines that a fire hazard exists on the premises of the holder of a Fireworks Vendor Permit and the holder does not eliminate such hazard forthwith upon notice thereof, the District of Ucluelet may order the removal of all fireworks from the premises and no person shall refuse or fail to comply with such order.

7. Seizure:

The Bylaw Enforcement Officer may seize firecrackers or fireworks being held in violation of this bylaw and may dispose of them without compensation.

8. Designation of Bylaw Enforcement Officer

For the purposes of this bylaw, the designated Bylaw Enforcement Officer means any of the following;

- a) Bylaw Enforcement Officer for the District of Ucluelet
- b) Fire Chief for the District of Ucluelet
- c) Chief Administrative Officer for the District of Ucluelet
- d) R.C.M.P. Officers and auxiliary members

9. Fines & Penalties:

Every person who violates any of the provisions of his bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw is liable on summary conviction to a fine of not more than two thousand dollars (\$2,000.00) and costs (including the costs of the committal and conveyance to the place of imprisonment) for each offense, and in default of payment therefore, to imprisonment of a term not exceeding six months in jail. Each day that such violation is permitted to continue shall be a separate offence.

10. Ticketing:

Fines and penalties for tickets issued for offences against this bylaw shall be in accordance with Schedule "A", attached hereto and forming part of this Bylaw.

11. Liability for Damages and Costs

In addition to all other penalties herein provided, any person causing damage to any public property shall be responsible for the cost of repairing such damage.

12. Severability

If any provision of this Bylaw is determined by a court of competent jurisdiction to be unlawful or unenforceable, that provision shall be severed from this Bylaw and shall not affect the validity of any remaining provision of this Bylaw.

13. Administrative Provisions:

- a) This bylaw hereby repeals "Fireworks Regulation Bylaw No. 747, 1997" and any amendment thereto.
- b) This bylaw may be cited for all purposes as the "District of Ucluelet Fireworks Regulation Bylaw No. 967, 2004."

READ A FIRST TIME this 10th day of **August, 2004**

READ A SECOND TIME this 10th day of **August, 2004**

READ A THIRD TIME this 10th day of **August, 2004**

ADOPTED this 24th day of **August, 2004**

CERTIFIED A TRUE AND CORRECT COPY of "Fireworks Regulation Bylaw No. 967, 2004."

Gale Shier
Municipal Clerk

THE CORPORATE SEAL of the
District of Ucluelet was hereto
affixed in the presence of:

Dianne St. Jacques
Mayor

Gale Shier
Municipal Clerk

Fireworks Regulation Bylaw No. 967, 2004

Schedule "A"

Fines and Penalties

Description	Section	Fine – 1st Offense	Fine – 2nd and Subsequent Offenses
Offer fireworks for sale prior to October 24 th or after October 31 st of any year	3 (a)(i)	150.00	300.00
Offer to sell, or sale of fireworks to a person under 18 years of age	3(a)(ii)	250.00	500.00
Offer for sale, expose, advertise, display or sell fireworks without valid District of Ucluelet Business License	3(a)(iii)	250.00	500.00
Offer, sell, give any person a firecracker	3(b)	100.00	200.00
Possess, sell, detonate, explode any firecrackers	4(a)	100.00	200.00
Persons under 18 years of age possessing, detonating, exploding fireworks	4(b)	100.00	200.00
Discharge, explode fireworks on road, street, park, public place without a permit	4(c)	250.00	500.00
Discharge, explode fireworks prior to October 24 th or after October 31 st of any year	4(d)	150.00	300.00
Point, direct, throw firecrackers at any person, animal, building, motor vehicle, bush or tree	4(e)	250.00	500.00
Offer for sale, expose, advertise, display or sell fireworks without valid Vendors Permit	5(a)	250.00	500.00
Possession or storage of more than 23kg aggregate weight of fireworks	6(a)	250.00	500.00
Illegal storage of fireworks	6(b)(c)(d)(e)	250.00	500.00
Obstruct a Bylaw Enforcement Officer	7	250.00	500.00