



DISTRICT OF WELLS

BY- LAW No. 127, 2013

A BY-LAW TO REGULATE THE USE OF FIREWORKS WITHIN THE DISTRICT OF WELLS

WHEREAS, from time to time fireworks displays are provided by citizens and organizations within the boundaries of the District of Wells;

AND WHEREAS, under certain climate conditions fireworks may present a fire hazard;

AND WHEREAS, the Fireworks Act (R.S.B.C. 1996) Chapter 146 Act states that fireworks may be discharged by a person or organization at a public display if the public display is held with the written permission of the fire commissioner;

NOW, THEREFORE the Council of the District of Wells in open meeting assembled and by an affirmative vote of at least two-thirds of its members, enacts as follows:

1. This Bylaw shall be cited as the "District of Wells Fireworks By-Law, No. 27, 2013."
2. DEFINITIONS
In this Bylaw:
 - a) "Fire Chief" means the person appointed as the Fire Chief of the Fire Department;
 - b) "Fireworks" means cannon crackers, fireballs, firecrackers, mines, Roman candles, skyrockets, squibs, torpedoes and any other explosive designated as a firework by the "Class 7" Explosives Regulation (Canada) or its successor regulation;
 - c) "Fire Department" means the Wells Volunteer Fire Brigade;
 - d) "Incident" means any of the following occurrences to which the Fire Department has responded:
 - (i) fire
 - (ii) explosion
 - (iii) a situation where a fire has occurred or is imminent
 - (iv) any other situation presenting a danger or possible danger to life or property;

- e) "Permit" means a permit issued under this Bylaw by the Fire Chief for the discharge of fireworks.
- f) "Peace Officer" means the person holding any of the following positions:
 - (i) Fire Chief
 - (ii) Police Officer
 - (iii) Bylaw Officer

3. APPLICATION FOR A PERMIT

a) An application for a permit must:

- (i) be in the form prescribed by the Fire Chief;
- (ii) be submitted to the Fire Chief at least 14 days before the date of the event for which the permit is required;
- (iii) include details of the location, duration and safety measures in place for the event for which the permit is required.

b) A permit shall not be issued when a provincial ban on open burning is in effect for any region or sub-region that includes all or part of the District of Wells.

4. CONDITIONS OF PERMIT

A permit holder must:

- a) not possess, fire or discharge fireworks other than those specified in the permit;
- b) possess, fire and discharge fireworks only in accordance with the terms and conditions of the permit;
- c) ensure that fireworks are possessed, fired and discharged only by the permit holder, or under that person's direct supervision;
- d) immediately present the permit for inspection when requested by a peace officer;
- e) accompany the Fire Chief on an initial site inspection, and any site re-inspections required by the Fire Department, of the site of the event for which the permit is required.

5. SUSPENSION AND REVOCATION

The Fire Chief may suspend or revoke a permit if the permit holder has contravened, or authorized, permitted or suffered the contravention of:

- a) a provision of this Bylaw;
- b) the Fire Services Act or its regulations, or any other applicable statute or regulations;
- c) a term or condition specified in the permit

6. PENALTY SECTION

Every person who commits an offence against this Bylaw is liable to a fine and penalty of not more than Two Thousand Dollars (\$2,000.00) and not less than Two Hundred Dollars (\$200.00) for each offence, and in default of payment thereof, forthwith or within such time as the presiding shall direct, the fine imposed shall be recoverable under the provisions of the Offence Act and all amendments thereto.

7. EFFECTIVE DATE

This Bylaw shall come into effect upon its adoption.

READ A FIRST TIME THIS 4th DAY OF JUNE 2013

READ A SECOND TIME THIS 4th DAY OF JUNE 2013

READ A THIRD TIME THIS 4th DAY OF JUNE 2013

FINALLY READ AND ADOPTED THIS 18th DAY OF JUNE 2013

Robin Sharpe, Mayor

Gary Champagne, CAO