

**DISTRICT OF LANTZVILLE
BYLAW NO. 39**

**A BYLAW TO REGULATE THE STORAGE, SALE AND DISCHARGE OF FIREWORKS
AND FIRECRACKERS**

WHEREAS pursuant to Section 8(3)(d) of the *Community Charter*, Council may, by bylaw, regulate, prohibit and impose requirements in relation to the sale or disposal to any person of firecrackers and other fireworks of every nature or kind;

AND WHEREAS pursuant to section 8(3)(d) of the *Community Charter*, Council may regulate, prohibit and impose requirements in relation to the exploding of firecrackers or other fireworks;

AND WHEREAS it is deemed expedient to exercise the authority granted by the aforesaid sections within the District in the manner and to the extent hereinafter provided;

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

1. Citation:

- 1.1 This Bylaw may be cited for all purposes as "District of Lantzville Fireworks Regulation Bylaw No. 39, 2005".

2. Interpretation:

- 2.1 In this bylaw:

"District" means the Corporation of the District of Lantzville.

"Explosive Act" means the *Explosives Act, R.S.C., 1992*, as may be amended from time to time, and includes all regulations hereunder.

"Fire Chief" means the Chief of the Lantzville Volunteer Fire Department as duly appointed by Council and includes the Local Assistance to the Fire Commissioner (L.A.F.C.) and any person authorized, in writing by the Chief, to carry out a function under this bylaw.

"Family Fireworks" means fireworks defined as low hazard fireworks pursuant to subdivision 1, of Division 2 of Class 7 in the Explosives Regulations of the *Explosives Act (Canada)* but does not include sparklers or Christmas crackers.

"Family Pack" means six or more Family Fireworks which are packaged together and intended to be sold as a unit, except that Roman Candles shall constitute not more than 25% of the total number of fireworks in the packaged unit.

"Firecracker" means a small paper cylinder (usually no more than 1½" in length) with entwined fuses, used solely as noise makers, containing pyrotechnic composition that produces a bang.

"Fireworks" means a substance that is made, manufactured or used to produce an explosion or detonation or a pyrotechnic device and includes fireworks, composition and manufactured

fireworks as defined in the *Explosives Act*, and any substance defined as fireworks under the *Fireworks Act*.

“Fireworks Supervisor” means a person who holds a valid fireworks supervisor certificate from Natural Resources Canada – Explosives Regulatory Division.

“Peace Officer” means Royal Canadian Mounted Police, Royal Canadian Mounted Police Auxiliary officers, the Bylaw Enforcement officer, the Fire Chief of the Lantzville Volunteer Fire Department or members of the Lantzville Volunteer Fire Department acting as Local Assistant to the Fire Commissioner as defined under the *Fire Services Act* or any official or employee of the District.

“Roman Candle” means a ground level family firework that is capable of projecting or discharging a charge or a series of charges or pyrotechnical effects more than 3 metres and which has a tube size of $\frac{3}{4}$ ” or less.

2.2 This bylaw shall not apply to and nothing herein contained shall be deemed to refer to the storage or possession of fireworks or firecrackers exclusively for wholesale purposes or to the sale of fireworks or firecrackers at wholesale.

3. Sale of Fireworks/Firecrackers

- 3.1 No person shall sell or dispose of any fireworks of any class or description to a person who is under the age of eighteen years or to a person who appears to be under the age of eighteen years.
- 3.2 No person under the age of 18 shall possess any fireworks within the boundaries of the District of Lantzville.
- 3.3 No person shall offer for sale, display for sale, sell or cause to be sold or keep with intent to sell to any person, any fireworks within the boundaries of the District.

4. Discharge of Fireworks/Firecrackers

- 4.1 A person or organization wishing to celebrate a special event or festival may apply, in writing, to the Fire Chief for a ‘Special Use Fireworks Permit’ in the form attached hereto as Schedule ‘A’, to possess and explode fireworks.
- 4.2 The Fire Chief shall consider each application for a permit and shall specify, in writing, any additional terms and conditions under which a permit, if any, is issued. Every permit issued under this bylaw shall be in the form provided by the District for that purpose and signed by the Fire Chief.
- 4.3 The Fire Chief shall not issue a permit to hold a fireworks display on any property unless the following conditions have been met:
- (i) the written consent of the property owner or an agent or representative of the owner charged with the control and care of the property is provided to the Fire Chief.
 - (ii) The sponsor of the fireworks display has deposited with the District of Lantzville a certificate of insurance indicating that third party liability insurance coverage is available

to protect the District in the event of bodily injury, including death, and property damage liability that may result from or arise out of the holding of the fireworks display and to indemnify the District for damage to and destruction of District property that may occur by reason of the fireworks display. The policy of insurance shall include the District as an additional named insured and contain a cross-liability clause and shall be in an amount and form acceptable to the Fire Chief;

- (iii) The sponsor of the fireworks display must appoint a supervisor who will have complete authority over and be responsible for all fire safety features at the fireworks display and the permit shall be issued in that person's name;
- (iv) No person shall be appointed a supervisor for a fireworks display unless that person is a Fireworks Supervisor;
- (v) Only the Fireworks Supervisor shall set off or explode the permitted fireworks; and
- (vi) The exploding of the permitted fireworks shall conform in every respect to the issued permit and the *Explosives Act*.

4.4 No person shall discharge or explode a firework which is pointed or directed at any person, animal, building, motor vehicle, tree or bush.

4.5 No person shall explode, discharge or possess a firecracker in the District of Lantzville.

4.6 No person shall explode or discharge any fireworks in or on:

- (i) a highway;
- (ii) a park;
- (iii) a property on which a school is located;
- (iv) a beach or other area of land lying below the natural boundary of the ocean or an inlet of the ocean;
- (v) land in a commercial or industrial zone as defined in "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", or its successor bylaws.

4.7 Notwithstanding section 4 the Fire Chief may issue a Special Use Fireworks Permit authorizing a person to explode or discharge fireworks in any of the locations mentioned in section 4.6 and at times prohibited by this bylaw and may attach any terms and conditions to the permit the Fire Chief deems necessary.

4.8 No person shall explode or discharge fireworks at anytime except:

- (i) between the hours of 9:00 a.m. to 11:00 p.m. on the 31st day of October, or
- (ii) as permitted by a Special Use Fireworks Permit in the form attached hereto as Schedule 'A'.

5. Penalty and Seizure

5.1 Where a Peace Officer finds fireworks being displayed or offered for sale by a vendor who does not hold a valid Special Use Fireworks Permit or who does not, on demand, produce a valid Special Use Fireworks Permit the Peace Officer may seize and destroy the fireworks without compensation to the vendor or other owner of the fireworks.

- 5.2 Where a Peace Officer finds a person in possession of firecrackers or fireworks in contravention of this bylaw, the Peace Officer may seize and destroy the fireworks or firecrackers without compensation to the owner of such items.
- 5.3 Any person who violates any provision of this bylaw is guilty of an offence and is liable upon conviction, to the penalties prescribed by the *Offence Act*.

6. Severability

- 6.1 If any portion of this bylaw is for any reason found invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.

READ A FIRST TIME this 27th day of June, 2005.

READ A SECOND TIME this 27th day of June, 2005.

READ A THIRD TIME this 27th day of June, 2005.

RECONSIDERED AND FINALLY ADOPTED this 11th day of July, 2005.

ORIGINAL SIGNED

Mayor

ORIGINAL SIGNED

Director of Corporate Administration

I hereby certify that the above is a true and correct copy of "District of Lantzville Fireworks Regulation Bylaw No. 39, 2005" as adopted by Council of the District of Lantzville on the 11th day of July, 2005.

ORIGINAL SIGNED

Director of Corporate Administration

**“District of Lantzville Fireworks Regulations Bylaw No. 39, 2005”
Schedule ‘A’ – Special Use Fireworks Permit**

I hereby made application to purchase and discharge fireworks on behalf of:

MYSELF: (Please print name): _____

AGE: (list document(s) used as proof) _____

OR

ORGANIZATION: _____

ADDRESS: _____

LOCATION OF DISPLAY: _____

DATE: _____ TIME: _____

I certify that I _____
(please print name)

have read, understood and will be guided by the principles and safety regulations of the fireworks (attach firework printout sheet and by the specific instructions of the manufacturer governing a particular firework.

Fireworks Supervisor Card No. _____ Expiry Date: _____

Signature of Applicant: _____

Date: _____

* * * * *

<i>To be completed by local authority having jurisdiction over fireworks display.</i>	
Signature of Local Authority:	_____
Name:	_____
Title:	_____
Date:	_____
Conditions:	_____

