

CORPORATION OF THE DISTRICT OF MAPLE RIDGE

BY-LAW NO. 6279 - 2004

A By-law to regulate the use and sale of firecrackers and fireworks.

WHEREAS, pursuant to the provisions contained in Section 8 of the Community Charter, Council may, by by-law, regulate, prohibit and impose requirements in relation to firecrackers, fireworks and explosives;

AND WHEREAS, pursuant to the provisions contained in Section 8 of the Community Charter, Council may, by by-law, regulate, prohibit and impose requirements in relation to the protection and enhancement of the well-being of its community in relation to noise, vibration, odour, dust, illumination or any other matter that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public

AND WHEREAS, Council deems it expedient and desirable to provide such regulations.

NOW THEREFORE, the Council of the Corporation of the District of Maple Ridge, in open meeting assembled, **ENACTS AS FOLLOWS**:

This By-law may be cited for all purposes as "Maple Ridge Fireworks By-law No. 6279 - 2004".

SECTION I - DEFINITIONS

1. In this By-law, unless the context otherwise requires:

"APPROVED", means approved by an **Officer** of the Fire Department of the Corporation of the District of Maple Ridge.

"COUNCIL", means the Municipal Council of the Corporation of the District of Maple Ridge.

"DISTRICT", means the Corporation of the District of Maple Ridge.

"EXPLOSIVE", means gunpowder, nitro glycerine, gun cotton, dynamite, blasting gelatin, gelignite, fulminate or mercury, or other metals, coloured fire and every other substance used or manufactured to produce a violent effect by explosion, or a pyrotechnic effect, and shall include fireworks, fuses, rockets, percussion caps, detonators, cartridges, and ammunition.

"FIRE CHIEF", means the person who is appointed to be head of the Maple Ridge Fire Department and every person designated by Council under the Community Charter by name of office or otherwise to act in the place of the Fire Chief;

"FIRE DEPARTMENT", means the organization known as the Maple Ridge Volunteer Fire Department or the Maple Ridge Fire Department.

"FIRE CRACKER", means a small fireworks with entwined fuses used solely as noise makers, not for pyrotechnic effects or have little or no pyrotechnic effect and without limitation includes bottle rockets, screechers, screecharoos, humaroos, supersonic bang, butterfly thunder and air bombs and items similarly named or are in the same noise producing category.

"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 (Class 7.2.1) such as fireworks showers, fountains, golden rain, lawn lights, pinwheels, Roman candles,

volcanoes and sparklers.

“MINOR”, means a person under the age of majority.

“OCCUPANT”, means an owner, tenant, lessee, agent, licensee and any other person who has the right of access to, and control of any land, building or premises to which this By-law applies.

"OFFICER", means any person appointed by the Fire Chief to exercise the powers vested under this By-law or the Fire Services Act. An **Officer** includes members of the Fire Department appointed from time to time to the positions of Deputy Chief, Assistant Chief, Captain or Acting Captain.

“PEACE OFFICER”, means a person employed by the Fire Department of the Corporation of the District of Maple Ridge, acting as a Local Assistant to the Fire Commissioner as defined under the Fire Services Act [RSBC 1996] CHAPTER 144 or any person employed by the Corporation of the District of Maple Ridge as a By-law Enforcement Officer, or any person carrying out the duties of a R.C.M.P. Officer for the Corporation of the District of Maple Ridge.

“PERSON”, includes a corporation, partnership or party, and the personal or other legal representatives of a person to whom the context can apply according to this By-law.

SECTION II: GENERAL

2. No person may offer for sale, sell, give or trade firecrackers or other fireworks of every nature or kind in the District of Maple Ridge.
3. No person may throw, propel, eject, light, fire, explode, set off, discharge or possess firecrackers or other fireworks of every nature or kind in the District of Maple Ridge unless that person holds a valid permit as issued under this bylaw.
4. Every person who possesses or discharges fireworks contrary to the provisions of this bylaw commits an offence and shall when directed to do so, surrender all fireworks in their immediate possession to a **Peace Officer** who shall be authorized to search and seize and hold all such firecrackers or fireworks in the interest of public safety and as evidence of the commission of the offence.
5. Fireworks seized under this bylaw may be disposed of without compensation.
6. A person, defined as a **Peace Officer** pursuant to this By-law, is empowered to exercise the powers conferred by this By-law, and further, the Fire Chief and appointed **Officers** of the Fire Department are empowered to exercise the powers conferred by this By-law and the powers conferred by the Fire Services Act.
7. The authority to set additional terms and conditions under this section is hereby delegated to an **Officer**.
8. Notwithstanding any clause in this By-law, a Special Fireworks Permit allowing a display of fireworks or firecrackers on the terms and conditions set out in the Special Fireworks Permit in the form attached hereto as Schedule “A”, or to like effect, may be purchased from the Fire Department for a fee of \$200.00.
9. Notwithstanding any clause contained in this By-law, the Fire Chief may issue a permit to a person or organization to detonate or explode fireworks or firecrackers for religious or ceremonial purposes with strict conditions as the Fire Chief deems necessary.

10. If an **Officer**, as a result of the existence of hazardous fire conditions, deems it advisable, he may cancel or suspend for such time as is specified in the order, any Permits issued pursuant to this By-law, or he may attach to any or all such Permits such conditions and restrictions as he thinks appropriate.
11. All Permits issued pursuant to this By-law shall be subject to such conditions, restrictions, and provisions as an **Officer** may consider necessary or expedient to incorporate therein.
12. An owner or occupier of real property shall remove or reduce any thing or condition from a building or yard which in the opinion of the Fire Chief is a fire hazard or increases the danger of fire.
13. An **Officer** may enter on property and inspect them for conditions that may cause a fire, increase the danger of a fire or increase the danger to persons or property.
14. After an inspection, an **Officer** may order in writing that within a reasonable time set out in the Order, the Owner or Occupant remove, destroy, repair or alter the use of the occupancy of the premises, or remove or take precautions against any fire hazard as set out in the Order.
15. All disputes arising as a result of the administration of the provisions of this By-law shall be referred to the Fire Chief, who shall be the final authority in all cases.
16. Any and all costs that are incurred while mitigating fires resulting from the misuse of fireworks will be charged to the person or persons responsible for discharging the fireworks or firecrackers.
17. The cost of mitigating fires will be assessed at the rate of \$300.00 per hour for every fire truck and \$30.00 per hour for every fire fighter.

SECTION III - STORAGE

18. It shall be unlawful for any person to store, or keep in storage any explosive ammunition or material used, or intended to be used for fireworks, firecrackers or small arms ammunition unless such person shall have first obtained permission in writing to do so from the Fire Chief.
19. Application for such permit shall be made to the Fire Chief, and shall set forth the premises and what portion of such premises it is proposed that such explosives, ammunition, fireworks, firecrackers or material intended to be used for fireworks, firecrackers or small arms ammunition, are to be kept or stored; and all particulars pertaining to the storage and keeping of such material shall be specified in such application, and any explosives, fireworks, firecrackers, small arms ammunition or material not disclosed in any such particulars stored or kept therein shall be deemed to be stored or kept contrary to the provisions of this By-law.
20. It shall be unlawful for any person to store or keep in any premises in which other flammable materials are kept or stored, except in a fireproof vault or fireproof storeroom, any material used for or intended to be used for fireworks.
21. No person shall smoke, or allow any other person to smoke, in any area defined or set aside for storage of fireworks, firecrackers or small arms ammunition, or any material intended to be used for fireworks, firecrackers or small arms ammunition, and such area shall be so marked with the appropriate "No Smoking" signage, or a type approved by the Fire Chief.

SECTION IV - FIREWORKS AND MINORS

- 22. No person shall sell, give or furnish fireworks to a minor.
- 23. No minor shall be in possession, ignite or explode fireworks

SECTION V – FIREWORKS DISPLAYS

- 24. All public displays of fireworks and firecrackers must be performed under permit issued under this bylaw and abide by conditions as contained in this bylaw or by discretion of the Fire Chief or his/her designate.
- 25. Public display of fireworks and firecrackers shall be permitted only when the point at which the fireworks and firecrackers are to be fired is at least 60 metres from the nearest permanent building, public highway or railway, or other means of travel, or 15 metres from the nearest above ground telephone or telegraph line, tree or other overhead obstruction
- 26. The audience at a public display of fireworks and firecrackers shall be restrained behind lines at least 45 metres from the point at which the fireworks and firecrackers are discharged and only persons in active charge of the display shall be allowed inside these lines.
- 27. All fireworks that fire a projectile must be directed in such a manner that the projectile goes into the air in a vertical direction.
- 28. In circumstances where fireworks are to be fired beside a lake or large body of water, the fireworks may be directed in such a manner that the falling residue from the deflagration will fall into the body of water.
- 29. Any fireworks and firecrackers that remain unfired after the display is concluded shall be immediately disposed of in a safe manner.
- 30. No public display of fireworks and firecrackers shall be held during a wind storm in which the wind reaches a velocity of more than 10 kilometres per hour. In such cases, the Fire Chief may authorize the display at a future date.
- 31. No public display of fireworks and firecrackers shall be held when the outside temperature is 30 degrees C or higher and/or if the humidity is 30% or less. The Fire Chief may also cancel any permits in times where the fire danger rating is extreme.
- 32. The persons in charge of the firing of fireworks and firecrackers in a public display shall be at least twenty-one (21) years of age, and competent for the task.
- 33. There shall be at all times at least two (2) operators of the display constantly on duty during the discharge, and at least one (1) of the operators shall hold a valid Fireworks Supervisor's Certificate.
- 34. At least two (2) approved fire extinguishers of at least two and one-half (2 ½) gallons capacity each shall be kept at as widely separated points as possible within the area in which the discharge is being done.
- 35. There shall be a valid General Comprehensive Liability Insurance policy in the amount of not less than Five Million (\$5,000,000) Dollars, naming the District as an additional named assured and to provide the District with a copy of the insurance policy before carrying out the special fireworks display
- 36. All disputes arising as a result of the administration of the provisions of this By-law shall be referred to the Fire Chief, who shall be the final authority in all cases.

SECTION VI – PENALTIES

37. Every person who violates any of the provisions of this By-law or who permits any act or thing to be done in contravention or in violation of any of the provisions of this By-law, or who neglects to do or refrain from doing anything required to be done by any of the provisions of this By-law, shall be guilty of an offence punishable on summary conviction and shall be liable to a fine of not more than \$10,000.00 or to imprisonment for not more than six (6) months, or to both, the penalties being enforced and the fines and costs being recoverable upon summary conviction in the manner provided by the Offence Act [RSBC 1996] CHAPTER 338 as amended.

SECTION VII – SEVERABILITY

38. If any section, subsection or clause of the By-law is declared or held to be invalid by a court of competent jurisdiction, then that invalid portion shall be severed and the remainder of this By-law shall be deemed to have been enacted and adopted without the invalid and severed section, subsection or clause.

SECTION VII – REPEAL

39. “Maple Ridge Fireworks By-law No. 4566 – 1991” is hereby repealed in its entirety.

READ a first time the ____ day of April, 2005.

READ a second time the ____ day of April, 2005.

READ a third time the ____ day of April, 2005

RECONSIDERED AND FINALLY ADOPTED, the ____ day of May, 2005.

MAYOR

CLERK



SCHEDULE "A"
CORPORATION OF THE DISTRICT OF MAPLE RIDGE

APPLICATION FOR A SPECIAL PERMIT FOR EXPLODING OF FIREWORKS

APPLICATION is hereby made in accordance with the provisions of "District of Maple Ridge Fireworks Bylaw No. 6279 - 2004" by

ORGANIZATION INFORMATION
Please print

Group or Organization: _____

Contact: _____

Signing Authority (Capacity) _____

Address (include postal code): _____

Telephone: _____

Cell: _____

For a special permit to explode fireworks on:

the _____ day of _____, 20____ at _____
(Location)

from _____ a.m./p.m. to _____ a.m./p.m.

Name of Fireworks Supervisor: _____ Telephone: _____

Address: _____

Cell: _____

Fireworks Ticket No: _____ Date Issued: _____

Signature of Property Owner

Signature of Fireworks Supervisor

CORPORATION OF THE DISTRICT OF MAPLE RIDGE SPECIAL PERMIT

PERMISSION is hereby granted in accordance with the provisions of "District of Maple Ridge Fireworks Bylaw No. 6279 - 2004" to:

Name of Organization: _____

Address & Telephone Number: _____

For the exploding of fireworks on the _____ day of _____, 20____ at _____
from _____ a.m./p.m. to _____ a.m./p.m.

THIS PERMIT IS NOT TRANSFERABLE

Issued at Maple Ridge, British Columbia, this _____ day of _____, 20____.

Attach a copy of the following:

Fireworks Supervisor Certification

Certificate of Insurance in the amount of \$5,000,000.00 naming the District of Maple Ridge as an insured.

Signature of Fire Chief

The District of Maple Ridge accepts no responsibility for liability or costs incurred as a result of authorizing this permit.