

Bylaw 07-20

A Bylaw to Regulate the Sale and Use of Fireworks

The Council of the Resort Village of Bird's Point in the Province of Saskatchewan, enacts as follows:

1. DEFINITIONS

In this Bylaw, including this section:

- (a) **“Administrator”** shall mean the employee or representative of the Municipality tasked with enforcing this Bylaw, or as deemed appropriate, their delegate.
- (b) **“Adult”** shall mean an individual over the age of majority.
- (c) **“Council”** shall mean the Council of the Resort Village of Bird's Point
- (d) **“Designated Officer”** shall mean an employee or representative of the Municipality, a member of the Royal Canadian Mounted Police, a Bylaw Enforcement Officer, Community Safety Officer, or Administrator.
- (e) **“Discharge”** shall mean to set off, fire, detonate, ignite, light, or cause to be exploded.

The words “discharging” and “discharged” shall mean to have a similar meaning.

- (f) **“Fireworks”** shall mean to include High-Hazard Fireworks and Low-Hazard Fireworks.

It does not include torpedoes, flares, fuzzes, or similar pyrotechnic devices used by motorists, police, or other agencies for signaling purposes or illumination.

- (g) **“Display Supervisor”** shall mean an individual possessing a valid *Fireworks Operator Certificate* issued by the Explosives Regulatory Division of Natural Resources Canada.
- (h) **“Fireworks Vendor”** shall mean an individual or corporation having the intent to sell, trade, or give away fireworks.

- (i) **“High-Hazard Fireworks”** shall mean those classified as Type F.2 explosives under the *Explosives Regulations 2013*, as amended or repealed and replaced from time to time.

These include, but are not limited to, display shells, bouquets, bombshells, barrages, large wheels, bombardos, waterfalls, fountains, batteries, set pieces, pigeons, and mines.

- (j) **“Low-Hazard Fireworks”** shall mean those classified as Type F.1 explosives under the *Explosives Regulations 2013*, as amended or repealed and replaced from time to time.

These include, but are not limited to showers, fountains, Roman candles, lawn lights, and sparklers, but do not include firecrackers, Christmas crackers, sparklers, starter guns, caps for toy guns containing not more than 25 one-hundredths of a grain of explosive per cap, or non-aerial fireworks, including flares, ground spinners, strobe pots, and ground whistles.

- (k) **“Minor”** shall mean an individual under the age of majority.

- (l) **“Municipality”** shall mean the Resort of Bird’s Point Resort

- (m) **“Permanent Fireworks Premise”** shall mean a firmly constructed structure, or part of a firmly constructed structure in which the principle year-round business is the sale of fireworks.

- (n) **“Person”** shall mean to include corporations, firms, partnerships, joint ventures, proprietorships, associations, societies, and any other legal entity.

- (o) **“Public Fireworks Display”** shall mean the discharging of High-Hazard Fireworks for public recreation and entertainment.

- (p) **“Regulations”** shall mean the *Explosives Regulations 2013*, as amended or repealed and replaced from time to time.

2. PROVISIONS FOR ALL FIREWORKS

1. All persons shall abide by this Bylaw within the Municipality.
2. No person shall discharge any fireworks in a manner that would create a danger or nuisance, or otherwise detract from the comfort, health, or safety of another person or property.
3. No person shall discharge any fireworks in a manner that would create a fire, grass fire, or running fire. All attempts must be made to limit fire susceptibility in the environment and surroundings.

4. Fireworks shall be aimed such that they discharge into the air in a vertical direction.
5. Fireworks shall not be discharged when wind speeds exceed 32 km/h.
6. Persons who store, handle, or discharge fireworks shall use reasonable care to ensure that those fireworks are not accessible to any minor.
7. The handling, sale, storage, discharge, and disposal of fireworks shall comply with the Regulations.
8. All packages containing fireworks must be clearly and conspicuously identified as such, i.e. FIREWORKS

3. SALE OF FIREWORKS

1. No person shall sell, trade, or give fireworks to a minor.
2. All persons wishing to sell, trade, or give fireworks must possess and display a valid municipal business license.
3. Fireworks Vendors shall not permit any employee to sell fireworks without first instructing such employee on this Bylaw.
4. Fireworks Vendors shall only sell, trade, or give High-Hazard Fireworks to Display Supervisors as set out in the Regulations, Sections 415-420.
5. Fireworks Vendors shall conduct their business within a Permanent Fireworks Premise.
6. Permanent Fireworks Premise shall comply with the Municipality's Zoning Bylaw, as may be amended from time to time.
7. Permanent Fireworks Premise may not be located within 150 meters of any place where explosive, flammable, or combustible liquids or substances are manufactured or stored.
8. All areas within 6 meters of a Permanent Fireworks Premise shall be designated and posted as a "non-smoking" area. No persons may smoke, ignite any flammable material, or have in their possession any lighted matches, lighters, pipes, cigars, cigarettes, open flames, or spark-emitting devices within this area.
9. No Fireworks Vendors shall operate within the Municipality unless:
 - a. Fireworks to be sold are included in the most recent list of authorised explosives as published by the Explosives Regulatory Division of Natural Resources Canada, or their successors.

- b. Fireworks for sale are displayed such that they comply with the Regulations, Sections 338-350.
10. Fireworks to be sold must not exceed 25 kilograms each in gross weight.
11. Fireworks Vendors must display and make available to purchasers of fireworks a manufacturers brochure outlining the safe handling of fireworks, and a copy of this Bylaw.
12. During a fire ban, Fireworks Vendors shall inform customers of 4.8 and post notice of the fire ban at the point of sale.

4. USE OF FIREWORKS – LOW-HAZARD FIREWORKS

1. No person shall discharge any fireworks between the hours of 11:00 PM and 8:00 AM without prior written approval from the Administrator.
2. No person shall set off any fireworks into, on, or onto a street or other public place except as part of a Public Fireworks Display.
3. No parent or guardian of a minor shall permit the minor to discharge any fireworks except when under the direct supervision of the parent or guardian.
4. An adult may discharge Low-Hazard Fireworks on any land belonging to them, or on any other privately-owned land where the owner thereof has given written permission for such discharge of fireworks.
5. No person shall discharge fireworks in the Municipality within 100 meters of:
 - a. Any woodland;
 - b. Any place where explosive, flammable, or combustible liquids or substances are manufactured or stored;
 - c. Any hospital, nursing home, retirement home, or home for the aged;
 - d. Any childcare facility or school, unless written consent of the owner of such childcare facility or school, or an agent or representative of such owner, is obtained.
6. All fireworks shall be discharged in the Municipality at a distance from any building, tent, trailer, canvas shelter, or motor home as recommended by the fireworks manufacturer.
7. No person shall discharge fireworks during a fire ban.

8. Persons who discharge fireworks shall:
 - a. Provide and maintain fully operational fire extinguishing equipment ready for immediate use;
 - b. Ensure that such fire extinguishing equipment is present at all times and for such a reasonable period of time thereafter, at the location or site where the discharging of fireworks has taken place;
 - c. Possess knowledge of the operating procedures of such fire extinguishing equipment and be capable of employing such fire extinguishing equipment.

5. USE OF FIREWORKS – HIGH-HAZARD FIREWORKS AND PUBLIC FIREWORKS DISPLAY

1. No person shall hold a Public Firework Display without first obtaining written permission from the Administrator.
2. Written permission from the Administrator is given at their absolute discretion and subject to the *Explosives Act* and Regulations.
3. The Administrator may attach any terms or conditions to their written permission that they deem appropriate.
4. Written permission to hold a Public Firework Display must be sought at least 14 days before the date on which it is desired to hold the Public Firework Display, or earlier with the discretion of the Administrator.
5. Written permission to hold a Public Firework Display shall only be issued to a Display Supervisor.
6. Requests for written permission to the Administrator must include:
 - a. A description of the type and kind of fireworks which may be discharged;
 - b. The discharge techniques to be used;
 - c. The manner and means of restraining unauthorised individuals from attending too near the discharge location;
 - d. How unused fireworks are to be disposed of;
 - e. A description of the site to be used for the Public Fireworks Display, sufficient to identify and locate the site upon the property where the discharge is proposed; Written proof from the owner of the land that authorisation has been granted to use those lands for the Public Fireworks Display;

- f. The name of the Display Supervisor, the number and expiry date of their *Fireworks Operator Certificate*, and the name of the sponsoring organisations, if applicable;
 - g. The date and time of the proposed Public Firework Display, and an alternative date and time in the event of inclement weather;
 - h. Any other information deemed necessary by the Administrator.
7. A Public Firework Display shall be held at the time and location set out in the written permission.
8. Written permissions are not transferable.
9. Public Firework Displays shall only be permitted when the point at which the fireworks are to be discharged is at least 60 meters from the nearest permanent building, public highway or railway, or 15 meters from the nearest above-ground telephone or telegraph line, tree, or other overhead obstruction.
10. The Display Supervisor named in the written permission for a Public Firework Display shall procure and provide to the Administrator at least seven days prior to the scheduled date in the written permission, a Certificate of Insurance which shall name the Municipality as insured under the Display Supervisor's insurance policy. The Certificate of Insurance shall indicate that the Display Supervisor, or a company on their behalf, has at least \$1,000,000.00 of public liability insurance.
11. A Public Firework Display shall only be held if conducted under the direct supervision of a Display Supervisor.
12. Before, during, and following a Public Firework Display, the Display Supervisor named in the written permission shall:
 - a. Provide and maintain fully operational fire extinguishing equipment ready for immediate use, and shall be present at all times and for a reasonable period thereafter, at the location of the Public Firework Display;
 - b. Possess knowledge of the operating procedures of such fire extinguishing equipment and be capable of employing such fire extinguishing equipment;
 - c. Produce the written permission on demand for any Designated Officer;
 - d. Permit the inspection of the fireworks and any site where the fireworks may be stored or discharged together with all associated equipment.
 - e. After the Public Firework Display, all unused fireworks and debris shall be removed and disposed of by the Display Supervisor in compliance with

Regulations, section 437, and the site must be returned to such condition as prior to the Public Fireworks Display.

13. If the Administrator, as a result of the existence of hazardous fire conditions or failure by the applicant to secure adequate public liability insurance, deems it advisable, the Administrator may cancel or suspend any written permissions granted pursuant to this Bylaw.
14. A Display Supervisor denied written permission by the Administrator may appeal the refusal to Council, so long as such appeal is made in writing and directed to the municipal office within seven days of rejection by the Administrator.

6. ENFORCEMENT OF PENALTIES

1. Any persons who possess or discharge fireworks contrary to the provisions of this Bylaw commits an offence and shall, when requested, surrender all fireworks in their possession to a Designated Officer, who shall be authorised to receive and hold all such fireworks in the interest of public safety and as evidence of the commission of the offence.
2. Any costs incurred as a result of the seizure or disposal of fireworks by a Designated Officer shall be borne by the person in possession of the fireworks at the time of the seizure, or property owner at the time of forfeiture.
3. On reasonable and probable grounds, a Designated Officer may enter and inspect any place in which fireworks are stored, transported, or discharged, and may open and inspect any room, container, vehicle, or package that the Designated Officer has reasonable and probable grounds to believe contains fireworks in contravention of this Bylaw or the Regulations.
4. Any person who obstructs, interferes with, or hinders a Designated Officer in the Performance of their duties is guilty of an offence pursuant to this Bylaw
5. All disputes arising as a result of the administration of this Bylaw shall be referred to Council, and Council shall be the final authority in all cases.
6. Any and all emergency response costs incurred while mitigating fires resulting from the discharge of fireworks shall be charged to the persons responsible for discharging the fireworks.
7. A person contravening any provisions of this Bylaw shall be guilty of an offence and is liable to a penalty of:
 - a. for a first offence, to a fine of \$100.00; and
 - b. for a second offence, to a fine of \$300.00; and

- c. for a third or subsequent offense, to a fine not less than \$700.00 and not more than \$10,000.00.
- 8. In the case of commercial, to a fine not exceeding \$5,000.00 and, in the case of a continuing offence, to a further fine of not more than \$25,000.00 for each day during which the offence continues
- 9. A person contravening any provisions of this Bylaw with four or more offences shall be guilty of an offence and liable on summary conviction to the penalties provided in the General Penalty Bylaw of the Municipality.
- 10. When a conviction under this Bylaw becomes final, any fireworks seized as a result of 6.1 shall be forfeited to the Municipality.

7. SEVERABILITY

- 1. The provisions of this Bylaw do not apply to Designated Officers.
- 2. This Bylaw shall not be construed to hold the Municipality or its agents responsible or liable for any damage to persons or property through the misuse of fireworks.
- 3. If a court of competent jurisdiction should declare any part, section, sentence, clause, phrase, or other portion of this Bylaw to be invalid, that portion shall not be construed as having persuaded or influenced Council to pass the remainder of this Bylaw, and the part, section, sentence, clause, phrase or other portion of this Bylaw is to be deemed a separate, distinct, and independent provision, and the holding of the Court shall not affect the validity of the remaining portions of this Bylaw.
- 4. This Bylaw shall come into force on the date that it is approved by the Council of the Resort Village of Bird's Point.

Resort Village of Birds Point

SEAL

MAYOR

ADMINISTRATOR

Introduced and read a first time this 23 day of November, 2020

Read a second time this 23 day of November, 2020

Read a third time this 23 day of November, 2020