



DISTRICT OF SOOKE FIREWORKS REGULATION BYLAW No. 286

CONSOLIDATED FOR REFERENCE JULY 11, 2022

BYLAW NO. 286, FIREWORKS REGULATION BYLAW, 2007
FIREWORKS REGULATION AMENDMENT BYLAW NO. 762 (286-1), 2019
FIREWORKS REGULATION AMENDMENT BYLAW NO. 854 (286-02), 2022

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A bylaw to regulate the possession of fireworks and limit the discharge of fireworks.

WHEREAS Section 8. (3.) (d.) of the *Community Charter* allows a council, by bylaw, to establish and impose regulations regarding the possession and discharge of fireworks: The Council of the District of Sooke, in open meeting assembled, enacts as follows:

1. This Bylaw is cited as *Bylaw No. 286, Fireworks Regulation Bylaw, 2007*

2. **INTERPRETATION**

In this Bylaw:

Act means the *Explosives Act, Revised Statutes of Canada*, 1985, Chapter E-17, and the Regulations enacted thereunder as amended from time to time or any *Act* and Regulations enacted in substitution thereof;

Certification Card means documented proof of the completion of either the Fireworks Supervisor Level 1 or 2 training course conducted by the Explosives Regulatory Division;

Consumer Firework means an outdoor, low hazard, recreational firework that is classed as a subdivision 1 of Division 2 of Class 7 Fireworks under the Act and includes fireworks showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, and volcanoes but does not include Christmas crackers, sparklers, and caps for toy guns;

Consumer Fireworks Event means the observance or celebration of a special event or festival where a permit has been issued to allow the discharge of consumer fireworks;

Discharge means to fire, ignite, explode or set off or cause to be fired, ignited, exploded or set off and the words “discharged” and “discharging” have a similar meaning;

Display Firework means an outdoor, high hazard, recreational firework that is classed as a subdivision 2 of Division 2 of Class 7 Fireworks under the Act, and includes rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, bombardos, waterfalls, fountains, batteries, illumination, set pieces and pigeons but does not include firecrackers;

Display Fireworks Event means the observance or celebration of a special event or festival where a permit has been issued to allow the discharge of display fireworks;

Explosives Regulatory Division means the Explosives Regulatory Division of the Explosives Branch of the Minerals and Metals Sector of Natural Resources Canada;

Federal Regulations means the Explosives Regulations enacted under the Explosives Act, Revised Statutes of Canada, 1985, Chapter E-17, as of the date of adoption of this Bylaw;

Fire Chief means a person appointed by the Council to be in charge of the Fire Department or authorized subordinates;

Firecracker means a pyrotechnic device that explodes when ignited and does not make any subsequent display or visible effect after the explosion, and includes those devices commonly known as Chinese firecrackers;

Fire Safety Plan means a plan dealing with the procedures for a permit holder to follow to protect public safety when discharging pyrotechnic special effects fireworks, which meets the requirements specified by the Fire Chief;

Fireworks means consumer fireworks, display fireworks, and pyrotechnic special effects fireworks;

Fireworks Supervisor means a person who is an approved purchaser of display fireworks and who is qualified under the Act to supervise the discharge of display fireworks;

Insurance Requirements means the liability insurance requirements set out in Schedule “E” to this Bylaw;

Municipality means the District of Sooke;

Peace Officer means a person employed as Fire Chief by the Fire Department of the municipality or any person employed by the municipality as a Bylaw Enforcement Officer or any member of the Royal Canadian Mounted Police or any municipal Police Officers;

Permit means a current and valid permit in the form attached as Schedule “A” to this Bylaw specifying and authorizing a person to discharge consumer fireworks or display fireworks;

Prohibited Firework includes but is not limited to after-market modified fireworks, cigarette loads or pings, exploding matches, sparkling matches, ammunition for miniature tie clip, cufflink or key chain pistols, auto alarms or jokers, cherry bombs, M-80 and silver salutes and flash crackers, throw down torpedoes and crackling balls, exploding golf balls, stink bombs and smoke bombs, tear gas pens and launchers, party peppers and table bombs, table rockets and battle sky rockets, fake firecrackers and other trick devices or practical jokes as included on the most recent list of prohibited fireworks as published from time to time under the Act;

Pyrotechnician means a person who is certified under the Act as a Theatrical User, an Assistant, a Pyrotechnician or a Special Effects Pyrotechnician and is qualified to purchase and supervise the display of pyrotechnic special effect fireworks under the Act;

Pyrotechnics Permit means a current and valid permit in the form attached as Schedule “B” to this Bylaw specifying and authorizing a person to discharge pyrotechnic special effect fireworks;

Pyrotechnic Special Effects Firework means a high hazard firework that is classed as a subdivision 5 of Division 2 of Class 7 Firework under the Act and that is used to produce a special pyrotechnic effect for indoor or outdoor performances and includes black powder bombs, bullet effect, flash powder, air bursts, smoke compositions, gerbs, lances and wheels;

Pyrotechnic Special Effects Fireworks Event means an event or production, generally for the entertainment industry, where a pyrotechnics permit has been issued to allow the discharge of pyrotechnics special effects fireworks;

Sell includes offer for sale, cause or permit to be sold, trade, or to otherwise dispose of; and to possess for the purpose of sale; and the words “selling” and “sold” have a similar meaning; and

Ticket means municipal ticket information in the form described in the Community Charter Bylaw Enforcement Ticket Regulation.

3. PROHIBITIONS

1. No person may sell fireworks.
2. No person may buy, sell, hold, possess, store, discharge, or otherwise use any prohibited fireworks.
3. No person may buy, sell, hold, possess, store, discharge, or otherwise use firecrackers.
4. No person may hold, possess, store, discharge, or otherwise use consumer fireworks or display fireworks without a permit.
5. No person may discharge consumer fireworks except on October 31st of each year between 5:00 p.m. and 10:00 p.m.
6. No consumer fireworks or display fireworks permit holder may hold, possess, store, discharge, or otherwise use consumer fireworks or display fireworks in contravention of a permit.
7. No person may hold, possess, store, discharge, or otherwise use fireworks in a manner that increases the risk of physical injury to any person or damage to any public or private property.
8. No person under the age of eighteen (18) years may hold, possess, store, discharge, or otherwise use any fireworks.
9. No person being the parent or guardian of any person under the age of eighteen (18) years shall allow that person to hold, possess, store, discharge, or otherwise use any fireworks.
10. No person may hold, possess, store, discharge, or otherwise use pyrotechnic special effects fireworks without a pyrotechnics permit.
11. No pyrotechnics permit holder may hold, possess, store, discharge or otherwise use the pyrotechnic special effect fireworks in contravention of a pyrotechnics permit.

4. PERMITS FOR CONSUMER FIREWORKS OR DISPLAY FIREWORKS

1. Any person eighteen (18) years of age or older before discharging consumer fireworks or display fireworks must apply for and receive a permit.
2. Permit applications for consumer fireworks events must be submitted to the municipality by no later than 12:00 p.m. on October 31st, and if October 31st falls on a day other than a business day, no later than 12:00 p.m. of the last business day prior to October 31st.

3. The required consumer fireworks permit application must be submitted no later than thirty (30) days prior to the date upon which the consumer fireworks event is to occur.
4. Permit applications for display fireworks events must be submitted to the municipality at least thirty (30) days prior to the date upon which the display fireworks event is to occur.
5. All permit applications must include:
 - a. a completed Schedule "A" application;
 - b. if the consumer fireworks event or display fireworks event is to occur on property that is not owned by the applicant or is on property owned or controlled by the municipality, a written agreement of the property owner in the form attached as Schedule "C";
 - c. if the consumer fireworks event or display fireworks event is being organized or sponsored by any person other than the applicant, a written agreement of such person in the form attached as Schedule "D";
 - d. as of November 1, 2006, evidence that the applicant is a Certification Card holder;
 - e. the permit application fee established in Schedule "F".
6. The municipality will consider all permit applications and issue a permit to the applicant if:
 - a. in the case of municipal property, the property upon which the consumer fireworks event or display fireworks event is to occur is available for such use on the date and time set out in the application;
 - b. the consumer fireworks event or display fireworks event will not, in the opinion of the municipality, create a public safety risk to public or private property;
 - c. the applicant has submitted to the municipality the items described in section 4.1 and any additional information in relation to the consumer fireworks event or display fireworks event that the municipality may reasonably require to determine whether the consumer fireworks event or display fireworks event will create a public safety risk or risk to public or private property; and
 - d. for a display fireworks event, the applicant has submitted to the municipality a site plan including firing location and limiting distance set out in the Act, and a copy of the applicant's insurance policy that meets the insurance requirements listed in Schedule "E".

5. PYROTECHNICS PERMITS FOR PYROTECHNIC SPECIAL EFFECTS FIREWORKS

1. Permit applications for pyrotechnic special effects fireworks events must be submitted to the municipality at least thirty (30) days prior to the date upon which the pyrotechnic special effects fireworks event is to occur.
2. The Fire Chief may issue a pyrotechnics permit to discharge pyrotechnic special effects fireworks to a person who is over the age of eighteen (18) years provided that the applicant meets all the requirements of this bylaw and submits:
 - a. a completed Schedule "B" application;
 - b. a copy of the Explosive Regulatory Division event approval;
 - c. a fire safety plan approved by the Fire Chief after the Fire Chief has visited the location for the pyrotechnics special effects fireworks event and determined the amount of fire protection required;
 - d. if the pyrotechnic special effects fireworks event is to occur on property that is not owned by the applicant or is on property owned or controlled by the municipality, a written agreement of the property owner in the form attached as Schedule "C";
 - e. if the pyrotechnic special effects fireworks event is being organized or sponsored by any person other than the applicant, a written agreement of such person in the form attached as Schedule "D";
 - f. site plan, drawn to scale, with the direction of firing, separation distances, position of ramps and mortars, any significant ground features, rights of way, buildings or structures, overhead obstructions, parking areas or spectator viewing areas, fallout zone, north arrow, traffic control plans and location of emergency vehicles indicated;
 - g. an event description, which should include a time schedule of the event, attendance estimates, lists of fireworks or explosives or flammable and/or combustible products to be used, firing procedures, emergency response procedures and a list of crew members;
 - h. a valid permit if consumer fireworks or display fireworks are used in the pyrotechnics special effects fireworks event; and
 - i. proof acceptable to the Fire Chief that the applicant holds either a valid Level 1 Certification Card or, for unconventional sites as defined by the Explosives Regulatory Division, a valid Level 2 Certification Card, issued by the Explosives Regulatory Division.

3. Every pyrotechnics permit issued must:

- a. specify the fireworks that the pyrotechnics permit holder are authorized to discharge;
- b. specify the day and the hours on which, and the description of the property or place where the fireworks may be discharged;
- c. include a copy of the applicant's insurance policy that meets the insurance requirements listed in Schedule "E".

6. PYROTECHNIC SPECIAL EFFECTS FIREWORKS – COST RECOVERY CHARGES:

1. Every applicant for a pyrotechnics permit shall pay the charge set out in the District's *Fees and Charges Bylaw [amended by Bylaw No. 762(286-1), 2019]* for:
 - a. Review of their fire safety plan by the Fire Chief; and
 - b. Fire protection services provided.
2. The municipality may recover all costs and expenses it incurs incidental to the provision of any fire protection services for a pyrotechnics event, jointly and severally from any person who at the time had the charge, management or control of the building or premises where the pyrotechnics special effects fireworks event occurred, which costs and expenses are set out in the District's *Fees and Charges Bylaw. [amended by Bylaw No. 762(286-1), 2019]* If that person fails to pay those costs and expenses within six (6) months after they are incurred, the municipality may recover those costs and expenses from the owner of the real property by direct invoice, together with interest at the rate set out in the *Community Charter*. Default on those costs, expenses and interest, when they relate to fire protection for real property, will result in the amount being added to the property taxes of the owner of the real property.

7. ENFORCEMENT

1. Enforcement Officers, offences, and fines are as designated by the Municipal Ticketing Information Bylaw.
2. This bylaw may be enforced by means of a ticket in the form prescribed for the purpose of s. 264 of the Community Charter.
3. Any person who contravenes this bylaw commits an offence and on summary conviction by a court of competent jurisdiction, is subject to a fine of not more than \$50,000.00, in addition to the costs of prosecution. Each day during which a violation, contravention, or breach of this bylaw continues is deemed to be a separate offence.

4. No person shall obstruct a Peace Officer or any other designated person engaged in the administration or enforcement of this bylaw.
5. A Peace Officer may rescind a permit if:
 - a. the permit holder or pyrotechnics permit holder fails to comply with any term or condition of the permit or pyrotechnics permit without the prior written consent of the Fire Chief; or
 - b. the permit holder or pyrotechnics permit holder violates or breaches any of the provisions of this bylaw; or
 - c. circumstances arising or ascertained after the permit or pyrotechnics permit was issued demonstrate that a public safety risk to public or private property exists in connection with the fireworks event; or
 - d. the municipality determines that the permit holder or pyrotechnics permit holder submitted false or inaccurate information in his or her permit or pyrotechnics permit application.

8. EXEMPTION

This bylaw does not prohibit or regulate the use of torpedoes, flares, fuzzes or similar pyrotechnic devices by motorists, boat operator, railroads, police or other agencies for signaling purposes or illumination.

9. VALIDITY OF BYLAW

If any section, subsection, sentence, clause or phrase of this bylaw is for any reason found invalid by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

The schedules attached to this bylaw form part of this bylaw.

10. REPEAL

District of Sooke Fireworks Bylaw No. 18, 2000 is hereby repealed.

Introduced and read a first time the 12th day of February, 2007.

Read a second time the 12th day of February, 2007.

Public Input meeting held the 26th day of February, 2007.

Read a third time the 12th day of March, 2007.

Rescinded third reading and amended the 26th day of March, 2007.

Read a third time as amended the 26th day of March, 2007.

Adopted on the 2nd day of April, 2007.

“original signed by:”

Janet Evans
Mayor

Evan Parliament
Chief Administrative Officer



SCHEDULE "A"

**Application for Permit
Consumer Fireworks or Display Fireworks**

Name of applicant: _____

Birth date: _____ Age: _____

Mailing address: _____

_____ Phone: _____

Email: _____

Fireworks Supervisor Level and Card No. _____
(attach photocopy)

THE APPLICANT HEREBY applies to discharge **CONSUMER** ☐ or **DISPLAY** ☐ (check one)
Fireworks on property within the municipality as follows:

Location: _____

Date: _____ Time: (Start) _____ (End) _____

Description of event: _____

Estimated number of spectators: _____

Expected Type and quantity of fireworks: _____

Contact name and phone for organizer or sponsor of consumer fireworks event or display
fireworks event: _____

Contact name and phone for property owner: _____

Information on requirements can be obtained through the Fire Department
Telephone: (250) 642-5422

READ CAREFULLY

THE APPLICANT CERTIFIES that the applicant understands and will be guided by the provisions of Bylaw No. 286, *Fireworks Regulation Bylaw, 2007*, as amended from time to time, and all applicable Provincial and Federal laws and regulations, in force from time to time, and any conditions or restrictions imposed in this permit by the Fire Chief.

THE APPLICANT FURTHER CERTIFIES that the applicant has reviewed and fully understands the attached Fireworks Safety Information Sheet.

THE APPLICANT FURTHER CERTIFIES that the applicant is authorized to the appropriate level by Natural Resources Canada to possess and fire, set off or explode fireworks of the class specified within this application.

IN CONSIDERATION of \$1.00 and other good and valuable consideration (the receipt and sufficiency of which the applicant acknowledges), the applicant covenants that the applicant will indemnify and save harmless the municipality and its elected officials, employees, officers, agents and contractors from and against any and all manner of actions or causes of action, damages, costs, loss, or expenses of whatever kind (including, without limitation, legal fees) which the municipality or its elected officials, employees, officers, agents or contractors may sustain, incur, or be put to by reason of or arising out of:

- a) the issuance of this permit
- b) the consumer fireworks event or display fireworks event, including, without limitation, the handling, storage, discharging or other use of fireworks in connection with this permit;
- c) the applicant's use or occupation of the location upon which the consumer fireworks event or display fireworks event is to occur; or
- d) any act or omission of the applicant or any person for whom the applicant is at law, responsible, including, without limitation, the non-observance or non-performance of any obligation imposed by Federal or Provincial law.

The applicant acknowledges that he or she has had the opportunity to seek independent legal advice as to the contents of this agreement and that he or she is not under any legal disability.

Signature of applicant

Date

PERMISSION IS GRANTED to the above applicant to discharge consumer or display (circle one) fireworks, at the location and on the date and time(s) as set out above, subject to Bylaw No. 286, *Fireworks Regulation Bylaw, 2007*, as amended from time to time, and to the following conditions and restrictions:

- This permit is not transferable. Only the applicant is authorized under this permit to discharge fireworks.
- The applicant may only discharge the type and quantity of fireworks described in the application.
- The applicant must ensure that all debris and litter related to a consumer fireworks event or display fireworks event that occurs on municipal property, including any litter left by the spectators, is removed from the location at the conclusion of the consumer fireworks event or display fireworks event.
- For a display fireworks event, in accordance with requirements of Bylaw No. 286, *Fireworks Regulation Bylaw, 2007*, the applicant shall obtain a Comprehensive General Liability insurance policy with an inclusive limit of not less than \$5,000,000.00 per occurrence for bodily injury and property damage and provide evidence of the same to the Fire Chief no later than twenty-one (21) days prior to the permitted event.

Other: _____

Fire Chief or authorized designate

Date of issue



SCHEDULE "B"

Application for Pyrotechnics Permit

Name of applicant: _____

Birth date: _____ Age: _____

Mailing address: _____

_____ Phone: _____

Email: _____

Explosives Regulatory Division Event Approval: _____
(attach photocopy)

Fireworks Supervisor Level and Card No. _____
(attach photocopy)

THE APPLICANT HEREBY applies to discharge pyrotechnic special effects fireworks on property within the municipality as follows:

Location: _____

Date: _____

Time: (Start) _____ (End) _____ (attach time schedule of production)

Site plan: _____ (attach plan)

Estimated attendance: _____

Type and quantity of fireworks, explosives and combustible products:

Firing procedures: _____

Emergency response procedure: _____

Description of fire safety plan: _____

(attach photocopy of Fire Chief approval)

Security deposit for fire safety plan: _____

List of crew members: _____

Information collected on this form is for the purpose of issuing a permit and is subject to the Freedom of Information and Protection of Privacy Act.

Information on requirements can be obtained through the Fire Department
Telephone: (250) 642-5422

READ CAREFULLY

THE APPLICANT CERTIFIES that the applicant understands and will be guided by the provisions of Bylaw No. 286, *Fireworks Regulation Bylaw, 2007*, as amended from time to time,

and all applicable Provincial and Federal laws and regulations, in force from time to time, and any conditions or restrictions imposed in this permit by the Fire Chief.

IN CONSIDERATION of \$1.00 and other good and valuable consideration (the receipt and sufficiency of which the applicant acknowledges), the applicant covenants that the applicant will indemnify and save harmless the municipality and its elected officials, employees, officers, agents and contractors from and against any and all manner of actions or causes of action, damages, costs, loss, or expenses of whatever kind (including, without limitation, legal fees) which the municipality or its elected officials, employees, officers, agents or contractors may sustain, incur, or be put to by reason of or arising out of:

- a) the issuance of this permit
- b) the pyrotechnic special effects fireworks event, including, without limitation, the handling, storage, discharging or other use of fireworks in connection with this permit;
- c) the applicant's use or occupation of the location upon which the pyrotechnic special effects fireworks event is to occur; or
- d) any act or omission of the applicant or any person for whom the applicant is at law, responsible, including, without limitation, the non-observance or non-performance of any obligation imposed by Federal or Provincial law.

The applicant acknowledges that he or she has had the opportunity to seek independent legal advice as to the contents of this agreement and that he or she is not under any legal disability.

Signature of applicant

Date

PERMISSION IS GRANTED to the above applicant to discharge pyrotechnic special effects fireworks, at the location and on the date and time(s) as set out above, subject to Bylaw No. 286, *Fireworks Regulation Bylaw, 2007*, as amended from time to time, and to the following conditions and restrictions:

In accordance with requirements of Bylaw No. 286, *Fireworks Regulation Bylaw, 2007*, the applicant shall obtain a comprehensive general liability insurance policy with an inclusive limit of not less than \$5,000,000.00 per occurrence for bodily injury and property damage and provide evidence of the same to the Fire Chief no later than twenty-one (21) days prior to the permitted event.

- This pyrotechnics permit is not transferable. Only the applicant is authorized under this permit to discharge pyrotechnics special effects fireworks.
- The applicant may only discharge the type and quantity of pyrotechnic special effects fireworks described in the application and in accordance with the approved fire safety plan.
- The applicant must ensure that all debris and litter related to a pyrotechnic special effects fireworks event that occurs on municipal property, including any litter left by the spectators, is removed from the location at the conclusion of the pyrotechnic special effects fireworks event.

Other: _____

Fire Chief or authorized designate

Date of issue



SCHEDULE "C"

**Agreement of Property Owner For Fireworks Event or
Pyrotechnic Special Effects Fireworks Event**

Name of applicant: _____

Name of organizer or sponsor of fireworks event or pyrotechnic special effects fireworks event:

Location of fireworks event or pyrotechnic special effects fireworks event:

Date: _____ Time: _____

Name of property owner: _____

Mailing address: _____

Phone: _____ Contact name (if any): _____

The property owner has agreed and consented to the organizer/sponsor holding and the applicant performing a fireworks event or pyrotechnic special effects fireworks event on the date and at the location and time described above. The applicant has applied to the municipality for a permit to perform such fireworks event or a pyrotechnics permit to perform such pyrotechnic special effects fireworks event.

In consideration of \$1.00 and other good and valuable consideration (the receipt and sufficiency of which are hereby acknowledged by the property owner), the property owner hereby remises, releases and forever discharges the municipality and its elected officials, employees, officers, agents and contractors of and from any and all matter of actions, damages, causes of action, suits, debts, claims, demands and damages of any nature or kind whatsoever which the property owner may at any time have against the municipality or its elected officials, employees, officers, agents or contractors arising out of any cause, matter or thing in respect of or arising out of:

- a) the issuance of the permit or pyrotechnics permit to the applicant;
- b) the fireworks event or pyrotechnic special effects fireworks event, including, without limitation, the handling, storage, discharging or other use of fireworks in connection therewith;
- c) the use or occupation of the location upon which the fireworks event or pyrotechnic special effects fireworks event is to occur; or
- d) any act or omission of the applicant or organizer/sponsor or any persons for whom either is, at law, responsible, including, without limitation, the non-observance or non-performance of any obligation imposed by Federal or Provincial law.

The property owner acknowledges that he or she has had the opportunity to seek independent legal advice as to the contents of this agreement and that he or she is not under any legal disability.

Signature(s) of property owner(s):

Date:

Information collected on this form is for the purpose of issuing a permit and is subject to the Freedom of Information and Protection of Privacy Act.

Information on requirements can be obtained through the Fire Department
Telephone: (250) 642-5422



SCHEDULE "D"

**Agreement of Organizer or Sponsor of a Fireworks Event or
Pyrotechnic Special Effects Fireworks Event**

Name of applicant: _____

Location of fireworks event or pyrotechnic special effects fireworks event: _____

Date: _____ Time: _____

Name of organizer or sponsor of fireworks event or pyrotechnic special effects fireworks event: _____

Mailing address: _____

Phone: _____ Contact name (if any): _____

The organizer/sponsor has engaged the applicant to perform a fireworks event or pyrotechnic special effects fireworks event on the date and at the location and time described above. The applicant has applied to the municipality for a permit to perform such fireworks event or a pyrotechnics permit to perform such pyrotechnic special effects fireworks event.

In consideration of \$1.00 and other good and valuable consideration (the receipt and sufficiency of which the organizer/sponsor acknowledges), the organizer/sponsor hereby covenants to indemnify and save harmless the municipality and its elected officials, employees, officers, agents and contractors from and against any and all manner of actions or causes of action, damages, costs, loss, or expenses of whatever kind (including, without limitation, legal fees) which the municipality or its elected officials, employees, officers, agents or contractors may sustain, incur, or be put to by reason of or arising out of:

- a) the issuance of the permit or pyrotechnics permit to the applicant;
- b) the fireworks event or pyrotechnic special effects fireworks event, including, without limitation, the handling, storage, discharging or other use of fireworks in connection therewith;
- c) the use or occupation of the location upon which the fireworks event or pyrotechnic special effects fireworks event is to occur; or
- d) any act or omission of the organizer/sponsor or applicant or any persons for whom either is, at law, responsible, including, without limitation, the non-observance or non-performance of any obligation imposed by Federal or Provincial law.

The organizer/sponsor acknowledges that he or she has had the opportunity to seek independent legal advice as to the contents of this agreement and that he or she is not under any legal disability.

Signature(s) of organizer/sponsor: _____

Date: _____

Information collected on this form is for the purpose of issuing a permit and is subject to the Freedom of Information and Protection of Privacy Act.

Information on requirements can be obtained through the Fire Department
Telephone: (250) 642-5422



SCHEDULE "E"

Insurance Requirements

A display fireworks permit holder or a pyrotechnics permit holder shall, at his or her own expense, for the duration of the fireworks event or pyrotechnic special effects fireworks event, secure and maintain a comprehensive general liability insurance policy with an inclusive limit of not less than \$5,000,000.00 per occurrence for bodily injury and property damage.

The Comprehensive General Liability insurance policy shall:

- a) include all premises and operations necessary or incidental to the fireworks event or pyrotechnic special effects fireworks event;
- b) include "Broad Form" Property Damage coverage on an occurrence basis, including loss of use of property;
- c) include, but not necessarily be limited to, the following coverages:
 - (i) Contingent Employers Liability;
 - (ii) Owners and Contractors Protective Liability;
 - (iii) Contractual Liability assumed with respect to the event;
 - (iv) Non-Owned and Hired Auto; and
 - (v) Personal Injury Liability;
- d) include the municipality, its elected officials, officers, agents and employees, and contractors acting on behalf of the municipality, as additional insureds;
- e) be primary and non-contributing with respect to any insurance carried by the municipality;
- f) not include a deductible greater than \$5,000.00 per occurrence (unless the municipality advises in writing that it has determined that a greater deductible is acceptable);
- g) include a Cross Liability clause;
- h) preclude subrogation claims by the insurer against any of the insured;
- i) include a provision requiring the insurer to give the municipality fourteen (14) days prior written notice before making any material change to the insurance coverage, or the termination or cancellation thereof;
- j) provide that the municipality, its elected officials, officers, agents and employees, and contractors acting on behalf of the municipality are protected notwithstanding any act, neglect or misrepresentation of the display fireworks permit holder or the pyrotechnics permit holder which might otherwise result in the avoidance of a claim and that such policy is not affected or invalidated by any act, omission or negligence of any third party which is not within the knowledge or control of the insured;
- k) be underwritten by a responsible insurance company or companies licensed to do business in the Province of British Columbia and that meet with the reasonable approval of the municipality;
- l) Twenty-one (21) days prior to the fireworks event or pyrotechnic special effects fireworks event and upon the municipality's written request from time to time, the display fireworks permit holder or pyrotechnics permit holder shall furnish the municipality with a certificate or certificates of insurance as evidence that the required insurance is in force;
- m) Maintenance of the insurance required herein and the performance by the display fireworks permit holder or pyrotechnics permit holder of his or her obligations under this clause shall not relieve the display fireworks permit holder or pyrotechnics permit holder from liability under any covenant to indemnify the municipality;

- n) It shall be the sole responsibility of the display fireworks permit holder or pyrotechnics permit holder to determine his or her own additional insurance coverages, if any, including workers' compensation, that are necessary and advisable for his or her own protection or to fulfil his or her obligations with respect to the fireworks event or pyrotechnic special effects fireworks event. Any such additional insurance shall be secured and maintained by the display fireworks permit holder or pyrotechnics permit holder at his or her own expense;
- o) The foregoing insurance provisions shall not limit the insurance the display fireworks permit holder or pyrotechnics permit holder is required to secure and maintain by Provincial or Federal law; and
- p) If the display fireworks permit holder or pyrotechnics permit holder fails to secure or maintain insurance as required herein, then the municipality shall have the right, but not the duty or obligation, to secure and maintain such insurance and give evidence thereof to the display fireworks permit holder or pyrotechnics permit holder. The display fireworks permit holder or pyrotechnics permit holder shall pay the cost thereof to the municipality on demand or the municipality may deduct such cost from any amount that is due or may become due to the display fireworks permit holder or pyrotechnics permit holder from the municipality.

SCHEDULE "F"
[deleted by Bylaw No. 854 (286-02), 2022]