

CITY OF SURREY

BY-LAW NO. 4200

A by-law to regulate or prohibit the sale or disposal of firecrackers and fireworks, and to regulate the exploding of firecrackers and fireworks, and to authorize the issuance of permits.

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As amended by By-law No. 7485, 02/28/83; 10852, 03/04/91; 11392, 07/27/92; 12268, 04/25/94; 12668, 07/31/95; 13867, 10/25/99; 14451, 07/16/01; 14531, 10/22/01; 15735, 05/30/05; 18362, 01/12/15 ; 18594, 12/14/15; 18986, 12/19/16; 19432, 12/18/17; 19721, 12/19/2018

THIS IS A CONSOLIDATED BY-LAW PREPARED BY THE CITY OF SURREY FOR CONVENIENCE ONLY. THE CITY DOES NOT WARRANT THAT THE INFORMATION CONTAINED IN THIS CONSOLIDATION IS CURRENT. IT IS THE RESPONSIBILITY OF THE PERSON USING THIS CONSOLIDATION TO ENSURE THAT IT ACCURATELY REFLECTS CURRENT BY-LAW PROVISIONS.

WHEREAS pursuant to Section 8(3)(d) of the *Community Charter*, S.B.C. 2003, c. 26, as amended (the "*Community Charter*"), Council may by by-law 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 City in the manner and to the extent hereinafter provided.

NOW, THEREFORE, the City Council of the City of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:

1. This By-law may be cited for all purposes as "Surrey Fireworks Regulation By-law, 1974, No. 4200".
2. In the construction and for the purposes of this By-law, the following words and terms shall have the meaning hereby assigned to them unless repugnant to the context hereof:

"Explosives Act" means the *Explosives Act*, R.S.C. 1992, c. E-17, as may be amended from time to time, and includes all regulations thereunder.

"Fire Chief" means the Chief of the Fire Department of the City of Surrey as duly appointed by the City Council.

"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*, R.S.B.C. 1996, c. 146.

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

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.
 - (2) No person under the age of 18 shall possess any fireworks in the City of Surrey.
 - (3) For the purposes of this By-law "fireworks" does not include caps for toy guns.
 - (4) No person shall sell, dispose of, give or otherwise distribute fireworks to another person unless the person is a Fireworks Supervisor.
 - (5) No person shall set off or explode any fireworks in the City unless the person is a Fireworks Supervisor and the holder of a permit issued by the Fire Chief pursuant to Section 6 of this By-law.
 - (6) No person shall sell, dispose of, give or otherwise distribute fireworks of any class or description without first obtaining and holding a valid and subsisting business license to operate as a fireworks vendor under Business License By-law, 1999, No. 13680, as amended, and conforming to all regulations contained therein.
4. Except as provided by Section 6 of this By-law, no person shall explode any fireworks on any highway, street, park, playground school ground or any other public place within the City.
5. No person under the apparent age of eighteen (18) years shall explode any fireworks at any time.
6.
 - (1) A person or organization wishing to celebrate a special event or festival may apply in writing to the Fire Chief for a permit to possess and explode firecrackers or fireworks.
 - (2) Every application for a permit shall be in the form provided by the City for that purpose.

- (3) The Fire Chief shall consider each application for a permit and shall specify in writing the terms and conditions under which a permit, if any, is issued. Every permit issued under this By-law shall be in the form provided by the City for that purpose and signed by the Fire Chief.
- (4) The Fire Chief shall not issue a permit to hold a fireworks display on any property unless the following conditions have been met:
 - (a) 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;
 - (b) the sponsor of the fireworks display has deposited with the City of Surrey a certificate of insurance indicating that third party liability insurance coverage is available to protect the City 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 City for damage to and destruction of City property that may occur by reason of the fireworks display. The policy of insurance shall include the City as an additional named insured and contain a cross-liability clause and shall be in an amount and form acceptable to the Fire Chief;
 - (c) the sponsor of the fireworks display must first 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;
 - (d) no person shall be appointed a supervisor for a fireworks display unless that person is a Fireworks Supervisor;
 - (e) only the Fireworks Supervisor shall set off or explode the permitted fireworks; and
 - (f) the exploding of the permitted fireworks shall conform in every respect to the issued permit and the *Explosives Act*.
- (5) The permit issued by the Fire Chief shall specify the day and hours on which and the description of the property where the fireworks may be exploded and used.
- (6) A permit issued by the Fire Chief shall authorize the purchase by the holder of the permit and the sale by the seller of the fireworks described in the permit to be used by the holder for the purpose specified in the permit.
- (7) Every applicant for a permit shall pay a processing fee of \$120.00 prior to review of the permit application by the Fire Chief.

7. Every person who violates any of the provisions of this By-law or who suffers or permits any act or thing to be done in contravention of this By-law, or who neglects to do or refrains from doing any act or thing required to be done by this By-law shall be liable on summary conviction to a minimum penalty of \$100.00 and a maximum penalty of \$5,000.00, plus the costs of the prosecution.

8. "Surrey Regulation of Use and Sale of Fireworks By-law, 1964, No. 2253" and "Surrey Regulation of Use and Sale of Fireworks By-law, 1964, No. 2253, Amendment By-law, 1965, No. 2381" are hereby repealed.

PASSED by the City Council on the 27th day of February, 1974.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 4th day of March, 1974.

"Wm. N. Vander Zalm" MAYOR

"R.N. Chester" CLERK