

TOWN OF SIDNEY

BYLAW NO. 1924

A BYLAW TO REGULATE FIREWORKS

Contents:

1. Title
 2. Definitions
 3. Prohibitions
 4. Exemptions
 5. Family or Display Fireworks Permits
 6. Entertainment Industry Pyrotechnics Permits
 7. Fireworks Permit and Pyrotechnics Permit Conditions
 8. Permit Holder Requirements
 9. Revocation of Permit
 10. Cost Recovery Fees
 11. Enforcement
 12. Severability
 13. Repeal
- Schedule A-1 Application for Family Fireworks Permit
Schedule A-2 Application for Display Fireworks Permit
Schedule B Insurance Requirements
Schedule C Agreement of Property Owner for Fireworks Event or Pyrotechnics Event
Schedule D Agreement of Organizer or Sponsor of a Fireworks Event or Pyrotechnics Event
Schedule E Application Fees and Cost Recovery Charges
Schedule F Application for Entertainment Industry Pyrotechnics Permit
Schedule G Municipal Ticket Information Designations
-

WHEREAS the Council of the Town of Sidney has the authority under the *Community Charter* to, by bylaw, regulate, prohibit and impose requirements in relation to firecrackers, fireworks and explosives;

NOW THEREFORE, the Council of the Town of Sidney, in open meeting assembled, enacts as follows:

1. Title

This Bylaw may be cited for all purposes as the "Bylaw to Regulate Fireworks No. 1924, 2007".

2. Definitions

In this Bylaw:

"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;

"Display Fireworks" means high hazard fireworks defined in Class 7, Division 2, Subdivision 2 of the Federal Regulations (generally described as large fireworks used for public fireworks displays) but excluding Firecrackers and Entertainment Industry Pyrotechnics;

“Enforcement Officer” means a person employed as Fire Chief by the Fire Department of the Town of Sidney or any person employed by the Town of Sidney as a Bylaw Enforcement Officer, or any member of the Royal Canadian Mounted Police;

“Entertainment Industry Pyrotechnics” means explosive articles and explosive substances used in the performing arts to create pyrotechnic special effects;

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

“Family Fireworks” means low hazard fireworks generally used for recreation but excluding Christmas crackers, sparklers and caps for toy guns;

“Federal Regulations” means the Explosives Regulations enacted under the *Explosives Act*, R.S.C., 1985, c. E-17, as amended from time to time;

“Fire Chief” means a person appointed by the Council to be in charge of the Fire Department, and includes all Fire Officers and any other person authorized to act on behalf of the Fire Chief;

“Firecrackers” means a small paper cylinder charged with an explosive used as a noisemaker;

“Fire Safety Plan” means a plan dealing with the procedures to follow to protect public safety when firing, setting off or exploding Entertainment Industry Pyrotechnics, approved by the Fire Chief;

“Fireworks” means Display Fireworks and Family Fireworks;

“Fireworks Event” means the observance or celebration of a special event or festival where Fireworks are desired to be fired, set-off or exploded;

“Fireworks Permit” means a current and valid permit in the form attached as Schedule “A-1” or “A-2” to this Bylaw authorizing a person to fire, set-off or explode Family Fireworks or Display Fireworks;

“Pyrotechnics Event” means the observance or performance of a production where Entertainment Industry Pyrotechnics are desired to be fired, set off or exploded;

“Pyrotechnics Permit” means a current and valid permit in the form attached as Schedule “F” to this Bylaw authorizing a person to fire, set-off or explode Entertainment Industry Pyrotechnics,

“Town” means the Town of Sidney

3. Prohibitions

1. No person may sell, offer to sell, trade or otherwise dispose of Fireworks, Entertainment Industry Pyrotechnics or Firecrackers to any other person.

-
2. No person may store, hold, possess, fire, set-off or explode Fireworks without a Fireworks Permit.
 3. No Fireworks Permit holder may store, hold, possess, fire, set-off, explode or otherwise use Fireworks in contravention of a Fireworks Permit.
 4. No person may store, hold, possess, fire, set-off or explode Entertainment Industry Pyrotechnics without a Pyrotechnics Permit.
 5. No Entertainment Industry Pyrotechnics Permit holder may store, hold, possess, fire, set-off, explode or otherwise use Entertainment Industry Pyrotechnics in contravention of a Pyrotechnics Permit.
 6. No person may store, hold, possess, fire, set-off, explode or otherwise use Fireworks or Entertainment Industry Pyrotechnics in a manner that increases the risk of physical injury to any person or damage to any public or private property.
 7. No person may store, hold, possess, fire, set-off or explode Firecrackers.

4. Exemptions

1. This Bylaw does not prohibit or regulate the use of torpedoes, flares, fuzzes or similar pyrotechnic devices by motorists, mariners, police or other agencies for signalling purposes or illumination.

5. Family Fireworks or Display Fireworks Permits

1. Any person eighteen (18) years of age or older may apply for a Fireworks Permit to fire, set off or explode Family Fireworks or Display Fireworks by submitting to the Fire Chief, at least fourteen (14) days prior to the date upon which the Fireworks Event is to occur:
 - (a) A completed application in the applicable form attached as Schedule "A-1" or "A-2";
 - (b) A written agreement from the property owner in the form of attached as Schedule "C" if the Fireworks Event is to occur on property that is not owned by the applicant or is owned or controlled by the Town;
 - (c) A written agreement from the person organizing or sponsoring the Fireworks Event in the form attached as Schedule "D" If the Fireworks Event is being organized or sponsored by any person other than the applicant;
 - (d) In the case of Display Fireworks, proof acceptable to the Fire Chief that the applicant is a Certification Card holder; and
 - (e) The applicable Fireworks Permit application fee set out in Schedule "E".

-
2. The Fire Chief shall consider each application for a Fireworks Permit and issue a Fireworks Permit to the applicant if:
 - (a) the property upon which the Fireworks Event is to occur is available for such use on the date and time set out in the application;
 - (b) the Fire Chief considers the Fireworks Event will not create a public safety risk or risk to public or private property; and
 - (c) the applicant meets all the requirements of this Bylaw and all other applicable bylaws of the Town.
 3. Notwithstanding Section 5.2, the Fire Chief shall only issue a Fireworks Permit that authorizes the firing, setting off or exploding of Fireworks:
 - (a) between the hours of 5:00 PM and 10:00 PM on October 31st each year, or
 - (b) during a Fireworks Event, other than October 31st of each year.

6. Entertainment Industry Pyrotechnics Permit

1. Any person eighteen (18) years of age or older may apply for a Pyrotechnics Permit to fire, set off or explode Entertainment Industry Pyrotechnics by submitting to the Fire Chief, at least fourteen (14) days prior to the date upon which the Pyrotechnics Event is to occur:
 - (a) A completed application in the form attached as Schedule "F";
 - (b) A written agreement from the property owner in the form of attached as Schedule "C" if the Fireworks Event is to occur on property that is not owned by the applicant or is owned or controlled by the Town;
 - (c) A written agreement from the person organizing or sponsoring the Fireworks Event in the form attached as Schedule "D" If the Fireworks Event is being organized or sponsored by any person other than the applicant;
 - (d) A copy of the Explosives Regulatory Division's approval of the Pyrotechnic Event;
 - (e) A Fire Safety Plan approved by the Fire Chief after the Fire Chief has visited the location for the Pyrotechnics Event and determined the amount of fire protection required;
 - (f) A site plan drawn to scale with the direction of firing, separation distances, position of ramps and mortars, any significant ground features, right-of-ways, buildings or structures, overhead obstructions, parking areas or spectator viewing areas, fallout zone, north arrow, traffic control plans, and location of emergency vehicles;
 - (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 Fireworks Permit if Family Fireworks or Display Fireworks are used in the Pyrotechnic Event;
 - (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;
 - (j) The Pyrotechnics Permit application fee set out in Schedule "E"; and
 - (k) The Fire Safety Plan review fee set out in Schedule "E".
2. The Fire Chief shall consider each application for a Pyrotechnics Permit and issue a Pyrotechnics Permit to the applicant if:
- (a) the property upon which the Pyrotechnics Event is to occur is available for such use on the date and time set out in the application;
 - (b) the Fire Chief considers the Pyrotechnics Event will not create a public safety risk or risk to public or private property; and
 - (c) the applicant meets all the requirements of this Bylaw and all other applicable bylaws of the Town.

7. Fireworks Permit and Pyrotechnics Permit Conditions

1. The Fire Chief in issuing a Fireworks Permit or Pyrotechnic Permit may impose such terms and conditions that the Fire Chief considers reasonable relating to the following:
- the days and the hours during which Fireworks or Entertainment Industry Pyrotechnics may be fired, set off, exploded or otherwise used;
 - the location to which Fireworks or Entertainment Industry Pyrotechnics may be fired, set off, exploded or otherwise used;
 - the type of Fireworks or Entertainment Industry Pyrotechnics that may be fired, set off, exploded or otherwise used; and
 - the safety and convenience of the public.
2. At the time of issuance of the Display Fireworks Permit or the Pyrotechnics Permit, the Display Fireworks Permit or Pyrotechnics Permit Holder shall provide to the Fire Chief a certificate of insurance that meets the Insurance Requirements as set out in Schedule "B".

8. Permit Holder Requirements

1. Every Fireworks Permit or Pyrotechnics Permit Holder shall:
- (a) Fire, set off, explode or use only those Fireworks or Entertainment Industry Pyrotechnics specified in the Fireworks Permit or Pyrotechnics Permit;

-
- (b) Fire, set off, explode or use Fireworks or Entertainment Industry Pyrotechnics only in accordance with the terms and conditions of the Fireworks Permit or Pyrotechnics Permit;
 - (c) Fire, set off, explode or use the Entertainment Industry Pyrotechnics only in accordance with the Fire Safety Plan;
 - (d) Ensure that the Fireworks or Entertainment Industry Pyrotechnics are only fired, set off, exploded or used under the Fireworks Permit or Pyrotechnics Permit holder's direct supervision and responsibility; and
 - (e) Ensure that the use, handling, discharge, possession and storage of the Fireworks or Entertainment Industry Pyrotechnics conforms in every respect to the *Explosives Act* (Canada) and regulations, the Display Fireworks manual as published by the Explosives Regulatory Division, and this Bylaw.

9. Revocation of Permit

1. The Fire Chief may revoke a Fireworks Permit or Pyrotechnics Permit at any time if the Fireworks Permit or Pyrotechnics Permit Holder:
 1. Fails to comply with any term or condition of the Fireworks Permit or Pyrotechnic Permit; or
 2. Violates or breaches any of the provisions of this Bylaw.

10. Cost Recovery Fees

1. Every Pyrotechnics Permit holder shall pay for any fire protection services provided by the Town for the Pyrotechnics Event. The fees shall be calculated in accordance with Schedule "E"
2. Every Fireworks Permit or Pyrotechnics Permit holder shall pay all costs and expenses of any fire protection services, materials or resources expended or incurred by the Town as a result of a fire caused by a Special Event or Pyrotechnics Event. The fee shall be calculated in accordance with Schedule "E".

11. Enforcement

1. No person shall obstruct an Enforcement Officer engaged in the administration or enforcement of this Bylaw.
2. Every person who contravenes a provision of this Bylaw commits an offence, and each day that the violation is caused or allowed to continue constitutes a separate offence.
3. Any person guilty of an infraction of this Bylaw is liable on summary conviction to a fine of not less than \$100.00 and not more than \$10,000.00, or imprisonment not exceeding the maximum allowed by the *Offence Act*.

-
4. This Bylaw may be enforced by means of a ticket in the form prescribed for the purpose of s. 264 of the *Community Charter*.
 5. Enforcement Officers are designated to enforce this Bylaw pursuant to s. 264(1)(b) of the *Community Charter*.
 6. The words or expressions set forth in Column 1 of Schedule "G" of this Bylaw are authorized pursuant to s. 264(1)(c) of the *Community Charter* to designate the offence committed under the bylaw section number appearing in Column 2 opposite the respective words or expressions.
 7. The amounts appearing in Column 3 of Schedule "G" of this Bylaw are the fines established by Council pursuant to s. 265(1)(a) of the *Community Charter* for the corresponding offence designated in Column 1.

12. Severability

1. 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.

13. Repeal

1. Bylaw No. 1628, "A BYLAW TO REGULATE THE STORAGE, SALE AND EXPLOSION OF FIREWORKS AND FIRECRACKERS", and amendments thereto are hereby repealed.

READ A FIRST TIME the 25th day of June, 2007.

READ A SECOND TIME the 25th day of June, 2007.

READ A THIRD TIME the 25th day of June, 2007.

RECONSIDERED AND FINALLY ADOPTED the 9th day of July, 2007.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

SCHEDULE A-1

Town of Sidney – Application for Family Fireworks Permit

Name of Applicant: _____

Birth Date: _____ Age: _____

Mailing Address: _____

Phone: _____ E-mail: _____

THE APPLICANT HEREBY applies to fire, set-off or explode **Family Fireworks** on property within the Town as follows:

Location: _____

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

Description of Event: _____

Estimated Number of Spectators: _____

Type and Quantity of Fireworks: _____

Description of Safety Precautions: _____

Contact Name and Phone No. for Organizer or Sponsor of Fireworks Event: _____

Contact Name and Phone for Property Owner: _____

Information collected on this form is for the purpose of issuing a permit and is subject to the FOIPP Act. Information on requirements can be obtained through the Sidney Fire Department

READ CAREFULLY

THE APPLICANT CERTIFIES that the Applicant understands and will be guided by the provisions of the Town of Sidney Bylaw to Regulate Fireworks in force 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 CERTIFIES that the Applicant understands that no person may fire, set-off, explode or otherwise use Family Fireworks except between the time and date specified in this Application.

SCHEDULE A-1

**Town of Sidney – Application for Family Fireworks Permit
Page Two**

IN CONSIDERATION of \$10.00 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 Town 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 Town 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 Fireworks Event, including, without limitation, the handling, storage, firing, setting-off, exploding or other use of fireworks in connection with this Permit;
- c) The Applicant’s use or occupation of the location upon which the 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 for 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 fire, set-off or explode **Family Fireworks**, at the location and on the date and time(s) as set-out above, subject to the Town of Sidney Bylaw to Regulate Fireworks, 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 fire, set-off or explode fireworks.
- The Applicant may only fire, set-off or explode the type and quantity of fireworks described in the application.
- The Applicant may fire, set-off, explode or otherwise use Family Fireworks between the set time and date as approved by the Fire Chief.
- The Applicant must ensure that all debris and litter related to the Fireworks Event, including any litter left by spectators, is removed from the location at the conclusion of the Fireworks Event.

Other:

Fire Chief or authorized designate

Date of Issue

Schedule "A-2"

Town of Sidney – Application for Display Fireworks Permit

Name of Applicant: _____

Birth Date: _____ Age: _____

Mailing Address: _____

Phone: _____ E-mail: _____

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

THE APPLICANT HEREBY applies to fire, set-off or explode **Display Fireworks** on property within the Town as follows:

Location: _____

Date: _____ **Time** Start: _____ End: _____

Description of Event: _____

Estimated Number of Spectators: _____

Type and Quantity of Fireworks: _____

Description of Safety Precautions: _____

Contact Name and Phone No. for Organizer or Sponsor of Fireworks Event: _____

Contact Name and Phone No. for Property Owner: _____

A site plan including firing location and limiting distance as set-out in the *Explosives Act* for Display Fireworks is to be submitted.

*Information collected on this form is for the purpose of issuing a permit and is subject to the FOIPP Act.
Information on requirements can be obtained through the Sidney Fire Department.*

SCHEDULE A-2

**Town of Sidney – Application for Display Fireworks Permit
Page Two**

READ CAREFULLY

THE APPLICANT CERTIFIES that the Applicant understands and will be guided by the provisions of the Town of Sidney Bylaw to Regulate Fireworks, in force 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 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 \$75.00 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 Town 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 Town 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 Fireworks Event, including, without limitation, the handling, storage, firing, setting-off, exploding or other use of fireworks in connection with this Permit;
- c) The Applicant’s use or occupation of the location upon which the 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 for 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 fire, set-off or explode **Display Fireworks** at the location and on the date and time(s) as set-out above, subject to the Town of Sidney Bylaw to Regulate Fireworks 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 fire, set-off or explode fireworks.
- The Applicant may only fire, set-off or explode the type and quantity of fireworks described in the application.
- The Applicant must ensure that all debris and litter related to a Fireworks Event that occurs on Town property, including any litter left by the spectators, is removed from the location at the conclusion of the Fireworks Event.

Other: _____

Fire Chief or authorized designate

Date of Issue

Schedule B

Insurance Requirements

A Display Fireworks Permit or Pyrotechnics Permit Holder shall, at his or her own expense, for the duration of the Fireworks Event or Pyrotechnics 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 Pyrotechnics 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 coverage:
 - (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 Town, its elected officials, officers, agents and employees, and contractors acting on behalf of the Town as additional insured's;
- e) Be primary and non-contributing with respect to any insurance carried by the Town of Sidney;
- f) Not include a deductible greater than \$5,000.00 per occurrence (unless the Town of Sidney 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 Town of Sidney thirty (30) days' prior written notice before making any material change to the insurance coverage, or the termination or cancellation thereof;
- j) Provide that the Town of Sidney, its elected officials, officers, agents and employees, and contractors acting on behalf of the Town of Sidney are protected notwithstanding any act, neglect or misrepresentation of the Display Fireworks Permit or 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 Town of Sidney;
- m) Maintenance of the insurance required herein and the performance by the Display Fireworks Permit or Pyrotechnics Permit Holder of his or her obligations under this clause shall not relieve the Display Fireworks Permit or Pyrotechnics Permit Holder from liability under any covenant to indemnify the Town of Sidney;
- n) It shall be the sole responsibility of the Display Fireworks Permit or Pyrotechnics Permit Holder to determine his or her own additional insurance coverage, 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 Pyrotechnics Event. Any such additional insurance shall be secured and maintained by the Display Fireworks Permit or Pyrotechnics Permit Holder at his or her own expense;
- o) The foregoing insurance provisions shall not limit the insurance the Display Fireworks Permit or Pyrotechnics Permit Holder is required to secure and maintain by provincial or federal law; and,
- p) If the Display Fireworks Permit or Pyrotechnics Permit Holder fails to secure or maintain insurance as required herein, then the Town of Sidney 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 or Pyrotechnics Permit Holder. The Display Fireworks Permit or Pyrotechnics Permit Holder shall pay the cost thereof to the Town on demand.

SCHEDULE C

Agreement of Property Owner For Fireworks Event or Pyrotechnics Event

Name of Applicant: _____

Name of Organizer or Sponsor of Fireworks Event or Pyrotechnics Event: _____

Location of Fireworks Event or Pyrotechnics 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 Pyrotechnics Event on the date and at the location and time described above. The Applicant has applied to the Town of Sidney for a Permit to perform such Fireworks Event or Pyrotechnics Event.

In consideration of \$75.00 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 Town of Sidney 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 Town of Sidney 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 to the Applicant;
- b) The Fireworks Event or Pyrotechnics Event, including, without limitation, the handling, storage, firing, setting-off, exploding or other use of Fireworks or Entertainment Industry Pyrotechnics in connection therewith;
- c) The use or occupation of the location upon which the Fireworks Event or Pyrotechnics 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 for, 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:

SCHEDULE D

Agreement of Organizer or Sponsor of a Fireworks Event or Pyrotechnics Event

Name of Applicant: _____

Location of Fireworks Event or Pyrotechnics Event: _____

Date: _____ Time: _____

Name of Organizer or Sponsor of Fireworks Event or Pyrotechnics Event: _____

Mailing Address: _____

Phone: _____ Contact Name (if any): _____

The Organizer/Sponsor has engaged the Applicant to perform a Fireworks Event or Pyrotechnics Event on the date and at the location and time described above. The Applicant has applied to the Town of Sidney for a Permit to perform such Fireworks Event or Pyrotechnics Event.

In consideration of \$75.00 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 Town 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 Town of Sidney 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 to the Applicant;
- b) The Fireworks Event or Pyrotechnics Event, including, without limitation, the handling, storage, firing, setting off, exploding or other use of fireworks or Entertainment Industry Pyrotechnics in connection therewith;
- c) The use or occupation of the location upon which the Fireworks Event or Pyrotechnics 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 for, 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 FOIPP Act. Information on requirements can be obtained through the Fire Department

Schedule E**Application Fees and Cost Recovery Fees****Application Fees for Permits**

Family Fireworks Permit	\$10.00
Display Fireworks Permit	\$75.00
Pyrotechnics Permit	\$75.00

Fire Safety Plans

Review Fee	\$150.00
------------	----------

Fire Protection Services Cost Recovery Fees

The cost for the supply of equipment and personnel to provide fire protection services will be \$550.00 per hour.

Schedule F

Town of Sidney – Application for Entertainment Industry Pyrotechnics Permit

Name of Applicant: _____

Birth Date: _____ Age: _____

Mailing Address: _____

Phone: _____ E-mail: _____

Explosives Regulatory Division Event Approval: _____

(attach photocopy)

Fireworks Supervisor Level and Card No.: _____

(attach photocopy)

THE APPLICANT HEREBY applies to fire, set-off or explode **Entertainment Industry Pyrotechnics** on property within the Town of Sidney 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 Procedures: _____

Description of Fire Safety Plan (attach photocopy of Fire Chief approval): _____

Security Deposit for Fire Safety Plan: _____

List of Crew Members: _____

Schedule F

**Town of Sidney – Application for Entertainment Industry Pyrotechnics Permit
Page Two**

READ CAREFULLY

THE APPLICANT CERTIFIES that the Applicant understands and will be guided by the provisions of the Town of Sidney Bylaw to Regulate Fireworks, in force 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 \$75.00 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 Town 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 Town 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 Pyrotechnics Event, including, without limitation, the handling, storage, firing, setting-off, exploding or other use of fireworks in connection with this Permit;
- c) The Applicant’s use or occupation of the location upon which the 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 for 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 fire, set-off or explode Entertainment Industry Pyrotechnics, at the location and on the date and time(s) as set-out above, subject to the Town of Sidney Bylaw to Regulate Fireworks, as amended from time to time, and to the following conditions and restrictions:

- In accordance with requirements of the Bylaw to Regulate Fireworks, 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 at the time of issuance of this Permit.
- This permit is not transferable. Only the Applicant is authorized under this Permit to fire, set-off or explode Entertainment Industry Pyrotechnics.
- The Applicant may only fire, set-off or explode the type and quantity of Entertainment Industry Pyrotechnics described in the Application.
- The Applicant must ensure that all debris and litter related to a permitted event that occurs on Town property, including any litter left by the spectators, is removed from the location at the conclusion of the permitted event.

Other: _____

Fire Chief or authorized designate

Date of Issue

Schedule G
Municipal Ticket Information Designations

Offence	Section	Fines
Sale of Fireworks, Pyrotechnics or Firecrackers	3.1	\$500.00
Use of Fireworks Without Permit	3.2	\$200.00
Use of Fireworks Contrary to Permit	3.3	\$100.00
Use of Pyrotechnics Without Permit	3.4	\$100.00
Use of Pyrotechnics Contrary to Permit	3.5	\$200.00
Unsafe Use of Fireworks or Pyrotechnics	3.6	\$200.00
Use of Firecrackers	3.7	\$100.00
Use of Pyrotechnics Contrary to Fire Safety Plan	8.1(c)	\$100.00
Use of Fireworks or Pyrotechnics Without Supervision	8.1(d)	\$100.00
Obstruction of Enforcement Officer	11.1	\$250.00