

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 4375

A Bylaw to Regulate the Use of Fireworks

The Municipal Council of The Corporation of the District of Oak Bay, in open meeting assembled, enacts as follows:

Interpretation

1 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 therefor;

“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;

“Community Charter” means the *Community Charter, S.B.C. 2003, c. 26*, and the Regulations enacted thereunder as amended from time to time or any Act and Regulations enacted in substitution therefor;

“Consumer Fireworks” means outdoor, low hazard, recreational fireworks classed as 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, firecrackers and caps for toy guns;

“Corporation” means The Corporation of the District of Oak Bay;

“Council” means the Municipal Council of the Corporation;

“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 Fireworks” means outdoor, high hazard, recreational fireworks classed as 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;

“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 *Act*;

“Fire Chief” means the Fire Chief, the Deputy Fire Chief, the Fire Prevention Officer or an Assistant Fire Chief, for the Corporation;

“Firecracker” means a pyrotechnic device that explodes when ignited and does not make any subsequent display or visible effect after the explosion;

“Fireworks” means display fireworks and consumer fireworks;

“Fireworks 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 within the Municipality, issued pursuant to a resolution of Council;

“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;

“Incident” means a fire, an explosion, a situation where a fire or explosion has occurred or is imminent or any other situation presenting a danger or possible danger to life or property and to which the Oak Bay Fire Department has responded;

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

“Municipality” means the area contained within the geographical limits of the Corporation;

“Owner” shall have the meaning assigned to it under the *Community Charter* of British Columbia and includes the authorized agent of the Owner;

“Peace Officer” means a sworn member of a municipal police department in British Columbia or a sworn member of the Royal Canadian Mounted Police;

“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 within the Municipality, issued by the Fire Chief;

“Pyrotechnic Special Effects Fireworks” means high hazard fireworks classed as subdivision 5 of Division 2 of Class 7 Firework under the *Act* and that are used to produce a special pyrotechnic effect for indoor or outdoor performances and include 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.

General Prohibitions – Firecrackers

- 2 No person may offer for sale, sell, give or trade firecrackers within the Municipality.
- 3 No person may possess firecrackers within the Municipality.
- 4 No person may discharge firecrackers within the Municipality.

General Prohibitions – Fireworks

- 5 No person may offer for sale, sell, give or trade fireworks within the Municipality.
- 6 No person may possess fireworks within the Municipality unless that person holds a fireworks permit issued under this Bylaw.
- 7 No person may discharge fireworks within the Municipality unless authorized by a fireworks permit issued under this Bylaw.
- 8 No holder of a fireworks permit under this Bylaw may discharge fireworks within the Municipality except in accordance with such permit.

General Prohibitions – Pyrotechnics

- 9 No person may offer for sale, sell, give or trade pyrotechnic special effects fireworks within the Municipality.
- 10 No person may possess pyrotechnic special effects fireworks within the Municipality unless that person holds a pyrotechnics permit issued under this Bylaw.
- 11 No person may discharge pyrotechnic special effects fireworks within the Municipality unless authorized by a pyrotechnics permit issued under this Bylaw.
- 12 No holder of a pyrotechnic special effects fireworks permit under this Bylaw may discharge pyrotechnic special effects fireworks within the Municipality except in accordance with such permit.

Permits – Fireworks

- 13 Every application for a fireworks permit shall be in the form set out in Schedule “A” to this Bylaw and shall include the nonrefundable application fee set out in Schedule “F” to this Bylaw.
- 14 Every application for a fireworks permit shall be made to Council through the Fire Chief, and shall be submitted to the Fire Chief not less than 21 days before the date of the event.
- 15 No fireworks permit shall be issued except in connection with a special community event which Council has determined to be for the benefit of the community at large, and where:
 - (1) in the assessment of Council the fireworks event would create no nuisance or hazard to persons or property;
 - (2) for a display fireworks event, the applicant has submitted to the Fire Chief 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 set out in Schedule “E” to this Bylaw;
 - (3) for a fireworks event that is to occur on property not owned by the applicant, the application includes a written agreement of the property owner in the form set out in Schedule “C” to this Bylaw;
 - (4) for a fireworks event organized or sponsored by any person other than the applicant, the application includes a written agreement of such person in the form set out in Schedule “D” to this Bylaw; and
 - (5) for a display fireworks event, the application includes evidence that the applicant is certified at the appropriate Fireworks Supervisor level for the class of fireworks to be discharged.

Permits – Pyrotechnics

- 16 No person may obtain a pyrotechnic special effects fireworks permit unless that person is a pyrotechnician, and every applicant for a pyrotechnic special effects fireworks permit shall provide the Fire Chief with proof of possession of a valid Fireworks Supervisor Certificate issued by the Explosives Regulatory Division.
- 17 Every application for a pyrotechnic special effects fireworks permit shall be in the form set out in Schedule “B” to this Bylaw and shall include the nonrefundable fire safety plan review fee set out in Schedule “F” to this Bylaw.

- 18 Every application for a pyrotechnic special effects fireworks permit shall be submitted to the Fire Chief not less than 21 days before the date of the pyrotechnic special effects fireworks event.
- 19 The Fire Chief may issue a pyrotechnics permit to discharge pyrotechnic special effects fireworks to a pyrotechnician provided that the applicant meets all the requirements of this Bylaw and submits:
- (1) a copy of the Explosives Regulatory Division event approval;
 - (2) a fire safety plan for review by the Fire Chief, with the permit to include any amendments required by the Fire Chief;
 - (3) if the pyrotechnic special effects fireworks event is to occur on property that is not owned by the applicant, a written agreement of the property owner in the form attached as Schedule “C”;
 - (4) 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”;
 - (5) a 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;
 - (6) an event description, which includes 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;
 - (7) proof acceptable to the Fire Chief that the applicant holds either a valid Level 1 Certification Card or, for unconventional sites as categorized by the Explosives Regulatory Division, a valid Level 2 Certification Card, issued by the Explosives Regulatory Division; and
 - (8) a copy of the applicant’s insurance policy that meets the insurance requirements set out in Schedule “E” to this Bylaw.

Cost Recovery – Pyrotechnics and Display Fireworks

- 20 Every person who in whole or in part causes an incident attributable to the person’s misuse of fireworks or pyrotechnics including but not limited to the person’s failure to comply with the provisions of this Bylaw, a permit hereunder or other applicable enactment, shall be deemed to have caused a nuisance and, in

addition to any other penalty imposed by bylaw, shall be responsible for the costs incurred by the Corporation in abating that nuisance by responding to the incident and, for that purpose shall pay the service fee calculated in accordance with and as prescribed in Schedule "F" to this Bylaw for any fire protection or fire suppression services provided in connection with the pyrotechnics special effects fireworks or display fireworks event.

- 21 In default of payment, within 30 days of invoice, of the service fee billed in accordance with Section 20, the amount of such fee, plus interest at the rate of six percent (6%) per annum calculated and compounded monthly from the date of invoice, may be recovered by the Corporation as a debt.

Permit Suspension or Revocation

- 22 The Fire Chief or a peace officer is authorized and empowered to suspend or revoke any permit issued under this Bylaw where he or she has determined that the holder of the permit has contravened or authorized, permitted or suffered the contravention of any provision of this Bylaw or any other applicable enactment, or the conditions or restrictions set out in the permit.

Surrender of Fireworks

- 23 Every person who possesses or discharges fireworks, pyrotechnic special effects fireworks or firecrackers contrary to any provision of this Bylaw commits an offence and shall, when requested to do so, surrender the same which are in his or her immediate possession to the Fire Chief or a peace officer, who shall be authorized to hold such items in the interest of public safety and as evidence of the commence of the offence.
- 24 Fireworks, pyrotechnic special effects fireworks or firecrackers surrendered pursuant to Section 23 may be disposed of by the Corporation without compensation.

Penalties

- 25 Any person who contravenes this Bylaw by doing an act which it forbids, omitting to do an act which it requires to be done, or by failing to comply with a condition or order imposed hereunder, commits an offence punishable upon summary conviction and is liable to a fine of not more than Ten Thousand Dollars (\$10,000.00).

Exemption

- 26 This Bylaw does not prohibit or regulate the use of flares or similar pyrotechnic devices by boat operators for emergency signaling purposes.

Severability

27 If any part of this Bylaw is declared invalid by a court of competent jurisdiction, the remainder shall continue in full force and effect and be construed as if the Bylaw had been adopted without the invalid portion.

Repeal

28 Bylaw No. 4049, *Fireworks and Firecracker Regulation Bylaw, 1999*, is hereby repealed.

Citation

28 This Bylaw may be cited as the *Fireworks Regulation Bylaw, 2007*.

READ a first, second and third time by the Municipal Council on August 20, 2007

ADOPTED AND FINALLY PASSED by the Municipal Council on September 10, 2007

Municipal Clerk

Mayor

Sealed with the Seal of The Corporation of the District of Oak Bay.

SCHEDULE "A"

Application for Fireworks Permit / Permit Form / Indemnification

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 (circle 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 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 Freedom of Information and Protection of Privacy Act.*

READ CAREFULLY:

THE APPLICANT CERTIFIES that the applicant understands and will be guided and
bound by the provisions of Bylaw No. 4375, *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 Corporation.

Schedule "A", continued

THE APPLICANT FURTHER CERTIFIES that the applicant is authorized to the appropriate level by the Explosives Regulatory Division 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 Corporation 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 Corporation 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 nonperformance 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.

SIGNED by the Applicant in the presence)
of:)
))
_____))
Witness (signature))
))
_____))
Witness (print name))
))
_____))
Occupation) _____)
) Signature of Applicant
_____))
Address) Print Name: _____)
))
_____))
Date)

Schedule "A", continued

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. 4375, *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 fireworks event that occurs on municipal property, including any litter left by the spectators, is removed from the location at the conclusion of the event.
- For a display fireworks event, in accordance with requirements of Bylaw No, 4375, *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 10 days prior to the permitted event.
- Other:

Fire Chief or authorized designate

Date of issue

Date of Authorizing Resolution of Council

SCHEDULE "B"

Application for Pyrotechnics Permit / Permit Form / Indemnification

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 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.

Schedule "B", continued

READ CAREFULLY:

THE APPLICANT CERTIFIES that the applicant understands and will be guided and bound by the provisions of Bylaw No, 4375, *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 Corporation 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 Corporation 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 nonperformance 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.

Schedule "B", continued

SIGNED by the Applicant in the presence)
of:)
))
_____))
Witness (signature))
))
_____))
Witness (print name))
))
_____))
Occupation) _____)
) Signature of Applicant)
_____))
Address) Print Name: _____)
))
_____))
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, 4375, *Fireworks Regulation Bylaw, 2007*, as amended from time to time, and to the following conditions and restrictions:

- 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.
- In accordance with requirements of Bylaw No, 4375, *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 10 days prior to the permitted event.
- Other (see over):

Schedule "B", continued

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 Corporation 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 Corporation 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 Corporation 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.

Schedule "C", continued

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.

SIGNED by the Property Owner in the presence of: _____)
 _____)
 Witness (signature) _____)
 _____)
 Witness (print name) _____)
 _____)
 Occupation _____) _____)
 _____) Signature of Property Owner
 Address _____) Print Name: _____)
 _____)
 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.

SCHEDULE “D”

Agreement of Organizer or Sponsor of a 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 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 Corporation 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 Corporation 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 Corporation 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.

Schedule "D", continued

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.

SIGNED by the Organizer/Sponsor in the presence of: _____)
 _____)
 Witness (signature) _____)
 _____)
 Witness (print name) _____)
 _____)
 Occupation _____) _____)
 _____) Signature of Organizer/Sponsor
 Address _____) Print Name: _____)
 _____)
 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.

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 Corporation, its elected officials, officers, agents and employees, and contractors acting on behalf of the Corporation, as additional insureds;
- (e) be primary and non-contributing with respect to any insurance carried by the Corporation;
- (f) not include a deductible greater than \$10,000.00 per occurrence (unless the Corporation 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 Corporation 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 Corporation, its elected officials, officers, agents and employees, and contractors acting on behalf of the Corporation 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; and
- (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 Corporation.

Schedule "E", continued

Not less than 10 days prior to the fireworks event or pyrotechnic special effects fireworks event and upon the Corporation's written request from time to time, the display fireworks permit holder or pyrotechnics permit holder shall furnish the Corporation with a certificate or certificates of insurance as evidence that the required insurance is in force.

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 Corporation.

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 fulfill 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.

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.

SCHEDULE “F”

Application Fees and Cost Recovery Charges

Application Fees

Fireworks Event (Consumer):	\$50.00
Fireworks Event (Display):	\$100.00

Cost Recovery Charges

Pyrotechnics Fire Safety Plan Review:	\$200.00
Fire Protection for Pyrotechnic Special Effects Fireworks and Display Fireworks Events:	\$500.00 per hour for supply of equipment and personnel providing fire protection; minimum 3 hour charge