

AGENDA

PUBLIC MEETING

Tuesday, October 12, 2021

7:00 p.m.

Council Chamber, Municipal Hall

355 West Queens Road,

North Vancouver, BC

Watch at <https://dnvorg.zoom.us/j/65345321120>

Council Members:

Mayor Mike Little

Councillor Jordan Back

Councillor Mathew Bond

Councillor Megan Curren

Councillor Betty Forbes

Councillor Jim Hanson

Councillor Lisa Muri



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Council Chamber, Municipal Hall,
355 West Queens Road, North Vancouver
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AGENDA

Amendment to the Fireworks Regulation Bylaw

1. **OPENING BY THE MAYOR**
2. **INTRODUCTION OF BYLAW BY CLERK**

Fireworks Regulation Bylaw 7456, 2004, Amendment Bylaw 8516, 2021 (Amendment 4)

Purpose of Bylaw:

Bylaw 8516 proposes to amend Fireworks Regulation Bylaw 7456, 2004 to:

- Prohibit the sale, possession and use of consumer fireworks in the District of North Vancouver;
- Regulate the sale of fireworks for public display, requiring a valid District of North Vancouver business licence and specifying conditions for sale; and,
- Regulate the discharge of fireworks for public display, requiring a valid Display Event Permit issued by the Fire Chief, and professional certification.

3. **PRESENTATION BY STAFF**

Presentation: Brian Hutchinson, Fire Chief
4. **REPRESENTATIONS FROM THE PUBLIC**

5. **QUESTIONS FROM COUNCIL**

6. **COUNCIL RESOLUTION**

Recommendation:

THAT the October 12, 2021 Public Meeting is closed;

AND THAT "Fireworks Regulation Bylaw 7456, 2004, Amendment Bylaw 8516, 2021 (Amendment 4)" is returned to Council for further consideration.

7. CLOSING

The Corporation of the District of North Vancouver

Bylaw 8516

A bylaw to amend Fireworks Regulation Bylaw 7456, 2004

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as “Fireworks Regulation Bylaw 7456, 2004, Amendment Bylaw 8516, 2021 (Amendment 4)”.

Amendments

2. Section 2 of Fireworks Regulation Bylaw 7456, 2004 is deleted in its entirety and substituted with:

Definitions

2. In this bylaw:

“*Business day*” means Monday through Friday, except where such day falls on a statutory holiday.

“*Display Event Permit*” means a permit issued under section 7.16 of the Fire Bylaw by the Fire Chief authorizing the purchase, possession and discharge of Fireworks for Special Effects, Special Events or any event involving pyrotechnics.

“*District*” means the District of North Vancouver.

“*Explosion*” means a rapid release of energy that may or may not be preceded or followed by a fire which produces a pressure wave or shock wave in air and is usually accompanied by a loud noise.

“*Explosives Act*” means the *Explosives Act*, RSC 1985, c. E-17, as amended or replaced and includes all regulations under that Act.

“*Fire Bylaw*” means Fire and Rescue Services Bylaw 8511, 2021, as amended or replaced.

“*Fire Chief*” means the person appointed as the Chief of the Fire Department of the District or an authorized designate.

“*Firecracker*” means a small explosive charge and a fuse in a heavy paper casing, exploded to make noise, but having little or no pyrotechnic effect.

“*Fireworks*” means a substance that is made, manufactured or used to produce an explosion, detonation or pyrotechnic effect and includes fireworks, composition and manufactured fireworks as defined in the *Explosives Act* and any substance defined as fireworks under the *Fireworks Act*, as amended or replaced, but does not include sparklers, Christmas crackers, caps for toy guns, model rocket engines as specified in the *Explosives Regulation*, 2018 (SOR/2013-211) or highway flares or other small distress signals used exclusively for that purpose.

“*Fireworks Act*” means the *Fireworks Act*, RSBC 1996, c. 146, as amended or replaced and includes all regulations under that Act.

“*Fireworks Supervisor*” means a person certified as a Fireworks Supervisor and possessing either a valid certificate for a Level 1 Supervisor or Level 2 Supervisor (not an Apprentice Certificate) issued under the *Explosives Act*.

“*Special Effects*” means images and/or sounds used to represent real or imaginary spectacles in a television or movie production or other similar activity, including but not limited to an Explosion or fire.

“*Special Event*” means any exhibit, market, outdoor concert, fair display, trade show, vehicle display or outdoor event or other similar event.

3. Section 4 of Fireworks Regulation Bylaw 7456, 2004 is deleted in its entirety and substituted with:

Regulation of Sale of Fireworks

4. A person must not sell, offer for sale, give or otherwise distribute Fireworks unless the seller has a valid business licence issued by the District.
- 4A. A person may only sell Fireworks to a person who is 18 years of age or over, is a Fireworks Supervisor and holds a valid Display Event Permit.
4. Sections 6 and 7 of Fireworks Regulation Bylaw 7456, 2004 are deleted in their entirety and substituted with:

Regulation of Discharge of Fireworks

6. A person must not purchase, possess or discharge Fireworks unless the person is 18 years of age or over, is a Fireworks Supervisor and holds a valid Display Event Permit.
- 6A. A person meeting the requirements in section 6 of this Bylaw may apply for a Display Event Permit in the form required by the Fire Chief and the application must be submitted together with the following at least ten Business Days prior to the proposed Fireworks event:
 - (a) a completed application form;

- (b) an authorization signed by the property owner or owner's agents where the event related to the Display Event Permit is occurring on property not owned by the applicant;
 - (c) proof of Fireworks Supervisor or Pyrotechnician certification issued to the applicant by the Explosives Regulatory Division of Natural Resources Canada (or a successor body); and
 - (d) a certificate of insurance evidencing that the applicant has comprehensive general liability insurance with a coverage limit of not less than \$5 million per occurrence, names the District as an additional named insured, contains a waiver of subrogation, and has a deductible of not more than \$5,000 (unless the District consents in writing to a higher deductible).
- 6B. Where the Fire Chief issues a Display Event Permits pursuant to section 7.16 of the Fire and Rescue Services Bylaw 8511, 2021, as amended or replaced, authorizing the Display Event Permit holder to ignite, explode, set off or detonate Fireworks in accordance with the terms of the Display Event Permit, the Fire Chief may attach conditions to the Display Event Permit, including, but not limited to, conditions regarding:
- (a) the location and method of safe storage of Fireworks;
 - (b) the time, location and manner of discharge of Fireworks; and
 - (c) fire safety precautions.
- 6C. The Display Event Permit holder must:
- (a) comply with all of the terms and conditions specified in the Display Event Permit, the manufacturer's approved instructions and the requirements of this Bylaw, all other bylaws of the District, and all applicable provincial and federal legislation; and
 - (b) ensure that the Fireworks display authorized by the Display Event Permit is directly supervised at all times by a Fireworks Supervisor.
- 6D. A Display Event Permit is:
- (a) valid only for the location and during the times specified in the Display Event Permit;
 - (b) not transferable; and
 - (c) in the event a Display Event Permit is denied, revoked, cancelled or suspended, the application fee is non-refundable.

7. The Fire Chief or an employee or officer of District of North Vancouver Fire and Rescue Services may revoke, cancel or suspend a Display Event Permit where:
 - (a) the holder of the Display Event Permit has violated the terms and conditions of the Display Event Permit or any applicable provincial or federal legislation;
 - (b) the holder has acted in such a manner as to endanger property or public safety; or
 - (c) environmental or weather conditions are such that the use of Fireworks would endanger property or public safety.
5. Fireworks Regulation Bylaw 7456, 2004 is amended by inserting the following as section 9A, immediately following section 9:
 - 9A. A person must not interfere with, delay, obstruct or impede a Bylaw Enforcement Officer or designate or other person lawfully authorized to enforce this bylaw in the performance of duties under this bylaw
6. Section 10 of Fireworks Regulation Bylaw 7456, 2004 is deleted and substituted with the following:

Penalty

10. Every person who violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw, is deemed to be guilty of an offence against this bylaw and of a separate offence each day the violation is caused or allowed to continue and is liable upon conviction to a fine of up to \$50,000.
7. Section 13 of Fireworks Regulation Bylaw 7456, 2004 is amended by deleting the table of offences and substituting the following:

Designated Expression	Section	Fine
Sell Fireworks without Business Licence	4	\$300
Sell Fireworks to unauthorized person	4A	\$300
Discharging Firecrackers	5	\$300
Purchase or discharge Fireworks without Display Event Permit	6	\$500
Fail to comply with Display Event Permit	6C(a)	\$500
Fail to have Fireworks Supervisor	6C(b)	\$500
Throw Fireworks at building	8	\$500
Discharge Fireworks near flammable material	9	\$500
Obstruction	9A	\$500

READ a first time July 19th, 2021

NOTICE given under Section 59 of the *Community Charter* on _____ , 2021 and _____, 2021

OPPORTUNITY for representations to Council provided in accordance with Section 59 of the *Community Charter* on _____, 2021

READ a second time

READ a third time

ADOPTED

Mayor



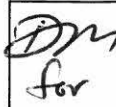
Municipal Clerk

Certified a true copy

Municipal Clerk

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AGENDA INFORMATION	
<input checked="" type="checkbox"/> Regular Meeting	Date: July 19, 2021
<input type="checkbox"/> Other:	Date: _____

 Dept. Manager	 GM/ Director	 CAO
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The District of North Vancouver REPORT TO COUNCIL

July 6, 2021
File:09.3900.20/002.000

AUTHOR: Nathan Walker- Acting Assistant Chief - Public Safety
Brian Hutchinson - Fire Chief

SUBJECT: Fireworks Regulation Bylaw, Amendment Bylaw 8516 to Prohibit the Use and Sales of Consumer Fireworks

RECOMMENDATION:

1. THAT "Fireworks Regulation Bylaw 7456, 2004, Amendment Bylaw 8516, 2021 (Amendment 4)"; is given First Reading and referred to a Public Meeting
2. AND THAT pursuant to Section 59 (2) (b) of the *Community Charter*, Bylaw 8516 is referred to a Public Meeting to provide an opportunity for persons who consider they are affected by the bylaw to make representations to Council;
3. AND THAT pursuant to Sections 59 (2) (a) and (3) of the *Community Charter*, Council direct staff to give notice of its intention to hold a Public Meeting as follows:
 - a. The notice shall state the following:
 - i. the time and date of the Public Meeting;
 - ii the place of the Public Meeting;
 - iii in general terms the purpose of the bylaw; and
 - iv the place and the times and dates when copies of the bylaw may be inspected.
 - b. The notice shall be published in at least 2 consecutive issues of a newspaper, the last publication to appear not less than 3 days and not more than 10 days before the Public Meeting.
4. AND THAT "Bylaw Notice Enforcement Bylaw 7458, 2004 Amendment Bylaw 8517, 2021 (Amendment Bylaw 62)" is given First Reading.

REASON FOR REPORT:

On November 2, 2020, Council considered and passed the following resolution: "THAT the October 7, 2020 report of Councillor Curran entitled Ban Consumer Fireworks and Smoke Generating Pyrotechnic Devices be referred to staff for consideration" and further asked staff to review municipal regulations and consult with our neighbouring communities.

The District of West Vancouver has recently advised of their intention to consider prohibiting consumer sale and discharge, similar to the City of North Vancouver's bylaw; therefore it is appropriate for the District of North Vancouver (the District) to consider a similar approach.

A bylaw has been prepared for Council's consideration to prohibit consumer use and sale of fireworks while continuing to enable fireworks events conducted by a person certified as a Display Fireworks Supervisor issued by Natural Resources Canada-Explosives Regulatory Branch (NRCan) regulated by the *Explosives Act* and *Regulations*.

This will harmonize this regulatory approach with other North Shore Municipalities and this will align the District with similar actions taken across the Lower Mainland and BC.

SUMMARY:

Council continues to hear concerns from residents negatively impacted by fireworks: concern for public safety, effects on the environment from noise and pollution and damage to municipal infrastructure. At the same time, many other residents enjoy personal use of fireworks on their property and have expressed a desire for this to continue. The Fireworks Regulation Bylaw places restrictions to regulate the use and sales of fireworks, but widespread contraventions and community complaints persist, prompting Council to direct staff to review other bylaws and recommend further actions.

BACKGROUND:

The Fireworks Regulation Bylaw 7456, adopted in 2004, requires a permit to purchase, possess or discharge consumer fireworks. Fireworks may only be discharged on private property, and only on Halloween night 6pm-10pm, by permit. In response to complaints and safety concerns, in 2005, regulations regarding noisemakers were added. A business licence and permit is required to sell fireworks, and in 2010, the vendor deposit was increased to \$1500 due to ongoing contraventions, and vendors were further limited to stop sales on Halloween at 9 p.m., to curb late night purchases and discharge.

EXISTING POLICY:

- Natural Resources Canada administers the *Explosives Act* and the *Regulations* and training and certification for operators, and classifies fireworks into four types:
F.1 — consumer fireworks,

- F.2 — display fireworks,
- F.3 — special effect pyrotechnics,
- F.4 — fireworks accessories;

This report is only in relation to the F.1 consumer grade fireworks. Fireworks used by certified fireworks technicians for pyrotechnics, theatrical special effects and public displays (F.2- F.4) will continue to be regulated through a permit application process under the District's Fire regulations.

- *BC Fireworks Act RSBC 1996, c. 146*
The Act allowed municipalities to declare, by bylaw, the application of the Act, to prohibit or control the sale and use of low hazard fireworks, enabling communities to tailor access to these types of fireworks. The Act restricts the days that fireworks may be sold or discharged to October 24-November 1.
- *Community Charter:*
 - Section 8(3)(d) provides that a council, by bylaw, may regulate, prohibit and impose requirement in relation to fireworks.
 - Section 8(6) and Div. 9 provides that council may, by bylaw, regulate in relation to business.
- District of North Vancouver Fireworks Regulation Bylaw, 7456, 2004.
The Fireworks Regulation Bylaw sets requirements and restrictions for the sale and discharge of consumer fireworks described below:

Sales of Consumer Fireworks:

Vendors are required to:

- obtain a short term business licence for each location
- obtain a Permit to Sell Fireworks issued by the District Fire Chief
- provide a refundable bond of \$1500, copy of insurance, copy of inventory
- pass a fire safety inspection, review of inventory
- restrict sales or display except from October 25 to 9pm October 31
- only sell to customers with a District fireworks permit to purchase/discharge
- keep accurate records, reconciliation of inventory and permit fees
- obtain a Highway Use Permit for any sign installation on District property

Discharge of Consumer Fireworks:

To discharge fireworks in the District, persons must:

- obtain a District permit for a nominal fee to purchase or discharge
- be 19 years old
- discharge only on private property, with that owner's permission
- discharge on October 31, between 6pm-10 pm, as required on permit

ANALYSIS:

Public Input:

During the weeks leading up to and after the 2020 Halloween, Council received a number of emails regarding fireworks, as summarized in the table below:

Of 170 comments received, 89% were supportive of a ban (see Table 1):

For/Against	Count	Proportion
		89%
Support ban	151	
		11%
Against ban	18	
		0%
Neutral	1	
Grand Total	170	

Table 1

Of the reasons provided for a ban, the top five were as follows:

Rational in Support	Count	Proportion of Support Comments
Noise	33	22%
Pets	24	16%
Danger	13	9%
Pets/Wildlife	10	7%
Noise/Pets	8	5%

Table 2

Enforcement:

District of North Vancouver Fire and Rescue Services (DNVFRS) proactively ensure business' premises are set up and are adhering to requirements. Staff also perform random checks throughout the selling period and address any contraventions at those businesses. Investigations from 2020 include complaints of sales of fireworks to minors, sales to consumers without permit, sales of prohibited fireworks and unsafe use.

In the weeks leading up to Halloween, a high volume of complaints are typically directed to DNVFRS. The most common complaints are:

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- fireworks discharged outside of the permissible hours
- excessive noise to humans and wildlife
- fear and anxiety of household pets
- litter and chemical debris left on roads and neighbouring properties
- fire damage directly caused by fireworks discharge
- contribution to poor air quality

Teams from DNVFRS, Parks and RCMP proactively patrol and respond to complaints. Some of the most common violations resulting from Halloween patrols include:

- dangerous use of fireworks
- possession and discharge of illegal fireworks
- discharge of fireworks on roadways, parks and school grounds
- use of fireworks by under-age youth
- failure to have a permit

RCMP crime statistics records indicate:

- the majority of files involving fireworks reported to police were noise complaints (25 events out of 48);
- the majority took place at schools or in parks;
- Of those, 6 were youth related and 3 had property damage;
 - one school had windows damaged by fireworks;
 - several still smouldering fireworks started a small bush fire in one neighbourhood but was rapidly contained;
 - fireworks stuffed inside a pumpkin caused it to explode where pumpkin debris residue found on motor vehicles and on residential property but no extensive damage;
 - a number of the noise complaints were from backyard fireworks - out of the four reported files, only one did not have a fireworks permit.

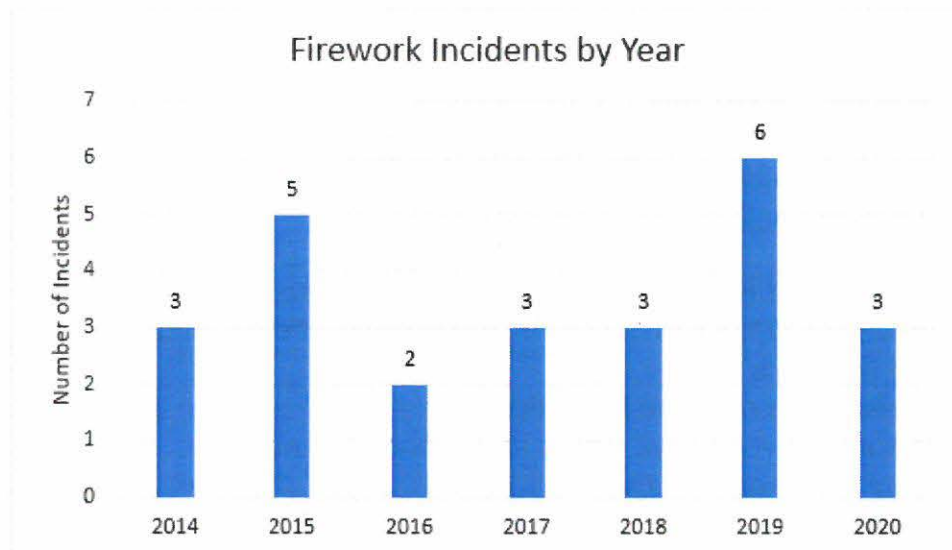
Injuries Resulting from Fireworks:

Injuries are tracked nationwide by the Canadian Hospitals Injury Reporting and Prevention Program (CHIRPP) includes statistics from BC Children's Hospital. While this does not represent all injuries, CHIRPP reports in 2011-2019 that teenagers and adolescents represent the largest proportion of the injuries. Head injuries - burns and eye injuries are the most common, followed by fingers and hands, with 73% needing medical treatment and 11% requiring being admitted to hospital for treatment of the injuries.

Fire Incidents and Property Damage:

Any damage caused by fireworks discharge must receive a fire investigation and be reported to the Provincial Office of the Fire Commissioner.

The following graph shows incidents causing damage by fireworks in the District by year:



Graph 1

Damage to District parks occurs every year. Last Halloween, multiple park washrooms were damaged by firecrackers, burns and potholes were left in turf fields, requiring resources to replace or repair them. Staff were required to disperse large groups discharging fireworks unsafely on grass sports fields, also requiring significant clean up.

Fireworks related enforcement can be challenging due to the high number of parks and public spaces located throughout the District. In many instances, by the time staff arrive after reports of unpermitted fireworks, the fireworks have concluded and individuals have left the scene. Although there have been restrictions added to the Fireworks Regulation Bylaw over the years, an increasing amount of public complaints and safety concerns or damage continues to occur.

Sales and Permits:

The number of vendor business licences has declined in recent years - there was an average of 7 per year from 2005 to 2015 and there is now an average of just 2 vendors who apply for a temporary business licence each year.

Consumers can obtain a permit online or at the store's terminal to purchase and discharge fireworks. This permit process provides education on safe discharge, information on the District's bylaws as well as providing the District with a record of locations of discharge. There is no validation process within that system. Even with internet purchases of fireworks increasing, the total number of District permits has declined by almost half to an average of 396 permits in 2020 vs. 2017.

Prohibiting the storefront sale to consumers alone will not completely stop the activity, particularly given the recent growth of online sales, but prohibiting consumer possession and discharge will enable staff or police to enforce against illegal possession or use in the District. Other than a ban on the sale and possession of consumer fireworks, there are no

further recommendations of regulations to add to the bylaw. The current regulatory scheme is difficult to enforce and has a high resource demand.

Provincial Actions:

- **UBCM:** The Union of BC Municipalities has made multiple attempts for a provincial wide approach to regulation of fireworks between 1988 and 2010. The Province enacted the *Fireworks Act* in 1996 and responded that further firework concerns be addressed at a local level.
- **BC Association of Chiefs of Police:** In 2006, BCACP passed a motion calling for a Provincial wide ban except for community events by licenced persons, citing police and fire personnel efforts to deal with illegal activities, injuries and damage caused by consumer fireworks.
- **Fire Chiefs' Association of BC:** The action above was supported by Fire Chiefs' Association of BC.

Other Community's Bylaws:

In 2005, the City of North Vancouver (CNV) banned the sale, purchase, possession or discharge of fireworks except by those that hold a Public Fireworks Display permit and requires a person certified under the Federal Explosives Act to supervise the discharge of fireworks at that public display. That year, the CNV approached the District to join in banning consumer sales and use. Council opted to respond to complaints by limiting "noisemaker" fireworks.

The District of West Vancouver currently allows the sale and discharge of consumer fireworks, but advises that their Council will consider adopting a bylaw similar to the CNV prior to Halloween.

DNVFRS have been working collaboratively with local First Nations through the years to provide fire protection and fire safety. Both Squamish Nation and Tsleil-Waututh Nation require fireworks vendors to follow municipal regulations and the *Explosives Act*. Typically, a similar number of vendors operate within Tsleil-Waututh Nation and Squamish Nation as do within the District. Squamish Nation is aware of the recommendation presented in this report and Tsleil-Waututh Nation is considering the matter at an advisory committee.

On November 1, 2020, the City of Vancouver banned the consumer sale and use of fireworks. Public events will continue to be permitted under supervision by a certified technician. This seems to be the direction a growing number of municipalities are moving towards, and is the approach recommended by staff for the District of North Vancouver.

Figure 1 shows the regulatory approach to fireworks in the 21 municipalities and one Treaty First Nation in the Metro Vancouver partnership.

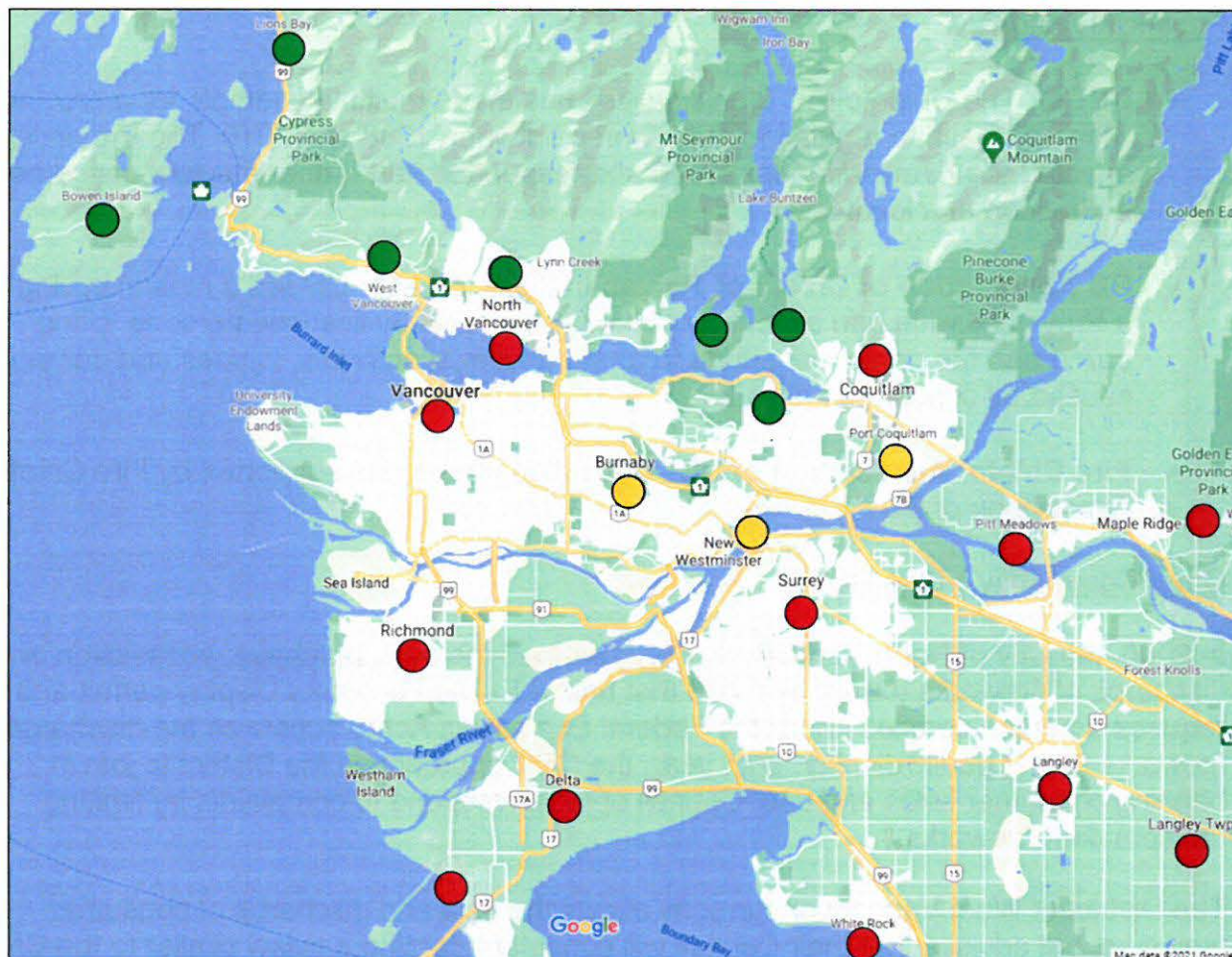


Figure 1

Legend for Figure 1 above and Table 3 below
Approach by Community in Metro Vancouver and Population




	Both consumer firework discharge and sales prohibited
	Consumer firework discharge permitted with sales prohibited
	Consumer firework discharge and sales permitted

Table 3 below is the survey of communities to include Metro Vancouver and comparable communities throughout the Province.

SUBJECT: Fireworks Regulation Bylaw, Amendment Bylaw 8516 to Prohibit the Use and Sales of Consumer Fireworks

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











Community	Approach	Region
City of Abbotsford		BC
Bowen Island Municipality		Metro Vancouver
City of Burnaby		Metro Vancouver
City of Coquitlam		Metro Vancouver
City of Delta		Metro Vancouver
City of Langley		Metro Vancouver
City of Maple Ridge		Metro Vancouver
City of New Westminster		Metro Vancouver
City of North Vancouver		Metro Vancouver
City of Pitt Meadows		Metro Vancouver
City of Port Coquitlam		Metro Vancouver
City of Richmond		Metro Vancouver
City of Surrey		Metro Vancouver
City of Vancouver		Metro Vancouver
City of White Rock		Metro Vancouver
District of North Vancouver		Metro Vancouver
District of West Vancouver		Metro Vancouver
City of Kamloops		BC
City of Kelowna		BC
City of Nanaimo		BC
City of Port Moody		Metro Vancouver
District of Saanich		BC
Township of Langley		Metro Vancouver
Tsawwassen First Nation		Metro Vancouver
City of Victoria		BC
Village of Anmore		Metro Vancouver
Village of Belcarra		Metro Vancouver
Village of Lions Bay		Metro Vancouver

Table 3

Consultation and Communication:

If Council resolves to consider the recommendation to ban consumer fireworks sales and use, staff will prepare a robust communication strategy to educate the public across all platforms. Staff will continue to work collaboratively with our neighbouring communities.

Timing/Approval Process:

The District of West Vancouver will be considering a number of fire and safety related bylaws in the near future, including the ban on consumer use and discharge of fireworks. The City of North Vancouver, who has banned consumer sales and discharge since 2005, will be considering an amendment to their bylaw to introduce a prohibition of exploding projectile animal deterrents (bear bangers) on July 5, 2021.

The *Community Charter* requires that proposed changes to a business regulation be published as a notification of intention prior to the bylaw adoption. A Public Meeting will be held to provide an opportunity for those who consider that they are affected by the bylaw changes can make representation to Council. After First Reading, a notice will be published in a local newspaper to invite written submissions for Council to consider before Second reading. The bylaw will then return to Council at the first regular meeting in September, 2021.

CONCLUSION:

Setting off fireworks has long been enjoyed by many families in the District, however the noise, disruption to pets and wildlife, contribution to poor air quality, litter, damage to property and threat to public safety continues to be a serious concern for many residents. Existing regulations are not adequate or effective for resolving nuisance and noise issues. Misuse of products, unsupervised use, and uncontrolled use in the community continues despite the advanced regulations. Council directed staff to explore the approaches taken in our neighbouring communities and expressed a desire for harmonized regulations. This is an opportunity to ban the discharge and selling of consumer fireworks in the District in a manner consistent with municipalities across the lower mainland and in particular with the two North Shore municipalities to the west of the District.

Options:

- A. Adopt the following Resolutions to ban consumer fireworks:
 1. THAT "Fireworks Regulation Bylaw 7456, 2004, Amendment Bylaw 8516, 2021 (Amendment 4)"; is given First Reading and referred to a Public Meeting
 2. AND THAT pursuant to Section 59 (2) (b) of the *Community Charter*, Bylaw 8516 is referred to a Public Meeting to provide an opportunity for persons who consider they are affected by the bylaw to make representations to Council;

SUBJECT: Fireworks Regulation Bylaw, Amendment Bylaw 8516 to Prohibit the Use and Sales of Consumer Fireworks

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3. AND THAT pursuant to Sections 59 (2) (a) and (3) of the *Community Charter*, Council direct staff to give notice of its intention to hold a Public Meeting as follows:
 - a. The notice shall state the following:
 - i the time and date of the Public Meeting;
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 - iii in general terms the purpose of the bylaw; and
 - iv the place and the times and dates when copies of the bylaw may be inspected.
 - b. The notice shall be published in at least 2 consecutive issues of a newspaper, the last publication to appear not less than 3 days and not more than 10 days before the Public Meeting.
4. AND THAT "Bylaw Notice Enforcement Bylaw 7458, 2004 Amendment Bylaw 8517, 2021 (Amendment Bylaw 62)" is given First Reading.

B. Direct staff to take other action; or

C. Take no action.

Respectfully submitted,



Nathan Walker
Acting Assistant Fire Chief – Public Safety



Brian Hutchinson, MA, CEM®, ECFO
Fire Chief

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and Sales of Consumer Fireworks

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REVIEWED WITH:					
<input type="checkbox"/> Community Planning	_____	<input type="checkbox"/> Clerk's Office	_____	External Agencies:	
<input type="checkbox"/> Development Planning	_____	<input type="checkbox"/> Communications	_____	<input type="checkbox"/> Library Board	_____
<input type="checkbox"/> Development Engineering	_____	<input type="checkbox"/> Finance	_____	<input type="checkbox"/> NS Health	_____
<input type="checkbox"/> Utilities	_____	<input type="checkbox"/> Fire Services	_____	<input checked="" type="checkbox"/> RCMP	_____
<input type="checkbox"/> Engineering Operations	_____	<input type="checkbox"/> ITS	_____	<input type="checkbox"/> NVRC	_____
<input type="checkbox"/> Parks	_____	<input checked="" type="checkbox"/> Solicitor	_____	<input type="checkbox"/> Museum & Arch.	_____
<input type="checkbox"/> Environment	_____	<input type="checkbox"/> GIS	_____	<input type="checkbox"/> Other:	_____
<input type="checkbox"/> Facilities	_____	<input type="checkbox"/> Real Estate	_____		
<input type="checkbox"/> Human Resources	_____	<input checked="" type="checkbox"/> Bylaw Services	<u> cw </u>		
<input type="checkbox"/> Review and Compliance	_____	<input type="checkbox"/> Planning	_____		

The Corporation of the District of North Vancouver

Bylaw 8516

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“*Fire Chief*” means the person appointed as the Chief of the Fire Department of the District or an authorized designate.

“*Firecracker*” means a small explosive charge and a fuse in a heavy paper casing, exploded to make noise, but having little or no pyrotechnic effect.

"Fireworks" means a substance that is made, manufactured or used to produce an explosion, detonation or pyrotechnic effect and includes fireworks, composition and manufactured fireworks as defined in the *Explosives Act* and any substance defined as fireworks under the *Fireworks Act*, as amended or replaced, but does not include sparklers, Christmas crackers, caps for toy guns, model rocket engines as specified in the *Explosives Regulation*, 2018 (SOR/2013-211) or highway flares or other small distress signals used exclusively for that purpose.

"Fireworks Act" means the *Fireworks Act*, RSBC 1996, c. 146, as amended or replaced and includes all regulations under that Act.

"Fireworks Supervisor" means a person certified as a Fireworks Supervisor and possessing either a valid certificate for a Level 1 Supervisor or Level 2 Supervisor (not an Apprentice Certificate) issued under the *Explosives Act*.

"Special Effects" means images and/or sounds used to represent real or imaginary spectacles in a television or movie production or other similar activity, including but not limited to an Explosion or fire.

"Special Event" means any exhibit, market, outdoor concert, fair display, trade show, vehicle display or outdoor event or other similar event.

3. Section 4 of Fireworks Regulation Bylaw 7456, 2004 is deleted in its entirety and substituted with:

Regulation of Sale of Fireworks

4. A person must not sell, offer for sale, give or otherwise distribute Fireworks unless the seller has a valid business licence issued by the District.
 - 4A. A person may only sell Fireworks to a person who is 18 years of age or over, is a Fireworks Supervisor and holds a valid Display Event Permit.
4. Sections 6 and 7 of Fireworks Regulation Bylaw 7456, 2004 are deleted in their entirety and substituted with:

Regulation of Discharge of Fireworks

6. A person must not purchase, possess or discharge Fireworks unless the person is 18 years of age or over, is a Fireworks Supervisor and holds a valid Display Event Permit.
- 6A. A person meeting the requirements in section 6 of this Bylaw may apply for a Display Event Permit in the form required by the Fire Chief and the application must be submitted together with the following at least ten Business Days prior to the proposed Fireworks event:
 - (a) a completed application form;

- (b) an authorization signed by the property owner or owner's agents where the event related to the Display Event Permit is occurring on property not owned by the applicant;
 - (c) proof of Fireworks Supervisor or Pyrotechnician certification issued to the applicant by the Explosives Regulatory Division of Natural Resources Canada (or a successor body); and
 - (d) a certificate of insurance evidencing that the applicant has comprehensive general liability insurance with a coverage limit of not less than \$5 million per occurrence, names the District as an additional named insured, contains a waiver of subrogation, and has a deductible of not more than \$5,000 (unless the District consents in writing to a higher deductible).
- 6B. Where the Fire Chief issues a Display Event Permits pursuant to section 7.16 of the Fire and Rescue Services Bylaw 8511, 2021, as amended or replaced, authorizing the Display Event Permit holder to ignite, explode, set off or detonate Fireworks in accordance with the terms of the Display Event Permit, the Fire Chief may attach conditions to the Display Event Permit, including, but not limited to, conditions regarding:
- (a) the location and method of safe storage of Fireworks;
 - (b) the time, location and manner of discharge of Fireworks; and
 - (c) fire safety precautions.
- 6C. The Display Event Permit holder must:
- (a) comply with all of the terms and conditions specified in the Display Event Permit, the manufacturer's approved instructions and the requirements of this Bylaw, all other bylaws of the District, and all applicable provincial and federal legislation; and
 - (b) ensure that the Fireworks display authorized by the Display Event Permit is directly supervised at all times by a Fireworks Supervisor.
- 6D. A Display Event Permit is:
- (a) valid only for the location and during the times specified in the Display Event Permit;
 - (b) not transferable; and
 - (c) in the event a Display Event Permit is denied, revoked, cancelled or suspended, the application fee is non-refundable.

7. The Fire Chief or an employee or officer of District of North Vancouver Fire and Rescue Services may revoke, cancel or suspend a Display Event Permit where:
 - (a) the holder of the Display Event Permit has violated the terms and conditions of the Display Event Permit or any applicable provincial or federal legislation;
 - (b) the holder has acted in such a manner as to endanger property or public safety; or
 - (c) environmental or weather conditions are such that the use of Fireworks would endanger property or public safety.
5. Fireworks Regulation Bylaw 7456, 2004 is amended by inserting the following as section 9A, immediately following section 9:
 - 9A. A person must not interfere with, delay, obstruct or impede a Bylaw Enforcement Officer or designate or other person lawfully authorized to enforce this bylaw in the performance of duties under this bylaw
6. Section 10 of Fireworks Regulation Bylaw 7456, 2004 is deleted and substituted with the following:

Penalty

10. Every person who violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw, is deemed to be guilty of an offence against this bylaw and of a separate offence each day the violation is caused or allowed to continue and is liable upon conviction to a fine of up to \$50,000.
7. Section 13 of Fireworks Regulation Bylaw 7456, 2004 is amended by deleting the table of offences and substituting the following:

Designated Expression	Section	Fine
Sell Fireworks without Business Licence	4	\$300
Sell Fireworks to unauthorized person	4A	\$300
Discharging Firecrackers	5	\$300
Purchase or discharge Fireworks without Display Event Permit	6	\$500
Fail to comply with Display Event Permit	6C(a)	\$500
Fail to have Fireworks Supervisor	6C(b)	\$500
Throw Fireworks at building	8	\$500
Discharge Fireworks near flammable material	9	\$500
Obstruction	9A	\$500

READ a first time

PUBLIC HEARING held

READ a second time

READ a third time

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

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The Corporation of the District of North Vancouver

Bylaw 8517

A bylaw to amend Bylaw Notice Enforcement Bylaw 7458, 2004

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as "Bylaw Notice Enforcement Bylaw 7458, 2004, Amendment Bylaw 8517, 2021 (Amendment 62)".

Amendments

2. Schedule A to Bylaw Notice Enforcement Bylaw 7458, 2004 is amended by deleting the section of violations of Fireworks Regulation Bylaw 7456 and substituting the following:

Fireworks Regulation Bylaw 7456, 2004						
Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount (\$)	A2 Discounted Penalty: Within 14 days (\$)	A3 Late Payment: After 28 days (\$)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
4	Sell Fireworks without Business Licence	300	225	450	NO	N/A
4A	Sell Fireworks to unauthorized person	300	225	450	NO	N/A
5	Discharging Firecrackers	300	225	450	NO	NA
6C(a)	Fail to comply with Display Event Permit	500	375	750	NO	N/A
6C(b)	Fail to have Fireworks Supervisor	500	375	750	NO	N/A
8	Throw Fireworks at building	500	375	750	NO	N/A
9	Discharge Fireworks near flammable material	500	375	750	NO	N/A
9A	Obstruction	500	375	750	NO	N/A

READ a first time

READ a second time

READ a third time

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

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Public Meeting

Amendments to the Fireworks Regulation Bylaw

What: A Public Meeting for Bylaw 8516, which proposes to amend Fireworks Regulation Bylaw 7456, 2004 to:

- Prohibit the sale, possession and use of consumer fireworks in the District of North Vancouver
- Regulate the sale of fireworks for public display, requiring a valid District of North Vancouver business licence and specifying conditions for sale
- Regulate the discharge of fireworks for public display, requiring a valid Display Event Permit issued by the Fire Chief, and professional certification

When: Tuesday, October 12 at 7pm

Where: Council Chambers, District of North Vancouver Municipal Hall, 355 West Queens Road, North Vancouver, BC.

How can I provide input?

We welcome your input on October 12, 2021 at 7pm. You may sign up in advance to speak at the meeting by emailing signup@dnv.org prior to 3pm, Tuesday, October 12, 2021. After the speakers list has been exhausted, there will be an opportunity for additional speakers who had not signed up in advance to make submissions. You may also provide a written submission at any time prior to the close of the meeting by email to input@dnv.org.

This Public Meeting will be held in a hybrid meeting format. Participation will be possible in-person or by electronic means. Those wishing to view the meeting or participate virtually may do so at <https://dnvorg.zoom.us/j/65345321120> or by dialing 1-778-907-2071 and entering meeting ID 653 453 1120.

Need more info?

Relevant background material and copies of the bylaw are available for review online at [DNV.org/agenda](https://dnv.org/agenda).

Questions?

Carol Walker, Chief Bylaw Officer
604-990-2272 or walkerc@dnv.org

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