

BYLAW NO. 493	
Bylaw name:	Regional District Fireworks Regulation Bylaw No. 1971, 1997, Amendment No. 6
Participants:	Electoral Areas A, B and C
Purpose:	A bylaw to amend the Fireworks Service Regulations to increase fines for ticketable offences and oblige vendors to undertake certain activities
Amends bylaw:	1971
Repeals bylaw:	N/A
Staff contact:	James Warren, General Manager of Corporate Services

STATUS	
Committee approval:	August 14, 2017 – Electoral Areas Services Committee THAT the proposed changes to Bylaw No. 1971 being the “Regional District Fireworks Regulation Bylaw No. 1971, 1998” be approved to increase fines for ticketable offences and oblige vendors to undertake certain activities.
1st & 2nd readings:	August 29, 2017
Public hearing:	Not required
3rd reading:	August 29, 2017
Ministry approval:	Not required
Final adoption:	

COMOX VALLEY REGIONAL DISTRICT

BYLAW NO. 493

A bylaw to amend the Fireworks Service Regulations to increase fines for ticketable offences and oblige vendors to undertake certain activities

WHEREAS the Comox Valley Regional District adopted Bylaw No. 1971 being the “Regional District Fireworks Regulation Bylaw No. 1971, 1997” on June 29, 1998;

AND WHEREAS the board desires to update the bylaw to increase fines for ticketable offences and oblige vendors to undertake certain activities;

NOW THEREFORE the board of the Comox Valley Regional District in open meeting assembled enacts as follows:

Amendment

1. Bylaw No. 1971 being “Regional District Fireworks Regulation Bylaw No. 1971, 1997” is hereby amended by:

(a) Inserting new definitions to section 3 as follows:

“Explode means to detonate, discharge, eject, fire, ignite, light, project, set off or throw;

Minor means a person under the age of 18

Sell means, but is not limited to sell, offer to sell, advertise for sale, display for sale, barter, dispose, distribute, furnish, give or trade

Vendor means a person or business engaged in the act of advertising for sale or selling fireworks”

(b) Replacing in section 3 the definition for fireworks, which reads:

“Fireworks means fireworks as defined in Class 7.2.1 and 7.2.2 of the Canada Explosives Act”

with the following:

“Fireworks means a substance or goods that is made, manufactured or used to produce an explosion or pyrotechnic device, including but not limited to:

a) fireworks as defined under the Canada Explosives Act;

b) fireworks as defined under the Fireworks Act.”

(c) Replacing section 4(2), which reads:

“4 (2) The sale of fireworks in Electoral Area ‘H’ (Sayward – Bloedel) shall only occur between June 25 and July 2 (inclusive), October 24 and November 1 (inclusive) or December 24 and December 31 (inclusive) in any year.”

with the following sections 4(2), 4(3) and 4(4):

“4 (2) No Vendor shall Sell Fireworks in the electoral areas without notifying the Regional District in writing prior to October 1st of each year.

4 (3) No Vendor shall Sell Fireworks in the electoral areas without supplying copies of the required Permit at the point of sale.

4 (4) A Vendor may only Sell Fireworks, pursuant to all other requirements of this bylaw, on lands in the electoral areas that are zoned for the purpose of retail sales. Fireworks cannot be sold as part of a home occupation, domestic business or domestic industrial use."

- (d) Replacing section 5(1) which reads:
"No person shall, at any time, explode or set off fireworks, excluding sparklers, Christmas crackers and caps for toy guns, unless that person has first obtained a permit authorized by the Board in accordance with Section 728(3) of the Municipal Act."
with the following:
"A person may not possess or Explode Fireworks in the Regional District unless the person has a valid Permit."
- (e) Replacing section 5(2) which reads:
"No person shall explode or set off fireworks on private property without the prior written consent of the owner, nor on Regional District property without the prior written permission of the Board."
with the following:
"A person shall not Explode Fireworks on private property without the prior written consent of the owner, nor on Regional District property without the prior written permission of the Board."
- (f) Replacing section 5(3) which reads:
"No person shall explode or set off fireworks of Class 7.2.2 of the Canada Explosives Act without holding a valid Fireworks Supervisor Card issued by the Explosives Branch of Energy, Mines and Resources, Canada."
with the following:
"No person shall explode fireworks of Class 7.2.2 of the Canada Explosives Act without holding a valid Fireworks Operator Certificate issued by the Explosives Branch of Energy, Mines and Resources, Canada."
- (g) Inserting a new section 5(3) which reads:
"A Minor shall not possess or Explode Fireworks in the Regional District"
and renumbering following subsections as required.
- (h) Deleting from section 6 (regulations and requirements) the words "members of" such that section 6 reads as follows:
"The holder of a permit shall take all steps necessary to ensure the safety and security of the public attending the fireworks display, as well as persons taking part in the display."
- (i) Replacing sections 7 and 8, which read:
"7. A person who contravenes this Bylaw commits an offence and is liable upon conviction to the penalties prescribed by the Offence Act.

8. If any provision of this Bylaw is found invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.”

with the following section 7:

- “7. (a) Any person who contravenes a provision of this bylaw, or who allows any act or thing to be done in contravention of this bylaw, or who refuses, omits, or neglects to fulfill, observe, carry out or perform any duty or obligation imposed in this bylaw is guilty of an offence and:
 - (i) On summary conviction is liable to a fine of not less than \$500 and not more than \$10,000; or
 - (ii) On conviction of a ticket offence under the Comox Valley Regional District municipal ticket information bylaw.
- (b) If any provision of this Bylaw is found invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.”

and renumbering following sections as required.

- (j) Replacing schedule A and B with the attached schedule A and B.

Citation

This Bylaw No. 493 may be cited as “Regional District Fireworks Regulation Bylaw No. 1971, 1997, Amendment No. 6”.

Read a first and second time this	29th	day of	August	2017.
Read a third time this	29th	day of	August	2017.
Adopted this		day of		2017.

Chair

Corporate Legislative Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 493 being “Regional District Fireworks Regulation Bylaw No. 1971, 1997, Amendment No. 6” as adopted by the board of the Comox Valley Regional District on the _____ day of _____ 2017.

Corporate Legislative Officer

Schedule "A"
APPLICATION FOR A PERMIT TO EXPLODE FIREWORKS

Permit Fee: \$10.00

Is application for the exploding of High Hazard Fireworks as defined in Class 7.2.2. of the Canadian Explosives Act: Yes: _____

OR

Is application for or exploding of Low Hazard Fireworks as defined in Class 7.2.1. of the Canadian Explosives Act: Yes: _____

Name of applicant: _____
(applicant must be the person supervising the exploding of the fireworks)

Residential Address: _____

Postal Code: _____ Telephone No.: _____

Fireworks Operators Certificate No. _____ Expiry Date: _____

NOTE: (Only required if Exploding High Hazard Fireworks, Class 7.2.2.)

I hereby Make Application for a Permit to Explode Fireworks on Behalf of:

Myself: _____ Or Name of Organization: _____

Address: _____

Postal Code _____ Telephone No.: _____

Address Where Fireworks Are to Be Exploded:

Same as Applicant: _____ Indicate if different from applicant address: _____

Name and Signature of Property Owner, Indicating Consent for the Exploding of Fireworks:

(Name)

(Signature)

Date of Display: _____ From _____ am/pm to _____ am/pm

I hereby acknowledge receipt of the "Safety Guidelines for Fireworks"

Applicant's Signature: _____

Approved by the Comox Valley Regional District:

(Date)

(Signature)

Schedule "B"
PERMIT TO EXPLODE FIREWORKS

Authority to explode (check one)

High Hazard Fireworks as defined in Class 7.2.2. of the Canadian Explosives Act: _____

Or

Low Hazard Fireworks as defined in Class 7.2.1. of the Canadian Explosives Act: _____

is hereby granted to:

Name: _____

Address: _____

Postal Code: _____ Telephone: _____

On the _day of _____ 200_ at (address of display) _____

between the hours of _____ am/pm and _____ am/pm

THE HOLDER OF THIS PERMIT ACKNOWLEDGES THAT THE REGIONAL DISTRICT IS NOT RESPONSIBLE FOR THE SUPERVISING OR INSPECTING THE EXPLODING OF FIREWORKS AUTHORIZED BY THIS PERMIT.

Signature of Permittee

Date:

Permit Issued By: