

DATE: April 27, 2021

FILE: 4570-20

TO: Chair and Directors
Electoral Areas Services Committee

FROM: Russell Dyson
Chief Administrative Officer

Supported by Russell Dyson
Chief Administrative Officer

R. Dyson

RE: Fireworks Service Review

Purpose

This report, while providing an overview of the current fireworks regulations of each local authority, and available options to the Comox Valley Regional District's (CVRD) fireworks service, will also advise of the changes and bylaw amendments that were implemented following the 2017 and 2019 service reviews of the Comox Valley Regional District's Fireworks Regulations Bylaw No. 1971.

Recommendation from the Chief Administrative Officer:

This report is for information purposes only.

Executive Summary

At the February 8, 2021 Electoral Areas Services Committee the following resolution was passed that directed staff to further research and bring forward options to further regulate fireworks within the CVRD.

"THAT staff be directed to bring forward a report providing options concerning the further regulation of the discharge and sale of fireworks within Electoral Areas A, B and C of the Comox Valley Regional District;

AND FURTHER THAT the report include the current regulations and views of each local jurisdiction and authority with the intention of establishing a consistent regulatory approach across the region."

- The CVRD allows the sale of fireworks between October 24th and November 1st, inclusive, and the discharge of fireworks are allowed year round with a permit;
- As a regional district, the CVRD does not have legislated authority to regulate business operations (i.e. business licensing), specifically to require permits prior to purchase of fireworks;
- On average the CVRD receives two complaints a year regarding the discharge of fireworks;
- These complaints make up one per cent of all bylaw files generated.

Prepared by:

Concurrence:

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Government Partners and Stakeholder Distribution (Upon Agenda Publication)

K’ómoks First Nation	✓
Town of Comox	✓
City of Courtenay	✓
Village of Cumberland	✓

Background/Current Situation

In the CVRD fireworks are only permitted to be sold in Electoral Areas A, B, and C from October 24th to November 1st inclusive, in line with the *Fireworks Act*. However, permits to discharge fireworks are available all year, with discretion to stop permit sales during provincial fire bans. Typically the CVRD proactively stops the sale of firework permits from July to September, keeping in line with provincial and local fire bans.

Currently a permit is required to be purchased prior to discharging any fireworks at a cost of \$10. Permits are available at the CVRD main office and online through a downloadable form, with the majority of permits sold over Halloween. Copies of all fireworks permits sold are shared with the responding fire department, RCMP and when applicable the Department of National Defense (when a permit is issued adjacent to CFB Comox).

Since 2011, and in a series of reports, staff have reviewed and brought forward the following options as potential changes to fireworks regulation in the electoral areas:

1. Limit the time of year that fireworks can be discharged.
2. Further limit the time of year that fireworks can be sold.
3. Increase or decrease the cost of the permit to discharge fireworks.
4. Streamline permit approval process.
5. Increase the dollar amount for fines for discharging or selling fireworks without a permit.

The Board-directed reviews conducted in 2017 and 2019 resulted in increased advertising on social media, radio, print ads, the CVRD’s website, an educational video on fireworks in the CVRD and further contact with fireworks vendors in the electoral areas. The recommendations from the 2017 review included an increase in fine amounts to \$500, increased vendor participation on education at the point of sale and clarifying terms of age in the bylaw; these changes were all made.

The 2019 review concentrated on an approach to further regulate fireworks in rural areas. Specifically, the ability to introduce a required permit prior to purchase. There are some difficulties in imposing further requirements for businesses selling fireworks as the CVRD does not have the express ability to regulate businesses within the electoral areas. Unlike a municipality that can

undertake business regulations such as business licences or hours of business, regional districts do not generally have legislated authority to regulate businesses, unless that power has been granted by individual regulation through the Province. There is no ability for the CVRD to require the purchase of a permit prior to the purchase of fireworks. A chart depicting the 2020 bylaw enforcement files, including fireworks is attached as Appendix A of this report.

After reviewing the fireworks regulations bylaws from other Comox Valley local governments, staff has identified potential changes to the “Comox Valley Regional District Fireworks Regulation Bylaw No. 1971, 1998”. These changes would align the CVRD’s fireworks bylaw to the surrounding municipalities’ bylaws. The options identified for consideration are:

- Ban the sale of fireworks in the CVRD to be consistent with member municipalities.
- Ban the discharge of fireworks with the exception of public displays put on through permit by community association or fire departments.
- Ban the discharge of fireworks altogether to be consistent with member municipalities.
- Continue to allow the discharge of fireworks but reduce permits and discharge to only be available from Oct 24 - Nov 1 (as per the *Fireworks Act*).

A comparison chart of the local firework bylaws is attached to this report as Appendix B.

Policy Analysis

The CVRD operates the fireworks regulations service in Electoral Areas A, B and C under Bylaw No. 2002 being “Fireworks Regulation Extended Service Conversion Bylaw No. 2002, 1997”.

The CVRD has the authority to regulate or prohibit the sale or disposal of fireworks within its boundaries and jurisdiction pursuant to the service establishment bylaw noted above, section 326 of the *Local Government Act* (LGA) (RSBC 2015 c. 1) and the CVRD fireworks regulations under Bylaw No. 1971.

The LGA (sec 326) grants specific powers to regional districts in relation to fireworks, stating that “Subject to the *Fireworks Act*, the board may, by bylaw, regulate or prohibit the sale or disposal to any person of firecrackers and other fireworks of every nature or kind.”

Options

- Ban the sale of fireworks in the CVRD.
- Reduce permits to only be available from Oct 24 - Nov 1 (as per the *Fireworks Act*).
- Ban all discharge of fireworks with the exception of public displays put on through permit by community association or fire departments.
- Ban the discharge of fireworks altogether.

Financial Factors

The cost to administer the Fireworks Regulation Extended Service, is \$18, 985 and is contained in the 2021 budget. The requisition for this service is based on a rate of \$0.0010 per \$1,000 of assessed value, which results in a cost of \$0.50 for a property assessed at \$500,000. The 2021 budget includes combined advertising and expense costs of \$4500.00 to promote awareness for the fireworks permits and education related to fireworks use. Any changes to the service, such as banning the sale of fireworks, and/or the discharge of fireworks may initially require additional staff resources and enforcement costs. Additional costs would require a changes to the requisition rate.

Legal Factors

There are no specific legal factors identified in the current administration of the fireworks bylaw.

Regional Growth Strategy Implications

Any updates and further review of the Fireworks Regulation Bylaw helps ensure that the bylaw, procedures and objectives are in line with the Regional Growth Strategy (RGS). Specifically the policy in the RGS that identifies public health and safety is supported by this review.

Goal 7: Public Health and Safety – Support a high quality of life through the protection and enhancement of community health, safety and well-being.

Intergovernmental Factors

The CVRD and K'ómoks First Nation (KFN) are the only jurisdictions in the Comox Valley that allow the sale of fireworks. All jurisdictions have bylaws that offer permits to individuals to explode fireworks, with the exception of KFN that allows (no regulations) the discharge and does not regulate through permit. Please note that the CVRD and Village of Cumberland allow permits for both private and public displays, where the City of Courtenay and Town of Comox only allow fireworks as part of a community display, with special prior Council approval.

Bylaw staff work closely with the RCMP and the local fire chiefs leading up to and during the period of sale for fireworks. Annually staff reach out to participating fire departments in early October to arrange joint site visits to retailers that sell fireworks in the electoral areas. In addition, any permits sold are shared with the associated fire department and the RCMP.

Interdepartmental Involvement

Bylaw staff works closely each year with communications staff to implement a communication plan as well as working with administration staff to streamline the permit process and staff coverage during peak times for permits. The week leading up to Halloween each year requires extra coverage and coordination between the CVRD managers that are able to sign and issue fireworks permits, to ensure that someone is always available to review and sign permits.

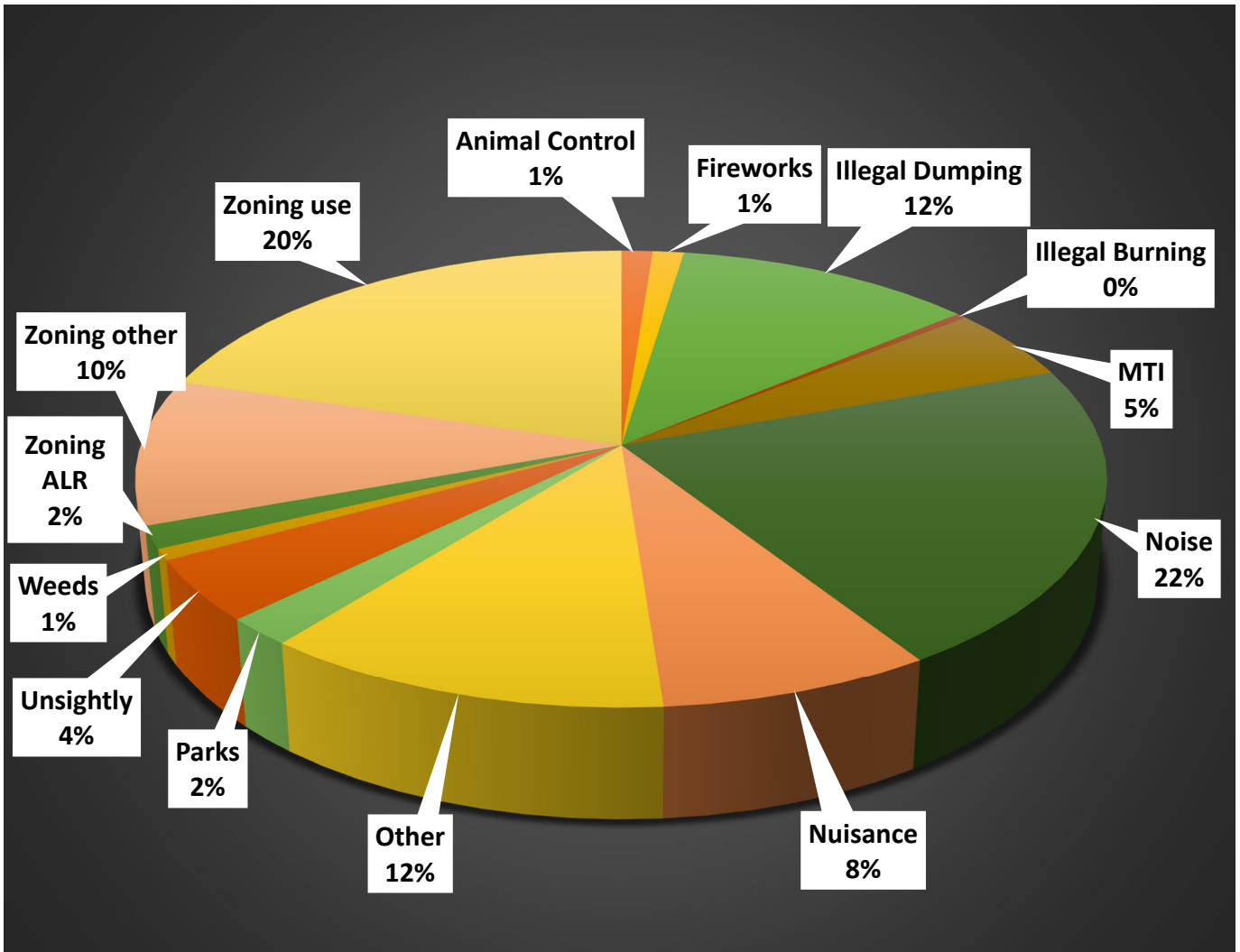
Citizen/Public Relations

The fireworks education campaign starts in September and runs through Halloween annually. In addition, staff review the internal processes and communication plan in order to increase public awareness and address any additional advertising and education opportunities. Advertising efforts overall have increased following the 2017 review of the fireworks bylaw. This includes updates to the CVRD website to allow for online applications to be downloaded, unfortunately at this time our website does not allow for online sales and purchase of any service or permits.

Attachments: Appendix A – 2020 Bylaw Statistics
Appendix B - Comparison Chart of Firework Regulations

Appendix A

2020 Bylaw Statistics



Appendix B

Comparison Chart of Firework Regulations

Fireworks Restrictions	Comox	Courtenay	Cumberland	CVRD
Individual can possess/explode on private property	Community events only with permit and consent from Council. Extensive requirements. Insurance required.	Public event only with permit and consent from Council. Extensive requirements. Insurance required.	Permit required. No Charge.	Permit required. \$10/permit.
Individual/organization can possess/explode on other lands (public/municipal)	Community events only with permit from Council. Extensive requirements. Insurance required.	Public event only & with City consent and special permit. Insurance required.	Permit required through Fire Chief and Council.	Permit required and permission from CVRD Board.
Sale of fireworks	Prohibited	Prohibited	Prohibited	Oct 24-Nov 1 inclusive
Prosecution by municipal ticket	Yes	Yes	No	Yes
Penalty to discharge without permit	\$500	\$100	None	\$500
Penalty amount to sell/possess	\$500	\$100	None	\$500
Age requirement (possession)	18 years	18 years	No	18 years