

DATE: September 11, 2019**FILE:** 4570-20**TO:** Chair and Directors
Electoral Areas Services Committee**FROM:** Russell Dyson
Chief Administrative OfficerSupported by Russell Dyson
Chief Administrative Officer*R. Dyson***RE: Fireworks Service Function No. 299 Service Review**

Purpose

To provide an update and overview of the Fireworks Regulation Extended Service, Function No. 299, to the Electoral Areas Services Committee (EASC).

Recommendation from the Chief Administrative Officer:

THAT given the limited authority of regional districts to impose requirements on vendors of fireworks, the Comox Valley Regional District resolve not to undertake amendments to the “Regional District Fireworks Regulation Bylaw No. 1971, 1998” at this time.

Executive Summary

At the January 21, 2019 EASC meeting there was a discussion regarding current regulations of fireworks in the Comox Valley Regional District (CVRD). The committee approved the following:

“THAT staff investigate approaches to further regulation of fireworks in rural areas.”

This report provides an overview of the current service, with the background and result of the 2017 review and amendments to the “Regional District Fireworks Regulation Bylaw No. 1971, 1998” that were adopted on September 19, 2017, which is attached as Appendix A of this report.

- Fireworks are only permitted to be sold in Electoral Areas A, B, and C from October 24th, to November 1st inclusive;
- A permit is required to be purchased prior to discharging any fireworks at a cost of \$10;
- Permits to discharge fireworks are available all year;
- To further reduce impact on the environment and the public, staff is reviewing internal processes and communication plans annually;
- Fireworks education campaign starts in September and runs through Halloween annually;
- The 2017 review 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;
- On average the CVRD receives two complaints a year related to fireworks being discharged;
- The CVRD does not have legislated authority to regulate businesses;
- The specific ability to restrict the period for which fireworks can be sold is through the *Fireworks Act*, our bylaw is current with this Act.

Prepared by:

Concurrence:

*A. Yasinski**A. Mullaly*

Amanda Yasinski
Manager of Bylaw Compliance

Alana Mullaly
Acting General Manager of
Planning and Development

Background/Current Situation

The CVRD has regulated fireworks since 1972 and the current Fireworks Regulation Extended Service applies to Electoral Areas A, B and C of the Comox Valley Regional District. The CVRD is the only jurisdiction that allows the sale of fireworks within the Comox Valley.

In 2017 there was a full service review conducted by staff. The intent of the review was to identify portions of the regulations bylaw that could be improved to increase public safety and enjoyment of residents and visitors to the CVRD and surrounding municipalities. The review addressed the costs and benefits associated with implementing any changes and outlined an information campaign to increase public awareness on the restrictions of discharging and selling fireworks in the CVRD.

Staff reviewed the following options as potential changes:

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.

After reviewing the fireworks regulations bylaws from other Comox Valley local governments as well as other regional districts, staff identified potential changes to the “Regional District Fireworks Regulation Bylaw No. 1971, 1998”. These changes were identified as further aligning the CVRD’s fireworks bylaw to the surrounding municipalities’ bylaws as well as put more accountability on the fireworks vendors to ensure that they are selling in accordance with the fireworks bylaw. The recommendations did not include banning the sale or explosion of fireworks, due in part to the public interest and comments through the CVRD’s social media pages that were against further regulation of fireworks and the support for maintaining these activities.

On September 19, 2017 the CVRD Board adopted the proposed changes that increased fine amounts for ticketable offences from \$100 to \$500 and further oblige vendors to undertake additional activities, including having information brochures and copies of the required permit available for each purchaser of fireworks. The changes did not include an increase or decrease in the cost of the fireworks permits, and no reduction on the time of year that permits would be issued.

Since the adoption of the updated bylaw in September, 2017 staff has worked to increase public awareness and education of the fireworks service and the requirement to obtain a permit, prior to discharging fireworks in the electoral areas. The communication plan was increased to include an educational video on a variety of social media platforms during the 2018 fall fireworks season, this video is permanently available on the CVRD’s website and will be used year to year as part of the advertising campaign. This is in addition to increased advertising on social media, radio, print ads and the CVRD’s website that has a Q&A section regarding the fireworks permits.

To further reduce impact on the environment and the public during the summer months and keeping in line with provincial fire restrictions, the CVRD stopped issuing fireworks permits from

July to September 3, 2019. This was the first time that the CVRD has proactively advertised and stopped the sale of firework permits during the summer months.

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* (RSBC 2015 c. 1) and the CVRD fireworks regulations under Bylaw No. 1971.

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.

Options

1. To not change the existing fireworks bylaw;
2. Refer the matter back to staff for additional research and further changes to the bylaw.

Staff recommends option 1.

Financial Factors

The cost to administer the Fireworks Regulation Extended Service, is \$16,523 and is contained in the 2019 budget. The requisition for this service is based on a rate of \$0.0015 per \$1,000 of assessed value, which results in a cost of \$0.60 for a property assessed at \$400,000. The 2019 budget includes combined advertising and expense costs of \$5,226. to promote awareness for the fireworks permits and education related to fireworks use.

Should further review of the fireworks service be requested, the 2020 budget will reflect the resources to accomplish this, as well as any proposed changes to update the regulations bylaw.

Legal Factors

There are no specific legal factors identified in the current administration of the fireworks bylaw. However, if the direction is to review further restrictions on the vendors who sell fireworks then staff will need to seek a legal opinion on the authority to do so and any restrictions there may be legislatively.

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 is the only jurisdiction in the Comox Valley that allows the sale of fireworks. All jurisdictions have bylaws that offer permits to individuals to explode fireworks. In September 2018 the Comox Valley Fire Chiefs Association (CVFCA) forwarded a letter to the CVRD asking that

consideration be taken towards implementing a permit required prior to purchase to the fireworks bylaw. Staff responded to the CVFCA and advised that there were no plan to further amend the existing bylaw at that time.

Bylaw staff work closely with the RCMP and the local fire chiefs leading up to and during the period of sale for fireworks. For 2019 staff will be reaching out to participating fire departments in early October to arrange joint site visits to retailers that sell fireworks in the electoral areas. In addition, as in previous years, any permits sold are shared with the associated fire department and the RCMP. A comparison graph of permits issued is attached as Appendix B of this report.

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

Annually, bylaw and communication staff work together on an updated communication plan and identify any improvements that can be implemented. The CVRD advertises the regulations associated with fireworks including that fireworks can only be exploded with a CVRD permit by using social media, radio and print advertisements. Fireworks vendors within the CVRD are supplied information brochures and permits to increase awareness about the regulations and are required at the point of sale.

In 2018 staff budgeted for an educational video to be included in the communication plan, the video was completed and included in the 2018 advertising campaign and will be used again in 2019. In addition for 2019, staff will be including an audio message on the main reception phone number, regarding the requirement for a fireworks permit. There has also been 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 - “Regional District Fireworks Regulation Bylaw No. 1971, 1998”
Appendix B - “Comparison graph of fireworks permits issued”



Consolidated
Fireworks Regulation
Bylaw

The following is a consolidated copy of the Regional District's Fireworks Regulation Bylaw and includes the following bylaws:

BYLAW No.	BYLAW NAME	ADOPTED	PURPOSE
1971	Regional District Fireworks Regulation Bylaw No. 1971, 1998	June 29, 1998	<input type="checkbox"/> to regulate the use and sale of fireworks
2233	Regional District Fireworks Regulation Bylaw No. 1971, 1998 Amendment Bylaw No. 1, 1999	Dec 16, 1999	<input type="checkbox"/> to permit the sale and use of fireworks in connection with the celebrations of the Millennium <input type="checkbox"/> NO LONGER APPLICABLE
2326	Regional District Fireworks Regulation Bylaw No. 1971, 1998, Amendment bylaw No. 2, 2000	Nov 27, 2000	<input type="checkbox"/> To permit the sale and use of Fireworks in connection with New Years 2001 <input type="checkbox"/> NO LONGER APPLICABLE
2477	Regional District Fireworks Regulation Bylaw No. 1971, 1998, Amendment Bylaw No. 3, 2002	August 26, 2002	<input type="checkbox"/> To permit the use of fireworks at any time, but continue to limit the sale
2939	Regional District Fireworks Regulation Bylaw No. 1971, 1998, Amendment Bylaw No. 4	July 31, 2006	<input type="checkbox"/> To reflect the inclusion of Electoral Area H and to permit the sale of fireworks in Area H three times each year for Canada Day, Halloween and New Years Eve.
81	Regional District Fireworks Regulation Bylaw No. 1971, 1997, Amendment No. 5	November 24, 2009	<input type="checkbox"/> To reflect current job titles, electoral area coverage and regional district name

This bylaw may not be complete due to pending updates or revisions and therefore is provided for reference purposes only. THIS BYLAW SHOULD NOT BE USED FOR ANY LEGAL PURPOSES. Please contact the corporate legislative officer at the Comox Valley Regional District to view the complete bylaw when required.

COMOX VALLEY REGIONAL DISTRICT**BYLAW NO. 1971****A Bylaw to regulate the Sale and Explosion
of Fireworks Within a Part of the Regional District**

WHEREAS the Board has converted the services of Fireworks Regulation by bylaw adopted under Section 775(4) of the Municipal Act;

AND WHEREAS Section 728 of the Municipal Act authorizes the Board, by bylaw, to regulate or prohibit the exploding of Firecrackers or other Fireworks and to authorize the issuance of a permit to any person or organization for the use of Firecrackers or other Fireworks of any kind and may specify the terms and conditions thereof;

AND WHEREAS Notice has been given in accordance with Section 839 of the Municipal Act;

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

Title

1. This bylaw may be cited for all purposes as the “Regional District Fireworks Regulation Bylaw No. 1971, 1998”.

Application

2. This bylaw applies in each of Electoral Areas ‘A’ (Baynes Sound – Denman/Hornby Islands), ‘B’ (Lazo North) and ‘C’ (Puntledge – Black Creek).

Definitions

- 3.

<i>Manager</i>	means the manager of bylaw compliance and special investigations or any one of the officers of the Comox Valley Regional District as identified in the officers bylaw.
<i>Board</i>	means the board of the Comox Valley Regional District.
<i>Family Pack</i>	means six or more fireworks which are packed and intended to be sold as a unit, except that Roman Candles shall constitute of not more than 25% of the total number of fireworks in the packed unit.
<i>Fireworks</i>	means fireworks as defined in Class 7.2.1 and 7.2.2 of the Canada Explosives Act.
<i>Permit</i>	means a permit approved by the Board and issued under this Bylaw.
<i>Public Display</i>	means a special event, festival or religious or other ceremony sponsored or conducted by a society, religious organization or individual.
<i>Regional District</i>	means the Comox Valley Regional District

Sales Prohibition

4. 1) The sale of fireworks in Electoral Areas ‘A’ (Baynes Sound), ‘B’ (Lazo North) and ‘C’ (Puntledge – Black Creek) shall only occur between October 24th and November 1st (inclusive) in any year.
- 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.

Prohibition and Permit Requirement

5. 1) 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.
- 2) 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.
- 3) 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.
- 4) Roman candles shall only be sold or purchased as part of a “family pack”.
- 5) Applications for a permit required under this section shall be made in writing to the manager designate in a form provided by him and shall contain all the information required by the form and any required by the manager as per schedule ‘A’ attached to this bylaw.
- 6) A permit approved by the manager shall be as per schedule ‘B’, attached to this bylaw.

#81

Regulations and Requirements

6. The holder of a permit shall take all steps necessary to ensure the safety and security of members of the public attending the fireworks display, as well as persons taking part in the display.

Penalties

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.

Repeal

9. Bylaw No. 79 cited as “Firecracker Sale and Exploding Prohibition Bylaw 1972” is hereby repealed.

READ A FIRST AND SECOND TIME THIS 25TH DAY OF AUGUST 1997.

READ A THIRD TIME THIS 26TH DAY OF MAY, 1998.

NOTICE GIVEN IN ACCORDANCE WITH SECTION 839
OF THE MUNICIPAL ACT THIS 2ND, 3RD & 5TH DAYS OF SEPTEMBER 1997.

NOTICE GIVEN IN ACCORDANCE WITH SECTION 839
OF THE MUNICIPAL ACT THIS 5TH, 9TH, 10TH & 12TH DAYS OF JUNE 1998.

ADOPTED THIS 29TH DAY OF JUNE 1998.

“D.M. Andrews”

“B. Whitehead”

Chairperson

Secretary

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 1971 being **“REGIONAL DISTRICT FIREWORKS REGULATION BYLAW NO. 1971, 1998”** as adopted by the Board of the Comox Valley Regional District this 29th day of June, 1998.

“B. Whitehead”

Secretary

APPLICATION AND PERMIT TO EXPLODE OR SET OFF FIREWORKS

Permit Fee: \$10.00

Receipt No: _____

Is the application for exploding or setting off of fireworks as defined in the Canadian Explosives Act for: (please check one)

Low hazard (Class 7.2.1)

High Hazard (Class 7.2.2.)

Fireworks Supervisor Card No. _____ Expiry Date: _____
(Required for Class 7.2.2. explosives only)

I hereby make application to explode or set off fireworks on behalf of:

Myself

Organization

or

Name of Applicant: _____
(Applicant must be the person supervising the display)

Address: _____

Postal Code: _____ Tel: _____

Name of organization (if applicable): _____

Address: _____

Address where fireworks are to be exploded or set off:

Name and signature of property owner, indicating consent for the setting off or exploding of fireworks:

Name: _____ Signature: _____

Date of Display: _____ Time of Display: _____

I hereby acknowledge receipt of the Safety Guidelines for Fireworks:

Applicant's Signature _____

Approved by the Regional District:

_____ Date:

_____ Signature:

COMOX VALLEY REGIONAL DISTRICT FIREWORKS BYLAW NO. 1971

Schedule "B"

PERMIT TO EXPLODE OR SET OFF FIREWORKS

Authority to set off or 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 SETTING OFF OF FIREWORKS AUTHORIZED BY THIS PERMIT.

Signature of Permittee

Date:

Permit Issued By:

Appendix B

Comparison Graph of Fireworks Permits Issued

