



District of West Vancouver

Fireworks Regulation Bylaw No. 5269, 2023

Effective Date: October 16, 2023

District of West Vancouver

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Fireworks Regulation Bylaw No. 5269, 2023

A bylaw to regulate the sale, purchase, possession, disposal and discharging of fireworks in the District of West Vancouver pursuant to sections 8(3)(d) and 264 of the *Community Charter* (SBC 2003, c.26).

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to provide for regulation of the sale, purchase, possession, disposal and discharging of fireworks in the District of West Vancouver;

NOW THEREFORE, the Council of The Corporation of the District of West Vancouver enacts as follows:

Part 1 Citation

1.1 This bylaw may be cited as Fireworks Regulation Bylaw No. 5269, 2023.

Part 2 Severability

2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Part 3 Previous Bylaw Repeal

3.1 “Fire Rescue Bylaw No. 5163, 2021” is amended by:

3.1.1 deleting ‘Part 13 Fireworks’ in its entirety and renumbering subsequent Parts accordingly, and

3.1.2 amending the table of designated expressions for Municipal Ticket Information in section 12.20 by deleting all of the Part 13

violations and re-numbering the violation of section 14.1 as section 13.1.

Part 4 Definitions

4.1 In this bylaw:

“Exploding Animal Deterrent Devices” means a special purpose explosive designed for use in wilderness encounters with animals; these include but are not limited to bear bangers, air bangers, and seal bombs. They are usually discharged from launching devices such as pen launchers and .22 calibre or 12 gauge launchers, and they travel between 20 to 100 meters before letting out an explosive bang.

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

“Display Event Permit” means a permit issued under section 10.16 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 West 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 Rescue Bylaw No. 5163, 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.

“Fire Inspector” means a local assistant to the Fire Commissioner as appointed or authorized by the Fire Chief.

“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, outdoor event, or other similar event.

Part 5 Interpretation

5.1 Words and Phrases

Unless specifically defined herein, words and phrases used in this bylaw shall be construed in accordance with the meanings assigned to them by the *Fireworks Act* of British Columbia and the *Explosives Act* of Canada and its associated regulations, all as may be amended or replaced, as the context and circumstances require.

5.2 Conflict

In the event of a conflict, discrepancy, variation or inconsistency between any provision of this bylaw and the *Fireworks Act*, the *Explosives Act* or the Natural Resources Canada, "Display Fireworks Manual", the provisions of the *Fireworks Act*, the *Explosives Act* or the Natural Resources Canada, "Display Fireworks Manual", as the case may be, shall prevail over the provisions of this bylaw to the extent of any conflict, discrepancy, variation or inconsistency.

5.3 Application

The provisions of the *Fireworks Act* of British Columbia and the *Explosives Act* of Canada and its associated regulations and the Natural Resources

Canada, "Display Fireworks Manual" shall apply within the District of West Vancouver.

5.4 Duty of Care

This bylaw does not create any duty of care whatsoever on the District or its elected officials, officers, employees or agents in respect of enforcement or failure to enforce this bylaw. Neither the failure to administer or enforce, nor the incomplete or inadequate administration or enforcement of this bylaw or inspections made by the Fire Chief or Fire Inspector gives rise to a cause of action in favour of any person.

Part 6 Regulation of Sale of Fireworks

- 6.1 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.
- 6.2 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.

Part 7 Firecrackers Prohibited

- 7.1 No person shall possess, fire, set off or discharge firecrackers.

Part 8 Regulation of Discharge of Fireworks

- 8.1 A person must not purchase, possess, set off or discharge Fireworks unless the person is a Fireworks Display Supervisor and is in possession of a Display Event Permit in respect of such discharge.
- 8.2 A Fireworks Display Supervisor may apply for a Display Event Permit in the form required by the Fire Chief. The application must be submitted with the following at least ten Business Days prior to the proposed Fireworks event:
 - 8.2.1 a completed application form,
 - 8.2.2 an authorization signed by the property owner or owner's agent(s) where the event related to the Display Event Permit is occurring on property not owned by the applicant,
 - 8.2.3 proof of Fireworks Display Supervisor or Pyrotechnician certification issued to the applicant by the Explosives Regulatory

Division of Natural Resources Canada (or a successor body),
and

- 8.2.4 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).
- 8.3 Where the Fire Chief issues a Display Event Permit pursuant to section 10.16 of the Fire Bylaw, 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:
 - 8.3.1 the location and method of safe storage of the Fireworks,
 - 8.3.2 the time, location, and manner of discharge of the Fireworks, and
 - 8.3.3 fire safety precautions to be employed for the Display Event.
- 8.4 The Display Event Permit holder must:
 - 8.4.1 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
 - 8.4.2 ensure that the Fireworks display authorized by the Display Event Permit is directly supervised at all times by a Fireworks Display Supervisor.
- 8.5 A Display Event Permit is:
 - 8.5.1 valid only for the location and during the times specified in the Display Event Permit,
 - 8.5.2 not transferable, and
 - 8.5.3 in the event a Display Event Permit is denied, revoked, cancelled or suspended, the application fee is non-refundable.
- 8.6 The Fire Chief or an employee or officer of the District of West Vancouver Fire and Rescue Services may revoke, cancel or suspend a Display Event Permit where:

- 8.6.1 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,
- 8.6.2 the holder has acted in such a manner as to endanger property or public safety, or
- 8.6.3 environmental or weather conditions are such that the use of Fireworks would endanger property or public safety.

Part 9 Dangerous Use of Fireworks

- 9.1 No person may point, direct or throw Fireworks at any person, animal, building or motor vehicle where such Fireworks are being discharged.
- 9.2 No Fireworks may be discharged within 30m of a location where flammable materials are stored, e.g., gas stations, propane tanks, or lumber yards.
- 9.3 No person shall discharge Animal-Detering Explosives in the District of West Vancouver for purposes other than for bear or wildlife deterrent.

Part 10 Enforcement

10.1 Designation of the Bylaw

Pursuant to section 264 of the Community Charter, this bylaw is designated as a bylaw that may be enforced by means of seizure of Fireworks and a ticket in the form prescribed and Fire Chief, Local Assistants to the Fire Commissioner, West Vancouver Police and Bylaw Enforcement Officers are designated to enforce this bylaw.

10.2 Obstruction

A person must not interfere with, delay, obstruct or impede any person lawfully authorized to enforce this bylaw in the performance of duties under this bylaw.

10.3 Ticketing (Municipal Ticket Information)

Pursuant to sections 264(1)(c) and 265(1)(a) of the Community Charter, this bylaw is designated as a bylaw that may be enforced by means of seizure of Fireworks and a ticket in the form prescribed and Fire Chief, Local Assistants to the Fire Commissioner, and Bylaw Enforcement Officers are designated to enforce this bylaw and the table below sets out

the designated expressions for offences under this bylaw with the corresponding bylaw section number and fine amount:

Section number	Designated Expression (Short-Form Description)	Fine \$
6.1	Sell Fireworks without Business Licence	\$300
6.2	Sell Fireworks to unauthorized person	\$300
7.1	Discharge Firecrackers	\$300
8.1	Unauthorized purchase, possession or discharge of Fireworks	\$500
8.4.1	Fail to comply with Display Event Permit	\$500
8.4.2	Fail to have Fireworks Supervisor	\$500
9.1	Throw Fireworks at building	\$500
9.2	Discharge Fireworks near flammable material	\$500
9.3	Discharge Animal-Deterring Explosives	\$500
10.2	Obstruction	\$500

Part 11 Offence and Penalty

- 11.1 Every person who violates a provision of this bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this bylaw, or who neglects to or refrains from doing anything required to be done by a provision of this bylaw, is guilty of an offence and is liable to the penalties imposed under this bylaw, and is guilty of a separate offence each day that a violation continues to exist.
- 11.2 Every person who commits an offence is liable on summary conviction to a fine or to imprisonment, or to both a fine and imprisonment, not exceeding the maximum allowed by the *Offence Act*.

READ A FIRST TIME on September 25, 2023

READ A SECOND TIME on September 25, 2023

READ A THIRD TIME on September 25, 2023

NOTICE given under Section 59 of the *Community Charter* on October 11, 2023

OPPORTUNITY for representations to Council provided in accordance with Section 59 of the *Community Charter* on October 16, 2023.

ADOPTED by the Council on October 16, 2023.

[Original signed by Mayor]

Mayor

*[Original signed by Deputy Corporate
Officer]*

Deputy Corporate Officer