



THE DISTRICT OF NORTH VANCOUVER

FIREWORKS REGULATION BYLAW

BYLAW 7456

Effective Date – April 19, 2004

CONSOLIDATED FOR CONVENIENCE ONLY

This is a consolidation of the bylaws below. The amending bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaw on this subject.

Original Bylaw

Bylaw 7456

Date of Adoption

April 19, 2004

Amending Bylaw

Bylaw 7565
Bylaw 7860

Date of Adoption

July 18, 2005
September 13, 2010

The bylaw numbers in the margin of this consolidation refer to the bylaws that amended the principal bylaw (Fireworks Regulation Bylaw – Bylaw 7456). The number of any amending bylaw that has been repealed is not referred to in this consolidation.

THE CORPORATION OF THE DISTRICT OF NORTH VANCOUVER

BYLAW 7456

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

The Council for The Corporation of The District of North Vancouver enacts the following:

Title

1. This bylaw may be cited as "**FIREWORKS REGULATION BYLAW**".

Definitions

2. In this bylaw,
Consumer Fireworks means outdoor, low-hazard recreational Fireworks (Canadian Class 7.2.1) such as showers, fountains, golden rain, Roman Candles, volcanoes, sparklers, as may be designated under the provisions of the Natural Resources Canada, "Display Fireworks Manual." For the purpose of the bylaw, *Consumer Fireworks Roman Candle* means a consumer firework that is capable of projecting or discharging a charge or series of charges or pyrotechnical effects more than 3 metres and which has a tube size internal diameter of three-quarters of an inch or less.

Display Fireworks means high-hazard recreational Fireworks (Canadian Class 7.2.2) such as aerial shells, mines and larger roman candles designed for use at public gatherings as may be designated under the provisions of the Natural Resources Canada, "Display Fireworks Manual."

Family Pack means a pre-packaged assortment of Consumer Fireworks, in which Roman Candles and Noisemakers or both shall not comprise more than 30% of the wholesale value of the entire assortment;

(7565)

Fireworks means devices that explode or burn to produce visual or sound effects and such other explosives as may be designated as such by the Lieutenant-Governor in Council under the provisions of the *Fireworks Act* of the Province of British Columbia or the Governor-General in Council, or under the provisions of the *Explosives Act* of Canada and its regulations, as the case may be, but does not include torpedoes, flares, fuses or similar pyrotechnic devices used by motorists, railroads, police or other agencies for signaling purposes or illumination, or model rocket engines (Canadian Classes 7.2.3, 7.2.4, and 7.2.5);

Noisemakers means a legal *Consumer Firework* that is a "sound shell", "air bomb", "thunderflash", or any similar firework designed to produce (or may be altered to produce) any detonation sound blast, screech or whistle;

(7565)

Permit means a current and valid permit in the form attached as Schedule "A" to this bylaw authorizing a person or organization to fire or set off Consumer Fireworks or a valid Display Fireworks Approval Form as described in the Natural Resources Canada, "Display Fireworks Manual" authorizing discharge of Display Fireworks;

Applications of Provisions

3. 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 North Vancouver.

Sale of Fireworks

4. No person shall sell, offer for sale (including by mail or internet), give or otherwise distribute:
- (a) Fireworks, without a valid Business Licence, "Classification – Retail Trader – Inside, Description – Retail Fireworks Sales", issued by the District of North Vancouver for each sales location and concurrently posting a refundable bond of \$1,500.00 in cash or certified cheque payable to the District of North Vancouver for each sales location which shall be returned to the Fireworks vendor after October 31st in the year that it was received or forfeited in whole or in part to settle part or all of a payment of a Penalty as found in Section 10 of this Bylaw or part or all of *Ticketing* as found in Section 13 of this Bylaw or reimburse all or part of the value of *Permits* as found in Sections 6 and Schedule A of this Bylaw;
(7565) (7860)
 - (b) Consumer Fireworks, to any person or organization, except between October 25th to October 31st, with sales stopping at 9:00 p.m. on October 31st in any year,"
(7860)
 - (c) Consumer Fireworks, to any person or organization, except that person or organization is in possession of a Permit issued by the Fire Chief;
 - (d) Consumer Fireworks, except that person shall keep an accurate record of the number and type of Fireworks obtained for distribution and a similar record itemizing the sale of Consumer Fireworks. Any person who sells Fireworks shall include the Permit number on the record of sale or invoice. That person shall provide such records to the RCMP upon request;
 - (e) Consumer Fireworks Roman Candles or Noisemakers, except that such Roman Candles or Noisemakers are validly included in a Family Pack;
(7565)
 - (f) Display Fireworks retail sales except to a Fireworks Supervisor as Certified by the Explosive Regulatory Division of Natural Resources Canada; or
(7565)
 - (g) Any Fireworks device imported or manufactured illegally, or not authorized by the Explosives Regulatory Division of Natural Resources Canada including firecrackers.

Firecrackers Prohibited

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

Permit to Purchase, Possess, or Discharge Fireworks Required

6. (a) No person shall purchase, possess or discharge Fireworks, except that person is over 18 years old and in possession of a Permit signed by the Fire Chief or his designate authorizing such purchase, possession, or discharge of the fireworks.
- (b) Any discharge of the Fireworks shall comply with stipulations included in or appended to the Permit.

Rescission of Permits

7. The Fire Chief or an employee or officer of District of North Vancouver Fire and Rescue Services may rescind a Permit in the event:
- i. circumstances arising or ascertained after the Permit was issued demonstrate that the public safety risk or risk to public or private property exists in connection with the Fireworks event;
 - ii. the Fire Chief determines that the Permit holder submitted false or inaccurate information in his or her application; or
 - iii. the Permit holder violates or breaches any of the provisions of this bylaw.

Dangerous Use of Fireworks

8. No person may point, direct or throw Fireworks at any person, animal, building or motor vehicle where such Fireworks are being discharged.
9. No Fireworks may be discharged within 30m of a location where flammable materials are stored, e.g. gas stations, propane tanks, lumber yards.

10. Penalty

Every person who contravenes or fails to comply with this bylaw or any condition attached to a Permit or to which a Permit is subject is guilty of an offence, is liable on summary conviction to a fine of not more than \$10,000.00 or to imprisonment for a term not exceeding six months or to both such fine and imprisonment and in default of payment of the fine to imprisonment for an additional term not exceeding three months.

(7565)

Designation of the Bylaw

11. This bylaw is designated pursuant to section 264 of the *Community Charter*, as amended, as a bylaw that may be enforced by means of a ticket in the form prescribed.

Designation of Bylaw Enforcement Officer and Local Assistants to the Fire Commissioner

12. Members of the Royal Canadian Mounted Police, and authorized Local Assistants to the Fire Commissioner are designated to enforce this bylaw by means of seizure of Fireworks and a ticket pursuant to section 264 of the *Community Charter*, as amended. Bylaw Enforcement Officers are designated to enforce this bylaw by means of a ticket pursuant to section 264 of the *Community Charter*, as amended.

13. Ticketing

The words or expressions listed below in the Designated Expression column are authorized to be used on a ticket issued pursuant to section 264 of the *Community Charter*, as amended, to designate an offence against the respective section of this bylaw appearing opposite the Section column. The amounts appearing in the Fine column below are the fines set pursuant to section 264 of the *Community Charter*, as amended, for contravention of the respective section of this bylaw appearing opposite in the Section column:

Designated expression	Section	Fine
Selling or distributing Fireworks without a business licence	4(a)	\$300.00
Selling or distributing Consumer Fireworks except between Oct. 25 and Oct. 31 inclusive, with sales stopping at 9:00 p.m. on Oct. 31 in any year	4(b)	\$1,500.00
Selling or distributing Fireworks to persons without a Permit	4(c)	\$300.00
Failure to provide accurate records as required by Enforcement Officer	4(d)	\$300.00
Selling or distributing Consumer Fireworks Roman Candles or Noisemakers other than in a Family Pack	4(e)	\$300.00
Retail sales of Display Fireworks to an uncertified person	4(f)	\$300.00
Selling illegal or unauthorized Fireworks including firecrackers	4(g)	\$300.00
Discharging firecrackers	5	\$200.00
Purchasing, possessing, or discharging Fireworks without a Permit	6(a)	\$200.00
Discharging Fireworks in contravention of a Permit	6(b)	\$200.00
Dangerous use of Fireworks	8, 9	\$500.00

(7565) (7860)

Severance

14. If any section, subsection, sentence, clause or phrase of this bylaw is for any reason found invalid by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.

Repeal

15. Bylaw 3019, being "District of North Vancouver Fireworks Regulation Bylaw, 1963", and amendments thereto, are hereby repealed.

Amended by: (7565) (7860)

SCHEDULE "A" to Bylaw 7456

FIREWORKS REGULATION BYLAW

Permit No. 100

**PERMIT TO SELL, PURCHASE, POSSESS, OR DISCHARGE
FIREWORKS**

Date _____

(Name) _____

(Address) _____

(Telephone) _____ (Cell) _____

is permitted to sell, purchase, possess or discharge fireworks, in compliance with the Fireworks Regulation Bylaw, as amended from time to time, for the purpose of a private/public (circle one) display on the following date(s):

Sale/display location/address:

Date: _____ Time: _____

Description of Event: _____

Estimated Number of Spectators: _____

Type and Quantity of Fireworks: _____

Description of Safety Precautions: _____

Contact Name and Phone for Vendor, Organizer or Sponsor of Fireworks Event:

Contact Name and Phone for Property Owner: _____

READ CAREFULLY!

I CERTIFY that I understand and will be guided by the provisions of the Fireworks Regulation Bylaw and all applicable Provincial and Federal laws and regulations in force from time to time and any conditions or restrictions imposed in this permit by the Fire Chief.

IN CONSIDERATION of \$2.00 and other good and valuable consideration (the receipt and sufficiency of which I acknowledge), I covenant that I will indemnify and save harmless the District and its elected officials, employees, officers, agents and contractors from and against any and all manner of actions or causes of action, damages, costs, loss, or expenses of whatever kind (including, without limitation, legal fees) which the District or its elected officials, employees, officers, agents or contractors may sustain, incur, or be put to by reason of or arising out of:

- (a) the issuance of this permit;
- (b) the fireworks event, including, without limitation, the handling, storage, firing, setting off, exploding or other use of fireworks in connection therewith;
- (c) my use or occupation of the location upon which the sale or fireworks event is to occur; or
- (d) any act or omission of myself or any person for whom I am, at law, responsible, including, without limitation, the non-observance or non-performance of any obligation imposed by federal or provincial law.

Signature of Applicant:

Date:

* * * * *

PERMISSION IS GRANTED to the above Applicant to sell, fire, set off or explode fireworks, in the location and at the date and time set out above, subject to the Fireworks Regulation Bylaw, as amended from time to time, and to the following conditions and restrictions:

- In accordance with requirements the Fireworks Regulation Bylaw, the Applicant shall obtain Comprehensive General Liability insurance policy with an inclusive limit of not less than \$ 1,000,000.00 per occurrence for bodily injury and property damage and provide evidence of the same to the Fire Chief or his designate no later than 3 days prior to the fireworks event.
- This permit is not transferable. Only the Applicant is authorized under this permit to sell, fire or set off fireworks.
- The Applicant may only sell, fire or set off the type and quantity of fireworks described above.
- The Applicant must ensure that all debris and litter related to the fireworks event, including any litter left by the spectators, is removed from the location at the conclusion of the fireworks display.

Signature of the Fire Chief or his authorized designate

(The information collected will only be used for the intended purpose of this Permit.)

Special Instructions:

(7860)

