



THE CORPORATION OF THE CITY OF NORTH VANCOUVER

**“Fireworks Regulation Bylaw, 2005, No. 7677”**

**CONSOLIDATED FOR CONVENIENCE – MARCH 23, 2009**

Amendment Bylaw, 2009, No. 7993	March 23, 2009
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# THE CORPORATION OF THE CITY OF NORTH VANCOUVER

## BYLAW NO. 7677

### A Bylaw to regulate the sale, purchase, possession, disposal and discharge of Fireworks in the City of North Vancouver pursuant to section 264 of the *Community Charter* (SBC 2003, c.26).

The Council of The Corporation of the City of North Vancouver, in open meeting assembled, enacts as follows:

#### Title

1. This bylaw shall be known and cited for all purposes as “**Fireworks Regulation Bylaw, 2005, No. 7677**”.

#### Definitions

2. In this bylaw:

“**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, 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, rail companies, police or other agencies for signaling purposes or illumination.

Fireworks include Canadian Class 7 Fireworks such as cannon crackers, fireballs, firecrackers, mines, roman candles, skyrockets, squibs, and torpedoes, showers, fountains, golden rain, lawn lights, pin wheels, roman candles, volcanoes, sparklers, rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, aerial shells, mines, and any other explosive designated as a firework, however does not include caps for toy guns, model rocket engines or Christmas crackers.

“**Fire Chief**” shall mean the Fire Commissioner, the Local Assistant to the Fire Commissioner, or those persons appointed under the *Fire Services Act* and amendments thereto of the Province of British Columbia and the Fire Inspector for the Municipality.

“**Municipality**” shall mean the Municipality of the City of North Vancouver.

“**Public Fireworks Display**” means a fireworks display at which the public, or any section of the public, are present whether or not they have paid to be present.

#### Sale, purchase, possession, disposal or discharge of Fireworks

3. (a) No person or organization shall sell, purchase, possess, dispose or discharge Fireworks in the City of North Vancouver, except as provided herein.
- (b) No person or organization shall sell, offer for sale, give or otherwise distribute Fireworks without a business licence issued by the City of North Vancouver.

### **Permission or permit**

4. Fireworks may be sold to and discharged by persons:
  - (a) 18 years of age or over; and
  - (b) conducting a Public Fireworks Display or representing an organization conducting such a public display; and
  - (c) with a permit, being written permission of the Fire Chief having jurisdiction in the Municipality;

PROVIDED THAT the said display is conducted under the direct supervision of a person who has been certified as a Fireworks Supervisor under the *Explosives Act*.

Any discharge of the Fireworks shall comply with any conditions included in the permit; in strict accordance with the manufacturer's approved instructions and the requirements of the Explosives Regulatory Division of Natural Resources Canada.

### **Applications of Provisions**

5. 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 City of North Vancouver.
6. For the purposes of this bylaw, the sales or setting off of pyrotechnical signaling devices for marine, military or railway purposes or truck flares shall not be deemed to be the sale or setting off of Fireworks.

### **Rescission of Permission or Permit and Confiscation of Fireworks**

7. The Fire Chief, a member of North Vancouver City Fire Department, or member of the Royal Canadian Mounted Police may rescind a permit or written permission, confiscate and seize any Fireworks and issue a ticket in the event:
  - (a) Circumstances arising or ascertained after the written permission or permit was issued demonstrate that a public safety risk or risk to public or private property exists in connection with the Fireworks event;
  - (b) The Fire Chief determines that the permit holder submitted false or inaccurate information in his or her application;
  - (c) The permit holder violates or breaches any of the provisions of this Bylaw or any condition of the permit;
  - (d) The Fireworks are used in a dangerous manner. No person may point, direct or throw Fireworks at any person, animal, building or motor vehicle where such Fireworks are being discharged;
  - (e) The Fireworks are used in a public place. No person may explode, light or discharge any Fireworks on a highway, street, park, playground, school grounds or any other public place within the municipality.

## **Ticketing, Confiscation and Seizure of Fireworks**

8. (a) The Fire Chief, a member of North Vancouver City Fire Department, or member of the Royal Canadian Mounted Police may ticket, confiscate and seize any Fireworks from a person who does not have written permission to purchase, possess, dispose or discharge fire works.
- (b) The Fire Chief, a member of North Vancouver City Fire Department or member of the Royal Canadian Mounted Police may ticket, confiscate and seize any Fireworks from a person, business or organization that sells Fireworks without a business license;
- (c) The Fire Chief, a member of North Vancouver City Fire Department or member of the Royal Canadian Mounted Police may ticket, confiscate and seize any Fireworks from a person, business or organization that sells Fireworks to a person, business or organization that does not have written permission to purchase, possess, dispose or discharge fire works.
- (d) Fireworks confiscated under this bylaw are not required to be returned, nor shall the person, business or organization be compensated.

## **Firecrackers Prohibited**

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

## **Penalty**

10. Every person who contravenes or fails to comply with this bylaw commits an offence and is punishable in accordance with the provisions of the *Offence Act (British Columbia)* and may be fined up to a maximum of \$10,000 in accordance with the *Community Charter*.

## **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, Fire Chief, authorized Local Assistants to the Fire Commissioner, and Fire Inspector for the Municipality are designated to enforce this bylaw by means of seizure of Fireworks and/or a ticket pursuant to section 264 of the *Community Charter*, as amended. Bylaw Enforcement Officers and Business License Inspectors are designated to enforce this bylaw by means of a ticket pursuant to section 264 of the *Community Charter*, as amended.

**Offences, Penalties and Enforcement** [Bylaw 7993, March 23, 2009]

13. Every person who violates a provision of this Bylaw, or 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 or any other applicable Bylaw of the City, and is guilty of a separate offence each day that a violations continues to exist.

Any person who contravenes any of the provisions of this bylaw commits an offence punishable upon summary conviction and is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than six months or to both. Each day than an offence continues shall constitute a separate offence.

Pursuant to Section 264 of the *Community Charter*, S.B.C. 2003, Chapter 26, any person designated as a Bylaw Enforcement Officer pursuant to the "Bylaw Notice Enforcement Bylaw, 2005, No. 7675" or is named as the enforcement officer pursuant to the "Ticket Information Utilization Bylaw, 1992, No. 6300" is hereby authorized and empowered to enforce the provisions of this Bylaw by Bylaw Notice or Municipal Ticket Information or as otherwise provided by this or any other Bylaw.

The provisions of this Bylaw are severable. If, for any reason, any provision is held to be invalid by the decision of a court of competent jurisdiction, such a decision shall not affect the validity of the remaining provisions of this Bylaw.

[Bylaw 7993, March 23, 2009]

**Repeal**

14. "Fireworks Regulation Bylaw, 1963, No. 3270", and all amendments thereto, are hereby repealed.

READ a first time by the Council on the 14<sup>th</sup> day of March, 2005.

READ a second time by the Council on the 14<sup>th</sup> day of March, 2005.

READ a third time and passed by the Council on the 14<sup>th</sup> day of March, 2005.

RECONSIDERED and finally adopted by the Council, signed by the Mayor and City Clerk and sealed with the Corporate Seal on the 21<sup>st</sup> day of March, 2005.

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"Barbara A. Sharp"

MAYOR

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"Sandra E. Dowey"

CITY CLERK