

NO. 07-070

FIREWORKS BYLAW

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to regulate the sale, possession, and use of fireworks.

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Schedule A – Fees

Under its statutory powers, including sections 8(3)(d), 194, and 260 to 265 of the *Community Charter*, and section 2 of B.C. Regulation 425/2003 [*Community Charter Bylaw Enforcement Ticket Regulation*], the Council of the City of Victoria enacts the following provisions:

PART 1 – INTRODUCTION

Title

- 1 This Bylaw may be cited as the "FIREWORKS BYLAW".

Definitions

2 In this Bylaw

“Fire Chief”

means the person appointed from time to time as the Fire Chief of the Fire Department, or that person’s representative;

“fireworks”

- (a) means the “Class 7” fireworks in the Explosives Regulation (Canada) or its successor regulation;
- (b) does not include sparklers, Christmas crackers, caps for toy guns, model rocket engines as specified in Subdivision 3, Division 2, Class 7 of the Explosives Regulation (Canada), or highway flares or other small distress signals used exclusively for that purpose;

“Fire Department”

means the City of Victoria Fire Department;

“Fireworks Supervisor”

- (a) means a person possessing either a valid certificate for a Level 1 Supervisor or a valid Level 2 Supervisor, issued by the Explosives Branch of Natural Resources Canada;
- (b) does not include a person possessing only an Apprentice Certificate;

“incident”

means any of the following occurrences to which the Fire Department has responded:

- (a) fire,
- (b) explosion,
- (c) a situation where a fire or explosion has occurred or is imminent,
- (d) any other situation presenting a danger or possible danger to life or property;

“peace officer”

means the person holding any of the following positions:

- (a) Fire Chief;
- (b) Fire Prevention Officer;

- (c) Bylaw Officer;
- (d) police officer;

“permit”

means a permit issued under this Bylaw by the Fire Chief for the discharge of fireworks;

“wholesaler”

- (a) means a permit holder who is engaged in the bulk sales of fireworks under a business licence issued by the City;
- (b) includes that person’s officials, employees, and shipping contractors;
- (c) does not include a person engaged in the retail sale of fireworks to the general public.

Severability

- 3 Each provision of this Bylaw is intended to be independent to the extent that the setting aside of the provision by a court does not affect the validity of the remaining provisions.

PART 2 – PERMITS

Application for permit

- 4 (1) An application for a permit must
- (a) be in the form prescribed by the Fire Chief;
 - (b) be submitted to the Fire Chief at least 14 days before the date of the event for which the permit is required;
 - (c) include proof of the insurance described in subsection (2)(b);
 - (d) include proof of a valid Fireworks Supervisor Certificate;
 - (e) include a site plan and details of the location, duration, and safety measures in place for the event for which the permit is required.
- (2) An applicant for a permit must
- (a) pay the permit fee set out in Schedule A;
 - (b) in a form acceptable to the City, obtain and maintain public liability insurance, that is
 - (i) in the name of the applicant and the City,

- (ii) obtained from an insurance company registered to do business in British Columbia , and
 - (iii) that provides coverage on an “occurrence basis” in an amount of at least \$5 million;
 - (c) accompany a member of the Fire Department on an initial site inspection, and any site re-inspections required by the Fire Department, of the site of the event for which the permit is required;
 - (d) pay the re-inspection fee, if applicable under paragraph (c), set out in Schedule A.
- (3) Subject to this Bylaw and the *Explosives Act* (Canada), the Fire Chief may grant or refuse a permit.

Conditions of permit

- 5 A permit holder must
- (a) not possess, fire, or discharge fireworks other than those specified in the permit;
 - (b) possess, fire, and discharge fireworks only in accordance with the terms and conditions of the permit;
 - (c) ensure that fireworks are possessed, fired, and discharged only by the permit holder, or under that person’s direct supervision;
 - (d) immediately present the permit for inspection when that is requested by a peace officer.

Suspension and revocation

- 6 The Fire Chief may suspend or revoke a permit if the permit holder has contravened, or authorized, permitted, or suffered the contravention of
- (a) a provision of this Bylaw;
 - (b) the *Fire Services Act* or its regulations, or any other applicable statute or regulations;
 - (c) a term or condition specified in the permit.

PART 3 – REGULATIONS

Sales, gifts, trading

- 7 A person who is not a wholesaler must not offer for sale, sell, give, or trade fireworks.

Possession of fireworks

8 A person who is not a wholesaler must not possess fireworks without a current permit.

Use of fireworks

9 A person may fire or discharge fireworks only if that is authorized by a permit.

PART 4 – GENERAL

Incident service fee

- 10** (1) For the purposes of subsection (2) and Schedule A, the duration of an incident is the period of time
- (a) beginning at the time of the initial call to the Fire Department requesting a response to the incident, and
 - (b) ending when the Fire Department's last responding unit of equipment returns from the incident to regular service;
- (2) For the purpose of paying the Fire Department's costs of responding to an incident, a person who directly causes an incident because of that person's misuse of fireworks, including but not limited to the failure to comply with this Bylaw, a permit, or an applicable statute or regulation, in addition to any other fee or penalty imposed by Bylaw, must pay to the City the incident service fee set out in Schedule A.

Surrender of fireworks

- 11** (1) A person who possesses, fires, or discharges fireworks contrary to this Bylaw must immediately surrender the fireworks to a peace officer who requests that be done.
- (2) A peace officer to whom fireworks are surrendered under subsection (1) must hold them as evidence of the commission of an offence of possession, firing, or discharge.

Offences and penalties

- 12** (1) A person who contravenes a provision of this Bylaw is guilty of an offence and is subject to the penalties imposed by this Bylaw and the *Offence Act*.
- (2) Each day that a contravention of a provision of this Bylaw continues is a separate offence.
- (3) The maximum penalty for each separate occurrence of an offence contrary to this Bylaw is a fine of \$10,000.
- (4) The minimum penalty is a fine of \$200 for each separate occurrence of an offence contrary to any of the following sections:

- (a) section 5 *[conditions of permit]*;
- (b) section 7 *[offering for sale, selling, giving, or trading fireworks]*;
- (c) section 8 *[possession of fireworks]*;
- (d) section 9 *[firing or discharging fireworks]*;
- (e) section 11 *[failure to surrender fireworks]*.

Repeal

13 Bylaw No. 96-10, The Fire Prevention and Regulation Bylaw is amended

- (a) in section 2 by repealing the definitions of “Family Fireworks”, “Family Pack”, “firecrackers”, “fireworks”, and “Roman Candle”, and
- (b) by repealing section 16.

READ A FIRST TIME the	13th	day of	September,	2007
READ A SECOND TIME the	13th	day of	September,	2007
READ A THIRD TIME the	13th	day of	September,	2007
ADOPTED on the	20th	day of	September,	2007

“ROBERT G. WOODLAND”
CORPORATE ADMINISTRATOR

“ALAN LOWE”
MAYOR

Schedule A
Fees

Permit	\$100 per event
Permit for:	
-events sponsored by the City	no fee
-events held by not-for-profit community-based associations incorporated under the <i>Society Act</i> (B.C.) and operating within the City	no fee
Site re-inspection	\$100
Incident service fee	\$500 per hour for each unit of equipment (minimum fee of 3 hrs.)