

BY-LAW NO.

A By-law to amend Fire By-law No. 8191
regarding fireworks

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions and schedules of the Fire By-law.
2. In Article 1.2.1.2., Council:
 - (a) repeals the definition of "Bottle rocket";
 - (b) after the definition of "*Dangerous goods*", adds:

"Discharge fireworks or Discharge of fireworks means to discharge, ignite, explode, set off, or detonate fireworks."
 - (c) after the definition of "Display fireworks", adds:

"Display permit means a permit issued under Sentence 5.8.2.1.(6).

Display permit holder means a person who holds a valid and current display permit."
 - (d) repeals the definition of "*Family fireworks*";
 - (e) repeals the definition of "*Family pack*";
 - (f) repeals the definition of "*Firecracker*";
 - (g) strikes out "*family fireworks* and" from the definition of "*Fireworks*"; and
 - (h) repeals the definition of "*Roman candle*".
3. Council repeals Articles 5.8.2.1., 5.8.2.2., 5.8.2.3., and 5.8.2.4., and substitutes:

5.8.2.1. General

 - 1) A person must not offer for sale, sell, or dispose of *fireworks* to any person except a *display permit holder*.

- 2) A person who sells or disposes of *fireworks* to a *display permit holder* must
 - a) at the time of the sale or disposition, examine the *display permit holder's display permit* to ensure that it is current,
 - b) require the *display permit holder* to produce two pieces of identification that corroborate the name of the *display permit holder* on the *display permit*, and
 - c) comply with all conditions on the *display permit* that apply to the sale or disposition of *fireworks*.

- 3) A person must not possess or discharge *fireworks* except if that person is a *display permit holder*, and complies with the requirements of this By-law and all conditions on the *display permit*.

- 4) A person who is a *fireworks supervisor* and at least 19 years of age may apply to the *Fire Chief* for a *display permit* to *discharge fireworks*, and must submit
 - a) a completed *display permit* application in the form prescribed by the *Fire Chief*,
 - b) a release and indemnity in the form prescribed by the Director of Legal Services for the city,
 - c) a certificate of insurance showing evidence that the applicant for the *display permit* has comprehensive general liability insurance which
 - (i) has a coverage limit of not less than \$5,000,000.00 per occurrence,
 - (ii) includes the city as an additional named insured, and
 - (iii) has a deductible of not more than \$5,000.00,
 - d) proof that Natural Resources Canada has certified the applicant as a *fireworks supervisor*, and that the certification is current,
 - e) if the discharge of *fireworks* under the *display permit* is to occur on property not owned by the applicant, an authorization signed by the property owner or property owner's agent, and
 - f) such other information or material as this By-law or the *Fire Chief* may require.

- 5) If
 - a) the applicant fails to comply with the requirements of Sentence (4),

- b) the applicant provides false or inaccurate information on the application for the *display permit*,
 - c) the *Fire Chief* does not approve the proposed location for the *discharge of fireworks*, or
 - d) this By-law otherwise authorizes the *Fire Chief* to refuse to issue a *permit*, the *Fire Chief* may refuse to issue the *display permit* applied for under Sentence (4).
- 6) The *Fire Chief* may issue a *display permit*, and may impose conditions on that *display permit* including the following
- a) the location at which the *discharge of fireworks* under the *display permit* may take place,
 - b) the days and times the discharge of fireworks may occur at that location,
 - c) the fire safety precautions the *display permit holder* must take in connection with the *discharge of fireworks* under the *display permit*, and
 - d) safe storage of the *fireworks* that the *display permit holder* intends to *discharge* under the *display permit*.
- 7) If
- a) a *display permit holder* violates any applicable law or any condition of the *display permit*,
 - b) a *display permit holder* acts in such a manner as to endanger property or public safety,
 - c) environmental or weather conditions are such that the *discharge of fireworks* under the *display permit* would endanger property or public safety, or
 - d) this By-law otherwise authorizes the *Fire Chief* to revoke a *permit*,
- the *Fire Chief* may revoke the *display permit*.
- 8) A *display permit* is
- a) valid only for the *discharge of fireworks* at the location and during the days and times specified in the *display permit*, and
 - b) not transferable.

- 9) Without limiting the generality of this Article 5.8.2.1., a person must not
- a) point or direct *fireworks* at any person, animal, *building*, or motor vehicle where such *fireworks* are in the process of projecting or discharging a charge or pyrotechnical effect more than 1 m, or
 - b) *discharge fireworks* in such a manner as may endanger any person or property or cause a nuisance to any person or property.
- 10) If a person is holding *fireworks* in violation of this By-law, any member of the Fire Department or Police Department may seize and dispose of such *fireworks*, and the city is not liable to pay any compensation to such person for such *fireworks*."

4. From Schedule A-1, Council repeals:

Selling Fireworks (Annual Permit)	75.00		75.00
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5. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this day of , 2006

Mayor

City Clerk

EXPLANATION

Fire By-law amending by-law re fireworks

The attached by-law will implement Council's resolution of September 14, 2006 to amend the Fire By-law to regulate fireworks and restrict their use to display fireworks.

Director of Legal Services
September 14, 2006