



ADMINISTRATIVE REPORT

Report Date: May 27, 2014
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Meeting Date: July 8, 2014

TO: Vancouver City Council
FROM: Fire Chief/General Manager of Fire and Rescue Services
SUBJECT: Fireworks Retail Sales Locations

RECOMMENDATION

- A. THAT Council amend the Fire By-law to prohibit retail sales of fireworks in a building which contains a dwelling or care occupancy.
- B. THAT the Director of Legal Services be instructed to bring forward amendments to the Fire By-law generally in accordance with Appendix B.

REPORT SUMMARY

The Explosives Regulations (Canada), which is referenced by the Fire By-law for the use and storage of explosives, including family fireworks had, in previous years, prohibited retail sales of fireworks in a building that has a dwelling attached.

Recent changes to the Explosives Regulations now permit retail sales of fireworks in any building, including a building that has a dwelling attached. In order to reduce the fire and life safety risk in residential or institutional buildings, staff proposes to retain the prohibition of retail sales in any building that contains a residential or care occupancy except where the building is fully sprinklered and provided with a concrete or masonry fire separation.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

- In July 2004, Council approved amendments to the Fire By-law to establish regulations regarding the dates during which family fireworks could be sold, possessed and discharged, and the types of family fireworks which were lawful. In particular, the sale or discharge of bottle rockets, roman candles, and firecrackers was prohibited.

- Through the City's Fire By-law, the City regulates the health and safety of persons, and fire protection of buildings and properties in the City.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

The Fire Chief/General Manager of Fire and Rescue Services recommends approval of the foregoing.

REPORT

Background/Context

Family fireworks (also known as consumer fireworks) are classified as explosives under the federal Explosives Act and Regulations. The presence of a large quantity of fireworks is considered a high risk for fire and life safety.

The Fire By-law references the Explosives Regulations (Canada) for the use and storage of explosives, including family fireworks. In previous years, the Regulations prohibited sales of fireworks in a building that has a dwelling attached.

Effective February 1, 2014, the Explosives Regulations had been changed. Retail sales are still prohibited from being sold from within a dwelling. However, the Regulations no longer prohibit the retail sales of fireworks in a building which has a dwelling attached, when the total quantity of explosive material present in the building does not exceed 100 kg.

In the rationale provided with the rewrite of the Explosives Regulations 2013, the new Regulations were written to "better reflect existing industry practices and standards". (See Appendix A - Explosives Regulations, 2013)

The storage and display of family fireworks in a retail store must meet strict requirements in terms of quantity allowed, types of fireworks allowed, whether or not they are properly packaged to prevent handling by customers, the installation of fire breaks required between bundles, and the type of material used as fire breaks.

Strategic Analysis

A fire in a building containing family fireworks can be highly challenging for fire fighting and can be very dangerous to people who require the time to wake up to a fire alarm and to start evacuating, and to people who require a longer period of time or assistance to evacuate because of their limited mobility. The maximum quantity of 100 kg of explosive material inside fireworks in a residential or care building, as permitted in the Regulations, still poses a high risk which is unacceptable to the Fire Chief.

A fire involving fireworks increases the potential of explosions that can severely damage the building's structural integrity, and the building's fire separation that were

designed to protect the building occupants and emergency first responders before, during, and after evacuation of the occupants. Fire separations required by the Building By-law are not designed nor required to be designed as barriers against an explosion. An explosion inside a building may render the exit stairs and other egress facilities unusable. The highly combustible and explosive content will further allow fire to grow and pass easily through the damaged fire separations and then throughout a building.

In 2010, a fire occurred in a family fireworks retail store on Venables Street during the early morning hours. The building was an unsprinklered single storey wood frame building. The resulting explosions and fire destroyed the building and immediate property. Losses were over \$1 million.

The Fire Chief intends to uphold a higher safety standard that was in place prior to the current standard that reflected “existing industry practices.” Except where the sales of fireworks is located in a fully sprinklered structure and where a 2 hour fire separation of concrete or masonry is provided to separate the retail unit from the remainder of the building, the Fire Chief proposes to maintain the ban on fireworks retail sales in a building containing a residential or care occupancy, in order to maintain the level of fire and life safety intended by the Fire By-law.

Implications/Related Issues/Risk (if applicable)

Financial

There are no financial implications.

Legal

An amendment to the Fire By-law will be brought forward after Council resolution.

CONCLUSION

The Fire By-law references the Explosives Regulations (Canada) in regards to family fireworks which was changed recently and allows fireworks to be sold in a residential building. The Fire Chief is concerned for the safety of the occupants if a fire occurs in a building that has a residential or care occupancy, and contains a significant quantity of explosives. The prohibition of sale of fireworks in a building containing residential or care occupancy will maintain the level of fire and life safety intended by the Fire By-law. Staff recommends Council amend the Fire By-law to prohibit the sale of retail fireworks in a building containing a residential or care occupancy.

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Explosives Regulations, 2013

Welcome!

Welcome to the Consulting With Stakeholders web site! The Explosives Safety and Security Branch (ESSB) is committed to ensuring a seamless transition from the current *Explosives Regulations* to the new *Explosives Regulations, 2013* on February 1, 2014. This site provides our industry stakeholders and security partners with single-window access to the new *Explosives Regulations, 2013* and corresponding guideline documents, frequently asked questions, consultation feedback, and helpful links.

Your feedback and comments are important to us. Please feel free to submit comments regarding this site that will enable us to serve you better.

EXPLOSIVES REGULATIONS, 2013 – BACKGROUND

Modernization of the *Explosives Regulations* required a complete rewrite of the legal text and introduces a minimal number of new requirements. This was necessary as the *Explosives Regulations* were outdated and difficult for stakeholders to navigate, understand, and determine obligations. The *Explosives Regulations, 2013* better reflect existing industry practices and standards. This initiative eliminates some requirements that are addressed in other recently adopted legislation and clarifies regulatory intent through better structure and simpler language. It also ensures the use of modern regulatory concepts and reflects modern technologies and business practices.

Drivers Leading to the New Regulations

Three main drivers led to the commitment to modernize the *Explosives Regulations*:

1. The technologies, products, and industry that the *Explosives Regulations* were designed to control have changed significantly. Industrial practices have changed to the point that the previous regulations were governing an industry that, in effect, no longer exists. For example, dynamite was the most significant explosive.
2. The industry structure has changed, driven in part by industry globalization and rationalization. These changes have had major consequences such as a loss of experienced personnel and expertise as the result of industry downsizing and growing numbers of imported products.
3. New security concerns have emerged, resulting in the need to strengthen security and support Canada's commitment to long-term security.

The *Explosives Regulations* were revised with the objective of developing:

- a regulatory program based on an integrated and evidence-based approach that manages safety and security risks across the range of explosives-related activities;
- a regulatory framework that is accessible, understandable, and responsive through inclusiveness, transparency, and accountability;
- where possible, a regulatory program that promotes a fair and competitive market economy and minimizes the regulatory burden placed on industry; and
- a regulatory program that enables cooperation/harmonization with other departments and is benchmarked against international best practices.

The overall goal of the initiative was to ensure a balanced approach to managing explosives safety and security risks while minimizing the impact on business and supporting innovation and competitiveness. For example, modernization of the *Explosives Regulations* should lower costs to businesses by eliminating overlap and duplication, harmonizing exemptions, eliminating unnecessary permits, and reducing the time and effort needed to train staff. Better compliance with the *Explosives Regulations, 2013* is the expected result.

Consultations and Collaboration With Industry Stakeholders and Partners

The ESSB is committed to engaging the explosives industry and security partners and including them in the decision-making process. The involvement of industry stakeholders and partners has been essential to enable ESSB to gain new perspectives and identify industry concerns in order to fulfill its mandate, develop new policies/regulations, and deliver programs and services to Canadians. Throughout the development of the *Explosives Regulations, 2013*, industry stakeholders and partners have been very supportive and have contributed time, effort, and ideas to making these Regulations better.

On March 17, 2012, the proposed *Explosives Regulations, 2012* were published in the *Canada Gazette*, Part I, for a 75-day consultation period. During that time, stakeholders were given a final opportunity to review and comment on the proposed changes before the final version was published in the *Canada Gazette*, Part II, on December 18, 2013. We invite you to review the [list of comments/feedback](#) from our stakeholders during this final review and the corresponding responses from the ESSB.

DESCRIPTION

In the past, stakeholders had to scan the entire set of *Explosives Regulations* to determine what requirements applied to their situation. The revised *Explosives Regulations, 2013* package is sub-divided into 20 Parts for ease of reference. The organization of information into specific sections for stakeholders is one of the major improvements to the Regulations.

FAQS, GUIDELINE DOCUMENTS, AND SAMPLE PLANS

We welcome questions about the *Explosives Regulations, 2013*, but request that you first look at the table below, which outlines each Part. Clicking on the Part will take you to a more detailed description of the Part, a summary of the changes resulting from the new *Explosives Regulations, 2013*, and helpful links. The links are to FAQs and guideline documents (with sample plans), and provide important or helpful regulation section references. Use of the sample plans is not mandatory; however, using them will ensure consistency and compliance with the *Explosives Regulations, 2013* and assist stakeholders with any new requirements.

Part	Title	Link
	General Information	General Information
1	Introduction	Part 1
2	General Requirements, Prohibitions and Safety Precautions	Part 2
3	Authorization and Classification of Explosives	Part 3
4	Importing and Exporting Explosives and Transporting Explosives in Transit	Part 4
5	Manufacturing Explosives	Part 5
6	Magazine Licences and Storage in a Licensed Magazine	Part 6
7	Provisions of General Application	Part 7
8	Screening	Part 8
9	Transporting Explosives	Part 9
10	Military Explosives and Law Enforcement Explosives	Part 10
11	Industrial Explosives	Part 11
12	Power Device Cartridges	Part 12
13	Special-Purpose Explosives	Part 13
14	Small Arms Cartridges, Propellant Powder and Percussion Caps	Part 14
15	Model and High-Power Rocket Motors	Part 15
16	Consumer Fireworks	Part 16
17	Special Effect Pyrotechnics	Part 17
18	Display Fireworks	Part 18

19	Fees	Part 19
20	Restricted Components	Part 20
	Amendments to These Regulations	Sections 499 to 508
	Repeal	Section 509
	Coming into Force	Section 510
	Application Forms for Licences, Permits and Certificates	Forms

QUICK INFORMATION LINKS

I want to . . .

- apply for a magazine licence ([Part 6](#))
- import or export explosives ([Part 4](#))
- find out about family fireworks safety information ([Part 16](#))
- request a product authorization ([Part 3](#))
- find out the cost of licences, permits, and certificates ([Part 19](#))
- enroll as a supplier of explosives precursors ([Part 20](#))
- find out what the requirements are for manufacturing explosives ([Part 5](#))
- understand the requirements for a Security Plan ([Part 5](#) and [Part 6](#))
- understand the requirements for vehicle tracking and communications ([Part 9](#))
- store black and smokeless powder for hand loading of ammunition ([Part 14](#))
- find out what the requirements are for selling, acquiring, and storing model and high-power rocket motors and their igniters ([Part 15](#))
- enroll for a fireworks or pyrotechnician course ([Part 17](#) and [Part 18](#))
- understand the requirements for selling, acquiring, storing, and using display fireworks ([Part 18](#))
- understand the requirements for selling, acquiring, storing, and using pyrotechnic special effects ([Part 17](#))
- find out more about military and law enforcement explosives ([Part 10](#))
- understand the requirements for selling, acquiring, storing, and using consumer fireworks ([Part 16](#))
- find out what the process is for screening ([Part 8](#))
- understand the requirements for industrial explosives ([Part 11](#))

To review the complete *Explosives Regulations, 2013*, [click here](#).

For more information, visit [our main page](#).

Date Modified: 2014-01-15

BY-LAW NO. _____

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

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 5.8.2.2, after Sentence (6), Council adds:
 - “7) A person who sells or disposes of *family fireworks* to the public shall not store, display or sell *family fireworks* in a *building* containing a *care or detention occupancy*, or a *residential occupancy*, except in a fully *sprinklered building* in a *suite* which is separated from the remainder of the *building* by a 2 h *fire separation* of concrete or masonry.
 - 8) A person who sells or disposes of *family fireworks* to the public in a *suite* in accordance with Sentence (7) shall not:
 - a) display more than 25 kg (55 lbs) of *family fireworks* on the premises,
 - b) store more than 100 kg (220 lbs) of *family fireworks* on the premises, or
 - c) smoke, or suffer, permit or allow any person to smoke, in any room where *family fireworks* are stored, displayed or sold.
 - 9) A person who sells or disposes of *family fireworks* to the public in a *suite* in accordance with Sentence (7) shall:
 - a) provide at least one portable fire extinguisher with a rating of not less than 4A:80B:C, in good working order, in every room where *family fireworks* are stored, displayed or sold, and
 - b) post a “No Smoking” sign in a visible location in every room where *family fireworks* are stored, displayed or sold.”
3. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this _____ day of _____, 2014

Mayor

City Clerk