



REPORT

Report Date: February 18, 2020
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Meeting Date: June 9, 2020
[Submit comments to Council](#)

TO: Vancouver City Council
FROM: Fire Chief, General Manager Fire Rescue Services
SUBJECT: Report Back - Fireworks Ban

RECOMMENDATION

- A. THAT the Director of Legal Services be instructed to bring forward for enactment by Council a By-law to amend the Fire By-law, generally in accordance with Appendix A, to come into force and take effect upon enactment, except that sections 2 and 4 are to come into force and take effect on November 1, 2020.
- B. THAT, subject to approval of Recommendation A, the Director of Legal Services be instructed to bring forward for enactment by Council a By-law to amend the Ticket Offences By-law generally in accordance with Appendix B, to come into force and take effect upon enactment, except that section 3 is to come into force and take effect on November 1, 2020.

REPORT SUMMARY

This report back to Council describes a proposed implementation plan to ban the sale and use of consumer fireworks by the general public by 2021 following the decision by Council on November 5, 2019.

The ban will not affect the current permit process that allows the use of fireworks at any time of the year for special events when supervised under a certified fireworks technician.

The implementation plan is proposed in two steps. In the first step, consumer fireworks will continue to be allowed for Halloween in October, 2020 without significant change to the current process, except that

- the closing time for vendors selling fireworks will change from midnight on October 31st to no later than 6 pm on October 31st, and

- the fines issued by municipal ticket information (MTI) for violations of the Fire By-law associated with fireworks will increase from \$500 to \$1000 per offense.

In the second and final step, the sale of consumer fireworks to the general public, and the use of consumer fireworks by the general public will be prohibited immediately after Halloween in 2020.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

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.

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

In July 2015, Council approved a new Fire By-law and added new provisions in the Ticket Offenses By-law that allow the Fire Chief or designates, and police officers to issue municipal ticket information to persons in violation of the Fire By-law related to the sale and use of fireworks.

On November 5, 2019, Council resolved to ban by the year 2021 the sale and use of consumer fireworks to the general public while still allowing the use of consumer and display fireworks by certified fireworks technicians.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

The City Manager recommends approval of the foregoing.

REPORT

Background/Context

The Explosives Regulation of Canada classifies fireworks into four types:

- F.1 — consumer fireworks,
- F.2 — display fireworks,
- F.3 — special effect pyrotechnics,
- F.4 — fireworks accessories;

Fireworks of all types from F.1 to F.4 are permitted to be used at any time during the year in the City when an application is made by a certified fireworks technician for a fire permit. The application must be accompanied by, among other things, an insurance policy with a minimum \$5 million, a fire safety plan, the property owner's authorization, and payment of a permit fee of \$300.

Currently, and only for Halloween on October 31st of each year and only for consumer fireworks, the regular fireworks use permit process is substituted with an online permit system in which any member of the public over 19 years of age can apply. The online system requires the applicant to read safety information and to pass a written test on the safe handling and use of fireworks. There is no fee associated with this consumer fireworks use permit.

Also currently, and only between October 25th and October 31st, vendors are permitted to sell consumer fireworks to members of the public who hold an online permit. Vendors must apply for a fire permit to sell fireworks to the general public. The vendor's premises must meet certain fire safety criteria in order to be issued a fire permit to sell. Once a fire permit to sell is pre-approved by a fire inspector, the vendor must have a valid business licence, or obtain a business licence (that will only be valid for as long as the fire permit is valid) from the License Office, in order to be issued the fire permit to sell.

Fire permits to use fireworks and to sell fireworks to the general public, and business licences that are linked to fire permits all expire on October 31st of each year.

On November 5, 2019, Council resolved to ban the sale and use of consumer fireworks during Halloween and directed staff to work on a plan to implement the ban by the year 2021.

Council resolution was as follows:

“THEREFORE BE IT RESOLVED THAT Council direct staff to work with Vancouver Fire and Rescue Services and the Vancouver Police Department to report back in 2020 on a plan to ban the retail sale of consumer fireworks to the public as well as the use of consumer fireworks in the City of Vancouver by 2021. Considerations should include:

- i. How to address enforcement and compliance with a ban on consumer fireworks;
- ii. Exemptions for how display fireworks can still be used as part of large public events (Canada Day, Celebration of Light, New Year's Eve etc.) and cultural/religious occasions (Diwali, Chinese New Year Parade and celebrations, etc.);
- iii. An authorized Fire permit from the City of Vancouver to ignite, explode, set off or detonate display fireworks within the guidelines and conditions of the permit, Vancouver Fire By-law, and the Canadian Explosives Regulations; and
- iv. Necessary by-law changes to facilitate a ban on the retail sale of consumer fireworks
- v. Necessary amendments to the Fire By-law in order to facilitate a ban on the use of consumer fireworks.”

Strategic Analysis

The fireworks ban for Halloween is proposed to be implemented in two steps in order to allow time for industry to adjust and manage remaining stock.

In the first step, for Halloween in October 2020, it is proposed that

- Vendors selling fireworks to the general public must close business no later than 6 pm on October 31st instead of midnight.
- Fines for violations of the Fire By-law associated with fireworks increase from \$500 to \$1000 per offense.

Vendors currently require a fire permit to sell consumer fireworks to permit holders who have passed the online test. Vendors are limited by the fire permit to only be able to sell between October 25th to October 31st. Sale of fireworks to the general public is not permitted outside of this period.

Experience has shown that vendors try to sell as much firework as possible before midnight. Permit holders, if they have not set off all their fireworks in their possession before midnight would then be in violation of the Fire By-law. The proposed earlier closing time of business at 6 pm would ensure that consumers have sufficient time to handle and set up their fireworks properly and safely.

In the second and final step, after Halloween 2020 is over, the online permit system to use fireworks by the general public, and the sale to the general public fire permit process will be eliminated, effectively banning the sale to, and use of fireworks by the general public. The proposed Fire By-law amendments are shown in Appendix A.

For community events such as Chinese New Year, Diwali, Celebration of Lights, and Canada Day, the permitted use of fireworks will not be affected. Fireworks of all types, including consumer and display fireworks, will continue to be permitted under a regular fire permit issued to certified fireworks technicians who hold at a minimum a “fireworks operator certificate (display supervisor)” issued by Natural Resources Canada.

Each year VFRS spends approximately \$20,000 on enforcement and compliance of all vendors selling consumer fireworks to the general public. This is for the period of time of October 25th to October 31st. Since permit fees to the public are free the only revenue returned to cover these costs is through the vendor permits. Over the years many of the problems by fire inspectors and police are due to vendors selling fireworks outside of the permit conditions (for example, selling to persons under age or without permit). Most municipal tickets written in relation to fireworks have been to vendors breaking these conditions. Historically, we have noted that the most difficult time for enforcement and compliance is on the evening of October 31st as efforts on this day are ensuring safety in City of Vancouver parks, streets, and schools. Reducing the sales time on the 31st of October will limit the ability to “dump product” in the late evening when enforcement staffing levels are already at capacity.

It should be noted that the proposed By-law amendments to ban the sale of fireworks to the general public apply to businesses within the City of Vancouver only and cannot be enforced in other municipalities or first nation reservations that allow sale of fireworks to the general public, or when sold online and delivered by mail or courier. Thus fireworks being used illegally around Halloween can be expected each year. However, fire prevention staff and the police will still be able to enforce against the illegal possession or use of fireworks within City limits. Enforcement methods include issuing municipal ticket information (MTI's), or commencing long form prosecution.

MTI fines for violations of the Fire By-law would double from \$500 to \$1000 to further deter the illegal possession or misuse of fireworks by any person. See Appendix B for the proposed amendments to the Ticket Offenses By-law.

VFRS has worked collaboratively in recent years with the fireworks industry representatives to promote fire safety in the City as much as possible; and on February 11, 2020, held a meeting to discuss the proposed by-law changes. The implementation plan described above will allow industry to continue with sales in 2020 with little change but at the same time give the Vancouver Fire Rescue Services and Vancouver Police the ability to address enforcement and compliance for this year and in the future.

Implications/Related Issues/Risk (if applicable)

Financial

There are no financial implications.

Legal

Legal Services concurs.

CONCLUSION

Further to the decision by Council on November 5, 2019 to ban the sale and use of fireworks on Halloween, the ban is proposed to be implemented in two steps. First, vendors must stop selling fireworks to the general public by 6 pm on Halloween day. Immediately after Halloween in 2020, the sale and use of fireworks to the general public will be prohibited. Use of fireworks for community special events such as Chinese New Year, Diwali, and Celebration of Lights will be allowed to continue under the existing fire permit process for certified fireworks technicians.

* * * * *

**DRAFT By-law to amend Fire By-law No. 12472
to Ban the Sale and Use of Consumer Fireworks**

Note: A By-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

1. This By-law amends the indicated provisions of Fire By-law No. 12472.
2. In Schedule A, Council strikes out the definitions for “*Bottle rocket*”, “*Consumer pack*”, and “*Firecrackers*”.
3. In Schedule B, Council strikes out Sentence 5.7.1.5.(2) and substitutes:
 - “2) No person shall
 - a) possess consumer fireworks except between October 25th and October 31st, or
 - b) sell, offer for sale, or supply consumer fireworks except between October 25th and 6 pm on October 31st.”.
4. In Schedule B, Council:
 - (a) in Sentence 5.7.1.3.(1), strikes out “possess or discharge any *firecrackers* or *firework*” and substitutes “purchase, sell, offer for sale, supply, possess or discharge any *firework*”;
 - (b) strikes out Sentence 5.7.1.3.(2) and substitutes:
 - “2) [Deleted]”;
 - (c) strikes out Sentence 5.7.1.3.(6); and
 - (d) strikes out Article 5.7.1.5. and substitutes:
 - “5.7.1.5. [Deleted]”; and
 - (e) in Article 5.7.1.6.:
 - (i) strikes out the title and substitutes “**Consumer Fireworks, Display Fireworks, and Special Effect Pyrotechnics**”,
 - (ii) in Sentence (1), strikes out “discharge *display fireworks*” and substitutes “discharge *consumer fireworks, display fireworks*”,
 - (iii) in Sentence (2), strikes out “discharge of *display fireworks*” and substitutes “discharge of *consumer fireworks* or *display fireworks*”,
 - (iv) in Sentence (4), strikes out “*permits for display fireworks*” and substitutes “*permits for consumer fireworks, display fireworks*”, and
 - (v) adds a new Sentence (5) as follows:

“5) No person shall sell, offer for sale, or supply *consumer fireworks* to a person other than a person certified as a *fireworks supervisor* or a *special effects pyrotechnician*.”.

**DRAFT By-law to amend the
Ticket Offences By-law No. 9360 regarding amendments
to the Fire By-law to Ban the Sale and Use of Fireworks**

Note: A By-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

1. This By-law amends the indicated provisions and schedules of By-law No. 9360.
2. Council strikes out Table 8.2 and substitutes the following Table 8.2:

“

Column 1	Column 2	Column 3	Column 4
Fire Chief	Discard smoking or burning materials	2.4.2.3.(1) Division B	\$500.00
Police Officer	Light or maintain outdoor fire without permit	2.4.5.1.(1) Division B	\$500.00
	Smoking or open flame in tent/air-supported structure	2.9.3.3.(1) Division B	\$500.00
	Sell, possess, or discharge fireworks without a permit	5.7.1.1.(1) Division B	\$1000.00
	Sell firecrackers, bottle rockets or roman candles	5.7.1.3.(2) Division B	\$1000.00
	Sell fireworks to a person under 19 years of age	5.7.1.3.(3) Division B	\$1000.00
	Point fireworks at any person/animal/building/thing	5.7.1.3.(4) Division B	\$1000.00
	Possess or discharge fireworks by a person under 19 years of age	5.7.1.3.(5) Division B	\$1000.00
	Sell fireworks to any person not holding a valid consumer fireworks permit	5.7.1.5.(1) Division B	\$1000.00
	Possess fireworks without a consumer fireworks permit	5.7.1.5.(4) Division B	\$1000.00
	Fail to comply with the conditions on the consumer fireworks permit	5.7.1.5.(5) Division B	\$1000.00
	Fail to comply with Fire Chief order	1.2.1.1.(1) Division C	\$500.00
	Interfere with fire truck or equipment	1.2.1.11.(1) Division C	\$750.00

Column 1	Column 2	Column 3	Column 4
	Park vehicle on fire hose	1.2.1.11.(2) Division C	\$750.00
	Activation of fire alarm system when no fire	1.2.1.11.(3) Division C	\$500.00
	False report of fire	1.2.1.11.(4) Division C	\$500.00

3. Council strikes out Table 8.2 and substitutes the following:

“

Column 1	Column 2	Column 3	Column 4
Fire Chief	Discard smoking or burning materials	2.4.2.3.(1) Division B	\$500.00
Police Officer	Light or maintain outdoor fire without permit	2.4.5.1.(1) Division B	\$500.00
	Smoking or open flame in tent/air-supported structure	2.9.3.3.(1) Division B	\$500.00
	Sell, possess, or discharge fireworks without a permit	5.7.1.1.(1) Division B	\$1000.00
	Sell fireworks to a person under 19 years of age	5.7.1.3.(3) Division B	\$1000.00
	Point fireworks at any person/animal/building/thing	5.7.1.3.(4) Division B	\$1000.00
	Possess or discharge fireworks by a person under 19 years of age	5.7.1.3.(5) Division B	\$1000.00
	Fail to comply with Fire Chief order	1.2.1.1.(1) Division C	\$500.00
	Interfere with fire truck or equipment	1.2.1.11.(1) Division C	\$750.00
	Park vehicle on fire hose	1.2.1.11.(2) Division C	\$750.00
	Activation of fire alarm system when no fire	1.2.1.11.(3) Division C	\$500.00
	False report of fire	1.2.1.11.(4) Division C	\$500.00

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