



City of Richmond

Report to Committee

To: Community Safety Committee
From: Don Pearson
Manager, Community Bylaws
Re: **Fireworks Regulation Changes**

Date: February 15, 2005
File:

Staff Recommendation

THAT the following amendment bylaws be given first, second and third reading:

1. Amendment Bylaw 7917, which repeals and replaces Fireworks Regulation No. 7801.
2. Amendment Bylaw 7918, which amends Municipal Ticket Information Authorization Bylaw No. 7321.

Don Pearson
Manager, Community Bylaws
(4269)

FOR ORIGINATING DIVISION USE ONLY			
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER	
Fire Rescue	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
R.C.M.P.	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Business Licences	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Law	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Parks Design, Construction & Programs..	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Recreation & Cultural Services	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
REVIEWED BY TAG	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> <i>APW</i>	REVIEWED BY CAO	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> <i>GD</i>

Staff Report

Origin

This report is a result of discussions with the members of the Halloween Operations Team. It is their objective impact assessment of the 2003 and 2004 Fireworks Bylaw amendments, and includes new recommendations for 2005. The objectives of current and previous amendments are to ensure public safety, maintain tradition, and reduce demands on emergency services at Halloween.

The amendments we are recommending as a result of this years assessment, will not restrict the legitimate use of fireworks for Cultural Celebrations and other special events.

Findings Of Fact

Over Halloween 2004 the R.C.M.P. responded to 220 calls and Fire Rescue responded to 65 incidents involving fireworks.

The School Board reported arson fires at Cambie, Dixon, London, McNair, and Mitchell Schools resulting in the total loss of two portable classrooms and one permanent classroom gutted. An attempted arson in the historic Mitchell School building could have been devastating if not for early detection and fast response by Fire Rescue crews.

Fireworks also caused fire damage to motor vehicles, hedges, and trees. In one alarming incident a barrage type multi-shot firework bombarded a townhouse door terrifying the family inside.

False names and addresses (e.g. "Goofy" at "291 Goof Avenue") were recorded as 'ID checked' in sales records, demonstrating a disregard for sale regulations on the part of some firework vendors and purchasers.

Analysis

The incidents reported and documented by emergency services during Halloween 2004 demonstrate that illegal fireworks such as firecrackers contribute mainly a nuisance and annoyance factor.

Roman Candles and Projectile type fireworks continue as the major cause of serious fire related incidents and damage.

Despite our best efforts at controlling the misuse of fireworks, damage to private and public property and the risks to public safety continue to increase year after year. To date our repeated amendments to the bylaw to limit the packaging, sale and the discharge of Roman Candles have proven to be ineffective. The increase in calls for service, and the serious nature of some incidents indicate the time has come for a new approach.

Recommended Changes

The evidence clearly shows that despite our concerted efforts to the contrary, issues surrounding fireworks have increased every year. Therefore, it is our recommendation that the City of Richmond take a leadership role in public safety and prohibit the sale, purchase, possession and discharge of all fireworks by unqualified persons.

We recognize that prohibiting residential fireworks displays will be of concern to some residents. Therefore, we also recommend increasing the number of, and promoting the successful Community Professional Firework Display Program as a safe family entertainment alternative on Halloween.

Benefits

- Reduces strain on fiscal and human resources
- Improves public safety, and reduces risks of injury
- Reduces risk of public and private property loss
- Promotes a sense of 'community' through professional fireworks displays
- Supports bylaw and police enforcement efforts

Concerns

- Potential public opposition over recreational fireworks prohibition
- Potential continued availability of fireworks in neighbouring communities
- Positive effects not likely to be fully realized until a region-wide ban is in place*

*It should be noted that many local jurisdictions are implementing, and or proposing some form of partial or total ban in response to fireworks related problems. This includes Surrey, Coquitlam, Port Coquitlam, N. Vancouver, Langley, Mission and Abbotsford.

Community Fireworks Display Proposal

Currently our three (3) Community Displays at Hamilton, Burkeville and Minoru are providing a safe, popular and spectacular alternative to the typical 'neighbourhood' display. These events are conducted by trained, federally licensed, professional Fireworks Supervisors who must be insured and obtain a City of Richmond Fireworks Display Permit.

We believe that adding more professional displays throughout the city, would alleviate many residents' concerns about prohibiting fireworks while providing safe, more entertaining fireworks displays and maintaining Halloween tradition.

Changes to the Municipal Ticket Information Authorization Bylaw No. 7321

Amendment of the Municipal Ticket Information Bylaw will be required to integrate the changed offences from the new Fireworks Bylaw.

The required changes include:

- a) Eliminating offences no longer required
- b) Amending offences to reflect the sale/purchase prohibition
- c) Addition of the following offences to the bylaw:
 - Displaying fireworks for the purpose of sale
 - Purchase of fireworks without a display permit
 - Possession of fireworks without a display permit
 - Possession of fireworks contrary to terms of a display permit

Financial Impact

None

Conclusion

We recognize that we will never completely eliminate the social problems of vandalism and violence associated with Halloween. However, we believe by expanding the community display program, and prohibiting the sale, purchase, possession, and discharge of recreational fireworks, Richmond will demonstrate responsible leadership in the Region. We believe this approach provides our community with a win-win alternative that best achieves our objectives of maintaining traditions, within the context of ensuring Public Safety.



Tracy Christopherson
Bylaw Liaison Officer (4073)



Dave Clou
Captain-Fire Protection Services (2707)

TC:tc



CITY OF RICHMOND

FIREWORKS REGULATION

BYLAW NO. 7917

EFFECTIVE DATE –



CITY OF RICHMOND
FIREWORKS REGULATION
BYLAW NO. 7917
TABLE OF CONTENTS

PART ONE -	PROHIBITIONS	
1.1	Purchase and Sale of Fireworks	1
1.2	Possession and Ignition of Fireworks	1
1.3	Requirement for Property Owner's Consent.....	1
PART TWO -	PERMITS	
2.1	Display Permits.....	1
2.2	Authority of Fire Chief	2
2.3	Permit Conditions	3
2.4	Right of Entry	3
PART THREE -	INTERPRETATION	3
PART FOUR -	OFFENCES AND PENALTIES.....	4
PART FIVE -	PREVIOUS BYLAW REPEAL.....	4
PART SIX -	SEVERABILITY & CITATION.....	5



Fireworks Regulation Bylaw No. 7917

The Council of the City of Richmond enacts as follows:

PART ONE: PROHIBITIONS

1.1 Purchase and sale of Fireworks and Firecrackers

1.1.1 A person must not purchase, sell, display for the purpose of sale, offer for sale, give, dispose of or distribute **fireworks** to any person.

1.2 Possession and Ignition of Fireworks

1.2.1 A person must not possess **fireworks** except as permitted under a **display permit**.

1.2.2 Subject to subsection 1.3.1, a person must not ignite, explode, set off or detonate **fireworks**:

(a) except in accordance with the terms of a **display permit**;

(b) in such a manner as may endanger or create a nuisance to any person or property.

1.3 Requirement for Property Owner's Consent

1.3.1 A person who is permitted by this bylaw to ignite, explode, set off or detonate **fireworks** must only do so on property, whether privately or publicly held, with the written consent of the owner or the agent for the owner of such property.

PART TWO: PERMITS

2.1 Display Permits

2.1.1 A person may apply to the **Fire Chief** for a **display permit** which authorizes the holder to ignite, explode, set off or detonate **fireworks** in accordance with the terms of the **display permit**.

2.1.2 To obtain a **display permit**, the applicant must be at least 18 years of age and submit:

(a) a completed **display permit** application;

- (b) an indemnity agreement;
- (c) an application fee of \$100;
- (d) an authorization signed by the property owner or owner's agent, where the **fireworks** event is to occur on property not owned by the applicant;
- (e) a certificate of insurance showing evidence that the applicant has comprehensive general liability insurance which:
 - (i) has a coverage limit of not less than \$5,000,000 per occurrence;
 - (ii) includes the **City** as an additional named insured; and
 - (iii) has a deductible of not more than \$5,000, unless the **City** advises in writing that it consents to a higher deductible; and
- (f) proof of Fireworks Supervisor or Pyrotechnician certification issued to the applicant by the Explosives Regulatory Division of Natural Resources Canada at least ten **business days** prior to the **fireworks** event.

2.2 Authority of Fire Chief

2.2.1 The **Fire Chief** is authorized to:

- (a) issue **display permits** to eligible applicants;
- (b) refuse to issue a **display permit** where the applicant has failed to meet the requirements of section 2.1;
- (c) refuse to issue a **display permit** where the applicant has provided false information on the application for the permit;
- (d) impose terms and conditions on a **display permit** regarding the following:
 - (i) the location at which the **fireworks** display may take place;
 - (ii) fire safety precautions which must be taken with respect to the **fireworks** display;
 - (iii) safe storage of **fireworks**; and
- (e) revoke, cancel, or suspend a **display permit** where:
 - (i) the holder has violated the terms and conditions of the permit or the provisions of this bylaw or any applicable provincial or federal legislation;
 - (ii) the holder has acted in such a manner as to endanger property or public safety; or

- (iii) environmental or weather conditions are such that the use of **fireworks** would endanger property or public safety.

2.3 Display Permit Conditions

- 2.3.1 The holder of a **display permit** must comply with the terms and conditions specified in the **display permit** and the requirements of this bylaw, all other bylaws of the **City**, and all applicable provincial and federal legislation.
- 2.3.2 In the event that a **display permit** is denied, revoked, cancelled or suspended, the application fee is non-refundable.
- 2.3.3 A **display permit** is:
- (a) valid only for the location and during the times specified in the **display permit**; and
 - (b) not transferable.

2.4 Right of Entry

- 2.4.1 **Fire inspectors, bylaw enforcement officers, and police officers** are authorized to enter on property at any time to determine whether the requirements of a **display permit** and of this and other applicable bylaws of the **City** and any applicable provincial or federal statutes are being met.

PART THREE: INTERPRETATION

- 3.1 In this bylaw, unless the context otherwise requires:

BUSINESS DAY	means Monday through Friday, inclusive, except where such day falls on a statutory holiday.
BYLAW ENFORCEMENT OFFICER	means an employee of the City appointed by Council for enforcement of City bylaws.
CITY	means the City of Richmond.
DISPLAY PERMIT	means a permit issued pursuant to section 2.1.
FIRE CHIEF	means the Chief of the Richmond Fire Rescue Department and includes any person designated as an alternate to carry out the provisions of this bylaw.
FIRE INSPECTOR	means any member of the Richmond Fire Rescue Department authorized by the Fire Chief to carry out inspections under this bylaw.

FIREWORK

means any article containing a combustible or explosive composition or any substance or combination of substances prepared for, capable of, or discharged for the purpose of producing a pyrotechnical display which may or may not be preceded by, accompanied with, or followed by an explosion, or an explosion without any pyrotechnical display, and includes (but is not limited to) roman candles, skyrockets, pinwheels, batteries, barrages, bottle rockets, cannon crackers, mines, squibs, torpedoes, and firecrackers.

POLICE OFFICER

means a member of the Royal Canadian Mounted Police.

PART FOUR: OFFENCES AND PENALTIES

4.1 Any person who:

- (a) violates or who causes or allows any of the provisions of this bylaw to be violated;
- (b) fails to comply with any of the provisions of this or any other bylaw or applicable statute; or
- (c) neglects or refrains from doing anything required under the provisions of this bylaw,

is deemed to have committed an infraction of, or an offence against this bylaw and is liable on summary conviction, to the penalties provided for in the *Offence Act*, and each day that such violation is caused or allowed to continue constitutes a separate offence, and may result in the suspension, cancellation or revocation of the permit issued pursuant to this bylaw.

PART FIVE: PREVIOUS BYLAW REPEAL

5.1 Fireworks Bylaw 7801 (adopted October 4, 2004) is repealed.

PART SIX: SEVERABILITY & CITATION

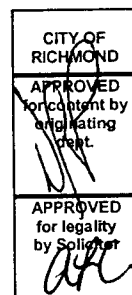
- 6.1 If any part, section, sub-section, clause, or sub-clause of this bylaw is, for any reason, held to be invalid by the decision of a Court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.
- 6.2 This bylaw is cited as **“Fireworks Regulation Bylaw No. 7917”**.

FIRST READING

SECOND READING

THIRD READING

ADOPTED



MAYOR

CITY CLERK



**Municipal Ticket Information Authorization Bylaw No. 7321,
Amendment Bylaw No. 7918**

The Council of the City of Richmond enacts as follows:

1. Bylaw No. 7321 is amended by deleting Line 7 in Column 1 of Schedule A and replacing it with the following:
 "7. Fireworks Regulation Bylaw No. 7917"
2. Bylaw No. 7321 is amended by deleting Schedule B 7 and substituting the attached Schedule B 7.
3. This Bylaw is cited as "**Municipal Ticket Information Authorization Bylaw No. 7321 Amendment Bylaw No. 7918**".

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for consent by originating Dept.
APPROVED for legality by Solicitor

MAYOR

CITY CLERK

SCHEDULE B 7**FIREWORKS REGULATION BYLAW NO. 7917**

Column 1	Column 2	Column 3
Offence	Bylaw Section	Fine
Purchasing of fireworks	1.1.1	\$1000
Sell or distribute fireworks	1.1.1	\$1000
Displaying fireworks for the purpose of sale	1.1.1	\$1000
Possession of fireworks without a permit	1.2.1	\$250
Ignition of fireworks without a display permit	1.2.2(a)	\$500
Ignition of fireworks contrary to terms of display permit	1.2.2(a)	\$500
Ignition of fireworks in manner that endangers or causes nuisance to a person or property	1.2.2(b)	\$500
Ignition of fireworks without property owner's permission	1.3.1	\$500