



City of Richmond

Report to Committee

To: Community Safety Committee
From: Don Pearson
Manager, Community Outreach
Re: Fireworks Regulation Changes for Halloween 2004

Date: August 25, 2004
File:

Staff Recommendation

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

1. Bylaw 7802 which repeals and replaces Firecracker & Fireworks Regulation Bylaw No. 2116, with the permit process to be initiated upon adoption, but the permit not to be charged until January 1, 2005.
2. Bylaw 7803 which amends Municipal Ticket Information Authorization Bylaw No. 7321.

Don Pearson
Manager, Community Outreach
(4269)

FOR ORIGINATING DIVISION USE ONLY					
ROUTED TO:		CONCURRENCE		CONCURRENCE OF GENERAL MANAGER	
Law.....		Y	<input checked="" type="checkbox"/>	N	<input type="checkbox"/>
Community Bylaws		Y	<input checked="" type="checkbox"/>	N	<input type="checkbox"/>
Fire Rescue		Y	<input checked="" type="checkbox"/>	N	<input type="checkbox"/>
R.C.M.P.....		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"/>
Licensing		Y	<input checked="" type="checkbox"/>	N	<input type="checkbox"/>
REVIEWED BY TAG		YES	NO	REVIEWED BY CAO	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	YES	NO
				<input type="checkbox"/>	<input type="checkbox"/>

Staff Report

Origin

This report is in response to Council's request to monitor and report on the effects of the Firecracker and Fireworks Bylaw 2116 amendment adopted on October 14, 2003. The intent of the 2003 bylaw amendment was to improve public safety from the hazards associated with the misuse of fireworks, to reduce the demands on emergency resources and the damage to public and private property at Halloween. The amendment attempted to restrict access to 'Roman Candles' through identifying and then restricting the sale of these products to 'Family Packs'.

The proposed changes will not restrict the legitimate uses of fireworks for Cultural Celebrations and other special events.

This report is a result of discussions with members of the 2003 Halloween Operation Team, their assessment and evaluation of the Bylaw's effectiveness, and the need for further amendments.

Findings Of Fact

In 2003 the R.C.M.P. responded to 53 calls on Halloween. Fire Rescue responded to 43 calls involving fireworks, and causing over **\$153,000.00** in damage to property valued conservatively at **\$1,975,000.00**. Attached is Appendix A that outlines the fireworks statistics for 2003.

Identified Problems

Roman Candles and Family Packs

Projectile or Roman Candle type fireworks continued to be the most frequently abused, legally available fireworks during Halloween 2003. Roman candles can be described as a ground level firework that is capable of projecting or discharging a charge or series of charges more than 10 meters. (see photo 1 – Roman Candle)

The current bylaw definition of Roman Candle includes only products having a diameter (inside bore) of less than 19mm **and** producing an effect greater than three metres. (see photo 2 – not Roman Candles)

Fireworks with a bore greater than 19mm are even more dangerous than those of smaller diameter, but are not covered by the bylaw. Products such as "Screecheroos", which produce a torching flame affect of less than three metres, are also not covered by current Bylaw restrictions. These products are inexpensive and available individually or as part of so called 'Family Packs.'

It was apparent from the contents and marketing of Family Packs that many of these packages were not intended for, or marketed to families. (see photo 3 – "perfect for novice pyros")

"The Family Pack" definition in the bylaw restricts Roman Candles to 25% of the **number** of fireworks in the package. A "Family Pack" can legally contain nothing but Roman Candle type products as long as 75% are greater than 19mm in diameter, **or** their effect is less than 3 metres.

Dates and times for selling and setting off fireworks

Currently the Fireworks Bylaw does not restrict the dates and times for selling, giving and setting off of Fireworks. A restriction is set out in Provincial Legislation (Fireworks Act), which allows the selling, giving and setting off of fireworks between October 24th and November 1st in any year, but only in municipalities which opt, by bylaw, to have this restriction apply.

Restricting the dates for retail sale of fireworks, and only allowing family fireworks to be set off on one day, will improve public safety, reduce the demand on our emergency resources and minimize damage to public and private property during Halloween.

Inspections and Licencing

A valid Retail Use Business Licence is currently the only requirement to sell Fireworks in Richmond. Because of this, in 2003 Business Licensing was able to identify only the twenty-five new license applicants, which specified intent to sell fireworks. Fireworks advertisements were later observed in local papers confirming some existing business licensees selling fireworks that were not identified for inspection. Richmond Fire Rescue inspection of the twenty-five new fireworks retail locations, identifying and correcting many contraventions of the Fireworks Bylaw and BC Fire Regulations. However, with no reliable means of identifying all firework retail locations, the Fire Department is unable to inspect and ensure safe practices and compliance with the Bylaw, Safety and Fire regulations.

Other local jurisdictions are proposing and requiring a Special Permit from the Fire Department or a Special Fireworks Retail Business Licence for each new and existing business intending to sell Fireworks this year. Fees for these range from \$175.00 to \$1500.00.

Analysis

The incidents reported and documented by emergency services during Halloween 2003 demonstrate Roman Candles and Projectile type fireworks continue to be the major cause of fire loss and damage. While fireworks seizures were down, emergency service call volume, and the value of fireworks related damage increased significantly.

Costs to the City, private and public property damage, and risks to public safety, remain unacceptably high.

It is possible that in the future, a region-wide total ban on the sale and use of 'family' or 'low-hazard' fireworks could eliminate the problem. However, achieving such a consensus among regional jurisdictions is unlikely at this time. Therefore additional changes to the Fireworks & Firecracker Bylaw are recommended to address these issues.

The Team has identified areas of concern with the Fireworks & Firecracker Bylaws and recommends additional changes including:

- Broaden the definition of 'Roman Candle'
- Rewrite the definition of 'Family Pack'
- Limit the Dates to sell and times for discharge
- Introduce a Permit process for inspection and cost recovery (\$300.00 per application)

Permits or Special Business Licence?

Neighbouring jurisdictions are requiring additional 'special' business licences or permits as a cost recovery and or location identification tool.

The team recommends a permit as the more effective and efficient of the two options.

Permit advantages:

- Identifies all fireworks retail locations to the Fire Department for inspection purposes
- Allows knowledgeable Fire staff the opportunity to educate retailers on hazards and regulations
- Reduces the financial impact on taxpayers by recovering costs directly from those who profit from Halloween fireworks
- Provides a process for the regulation and permitting of all fireworks classes for inspection and enforcement by trained Richmond Fire Rescue personnel
- Ensures public safety as inspectors have authority to immediately revoke a permit if warranted
- Creates the possibility for a pro-active public education program
- Simplifies the amendment process as permits can be amended separately from the Bylaw in whole as required to address future concerns or issues

Permit disadvantages:

- A vendor, who does not already have a current retail business licence, must first obtain a retail business licence at City Hall prior to applying for a Sale Permit at the No. 1 Fire Hall.

Changes to the Municipal Ticket Information Authorization Bylaw No. 7321

Amendment of the Municipal Ticket Information Bylaw will also be required to incorporate offences under the new Fireworks Bylaw.

The recommended changes include:

- a) adding Fire Inspector to the list of those authorized to issue M.T.I. tickets; and
- b) adding the following offences to the bylaw:
 - Selling fireworks without a sale permit
 - Failing to mark family pack with weight of each firework
 - Igniting fireworks in manner that endangers or causes nuisance to person or property
 - Igniting low hazard fireworks outside permitted times
 - Igniting high hazard fireworks without a display permit
 - Selling fireworks outside permitted dates
 - Selling fireworks contrary to terms of sale permit

Customer Service

The team recommends all permits be issued by RFR Fire Prevention Staff at Number 1 Fire Hall. Fire Inspectors are knowledgeable in related Federal/Provincial Fire Regulations, our Fireworks Bylaw and fireworks hazards, storage, display and safety regulations. By directly issuing the permits, RFR Staff can track, arrange for, and accurately describe what is looked for in a safety inspection. This will support consistency of information and reduce the likelihood of disputes over misinterpretation of the regulations by fireworks retailers.

Public Education

Adults and children can be educated to understand that fireworks are dangerous explosives and must never be used by children. However, Richmond currently has no firework safety education program. One possible use of the modest cost recovery funds could help develop a pro-active solution to the problem of fireworks misuse, and the resulting damage and injuries.

Community Feedback

The proposed Fireworks Bylaw changes were distributed to members of the Chamber of Commerce and only one response was received.

Financial Impact

No budget or tax increase is required by this revision. The current direct costs of inspection enforcement and overtime associated with Halloween fireworks will be partially offset by the proposed permit fees paid by fireworks retailers.

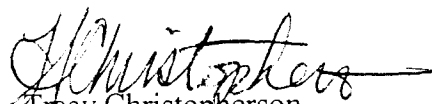
Implementation

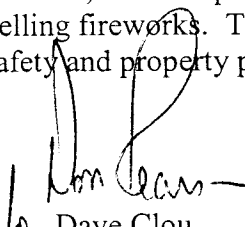
The team recommends these changes be approved and implemented immediately. This allows adequate time to advise local businesses, fireworks distributors, and the public through the following means:

- advertisement in the local paper
- City of Richmond web site
- Fireworks distributors will package their products in accordance with the amended bylaw
- Fire Department will provide amended bylaw during inspection and explain changes
- an information letter to be included in the mail out of the 2005 Business Licence renewals

Conclusion

The proposed changes to the Fireworks and Municipal Ticket Information Bylaw will provide partial cost recovery of related overtime, and will provide an effective enforcement tool for the inspection of all retail locations selling fireworks. The team believes adopting these changes creates the possibility of public safety and property protection while maintaining traditional and legitimate uses of Fireworks.


Tracy Christopherson
Bylaw Liaison Officer (4073)


Dave Clou
Captain-Fire Protection Services (2707)

Appendix A

Fireworks Statistics for 2003

Fireworks related incidents attended by the Fire Department, which include the property damage lost and the property value at risk.

DATE AND INCIDENT NUMBER	TYPE OF FIRE	PROPERTY DAMAGE	PROPERTY VALUE AT RISK
10/24/03 - 5864	public service	0	0
10/25/03 - 5888	public service	0	0
10/25/03 - 5891	public service	0	0
10/25/03 - 5894	tree/hedge/bush	500.00	500.00
10/25/03 - 5895	mail box	250.00	1000.00
10/30/03 - 5994	Public Service	0	0
10/29/03 - 5989	tree/hedge/bush	500.00	500.00
10/31/03 - 6038	tree/hedge/bush	8,000.00	8,000.00
10/31/03 - 6039	tree/hedge/bush	2,000.00	2,000.00
10/31/03 - 6042	tree/hedge/bush	1,000.00	1,000.00
10/31/03 - 6044	tree/hedge/bush	500.00	500.00
10/31/03 - 6045	public service	0	0
10/31/03 - 6046	dumpster	350.00	750.00
10/31/03 - 6047	vehicle	15,000.00	15,000.00
10/31/03 - 6048	tree/hedge/bush	500.00	500.00
10/31/03 - 6049	recycle bin	350.00	750.00
10/31/03 - 6051	structure & tree	750.00	750.00
10/31/03 - 6052	public service	0	0
10/31/03 - 6054	structure	10,000.00	10,000.00
10/31/03 - 6055	dumpster	350.00	750.00
10/31/03 - 6057	dumpster	350.00	750.00
10/31/03 - 6058	structure & tree	13,000.00	13,000.00
10/31/03 - 6060	tree/hedge/bush	1,000.00	1,000.00
10/31/03 - 6062	vehicle	2,500.00	5,000.00
10/31/03 - 6063	dumpster	350.00	750.00
10/31/03 - 6064	tree/hedge/bush	500.00	500.00
10/31/03 - 6065	tree/hedge/bush	500.00	500.00
10/31/03 - 6066	tree/hedge/bush	1,000.00	1,000.00
11/01/03 - 6069	dumpster	350.00	750.00
11/01/03 - 6070	2 vehicles & tree	37,000.00	57,000.00
11/01/03 - 6071	structure	500.00	500.00
11/01/03 - 6073	tree/hedge/bush	500.00	500.00
11/01/03 - 6075	vehicle	2,500.00	10,000.00
11/01/03 - 6076	structure & dumpster	350.00	1,500,000.00
11/01/03 - 6078	vehicle	10,000.00	10,000.00
11/01/03 - 6079	2 vehicles	30,000.00	30,000.00
11/01/03 - 6083	public service	0	0
11/01/03 - 6093	structure	10,000.00	200,000.00
11/07/03 - 6193	dumpster	200.00	200.00
11/07/03 - 6195	structure	500.00	100,000.00
11/11/03 - 6288	tree/hedge/bush	2,000.00	2,000.00
41		\$153,150.00	\$1,975,450.00

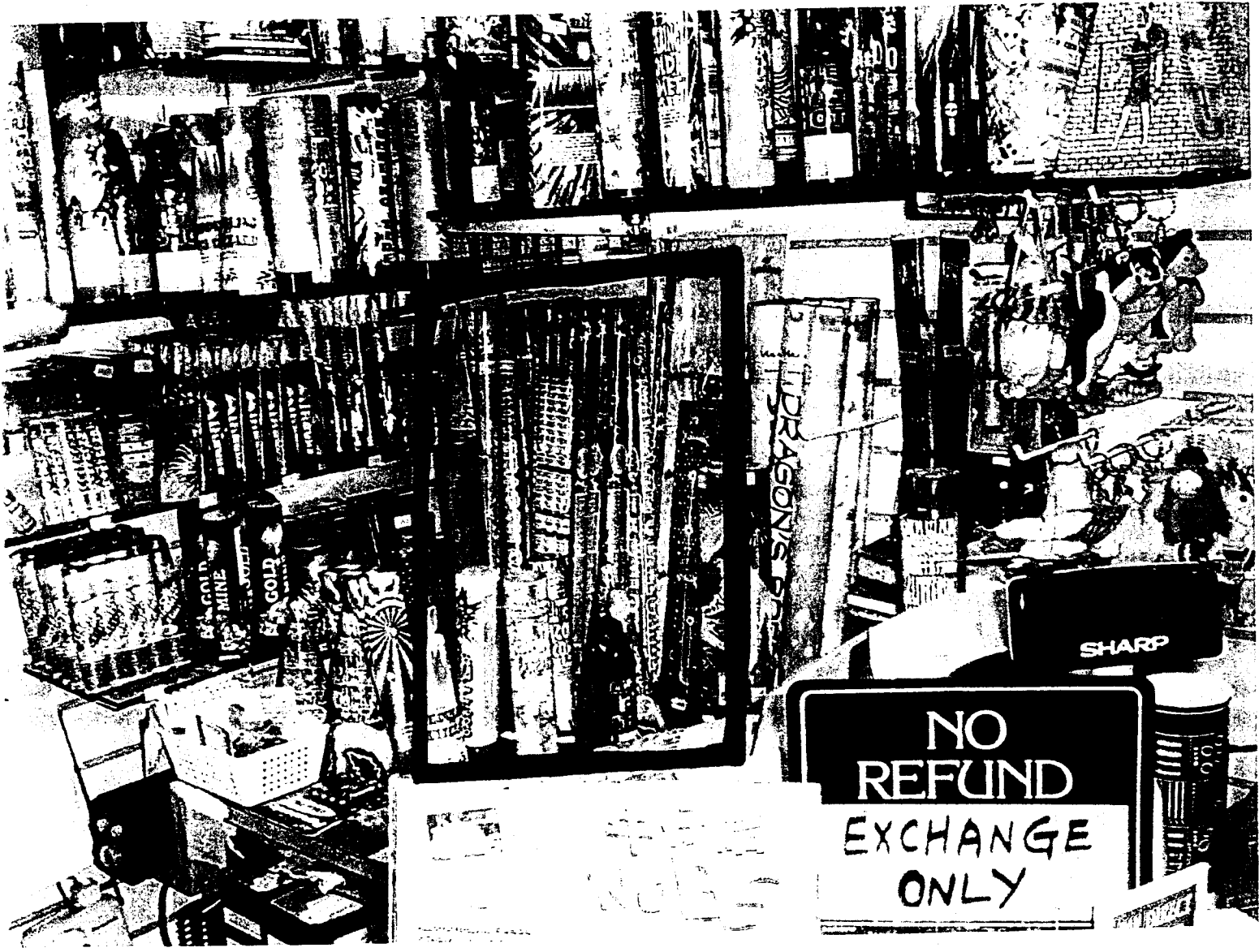


PHOTO # 1

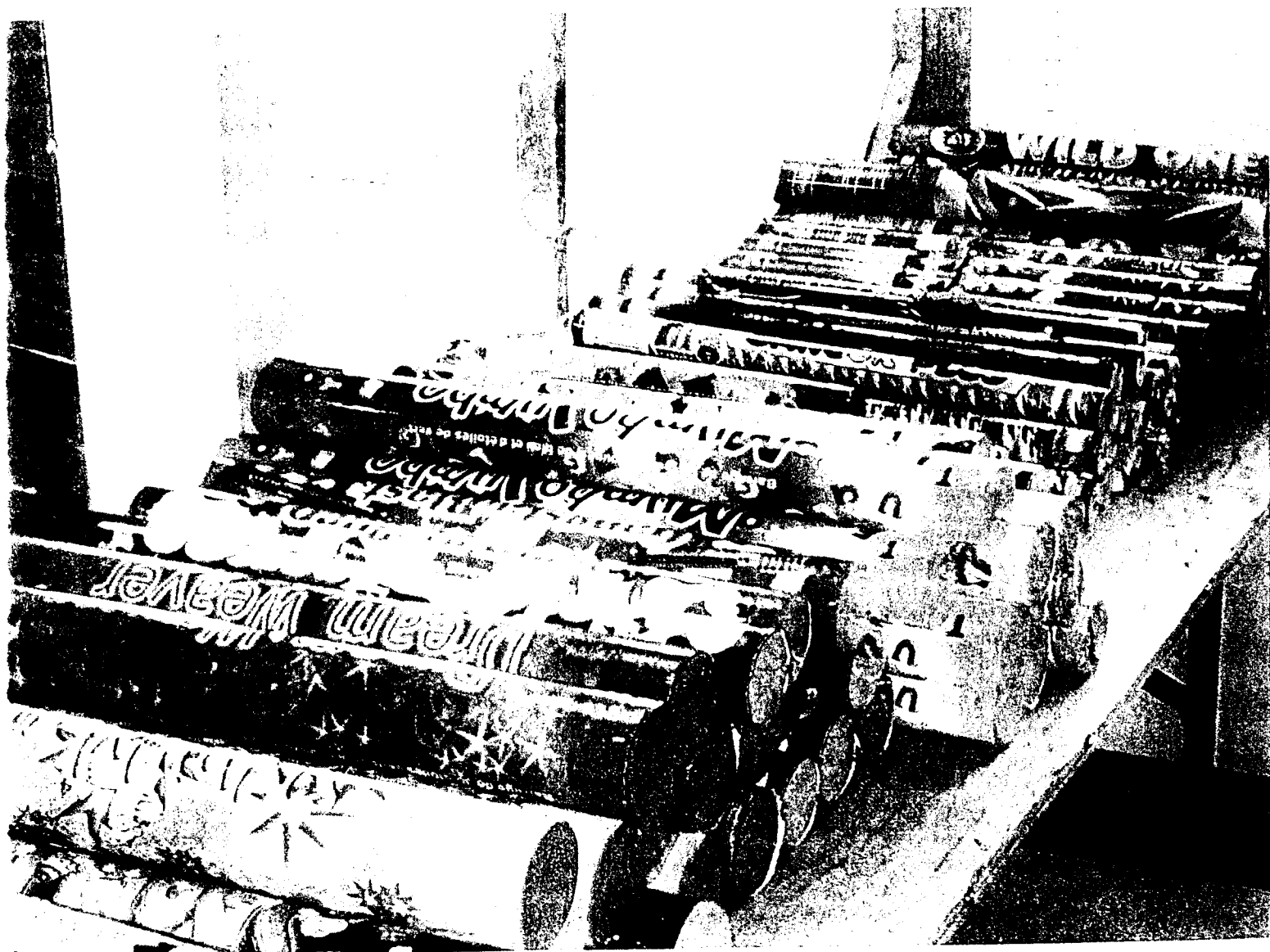


PHOTO # 2



SIZZLER KIT
PERFECT FOR THE
NOVICE PYRO
\$23.99

Sizzler
Kit

Distributing Company Ltd.
R.A.T. CLASS C COMMON FIREARMS

PHOTO # 3



Fireworks Regulation Bylaw No. 7801

The Council of the City of Richmond enacts as follows:

PART ONE: PROHIBITIONS

1.1 Sale of Fireworks and Firecrackers

1.1.1 A person must not:

- (a) sell, offer for sale, give or dispose of:
 - (i) **fireworks** to any person, except as permitted under a **sale permit**;
 - (ii) **fireworks** to any person under the age of 18 years;
 - (iii) a **roman candle**, except as part of a **family pack**.

1.1.2 A person who sells or offers to sell a **family pack** of **fireworks** must ensure that such pack is clearly marked to identify the weight of each component **firework**.

1.2 Possession and Ignition of Firecrackers

1.2.1 A person must not possess, ignite, explode, set off or detonate **firecrackers**, except as permitted under a **display permit**.

1.3 Possession and Ignition of Fireworks

1.3.1 A person under the age of 18 years must not be in possession of **fireworks**.

1.3.2 A person must not ignite, explode, set off or detonate any **fireworks**:

- (a) except as expressly permitted under this bylaw;
- (b) in such a place or in such a manner as may endanger or create a nuisance to any person or property.

1.3.3 Subject to subsection 1.4.1, a person may only ignite, explode, set off or detonate:

- (a) **low hazard fireworks** on October 31 in any year, between the hours of 5:00 p.m. and 11:00 p.m., except where otherwise permitted by a **display permit**;

- (b) **high hazard fireworks** in accordance with the terms of a **display permit**.

1.4 Requirement for Property Owner's Consent

- 1.4.1 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 of such property.

PART TWO: PERMITS

2.1 Sale Permits

- 2.1.1 A person may apply to the **Fire Chief** for a **sale permit** which authorizes the holder to sell **low hazard fireworks** by submitting:
 - (a) a completed **sale permit** application; and
 - (b) an application fee of \$300.
- 2.1.2 An application for a **sale permit** must be received by the **Fire Chief** between September 1 and October 17 in the year in which the permit is to be issued.
- 2.1.3 An applicant for a **sale permit** must:
 - (a) be 18 years of age or older;
 - (b) be the holder of a **business licence**; and
 - (c) not previously have held a **sale permit** that was revoked, cancelled or suspended at any time during the two years prior to the date on which the **sales permit** application is submitted.
- 2.1.4 A **sale permit** authorizes the holder to sell **low hazard fireworks** between October 25 and October 30 inclusive.
- 2.1.5 All premises from which an applicant proposes to sell **fireworks** must be approved by the **fire inspector** for compliance with this bylaw, the Zoning and Development Bylaw, the Building Regulation Bylaw, the Fire Prevention Bylaw, and any other applicable **City** bylaws and regulations before a **sale permit** may be granted.

2.2 Display Permits

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

- (a) a completed **display permit** application and indemnity agreement;
- (b) an application fee of \$100;
- (c) an authorization signed by the property owner, where the **fireworks** event is to occur on property not owned by the applicant; and
- (d) 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
- (e) proof of **fireworks** supervisor certification issued to the applicant by the Explosives Regulatory Division of Natural Resources Canada.

2.3 Authority of Fire Chief

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

- (a) issue **sale permits** and **display permits** to eligible applicants;
- (b) refuse to issue a **sale permit** where the applicant has failed to meet the requirements of section 2.1;
- (c) refuse to issue a **sale permit** or **display permit** where the applicant has provided false information on the application for the permit; or
- (d) impose terms and conditions on a **sale permit** or **display permit** regarding the following:
 - (i) the location at which the sale or display, as applicable, of **fireworks** may take place;
 - (ii) how **fireworks** must be displayed for sale;
 - (iii) fire safety precautions which must be taken with respect to the sale or display, as applicable, of **fireworks**; and
 - (iv) safe storage of **fireworks**; and
- (e) revoke, cancel, or suspend a **sale permit** or **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.

2.4 Permit Conditions

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

2.5 Right of Entry

- 2.5.1 **Fire inspectors, bylaw enforcement officers, and police officers** are authorized to enter on property at any time to determine whether the requirements of a **sale permit** or 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.
BUSINESS LICENCE	means a business licence issued for the current year by the Licence Inspector under the current Business Licence Bylaw of the City .
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 2.2.

FAMILY PACK	means six or more fireworks which are packaged together and intended to be sold as a unit, except that roman candles must not constitute more than 25% of the total weight of fireworks in the packaged unit.
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.
FIRECRACKER	means any firework which produces an explosion without any pyrotechnical display, and includes bottle rockets, cannon crackers, firecrackers, mines, squibs, and torpedoes.
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 and includes fireballs, roman candles , skyrockets, pinwheels, batteries and barrages.
HIGH HAZARD FIREWORKS	means a firework classed as “high hazard” in the federal <i>Explosives Regulations</i> , C.R.C., c. 599.
LOW HAZARD FIREWORKS	means a firework classed as “low hazard” in the federal <i>Explosives Regulations</i> , C.R.C., c. 599.
PERMIT	means a sale permit or display permit .
POLICE OFFICER	means a member of the Royal Canadian Mounted Police.
ROMAN CANDLE	means a low hazard firework that is capable of projecting or discharging a charge or a series of charges or pyrotechnical effects more than two (2) metres.
SALE PERMIT	means a permit issued pursuant to section 2.1.

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 Firecracker and Fireworks Bylaw No. 2116 (adopted August 9, 1965); and Amendment Bylaw No. 3322 (adopted October 12, 1976) and Amendment Bylaw No. 7585 (adopted October 14, 2003) are repealed.

PART SIX: COMING INTO FORCE

6.1 This bylaw comes into force upon adoption, except for the permit application fees specified in clause (b) of subsection 2.1.1 and clause (b) of subsection 2.2.2 which come into effect on January 1, 2005.

PART SEVEN: SEVERABILITY & CITATION

- 7.1 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.
- 7.2 This bylaw is cited as “**Fireworks Regulation Bylaw No. 7801**”.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept.
APPROVED for legality by Solicitor

MAYOR

CITY CLERK



**Municipal Ticket Information Authorization Bylaw No. 7321,
Amendment Bylaw No. 7802**

The Council of the City of Richmond enacts as follows:

1. Section 7 of Schedule A of Bylaw No. 7321 is amended by:
 - (a) adding “Fire Inspector” to the list of designated bylaw enforcement officers in Column 2; and
 - (b) deleting the words “Bylaw No. 2116” and substituting “Bylaw No. 7802”
2. Bylaw No. 7321 is amended by deleting Schedule B7 and substituting the following:

SCHEDULE B 7

FIRECRACKER AND FIREWORKS REGULATION BYLAW NO. 7802

Column 1	Column 2	Column 3
Offence	Bylaw Section	Fine
Selling fireworks without a sale permit	1.1.1(a)(i)	\$100
Selling fireworks to a person under 18	1.1.1(a)(ii)	\$100
Selling roman candles other than as part of a family pack	1.1.1(a)(iii)	\$100
Selling a family pack not marked with weight of each firework	1.1.2	\$100
Possession of firecrackers without permit	1.2.1	\$100
Ignition of firecrackers without permit	1.2.1	\$100
Possession of fireworks while under 18	1.3.1	\$100
Igniting fireworks in manner that endangers or causes nuisance to person or property	1.3.2(b)	\$100
Igniting low hazard fireworks outside permitted times without a display permit	1.3.3(a)	\$100
Igniting high hazard fireworks without a display permit	1.3.3(b)	\$100
Igniting fireworks without property owner’s permission	1.4.1	\$100

Selling fireworks outside permitted dates	2.1.4	\$100
Selling fireworks contrary to terms of sale permit	2.4.1	\$100
Igniting fireworks contrary to terms of display permit	2.4.1	\$100

3. This Bylaw is cited as **“Municipal Ticket Information Authorization Bylaw No. 7321, Amendment Bylaw No. 7802”**.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept.
APPROVED for legality by Solicitor

MAYOR

CITY CLERK