



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 - (c) not previously have held a **sale permit** that was revoked, cancelled or suspended at any time during the two years prior to the date on which the **sales permit** application is submitted.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) information that must be provided to purchasers of **fireworks**;
 - (iv) fire safety precautions which must be taken with respect to the sale or display, as applicable, of **fireworks**; and
 - (v) 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

MAYOR

CITY CLERK

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

SEP 27 2004

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