

Municipality of North Cowichan

Committee of the Whole

AGENDA

Tuesday, June 8, 2021, 6:00 p.m.
Electronically

Pages

1. CALL TO ORDER

This meeting, though electronic, is open to the public. All representations to Council will form part of the public record. Proceedings will be streamed live and archived at www.northcowichan.ca. Members of the public may join this online meeting and participate virtually during the Public Input and Question Period portions of the agenda.

- To join by computer, smartphone, or tablet, visit northcowichan.ca/virtualmeeting for instructions.
- To join by telephone, dial 1.844.426.4405, enter the meeting ID 177 267 3875, and then press # to join the meeting.

2. APPROVAL OF AGENDA

Purpose: To consider any items of business not included in the Agenda, that are of an urgent nature, must be introduced and approved at the time the agenda is adopted. Matters must be taken up in the order that they are listed unless changed at this time.

Recommendation:

That the Committee of the Whole agenda be adopted as circulated [or as amended].

3. ADOPTION OF MINUTES

Purpose: To consider if there were any errors or omissions prior to adopting the minutes.

3.1. Minutes from the May 11, 2021 regular meeting for adoption

4 - 6

Recommendation:

That the minutes of the regular meeting held May 11, 2021 be adopted, as circulated.

4. PUBLIC INPUT

Public Input is an opportunity for the public to provide their feedback on matters included on the agenda. The maximum number of speakers to be heard during the public input period is limited to five, with a maximum of three minutes allotted to each speaker. To be added to the speakers list, please:

- click on the 'raise your hand' button, if participating by computer, smartphone, or tablet, or
- dial *3 on your phone

5. BUSINESS

5.1. Forest Use Bylaw Fine Increases

7 - 13

Purpose: For Council to consider increasing the fines associated with the Forest Use Bylaw. The Municipal Forester will be presenting.

Recommendation:

That Committee of the Whole directs staff to amend:

1. the Forest Use Bylaw No. 3265, 2007 to remove section 4 [Offence] and insert in its place:
"A person who contravenes a provision of the bylaw or any order or permit issued under this bylaw, shall be liable, on summary conviction, to a penalty not exceeding fifty thousand dollars (\$50,000.00) under the Offence Act and the costs of prosecution. Where any offence is a continuing one, each day that the offence continues shall be a separate offence."
2. the Bylaw Offence Notice Enforcement Bylaw No. 3677, 2021 to increase the fines associated with the Forest Use Bylaw No. 3265, 2007 where deemed appropriate based on the offence up to the maximum of \$500.
3. the Municipal Ticket Information System Bylaw No. 3464, 2013 to increase the fines associated with the Forest Use Bylaw No. 3265, 2007 where deemed appropriate based on the offence up to the maximum of \$1,000.

5.2. Review of Fireworks Bylaw 1974, No. 1579

14 - 35

Purpose: To seek direction on potential revisions to the Fireworks Bylaw.

Recommendation:

That the Committee of the Whole direct staff to draft a new Fireworks Bylaw that declares that the *Fireworks Act* applies to the District of North Cowichan and applies the regulations listed under bullet items 2 - 9 in the June 8, 2021 report from the Deputy Corporate Officer.

6. NEW BUSINESS

7. QUESTION PERIOD

Question Period is an opportunity for the public to ask brief questions regarding the business discussed during the meeting. To be added to the speakers list, please:

- click on the 'raise your hand' button, if participating by computer, smartphone, or tablet, or
- dial *3 on your phone

8. CLOSED SESSION

Recommendation:

That Council close the June 8, 2021 Committee of the Whole meeting at ____ p.m. to the public on the basis of the following section of the *Community Charter*.

- 90(1)(j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*.

8.1. Closed minutes from the January 12, 2021, March 23, 2021 and March 15, 2021 meetings for adoption

8.2. Closed under section 90(1)(j) FOIPPA s.21(1)(b) report supplied in confidence

9. ADJOURNMENT

Recommendation:

That the meeting be adjourned at ____ p.m.

Municipality of North Cowichan Committee of the Whole MINUTES

**May 11, 2021, 6:00 p.m.
Electronically**

Members Present	Councillor Tek Manhas, Chair Mayor Al Siebring Councillor Rob Douglas Councillor Christopher Justice Councillor Kate Marsh Councillor Rosalie Sawrie Councillor Debra Toporowski
Staff Present	Ted Swabey, Chief Administrative Officer (CAO) Sarah Nixon, Deputy Chief Administrative Officer (D/CAO) Shawn Cator, Director, Operations Talitha Soldera, Director, Financial Services Kelly Robinson, Manager, Roads Jason Birch, Chief Information Officer Jason deJong, Assistant Fire Chief Chris Bear, Inspector RCMP Michelle Martineau, Corporate Officer Tricia Mayea, Deputy Corporate Officer

1. CALL TO ORDER

There being a quorum present, the Chair called the meeting to order at 6:00 p.m.

2. APPROVAL OF AGENDA

IT WAS MOVED AND SECONDED:

That the Committee of the Whole agenda be adopted as circulated.

CARRIED

3. ADOPTION OF MINUTES

3.1 Committee of the Whole meeting minutes held April 13, 2021

IT WAS MOVED AND SECONDED:

That the minutes of the Committee of the Whole meeting held April 13, 2021 be adopted, as circulated.

CARRIED

4. PUBLIC INPUT

Council received no public input.

5. DELEGATIONS AND PRESENTATIONS

5.1 FireWise Consulting Learning Academy

Manager of Fire and Bylaw Services, Martin Drakeley, introduced the new Assistant Fire Chief, Jason deJong to Council and provided an overview of the proposed Fire Inspection Program being introduced to Council.

Ernie Polsom, FireWise Consulting Learning Academy provided a presentation on the proposed Fire Inspection Program for North Cowichan and answered questions of Council. A copy of the presentation was appended to the Agenda.

6. BUSINESS

6.1 Public Engagement Plan for Automated Curbside Collection

Director of Operations, Shawn Cator, provided a presentation on the cost scenarios for implementing an automated solid waste collection system and answered questions of Council. A copy of the presentation was appended to the Agenda.

Marci Hotsenpiller, ZINC Communication Strategies provided a presentation on the proposed communications and engagement strategy for waste collection options for North Cowichan and answered questions of Council. A copy of the presentation was appended to the Agenda.

IT WAS MOVED AND SECONDED:

That Committee of the Whole recommends that Council:

1. approve the Communications and Engagement Plan prepared by ZINC Strategies Inc. regarding collection options in North Cowichan;
2. direct staff to implement the tools and activities in the Plan to obtain public feedback for an automated truck curbside system for solid waste collection; and,
3. direct staff to report back to Council on the results of that engagement.

(Opposed: Siebring)

CARRIED

By unanimous consent, Council recessed the meeting at 7:56 p.m. and reconvened at 8:10 p.m.

6.2 Review of Fireworks Bylaw No. 1579

IT WAS MOVED AND SECONDED:

That the Committee of the Whole recommends that Council direct staff to conduct an online public consultation process on the use and regulation of fireworks in the District of North Cowichan and report back to the Committee of the Whole.

(Opposed: Douglas, Justice, Marsh, and Siebring)

DEFEATED

IT WAS MOVED AND SECONDED:

That the Committee of the Whole recommends that Council direct staff to draft an update to the North Cowichan Fireworks Bylaw and bring a report to the Committee of the Whole.

(Opposed: Justice, Sawrie)

CARRIED

7. UNFINISHED BUSINESS

7.1 Human Sex Trafficking, Sexual Exploitation and Child Sex Trafficking in BC

Council discussed the issues of human sex trafficking, sexual exploitation and child sex trafficking in BC. Inspector Chris Bear, RCMP answered questions of Council.

8. NEW BUSINESS

None.

9. QUESTION PERIOD

No questions were submitted using the online platform.

10. ADJOURNMENT

The meeting adjourned at 8:48 p.m.

Certified by Corporate Officer

Signed by Mayor

Report

Date June 8, 2021
To Committee of the Whole
From Shaun Mason, Municipal Forester
Subject Forest Use Bylaw Fine Increases

File:

Endorsed:



Purpose

For Council to consider increasing the fines associated with the Forest Use Bylaw.

Background

Since early 2021, significant cutting of both standing and blowdown trees has been taking place throughout the Municipal Forest Reserve (MFR). Staff are acting on several initiatives that include:

- (1) installing additional signage to increase public awareness/education;
- (2) ongoing patrols and working with RCMP and our Bylaw Services Team;
- (3) reviewing fine amounts for non-compliance with the Forest Use Bylaw;
- (4) researching video surveillance options; and,
- (5) working with Crime Stoppers to improve public reporting.

Since the beginning of COVID, staff have also noticed an increase in public use of the MFR, leading to increased amounts of garbage and/or litter dumping, open fires, and camping.

The one recent initiative that staff have been exploring, in an effort to decrease the recent increase in timber theft within the MFR, is reviewing the fines associated with the Forest Use Bylaw. The purpose of the review is to look at how we could use fines to deter illegal activity within the MFR and use the fines collected towards the cost of replenishing the trees that have been illegally removed. Details on how bylaws are currently enforced, current fines associated with the Forest Use Bylaw and suggestions for increasing the fines for consideration are discussed below.

Discussion

The fines associated with violations to Forest Use Bylaw No. 3265, 2007 need a review to better align the fine amounts with the severity of the offence. Increasing the fines and streamlining the process will help act as a deterrent to illegal activity that has been taking place within the MFR.

There are several ways that Bylaw Compliance Officers deal with violations to municipal bylaws:

- (1) Seek **voluntary compliance**;
- (2) Issue a **bylaw offence notice** (BON), which is a process for enforcing bylaw violations established under the *Local Government Bylaw Notice Enforcement Act*, initiated when the Bylaw Compliance Officer issues a BON for the alleged violation to a maximum fine of \$500. If the BON is disputed, the

dispute is heard through an adjudication system [Nanaimo Bylaw Notice Dispute Adjudication Registry System] rather than the courts. BONs may be sent by mail, and the burden of proof by the Municipality is on the balance of probabilities;

- (3) Issue a **municipal ticket information** (MTI), which is a ticket system set out in the *Community Charter* to allow designated Bylaw Compliance Officers to issue an MTI for specified bylaw violations, up to a maximum fine of \$1,000. If the MTI is disputed, the dispute is heard in Provincial court. MTIs must be issued to a person, and the burden of proof by the Municipality is beyond a reasonable doubt;
- (4) Prosecute under the *Offence Act*, which begins with a Bylaw Compliance Officer swearing a **long-form information** in front of a provincial court justice, who then issues a summons for the person alleged to have contravened the bylaw to appear in court. Unless specified in a bylaw, the maximum fine on conviction that can be sought is \$2,000 or imprisonment for not more than 6 months, or both, together with the costs of prosecution. However, section 263(1)(c) of the *Community Charter* enables Council, by bylaw, to increase the maximum fine up to \$50,000. If a person who has been convicted does not pay the penalty or remedy the harm, the Municipality could make application to the court to apply an additional fine of up to \$10,000. The burden of proof by the Municipality is beyond a reasonable doubt; or,
- (5) Seek an **injunction**, which is a remedy issued at the court's discretion and usually takes the form of an order preventing or restraining a person from performing an act.

Current fines in relation to violations to the Forest Use Bylaw

Of the four enforcement methods (options 2 to 5 above) identified, seeking an injunction would be an unlikely remedy for the violations we are seeing within the Municipal Forest Reserve (MFR), therefore, suggestions for increasing fines, which are outlined below, are based on the other three methods.

Fines under the *Offence Act*

Although the Municipality does not often prosecute bylaw offences by way of a long-form information under the *Offence Act*, this may be the best avenue to pursue as it would allow the Municipality to seek higher fines to cover the damages and replace the trees that have been cut down. However, the burden of proof is high, and the Municipality is not guaranteed to receive the fine amount requested if successful in prosecution. The Forest Use Bylaw No. 3265, 2007 has not established a fine greater than \$2,000; therefore, an amendment to increase that amount should be considered by Council.

Fines under the Bylaw Offence Notice Enforcement System Bylaw

Bylaw Offence Notice Enforcement Bylaw No. 3677, 2021 has established varying fines from \$100 up to \$300, which are below the \$500 maximum that could be applied. Fines could be increased to the maximum allowable or provide for escalating fines if the offence is repeated within the same calendar year. However, only one fine can be applied for continuous offences. For example, suppose an individual was observed cutting down a tree on Friday, and a BON was issued. In that case, another BON could not be issued if that person were to return on Saturday to complete the removal of the tree that he/she had initiated and been fined for the day before. A new fine could only be applied if the offender tried to cut down a different tree, constituting a new and separate offence under the bylaw.

Table 1 reflects the fines that have been established under Bylaw 3677.

Table 1

Forest Use Bylaw No. 3265, 2007					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
2 (1) (a)	Enter forest when closed	\$100	\$50	\$120	YES
2 (1) (b)	Litter in forest	\$100	\$50	\$120	YES
2 (1) (c)	Remove forest products without permit	\$200	\$100	\$220	YES
2 (1) (d)	Operate vehicle off road	\$300	\$150	\$320	YES
2 (1) (e) (i)	Open fire when restricted	\$100	\$50	\$120	YES
2 (1) (e) (ii)	Open fire creating fire hazard	\$200	\$100	\$220	YES
2 (1) (f)	Enter active logging area	\$100	\$50	\$120	YES
2 (1) (g)	Damage trees or streams	\$200	\$100	\$220	YES
2 (1) (h)	Build unauthorized trails or structures	\$200	\$100	\$220	YES
2 (1) (i)	Remove, destroy or deface signs	\$200	\$100	\$220	YES
2 (1) (j)	Camp	\$100	\$50	\$120	YES

(Source: Bylaw Offence Notice Enforcement Bylaw No. 3677, 2021, Schedule A)

Fines under the Municipal Ticket Information System Bylaw

Municipal Ticket Information System Bylaw No. 3464, 2013 has established varying fines from \$100 up to \$500, which are well below the \$1,000 maximum that could be applied. Now that Council has adopted the BON System, staff would recommend increasing the fines in Table 2 below closer to the maximum. This would provide Bylaw Compliance Officers and the Municipal Forester with a more robust mechanism to address blatant violations where there is sufficient evidence to prove beyond a reasonable doubt that the alleged offender violated the bylaw. Unlike the BON System, the MTI System allows for penalties for continuing offences. In the example above, if an MTI was served on the Friday, another MTI could be served on the Saturday. Bylaw Compliance Officers can issue a BON or an MTI but not both for the same offence.

Table 2

Section 8 – Forest Use Bylaw 2007

Item	Column 1 Offence	Column 2 Section	Column 3 Fine
1	Enter Forest when Closed	2(1)(a)	\$100
2	Litter in Forest	2(1)(b)	\$200
3	Remove Forest Products without Permit	2(1)(c)	\$200
4	Operate Vehicle Off Road	2(1)(d)	\$400
5	Open Fire when Restricted	2(1)(e)(i)	\$100
6	Open Fire Creating Fire Hazard	2(1)(e)(ii)	\$100
7	Enter Active Logging Area	2(1)(f)	\$100
8	Damage Trees or Streams	2(1)(g)	\$100
9	Build Unauthorized Trails or Structures	2(1)(h)	\$500
10	Remove, Destroy, or Deface Signs	2(1)(i)	\$500
11	Camp when Prohibited	2(1)(j)	\$100

(Source: Municipal Ticket Information System Bylaw No. 3464, 2013, Schedule 2, Section 8)

Options

Option 1 (Recommended)

That Committee of the Whole directs staff to amend:

- (1) the Forest Use Bylaw No. 3265, 2007 to remove section 4 [Offence] and insert in its place:
"A person who contravenes a provision of the bylaw or any order or permit issued under this bylaw, shall be liable, on summary conviction, to a penalty not exceeding fifty thousand dollars (\$50,000.00) under the Offence Act and the costs of prosecution. Where any offence is a continuing one, each day that the offence continues shall be a separate offence."
- (2) the Bylaw Offence Notice Enforcement Bylaw No. 3677, 2021 to increase the fines associated with the Forest Use Bylaw No. 3265, 2007 where deemed appropriate based on the offence up to the maximum of \$500.
- (3) the Municipal Ticket Information System Bylaw No. 3464, 2013 to increase the fines associated with the Forest Use Bylaw No. 3265, 2007 where deemed appropriate based on the offence up to the maximum of \$1,000.

Option 2

That Committee of the Whole directs staff to amend:

- (1) the Forest Use Bylaw No. 3265, 2007 to remove section 4 [Offence] and insert in its place:
"A person who contravenes a provision of the bylaw or any order or permit issued under this bylaw, shall be liable, on summary conviction, to a penalty not exceeding \$_____ thousand dollars [i.e. up to a maximum of \$50,000.00] under the Offence Act and the costs of prosecution. Where any offence is a continuing one, each day that the offence continues shall be a separate offence."
- (2) the Bylaw Offence Notice Enforcement Bylaw No. 3677, 2021 to _____ [e.g. establish escalated fines for repeat offences or for Council to identify which fines they want to increase] associated with the Forest Use Bylaw No. 3265, 2007.
- (3) the Municipal Ticket Information System Bylaw No. 3464, 2013 to _____ [e.g. establish escalated fines for repeat offences or for Council to identify which fines they want to increase] associated with the Forest Use Bylaw No. 3265, 2007.

Option 3

That Committee of the Whole direct staff to include a review of the fines associated with Forest Use Bylaw No. 3265, 2007 on the next Forestry Advisory Committee meeting agenda and that their recommendations be brought back to Council for consideration.

Implications

Option 1 Personnel: It would take some staff time to amend the various Bylaws as discussed above, but it is achievable within a reasonable timeframe.

Financial: There are few direct financial impacts to North Cowichan. Should fines be increased, the amount of monetary value that is remitted to North Cowichan from the fine would increase but would not be expected to be a significant source of revenue. Updating signage to reflect the bylaw and new fine amounts will cost approximately \$1,500.

Environmental: Increasing the fines associated with the Forest Use Bylaw should deter those committing illegal activity. Reducing the illegal activity as stated in the Forest Use Bylaw will directly reduce the impacts to the environment caused by the illegal activities.

Social: There has been strong public support for stopping the recent illegal activity within the MFR. Staff perceive a positive social impact should the fines associated with the Forest Use Bylaw be increased to further deter any illegal activities within the MFR.

Communication: Staff will work with the Communications Team to provide any approved Forest Use Bylaw fine changes to the public through the MNC social media platforms. Staff will also review the current signage throughout the MFR and ensure it is updated to reflect any changes where required.

Recommendation

That Committee of the Whole directs staff to amend:

- (1) the Forest Use Bylaw No. 3265, 2007 to remove section 4 [Offence] and insert in its place:
"A person who contravenes a provision of the bylaw or any order or permit issued under this bylaw, shall be liable, on summary conviction, to a penalty not exceeding fifty thousand dollars (\$50,000.00) under the Offence Act and the costs of prosecution. Where any offence is a continuing one, each day that the offence continues shall be a separate offence."
- (2) the Bylaw Offence Notice Enforcement Bylaw No. 3677, 2021 to increase the fines associated with the Forest Use Bylaw No. 3265, 2007 where deemed appropriate based on the offence up to the maximum of \$500.
- (3) the Municipal Ticket Information System Bylaw No. 3464, 2013 to increase the fines associated with the Forest Use Bylaw No. 3265, 2007 where deemed appropriate based on the offence up to the maximum of \$1,000.

Attachment: Forest Use Bylaw No. 3265, 2007



BYLAW NO. 3265

Forest Use Bylaw, 2007

**This bylaw is consolidated under section 139 of the *Community Charter*
and is printed by authority of the corporate officer.**

Pursuant to section 139 (3) of the *Community Charter*, "a printed document purporting (a) to be a copy of a bylaw consolidated under this section, and (b) to be printed by authority of the corporate officer is proof, in the absence of evidence to the contrary, of the original bylaw, of all bylaws amending it and of the fact of adoption of the original and all amending bylaws."

Amendment Bylaw

Effective Date

3470 (adds Section 2.1) May 16, 2012

Adopted December 19, 2007

The council of The Corporation of the District of North Cowichan enacts as follows:

Definitions

1 In this bylaw:

"forest" means land set aside by the District of North Cowichan as municipal forest reserve land, and other municipal lands managed for forest purposes.

"forest products" means a raw material yielded by a forest, including firewood, plants, trees, shrubs, and other forest materials such as rock, soil, stone, clay, sand, and gravel.

"litter" means waste material improperly discarded, including organic and inorganic matter.

"municipal forester" means the municipal forester, and every person designated by the District of North Cowichan to act in the place of the municipal forester.

"municipality" means the Corporation of the District of North Cowichan.

"open burning" means the combustion of material with or without control of the combustion air and without a stack or chimney to vent the emitted products of combustion to the atmosphere.

Forest Use

2 (1) No person may do any of the following in the forest:

(a) enter the forest after the municipal forester has closed the forest;

- (b) discard or leave litter;
 - (c) harvest or remove forest products without a permit, or without permission from the municipal forester;
 - (d) operate motorized vehicles off of designated roads;
 - (e) start or maintain open burning
 - (i) when burning restrictions are in place, or
 - (ii) when conditions are such as to render open burning a fire hazard;
 - (f) enter active logging areas;
 - (g) damage trees, vegetation or streams;
 - (h) build elevated mountain biking structures or unauthorized trails;
 - (i) remove, destroy, or deface signs;
 - (j) camp when prohibited.
- (2) A permit may be issued for removing firewood, plants, bushes, shrubs, rock or soil.

BL 3470

2.1 A North Cowichan resident may obtain a permit from the Municipal Forester to cut and remove firewood, not including standing or felled timber, from designated areas of the Municipal Forest, upon application in the form prescribed by the Corporate Officer and payment of the fee prescribed in the Fees Bylaw.

Exemptions

3 The restrictions in this bylaw do not apply to municipal employees in the course of their duties, or commercial operators carrying out municipally sanctioned activities.

Offence

4 A person who violates this bylaw is guilty of an offence and liable on conviction to a fine under the Offence Act.

Repeal

5 This bylaw repeals bylaw No. 2072, "Firewood Permit Bylaw 1982".

Bylaw Readings

First reading December 5, 2007
Second reading December 5, 2007
Third reading December 5, 2007

M. O. Ruttan, Director of Administration

J. W. Lefebure, Mayor

Report

Date June 8, 2021
To Committee of the Whole
From Tricia Mayea, Deputy Corporate Officer
Subject Review of Fireworks Bylaw 1974, No. 1579

File: 4520-25

Endorsed:



Purpose

To seek direction on potential revisions to the Fireworks Bylaw.

Background

At the May 11, 2021 Committee of the Whole meeting, Council considered a report (Attachment 1) from staff seeking direction on whether to gather public opinion prior to revising Fireworks Bylaw 1974, No. 1579 ("Fireworks Bylaw"). Staff were subsequently directed to draft an update to the bylaw and bring forward a report to the Committee of the Whole.

Discussion

The current bylaw, which was adopted close to 40 years ago, permits any person or organization to discharge fireworks within the Municipality as long as they obtain a permit, authorized by the Corporate Officer, in advance. Currently, there is no fee established for issuing a permit or conditions established for when a permit may be issued. Section 194(1)(c) of the *Community Charter* authorizes Council to impose fees payable in respect to exercising their authority to regulate, prohibit or impose requirements. However, subsection 194(4) requires the Municipality to make a report available with respect to how the fee was determined. The fee amount must not be excessive. Instead, it should be sufficient to recover costs for completing a review of the application, including any on-site visits necessary to ensure public safety.

The bylaw has established a penalty limit between \$50 and \$250 for any offences prosecuted under the *Offence Act*. Section 4 of the Act establishes a default penalty for anyone convicted under the *Offence Act* of \$2,000 if a penalty is not established under the regulatory bylaw. Section 263(1)(b) of the *Community Charter* enables Council, by bylaw, to increase that penalty amount up to \$50,000.

The fines established under the Bylaw Offence Notice Enforcement Bylaw No. 3677, 2021 (Table 1) and the Municipal Ticket Information System Bylaw No. 3464, 2013 (Table 2) fall within the same limit as those fines enforced under the *Offence Act*, though they could be increased to the maximum limits of \$500 (under Bylaw No. 3677) and \$1,000 (under Bylaw No. 3464).

Table 1: Excerpt from Bylaw Offence Notice Enforcement Bylaw No. 3677, 2021

Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
2(a)	Sell fireworks	\$100	\$50	\$120	YES
2(b)	Unlawfully possess fireworks	\$100	\$50	\$120	YES
2(b)	Unlawfully discharge fireworks	\$200	\$100	\$120	YES

Table 2: Excerpt from Municipal Ticket Information System Bylaw No. 3464, 2013

Item	Column 1	Column 2	Column 3
	Offence	Section	Fine
1	Sell Fireworks	2(a)	\$100
2	Unlawfully Possess Fireworks	2(b)	\$200
3	Unlawfully Discharge Fireworks	2(b)	\$200

Through discussions with staff, the following concerns or deficiencies have been identified with the current Fireworks Bylaw:

- no provisions regarding the safe handling of fireworks;
- no proof of liability insurance is required;
- no permit fees are collected;
- no requirement for notifying neighbours;
- the Corporate Officer, as opposed to the Fire Chief, is responsible for approving and issuing fireworks permits;
- no distinction is made between the different types of fireworks; and,
- enforcement challenges.

Staff are recommending that Council declare the [Fireworks Act](#) apply to North Cowichan, enabling the RCMP to issue violation tickets under the Act and Bylaw Compliance Officers to issue a BON or MTI for non-compliance. Unlike most provincial legislation, the Act only applies if Council declares that it does by bylaw. The bylaw that staff would draft and bring forward to Council for consideration would:

1. Declare that the *Fireworks Act* applies to the District of North Cowichan;
2. Establish an application process, including fees;
3. Include the form of the permit;
4. Include additional prohibitions related to possession of fireworks without a valid permit;
5. Include requirements for inspections, certifications and providing fire safety plans;
6. Restrict the discharge of fireworks within 500 metres of livestock;
7. Include conditions under which the Fire Chief may suspend or revoke a permit;
8. Include provisions for the safe handling of fireworks; and,
9. Increase penalty in relation to *Offence Act* prosecutions up to \$50,000.

Should Council prefer to allow fireworks to be discharged outside of the period established under section 3 of the Act, then staff would recommend that a revised bylaw be drafted with the following requirements and conditions, in addition to items 2-9 listed above:

10. Define Consumer, Display and Pyrotechnic Special Effects Fireworks;

11. Establish the Fire Chief as the person authorized to issue a Fireworks Permit in accordance with the *Fireworks Act*;
12. Establish a prohibition for issuing Fireworks Permits while a provincial fire ban and/or restrictions are in place;
13. Establish the following conditions for issuance of a **Consumer** [private/family] **Fireworks Permit**:
 - a. Applications for a permit must be made at least seven days prior to the proposed fireworks discharge date
 - b. Pay a permit fee of \$10¹ (fees vary across the province, from \$10-20 or providing them at no charge)
 - c. Provide contact information of the person who will be responsible for discharging the fireworks
 - d. Identify the property address (site location) where the fireworks will be discharged in the application
 - e. Identify the type of fireworks intended for use
 - f. Complete a release and indemnity waiver, signed by the person responsible for the fireworks discharge
 - g. Applicant to notify neighbours (adjacent properties) at least 24 hours before the fireworks discharge date
 - h. Applicant to notify neighbours with livestock at least 24 hours before the fireworks discharge date
 - i. Include conditions under which the Fire Chief may suspend or revoke a permit
 - j. Establish a minimum age requirement (eighteen (18) years) for any person who may hold, possess, store, discharge, or otherwise use any fireworks
 - k. Restricting the hours which fireworks may be discharged (e.g. prior to 10:00 pm), with the exception of New Year's Eve (e.g. prior to 1:00 am on January 1)
14. Establish the following conditions for issuance of a **Display** [special event or festival] and/or **Pyrotechnic Special Effects** [event or production - generally for the entertainment industry] **Fireworks Permit**:
 - a. Applications for a permit must be made at least 30 days prior to the event date
 - b. Require a security deposit of \$1,000 (returned one week after event if no damages are caused)
 - c. Pay a permit fee of \$200²
 - d. Provide proof of liability insurance (\$5 million) with the Municipality named as an additional insured
 - e. Provide proof of valid Fireworks Supervisor's and/or Pyrotechnics Certificate

¹ This fee would be added to the Fees and Charges Bylaw as an amendment not the revised Fireworks Bylaw. Although this fee would not recover the cost of staff resource time spent reviewing and issuing a permit, it is intended to apply some cost for this service to the user.

² This fee would be added to the Fees and Charges Bylaw as an amendment not the revised Fireworks Bylaw. This type of permit would require at least 2 hours of the Fire Chief's time to evaluate fire safety and site plans, conduct initial site inspection and determine if any additional conditions must be established to ensure public safety.

- f. Provide a site plan
 - g. Provide a fire safety plan
 - h. Provide event description
 - i. Provide contact information of the applicant or on-site person in charge of the event
 - j. Provide contact and background information of each wholesaler or retailer where fireworks are purchased
 - k. Provide written consent from the property owner (property on which fireworks to be discharged) and their contact information
 - l. Restricting the hours which fireworks may be discharged (e.g. prior to 11:00 pm), with the exception of New Year's Eve (e.g. prior to 1:00 am on January 1)
15. Restrict the discharge of fireworks in North Cowichan to the following dates and times:
- a. July 1st [Canada Day] from 9:00 pm to 11:00 pm
 - b. October 31st [Halloween] from 9:00 pm to 11:00 pm
 - c. December 31st from 9:00 pm to 1:00 am on January 1st [New Year's Eve]
16. Notwithstanding the restriction under bullet 15, authorize the Fire Chief to issue Special Fireworks Permits subject to other restrictions listed above.
17. Establish additional fees, such as a \$100 fee for subsequent site inspections by the Fire Chief³ and a \$100 fee for evening inspections by Bylaw Compliance Officers where permits authorize fireworks to be discharged from properties adjacent to properties with livestock⁴

Options

1. (Recommended Option) – Apply the [Fireworks Act](#) (Attachment 2)

That the Committee of the Whole direct staff to draft a new Fireworks Bylaw that declares that the *Fireworks Act* applies to the District of North Cowichan and applies the regulations listed under bullet items 2 - 9 in the June 8, 2021 report from the Deputy Corporate Officer.

2. (Alternative Option #2) – Ban fireworks in North Cowichan

That the Committee of the Whole direct staff to draft a new Fireworks Bylaw that restricts fireworks from being discharged within the District of North Cowichan.

3. (Alternative Option #3) – Draft a new bylaw that prohibits private/personal discharge of fireworks but allows for professional public firework displays

That the Committee of the Whole direct staff to draft a new Fireworks Bylaw that authorizes professional event/pyrotechnic displays only, based on the suggestions listed under bullet items 2 – 12 and 14 - 17 in the June 8, 2021 report from the Deputy Corporate Officer.

4. (Alternative Option #4) - Draft a new bylaw that allows a person/organization to discharge fireworks

³ This fee would be added to the Fees and Charges Bylaw as an amendment not the revised Fireworks Bylaw.

⁴ This fee would be added to the Fees and Charges Bylaw as an amendment not the revised Fireworks Bylaw. This fee would help cover the cost of overtime incurred.

That the Committee of the Whole direct staff to draft a new Fireworks Bylaw based on the suggestions listed under items 2 – 17, in the June 8, 2021 report from the Deputy Corporate Officer.

5. (Alternative Option #5) – Identify which conditions to include in the new bylaw

That the Committee of the Whole direct staff to draft a new Fireworks Bylaw, which includes the following provision(s):

- *[identify which provisions to be included]*

Implications

- **Complaints:** Revising the Fireworks Bylaw may help to reduce the number of complaints received.
- **Enforcement:** The option to prohibit the use of Consumer [private/family] fireworks aligns with the regulations set by many other municipalities in British Columbia; however, it will be difficult to enforce because fireworks are discharged late in the evening. The trend across British Columbia, from a fire service standpoint, is to ban Consumer fireworks. This approach is recommended by the Manager of Fire and Bylaw Services and the Manager of Bylaw and Business Licensing. At the end of the day, whether Council chooses to permit or ban fireworks within North Cowichan, Bylaw Services does not have resources to deploy, making enforcement challenging. As previously identified, if the *Fireworks Act* is applied, the RCMP will be able to issue a Violation Ticket and issue an MTI or BON ticket, which will help with enforcement inside and outside of Bylaw Compliance Officers hours of work. It also allows for fireworks between October 24 and November 1 in any year, which provides residents who enjoy fireworks a window of time to hold a private fireworks display.
- **Professional Displays:** Although the Municipality has not received an application for Display or Pyrotechnic fireworks for many years, staff felt it prudent to include provisions in case any future applications are received should Council choose option 1, 3 or 4.
- **Other Bylaw Amendments:** Amendments to the Fees and Charges Bylaw, the Municipal Ticket Information System Bylaw and the Bylaw Offence Notice Bylaw will be brought forward to a future meeting if the bylaw is revised, to establish permit fees and fines for non-compliance.

Recommendation

That the Committee of the Whole direct staff to draft a new Fireworks Bylaw that declares that the *Fireworks Act* applies to the District of North Cowichan and applies the regulations listed under bullet items 2 - 9 in the June 8, 2021 report from the Deputy Corporate Officer.

Attachment:

- (1) May 11, 2021 Report to COW: Review of Fireworks Bylaw No. 1579
- (2) Fireworks Act

Report

Date	May 11, 2021	File: 4520-25
To	Committee of the Whole	
From	Tricia Mayea, Deputy Corporate Officer	Endorsed:
Subject	Review of Fireworks Bylaw No. 1579	

Purpose

To review the Fireworks Bylaw No. 1579 and consider amendments to the bylaw and a public consultation process.

Background

North Cowichan's "Fireworks Bylaw 1974", No. 1579 (Fireworks Bylaw) (Attachment 1) was adopted on September 11, 1974, with one minor amendment made on September 17, 2003, to include 'private' displays as an allowable provision.

On November 28, 2017, the Protective Services Committee reviewed the Fireworks Bylaw (Attachment 2 – Report to Committee) and recommended that the bylaw be amended to restrict fireworks permits to January 1, July 1 and October 31, and delegated the authority to approve other dates to the Chief Administrative Officer. Council considered the Committee's recommendation and passed the following motion at the December 20, 2017, Council meeting:

That Council direct staff to draft a bylaw to amend Fireworks Bylaw 1974 to restrict fireworks permits to January 1st, July 1st, and October 31st, and require requests for other dates be approved by the Chief Administrative Officer or his designate.

Discussion

Considering the length of time that has elapsed since the 2017 direction from Council and due to other priorities and resourcing issues preventing further discussions staff believe it's important to reconsider this direction before proposing amendments to the bylaw to ensure we make amendments that align with this Council's views.

Drafting a new bylaw aligns with Council's objective for relevant, responsive and enforceable bylaws to be in place. Staff require direction on whether Council wishes to provide the public with an opportunity to provide feedback prior to making any changes to the current Fireworks Bylaw.

Legislative Framework

Section 8(3)(d) of the *Community Charter* provides the Municipality with the fundamental powers to regulate the use of fireworks, and section 194(1)(c) provides the Municipality with the authority to impose a fee by bylaw, to regulate, prohibit or impose requirements.

Section 2 of the *Fireworks Act* enables Council, by bylaw, to declare that the *Fireworks Act* applies to the Municipality which would prohibit the sale or discharge of fireworks on any day except between October 24 and November 1 in any year, and would require a person or organization to obtain written permission from a local assistant of the Fire Commissioner in order to conduct a public fireworks display. The *Fire Services Act* defines local assistants as the Fire Chief and persons authorized in writing by the Fire Chief to exercise the powers of a local assistant.

Currently, the Fireworks Bylaw prohibits the sale of fireworks in North Cowichan and prohibits the possession and discharge of fireworks without written permission from the Municipal Clerk (Corporate Officer). To obtain a fireworks permit, applicants fill out an Application for Fireworks Discharge Permit (Attachment 3) and submit it to the Corporate Officer for approval.

The following are some of the concerns identified by staff:

- that there are no provisions regarding the safe handling of fireworks;
- no proof of liability insurance is required;
- no permit fees are collected;
- no provision for notifying neighbours; and,
- no distinction is made between consumer, display or pyrotechnic fireworks.

The Application was updated in 2016 to help mitigate safety concerns by including information about the safe handling of fireworks, ensuring neighbours and livestock owners in the surrounding area are informed, and including a release and indemnity statement that must be signed by the applicant. However, these changes are only suggestions and are not regulations that are enforceable by Bylaw Compliance Officers or the RCMP.

Fireworks Permits

Typically North Cowichan issues a relatively small amount of fireworks permits. However, there was a significant increase in the amount of permits issued in 2020 (see *Table 1: 2017 – 2020 Fireworks Permits Issued*). This is likely attributed to people staying home to celebrate holidays during the COVID-19 pandemic instead of attending larger community gatherings. All of the permits issued in 2020 were for small, backyard private displays. In the past, the Forest Discovery Centre would celebrate Canada Day with a public fireworks display, and Camp Quanoes used to have high-quality fireworks displays but neither of these events has happened for a number of years.

Table 1: 2017 – 2020 Fireworks Permits Issued

	New Years	Canada Day	Halloween	Other	Total
2017	2	1	16	3	22
2018	2	0	8	0	10
2019	2	0	15	3	20
2020	6	0	44	2	52

Complaints

The RCMP has reported that they received 29 complaints in 2018, 18 complaints in 2019 and 31 complaints in 2020 concerning the discharge of fireworks in North Cowichan. They issued one Municipal Ticket on January 21, 2019, for the unlawful discharge of fireworks. The nature of the complaints was associated with loud noises, unsafe use, youth with fireworks and people setting off fireworks after hours or around livestock.

North Cowichan received three complaints in 2020 and a handful of complaints in prior years in relation to fireworks. The nature of the complaints was associated with injury to livestock (horses), frightened family pets, loud noises, unsafe use, and fireworks debris on the roof and ground of neighbouring properties.

What do other local governments do?

A comparison of other local government fireworks regulations is attached (Attachment 4) for Council's information. Notable additional regulations included:

- the permitting process flows through the Fire Chief as opposed to the Corporate Officer;
- consumer (family), display (public), and pyrotechnic (event) fireworks are defined;
- applicants must hold a valid Fireworks Supervisor and/or Pyrotechnics Certification;
- applicants must provide a security deposit;
- applicants must provide proof of liability insurance;
- applicants must provide a fire safety plan; and,
- a permit fee is collected.

The Cowichan Valley Regional District was the only local government within the comparison group that included restrictions on the discharge of fireworks in relation to the proximity of livestock (within 500 m), which has been a consistent complaint received by both the Municipal Hall and the RCMP, in terms of not being enforced.

Enforcement Challenges

Should Council want a distance regulated between fireworks and livestock it will take increased processing and vigilance on the part of bylaw officers to administer and include thorough site visits of all proposed fireworks discharge locations and surrounding areas.

A permitting process would be helpful and provide the basis for enforcement actions for those who do not follow the rules. Complaints are typically received after the incident, making it challenging to determine who is responsible or to have enough information to issue a fine.

Potential Bylaw revisions for Council to consider

1. Should consumer (family) fireworks continue to be permitted?
2. Should fireworks permits be limited to display (public) or pyrotechnic (event) fireworks?
3. Should consumer (family) fireworks be restricted to the following dates and times:
 - December 31 from 9:00 pm – 12:00 am
 - January 1 from 12:00 am – 1:00 am
 - July 1 from 9:00 pm – 11:00 pm (note that fire restrictions are generally in place at this time and staff recommend that July 1 be removed)

- October 31 from 9:00 pm – 11:00 pm
- 4. Should restrictions in relation to the proximity of livestock be included?
- 5. Should a fireworks permit fee be established?
- 6. Other regulations?

Public Consultation

Public opinion on fireworks varies greatly - from those who feel fireworks hurt people, animals and the environment to those who think it is a harmless, cheap family activity that should not be regulated at all. To gain a better understanding of the public's opinion on this matter, Council may wish to embark on a public consultation process regarding the use of fireworks before making any decisions in relation to revising the Fireworks Bylaw or choose to forego a public consultation entirely considering the often polarizing views around fireworks.

Should Council decide they do want to hear from the public before considering any changes to how they currently regulate the discharge of fireworks; staff propose a simple online questionnaire to engage the community on the bylaw issues noted above. Engagement platforms would include the municipal website and would be shared through various social media platforms to obtain that feedback. The costs would be minimal and include; two consecutive ads in the local newspapers (\$800), social media ad (\$100), and internal administration (\$0). At the close of the questionnaire, the results will be compiled and brought back to the Committee of the Whole for further direction.

Options

The motions provided under Options 1 and 3 must be brought forward to a Council meeting for endorsement prior to implementing the direction identified. As Council has already provided the direction to staff for Option 2, staff would be able to implement the 2017 decision of Council with direction from the Committee of the Whole.

1. (Recommended Option) – Proceed with public consultation prior to drafting a new bylaw

That the Committee of the Whole recommends:

That Council direct staff to conduct an online public consultation process on the use and regulation of fireworks in the District of North Cowichan and report back to the Committee of the Whole.

2. (Alternative Option #2) – Proceed with amendment bylaw as directed on December 20, 2017:

That the Committee of the Whole direct staff to proceed with amending the dates that fireworks may be discharged under Fireworks Bylaw No. 1579 as directed by Council on December 20, 2017.

3. (Alternative Option #3) – Leave the Fireworks Bylaw as is and rescind December 20, 2017 motion

That the Committee of the Whole recommends:

That Council rescind their December 20, 2017 motion "That Council direct staff to draft a bylaw to amend Fireworks Bylaw 1974 to restrict fireworks permits to January 1st, July 1st, and October 31st, and require requests for other dates be approved by the Chief Administrative Officer or his designate."

Implications

If the recommended option is chosen, it will provide Council with insight into what North Cowichan residents want and provide staff with the foundation for drafting a new Fireworks Regulation Bylaw for Council's consideration. In addition, completing the revision instead of the amendment will provide Bylaw Compliance Officers and Fire Chiefs with the tools to enforce the discharge of fireworks effectively and to help to reduce the number of complaints received. This may impact Bylaw Compliance Officer resources and (potentially) require overtime to enforce, however, some of these costs could be offset by establishing permit fees and/or the increase in Bylaw Compliance Officers having sufficient evidence/information to issue a ticket.

If a new bylaw is adopted, amendments to the Delegation of Authority Bylaw, Fees and Charges Bylaw, the Municipal Ticket Information System Bylaw and the Bylaw Offence Notice Bylaw will be required to delegate the authority to issue a fireworks permit, establish permit fees, offence violations and fines.

Option 1 supports Council's strategic priorities for engagement "*through collaborative relationships with other governments, Indigenous peoples, stakeholder partners and engaging the community at large, we achieve optimum outcomes for all*" and service "*we provide responsive, efficient, transparent and engaged service that contributes value to the community*". Engaging the public before revising the bylaw will build trust and support for the regulations contained within the new bylaw.

Recommendation

That the Committee of the Whole recommends:

That Council direct staff to conduct an online public consultation process on the use and regulation of fireworks in the District of North Cowichan and report back to the Committee of the Whole.

Attachments: (1) Fireworks Bylaw 1974, No. 1579
(2) 2017-11-24 Fireworks Bylaw Review Report
(3) Application for Fireworks Discharge Permit
(4) Other Local Government Fireworks Regulations

THE CORPORATION OF THE DISTRICT OF NORTH COWICHAN

BY-LAW NO. 1579

A BY-LAW TO BAN THE SALE, POSSESSION, AND USE OF
FIREWORKS

The Municipal Council of The Corporation of the District of North Cowichan, in open meeting assembled, ENACTS as follows:-


1. In this by-law, "fireworks" includes cannon-crackers, fireballs, firecrackers, mines, Roman Candles, sky-rockets, squibs, torpedoes, and such other explosives as may be designated as such by the Lieutenant-Governor in Council.
2. a) No person shall sell, dispose of, directly or indirectly, any fireworks of any kind at any time within the Municipality.
b) No person shall fire or set off fireworks or have in his possession fireworks of any nature or any kind at any time within the Municipality.
3. Notwithstanding the provisions of this by-law, fireworks may be sold to and discharged by any organization conducting a public display if such display is held with the written permission of the Clerk of the Municipality and is adequately supervised.
4. Every person who offends against any of the provisions of this by-law or who suffers or permits any act or thing to be done in contravention of any of the provisions of this by-law, shall be guilty of an infraction of this by-law and shall be liable, on summary conviction, to a fine and penalty of not less than \$50.00 nor more than \$250.00.
5. By-law No. 1314, being the "Fireworks By-law 1970", is hereby repealed.
6. This by-law may be cited as the "Fireworks By-law 1974".

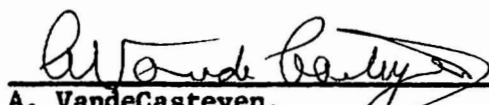
Received First Reading on the 4th day of September 1974.

Received Second Reading on the 4th day of September 1974.

Received Third Reading on the 4th day of September 1974.

RECONSIDERED, ADOPTED and FINALLY PASSED by the Municipal Council on the 11th day of September 1974.


G. C. Smith,
Mayor


A. VandeCasteyen,
Municipal Clerk

Report

Date	November 24, 2017	File: 3900-50 FIRE
To	Protective Services Committee	
From	Alyssa Meiner, Deputy Director of Corporate Services	Endorsed:
Subject	Fireworks Bylaw Review	

Purpose

To review the current Fireworks Bylaw and consider making changes to Fireworks Bylaw 1974.

Background

The current Fireworks Bylaw was adopted in 1974, and last amended in 2003. The Fireworks Bylaw prohibits the sale of fireworks in North Cowichan and prohibits possession and discharge of fireworks in North Cowichan without written permission from the Municipal Clerk.

Written permission is obtained through an approved Fireworks Discharge Permit. Additional administrative procedures were added in 2016 to the fireworks permit application process to help mitigate safety concerns and ensure neighbours and livestock owners in the surrounding area are notified.

Currently, a person supervising a fireworks display must confirm they will abide by fireworks permit information pertaining to notice, restriction during fire ban, and safe handling of fireworks. This includes notifying neighbours at least 24 hours before fireworks display and ensuring livestock and pet owners in area have been notified.

All approved fireworks displays must be finished by 10 pm (except New Years) and not last longer than 30 minutes. Every year we receive fireworks related complaints and questions from the public about the fireworks permit process. Fireworks complaints in North Cowichan are likely the result of fireworks being discharged without a valid permit. Generally speaking, those that apply for and are issued a fireworks permit are responsibly conducting a safe fireworks display for their family, friends, and neighbours. In terms of enforcement, there is currently an ability for tickets (\$200) to be issued by RCMP officers and municipal bylaw compliance officers for unlawfully possessing or discharging fireworks.

The Cowichan Valley Regional District (CVRD) Bylaw restricts firework permits to January 1st, July 1st, and October 31st and special request dates must be approved by the CVRD Board. There is also a requirement that fireworks not be discharged within 500 m of livestock property (land where livestock is raised, reared or grazes).

In North Cowichan, there are currently no restrictions with respect to dates fireworks permits may be issued. In 2017, North Cowichan Fireworks Discharge Permits were issued for the following dates: July 1, Sept. 2, Oct. 6, Oct. 28 (x7), Oct. 31 (x9), Nov. 4, and Dec. 31.

Options

1. (Recommended) Restrict fireworks permits to January 1st, July 1st, and October 31st and require requests for other dates be approved Council.
2. Add a requirement that fireworks not be discharged within 500 m of a livestock property.
3. Make no changes to the Fireworks Bylaw.
4. Prohibit the discharge of fireworks in North Cowichan.

Implications

Limiting permitted fireworks displays to January 1st, July 1st, and October 31st would provide consistency with

Recommendation

That the Committee recommend that Council amend Fireworks Bylaw 1974 to restrict fireworks permits to January 1st, July 1st, and October 31st and require requests for other dates be approved by Council.

Attachments:

Bylaw No. 1579, "Fireworks Bylaw 1974".

Application for Fireworks Discharge Permit

THE CORPORATION OF THE DISTRICT OF NORTH COWICHAN

BYLAW NO. 1579

A Bylaw To Ban The Sale, Possession, And Use Of Fireworks

**This bylaw is consolidated under section 139 of the Community Charter
and is printed by authority of the corporate officer.**

Pursuant to section 139 (3) of the Community Charter, "a printed document purporting (a) to be a copy of a bylaw consolidated under this section, and (b) to be printed by authority of the corporate officer is proof, in the absence of evidence to the contrary, of the original bylaw, of all bylaws amending it and of the fact of adoption of the original and all amending bylaws."

Amendment Bylaw

Date

3187 SEP 17, 2003

Adopted on September 11, 1974.

The Municipal Council of The Corporation of the District of North Cowichan, in open meeting assembled, enacts as follows:

- 1** In this bylaw, "fireworks" includes cannon-crackers, fireballs, firecrackers, mines, Roman Candles, sky-rockets, squibs, torpedoes, and such other explosives as may be designated as such by the Lieutenant-Governor in Council.
- 2**
 - a) No person shall sell, dispose of, directly or indirectly, any fireworks of any kind at any time within the Municipality.
 - b) No person shall fire or set off fireworks or have in his possession fireworks of any nature or any kind at any time within the Municipality.

BL 3187 3 Notwithstanding the provisions of this bylaw, fireworks may be sold to and discharged by any organization conducting a public or private display if such display is held with the written permission of the Clerk of the Municipality and is adequately supervised.

- 4** Every person who offends against any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of any of the provisions of this bylaw, shall be guilty of an infraction of this bylaw and shall be liable, on summary conviction, to a fine and penalty of not less than \$50.00 nor more than \$250.00.
- 5** Bylaw 1314, being the "Fireworks Bylaw 1970", is hereby repealed.
- 6** This bylaw may be cited as the "Fireworks Bylaw 1974".

Bylaw readings

First reading September 4, 1974
Second reading September 4, 1974
Third reading September 4, 1974

A. VandeCasteyen, Municipal Clerk

G.C. Smith, Mayor

APPLICATION FOR FIREWORKS DISCHARGE PERMIT



7030 Trans Canada Highway, Box 278
Duncan, BC V9L 3X4

Telephone: (250) 746-3100

Fax: (250) 746-3133

www.northcowichan.ca

Please submit your application at least 72 hours before
the date of your proposed fireworks display

Organization conducting fireworks display

Name: _____

Describe: _____

Nature of Display: ☐ Public display ☐ Private display

Individual responsible for fireworks display

Name: _____

Address: _____

Phone: _____

Email: _____

Fireworks display details

Property address: _____

Date: _____

Start & end time: (expected)

Fireworks display should not last longer than 30 minutes, and must be finished by 10:00 p.m., except for New Years.

Site location and fireworks to be used: (describe) _____

- ☐ I confirm that I will personally supervise this fireworks display, and that I have read and will abide by the attached information regarding notice, restriction during fire ban, and safe handling of fireworks. Initials _____
- ☐ I have read, understood and signed the attached Release and Indemnity form. Initials _____

Signature of person responsible for fireworks discharge

Date

Permit approved by:

Director of Corporate Services or Deputy

Date

Pc: RCMP, North Cowichan/Duncan Detachment and MNC Bylaw Compliance Officer

FIREWORKS PERMIT INFORMATION

Notice of Fireworks

- Please notify neighbours (adjacent property owners and inhabitants) at least 24 hours before your fireworks display. Respectful communication goes a long way for healthy neighbourly relations and minimizing disturbances.
- Be aware of livestock and pets in your area and ensure owners have been notified.

No Fireworks during fire ban

- Do not discharge fireworks when there is a municipal fire ban in effect. You must check the current status of fire bans. This permit does not ensure compliance with fire bans.

Safe Handling of Fireworks

- Only discharge fireworks in a clear open space, away from fire hazards such as trees, dry grass, buildings, etc.
- Read the instructions. Keep all spectators the distance recommended on instructions or at least 30 m away. Keep a charged hose or bucket of water close by in the event of a malfunction or fire and soak the area when done. Keep a fire extinguisher on site.
- Protect your eyes with safety glasses/goggles. Regular prescription glasses or sunglasses provide little or no protection and may contribute to an injury.
- Light fireworks on a hard, flat and level surface to ensure stability.
- Check wind direction and speed; fireworks should be lit with the prevailing wind blowing away from spectators. Do not set off aerial fireworks in strong winds.
- During the display, store and cover unused fireworks away from the firing area.
- Never put any part of your body over the fireworks. Never hold fireworks in your hand while lighting them. Never smoke while handling fireworks. Never store fireworks in pockets. Never attempt to re-light a misfire or dud.
- Never let children handle, play, or discharge fireworks under any circumstances.
- Never throw fireworks at anyone or anything including: people, pets, cars, or buildings.
- 30 minutes after the display has finished:
 - check the firing area for duds,
 - place any duds in a bucket of water for at least 30 minutes, and
 - clean-up all debris.
- Check the firing area again the next morning to see if any further clean-up is required.

Personal information is collected by the Municipality of North Cowichan under the authority of section 26(c) of the Freedom of Information and Protection of Privacy Act for the purpose of administering fireworks discharge permits. Should you have any questions about the collection, use or disclosure of this personal information, please contact the Deputy Director of Corporate Services at the number or address listed above.

RELEASE AND INDEMNITY

Please Read and Sign

Release, waiver and assumption of risk: I hereby acknowledge that fireworks, including but not limited to the storage, handling, use and discharge of fireworks can be dangerous, exposing anyone involved to various risks and hazards. Some of these risks and hazards are inherent in fireworks themselves and others may result from human error and negligence on the part of fireworks handlers and users, or on the part of organizers of fireworks events and activities.

In consideration of being granted a Fireworks Discharge Permit by the Municipality of North Cowichan, **I ACKNOWLEDGE AND AGREE AS FOLLOWS:**

1. I hereby forever release and discharge, indemnify and hold harmless The Corporation of the District of North Cowichan and all of its servants, agents, officers and employees, (hereafter collectively called the "Releasees"), from any and all liabilities, proceedings, claims, and causes of action of any kind whatsoever, including but not limited to all personal and other injuries or damage to property of any kind, and any and all legal fees and legal costs which I or anyone else may suffer or incur, arising out of or connected in any way directly or indirectly to my storage, handling, use and discharge of fireworks, notwithstanding that such injuries, damages or costs may have been caused solely or partly by the negligence of any of the Releasees;
2. I DECLARE that I know of no physical issue or other reason which should keep me from obtaining or making use of a Fireworks Discharge Permit, and I understand and agree that I AM SOLELY RESPONSIBLE for any and all injuries, harm or damage to property of any kind that I or others may sustain as a result thereof;
3. I FURTHER acknowledge and agree that this Release and Indemnity limits my rights and those of others to compensation should I or they have any claim or cause of action of any kind against The Corporation of the District of North Cowichan, and I further understand I have the right to independent advice before signing this agreement;
4. I FURTHER acknowledge and agree that it is in my best interest to have insurance coverage in place with respect to any aspect of this matter;
5. **I HAVE READ AND UNDERSTOOD ALL OF THE ABOVE STATEMENTS, AND IN AFFIXING MY SIGNATURE BELOW I CONFIRM MY CONSENT TO AND AGREEMENT WITH ALL OF THE ABOVE:**

Signature: _____
Name (print):

DATE: _____

Telephone or Email Contact:

OTHER LOCAL GOVERNMENT FIREWORKS REGULATIONS

City of Duncan Bylaw No. 3116, 2014	<ul style="list-style-type: none"> - The discharge of fireworks is only allowed for Public displays [no private] with written permission from CAO <p>The bylaw does not contain any restrictions in relation to the proximity of farm animals</p>
CVRD Bylaw No. 39, 1970	<ul style="list-style-type: none"> - The discharge of fireworks at a public special event or festival is allowed if the person has a fire safety plan and holds a valid Fireworks Discharge Permit approved by CVRD Bylaw Enforcement Officer. - Fireworks permits are issued for January 1st, July 1st and October 31st only. A request for fireworks outside of these dates must be approved by the CVRD Board. - No person shall discharge fireworks within 500 metres of a livestock property
City of Nanaimo Bylaw No. 7049, 2007	<ul style="list-style-type: none"> - The discharge of fireworks is only allowed with a valid Fireworks permit issued by the Fire Chief. The following provisions are required before a permit is issued: <ul style="list-style-type: none"> - Applications for a permit must be made 14 days prior to event - \$1,000 deposit of security (returned one week after event) - Payment of Permit Fee (\$100 per event) - Proof of liability insurance (\$2 million) - Proof of valid Fireworks Supervisor's Certificate - A fire safety plan - An event description - Contact information of the applicant - Contact information of each wholesaler or retailer where fireworks purchased - Contact information of property on which fireworks to be displaced, along with written statement indicating the property owner's consent - The Fire Chief can suspend or revoke permit - A Fire Prevention Officer may, at the expense of the applicant, conduct one or more site inspections before issuing a permit - The bylaw does not contain any restrictions in relation to the proximity of farm animals - Fine for discharging without a permit is \$200 fine
City of Parksville Fireworks Regulation Bylaw No. 1427, 2007	<ul style="list-style-type: none"> - The discharge of fireworks is only allowed with a valid Fireworks permit issued by the Fire Chief. The following provisions are required before a permit is issued: <ul style="list-style-type: none"> - Application must be submitted 30 days prior to event - Applicants must hold a valid Fireworks Supervisor and/or Pyrotechnics Certification - Applicant must purchase and maintain insurance (\$5 million) - Written agreement from the owner of property on which fireworks event - Fireworks events may be inspected by the Fire Dept - Fire Chief may revoke a fireworks permit - The bylaw does not contain any restrictions in relation to the proximity of farm animals <p>**Confirmed with staff they don't get many complaints – typically between 1-3/yr</p>
Town of Qualicum Fireworks Regulation Bylaw No. 611, 2007	<ul style="list-style-type: none"> - The discharge of fireworks is allowed on October 31 of each year – no permit required.

OTHER LOCAL GOVERNMENT FIREWORKS REGULATIONS

	<ul style="list-style-type: none"> - Special permits may be issued by the Fire Chief for fireworks displays outside of October 31, but the applicant must pay \$50 fee and obtain liability insurance (\$3 million) - The Fire Chief may revoke any permit - The bylaw does not contain any restrictions in relation to the proximity of farm animals
City of Abbotsford Fireworks Bylaw No. 1439, 2005	<ul style="list-style-type: none"> - The discharge of fireworks is only allowed with a valid Fireworks permit issued by the Fire Chief. The following provisions are required before a permit is issued: <ul style="list-style-type: none"> - Applications must be made at least 14 days prior to event - Deposit of \$1,000 required - Fee of \$50 - Liability Insurance (\$2 million) - Proof of Fireworks Supervisor's certificate - Provide a site plan, etc. - Accompany fire service staff on initial and subsequent site inspections - Fire Chief may suspend or revoke permit - The bylaw does not contain any restrictions in relation to the proximity of farm animals
City of Penticton Fire and Life Safety Bylaw No. 57, 2004	<ul style="list-style-type: none"> - The discharge of fireworks is only allowed with a valid Fireworks permit issued by the Fire Chief. The following provisions are required before a permit is issued: <ul style="list-style-type: none"> - The applicant must appoint a Fireworks supervisor responsible for all safety - written permission must be provided from the owner of land and all surrounding neighbours - The bylaw does not contain any restrictions in relation to the proximity of farm animals
City of Kelowna Fire and Life Safety Bylaw No. 10760	<ul style="list-style-type: none"> - The discharge of fireworks is only allowed with a valid Fireworks permit issued by the Fire Chief. The following provisions are required before a permit is issued: <ul style="list-style-type: none"> - Applicant must hold a valid Fireworks Supervisors and/or Pyrotechnics certification - Proof of liability insurance - Written approval of the property on which fireworks is to take place - Fireworks shall end prior to 11:00 pm - Fire Chief may revoke permit - The bylaw does not contain any restrictions in relation to the proximity of farm animals
District of Tofino Firearms and Fireworks Display Regulation Bylaw NO. 1219	<ul style="list-style-type: none"> - The discharge of fireworks are allowed on 5 days of the year only: Halloween, Canada Day, July 4, New Years Eve and New Years Day. - No permits currently required but they are considering amending bylaw to require that only licenced professionals be allowed to discharge fireworks.
Regional District of Nanaimo	No bylaws regulating fireworks

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FIREWORKS ACT

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Updated To:

[There have been no amendments to this Act since the 1996 Statute Revision.]

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FIREWORKS ACT
CHAPTER 146 [RSBC 1996]

[There have been no amendments to this Act since the 1996 Statute Revision.]

Contents

1. Definition
2. Application of Act
3. Selling, giving or setting off fireworks
4. Sale to minor
5. Permission for public display
6. Power to make regulations

Definition

1. In this Act, “**fireworks**” includes cannon crackers, fireballs, firecrackers, mines, Roman candles, skyrockets, squibs, torpedoes and any other explosive designated as a firework by regulation.
RS1979-135-1.

Application of Act

2. This Act applies to
 - (a) a municipality that, by bylaw, declares that this Act applies, and
 - (b) a rural area designated by regulation.RS1979-135-2.

**Selling, giving or setting
off fireworks**

3. Except between October 24 and November 1 in any year, a person must not sell, give, fire or set off fireworks.
RS1979-135-3.

Sale to minor

4. The fire commissioner may designate fireworks that may not be sold to a minor without the written permission of the parent or guardian of the minor.
RS1979-135-4.

Permission for public display

FIREWORKS ACT

5. Fireworks may be sold to and discharged by a person or organization at a public display if the public display is held with the written permission of
- (a) the fire commissioner, or
 - (b) a local assistant of the fire commissioner who has jurisdiction in the fire district where the public display is held.
- RS1979-135-5.

Power to make regulations

6. The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.
- RS1979-135-6.