



The Corporation of the District of North Cowichan

## **Fireworks Regulation Bylaw**

Bylaw No. 3810

**A bylaw to regulate, prohibit and impose requirements on the sale, possession and the discharge of fireworks.**

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WHEREAS the *Community Charter* authorizes the Council of the District of North Cowichan, by bylaw, to regulate, prohibit and impose requirements in relation to firecrackers, fireworks and explosives;

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

### **Citation**

- 1 This Bylaw may be cited as "Fireworks Regulation Bylaw No. 3810, 2021".

### **Severability**

- 2 If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

### **Definitions**

- 3 In this Bylaw:

“CORPORATE OFFICER” means the municipal officer appointed under section 148 [Corporate officer] of the *Community Charter*;

“DISPLAY FIREWORKS” means outdoor high hazard fireworks defined in Class 7, Division 2, Subdivision 2 of the *Federal Regulations* (generally described as large fireworks used for public fireworks displays) but excluding Firecrackers and Entertainment Industry Pyrotechnics;

“DISTRICT” means the District of North Cowichan;

“ENFORCEMENT OFFICER” means:

- (a) a member of the North Cowichan Fire Department holding the rank of Fire Chief, Assistant Fire Chief, Station Chief, Deputy Station Chief;
- (b) a Bylaw Compliance Officer;
- (c) the Manager of Bylaw and Business Licensing;
- (d) the Manager of Fire and Bylaw Services;
- (e) the Municipal Forester, or
- (f) a member of the Royal Canadian Mounted Police;

“ENTERTAINMENT INDUSTRY PYROTECHNICS” means explosive articles and explosive substances used in the performing arts to create pyrotechnic special effects;

“EXPLOSIVES REGULATORY DIVISION” means the Explosives Regulatory Division of the Explosives Branch of the Minerals and Metals Sector of Natural Resources Canada;

“FAMILY FIREWORKS” means Low Hazard Fireworks generally used for recreation but excluding Christmas crackers, sparklers and caps for toy guns;

“FEDERAL REGULATIONS” means the Explosives Regulations enacted under the *Explosives Act*, R.S.S., 1985, c. E-17, as revised or replaced from time to time;

“FEES AND CHARGES BYLAW” means Fees and Charges Bylaw No. 3784, 2020, as revised or replaced from time to time;

“FIRE CHIEF” means the person appointed under the Fire Protection Bylaw, as revised or replaced from time to time;

“FIRE SAFETY PLAN” means a plan dealing with the procedures to follow to protect public safety when firing, setting off or exploding Entertainment Industry Pyrotechnics, approved by the Fire Chief;

“FIRECRACKER” means a small pyrotechnic device, used primarily as a noisemaker, that explodes when ignited and does not make any subsequent display or visible effect after the explosion, and includes those devices commonly known as Chinese firecrackers;

“FIREWORKS” means Display Fireworks and Family Fireworks;

“FIREWORKS EVENT” means the observance or celebration of a special event or festival where Fireworks are desired to be fired, set-off or exploded;

“FIREWORKS PERMIT” means a current and valid permit issued in the form attached as Schedule

"A" to this Bylaw, authorizing a person to hold, possess, store, fire, discharge, set off, explode, or otherwise use Family Fireworks or Display Fireworks;

"LIVESTOCK" has the same meaning as prescribed under the *Livestock Act [RSBC 1996] Chapter 270*, as revised or replaced from time to time;

"LIVESTOCK PROPERTY" means land where Livestock is raised, reared or grazes;

"LOW HAZARD FIREWORKS" has the same meaning as prescribed under Class 7 – Firework Class, Subdivision 1 of Division 2 of the Federal Regulations, as revised or replaced from time to time;

"PYROTECHNIC EVENT" means the observance or performance of a production where Entertainment Industry Pyrotechnics are desired to be fired, set-off or exploded;

"PYROTECHNIC PERMIT" means a current and valid permit issued in the form attached as Schedule "B" to this Bylaw authorizing a person to fire, set-off or explode Entertainment Industry Pyrotechnics.

### **Prohibitions**

- 4 No person shall sell, offer to sell, give away, trade, or otherwise dispose of Fireworks, Entertainment Industry Pyrotechnics or Firecrackers to any other person.
- 5 No person shall buy, hold, possess, store, fire, discharge, set off, explode, or otherwise use Fireworks without a valid Fireworks Permit.
- 6 No person who holds a valid Fireworks Permit shall store, hold, possess, fire, set-off, explode or otherwise use Fireworks in contravention of the Fireworks Permit.
- 7 No person shall store, hold, possess, fire, set-off or explode Entertainment Industry Pyrotechnics without a valid Pyrotechnics Permit.
- 8 No person who holds a valid Entertainment Industry Pyrotechnics Permit shall store, hold, possess, fire, set-off, explode or otherwise use Entertainment Industry Pyrotechnics in contravention of the Pyrotechnics Permit.
- 9 No person shall hold, possess, store, fire, discharge, set-off, explode, or otherwise use Fireworks or Entertainment Industry Pyrotechnics in a manner that increases the risk of physical injury to any person or damage to any public or private property.
- 10 No person shall hold, possess, store, fire, discharge, set-off or explode Firecrackers.
- 11 No person shall hold, possess, store, fire, discharge, set off, explode, or otherwise use Fireworks within 500 metres from a Livestock Property.

### **Exemptions**

- 12 This Bylaw does not prohibit or regulate the use of torpedoes, flares, fuzzes, or similar pyrotechnic devices by motorists, mariners, police or other agencies for signaling purposes or illumination.

### **Family or Display Fireworks Permits**

- 13 Any person eighteen (18) years of age or older shall apply for a Fireworks Permit to fire, discharge, set-off or explode Family Fireworks or Display Fireworks by submitting to the Fire Chief, at least three (3) business days prior to the date upon which the Fireworks Event is to occur:
- (a) A completed application in the form as prescribed by the Corporate Officer;
  - (b) A written agreement from the property owner in the form as prescribed by the Corporate Officer if the Fireworks Event is to occur on property that is not owned by the applicant, including land that is owned or controlled by the District;
  - (c) A written agreement from the person organizing or sponsoring the Fireworks Event in the form as prescribed by the Corporate Officer if the Fireworks Event is being organized or sponsored by any person other than the applicant;
  - (d) In the case of Display Fireworks, proof acceptable to the Fire Chief that the applicant is a Certification Card holder; and,
  - (e) Paid the applicable Fireworks Permit application fee set-out in the Fees and Charges Bylaw.
- 14 The Fire Chief shall consider each application and issue a Fireworks Permit to the applicant if:
- (a) The property upon which the Fireworks Event is to occur is available for such use on the date and time set out in the application;
  - (b) The environmental or weather conditions are such that the use of Fireworks would not endanger or pose a risk to property or the safety of the public;
  - (c) The Fire Chief considers the Fireworks Event will not create a public safety risk or risk to the public or private property;
  - (d) The property upon which the Fireworks Event is to occur is at a distance of not less than 500 metres from a Livestock Property; and
  - (e) The applicant meets all the requirements of this Bylaw and all other applicable Bylaws of the District.

#### **Entertainment Industry Pyrotechnics Permits**

- 15 Any person eighteen (18) years of age or older may apply for a Pyrotechnics Permit to fire, discharge, set-off or explode Entertainment Industry Pyrotechnics by submitting to the Fire Chief, at least thirty (30) days prior to the date upon which the Pyrotechnics Event is to occur:
- (a) A completed application in the form as prescribed by the Corporate Officer;
  - (b) A written agreement from the property owner in the form as prescribed by the Corporate Officer, if the Fireworks Event is to occur on property that is not owned by the applicant, including land that is owned or controlled by the District;
  - (c) A written agreement from the person organizing or sponsoring the Fireworks Event in the form as prescribed by the Corporate Officer, if the Fireworks Event is being organized or sponsored by any person other than the applicant;
  - (d) A copy of the Explosives Regulatory Division's approval of the Pyrotechnic Event;
  - (e) A Fire Safety Plan approved by the Fire Chief after the Fire Chief has visited the location for the Pyrotechnics Event and determined the amount of fire protection required;

- (f) A site plan drawn to scale with the direction of firing, separation distances, position of ramps and mortars, any significant ground features, right-of-ways, buildings or structures, overhead obstructions, parking areas or spectator viewing areas, fallout zone, north arrow, traffic control plans, and location of emergency vehicles;
  - (g) An event description which should include a time schedule of the event, attendance estimates, lists of fireworks or explosives or flammable and/or combustible products to be used, firing procedures, emergency response procedures, and a list of crew members, including contact information;
  - (h) A Fireworks Permit if Family Fireworks or Display Fireworks are used in the Pyrotechnic Event;
  - (i) Proof acceptable to the Fire Chief that the applicant holds either a valid Level 1 Certification Card or, for unconventional sites as defined by the Explosives Regulatory Division under the Federal Regulation, and a valid Level 2 Certification Card;
  - (j) Paid the Pyrotechnic Permit application fee set out in the Fees and Charges Bylaw; and
  - (k) Paid the Fire Safety Plan review fee set out in the Fees and Charges Bylaw.
- 16 The Fire Chief shall consider each application and issue a Pyrotechnics Permit to the applicant if:
- (a) The property upon which the Pyrotechnics Event is to occur is available for such use on the date and time set out in the application;
  - (b) The environmental or weather conditions are such that the use of Fireworks would not endanger or pose a risk to property or the safety of the public;
  - (c) The Fire Chief considers the Pyrotechnics Event will not create a public safety risk or risk to the public or private property;
  - (d) The property upon which the Fireworks Event is to occur is at a distance of not less than 500 metres from a Livestock Property; and,
  - (e) The applicant meets all the requirements of this Bylaw and all other applicable bylaws of the District.

**Fireworks Permit and Pyrotechnics Permit Conditions**

- 17 The Fire Chief in issuing a Fireworks Permit or Pyrotechnic Permit may impose one or more of the following terms and conditions that the Fire Chief considers reasonable:
- (a) The days and the hours during which Fireworks or Entertainment Industry Pyrotechnics may be fired, discharged, set-off, exploded or otherwise used;
  - (b) The location to which Fireworks or Entertainment Industry Pyrotechnics may be fired, discharged, set-off, exploded or otherwise used, including the minimum distance from the nearest building, public street or highway, utility, tree or overhead obstruction;
  - (c) The type of Fireworks or Entertainment Industry Pyrotechnics that may be fired, discharged, set-off, exploded or otherwise used;
  - (d) Require the applicant to complete a fireworks safety and legal awareness course offered by the Explosives Regulatory Division, Natural Resources Canada;
  - (e) Special requirements to promote public safety, including the number of fire extinguishers that

must be available on site during the Fireworks Event; and,

- (f) Proof that the Fireworks Permit and/or Pyrotechnics Permit holder has notified the adjacent properties.

18 At the time of issuance of the Display Fireworks Permit or the Pyrotechnics Permit, the Display Fireworks Permit or Pyrotechnics Permit Holder shall provide to the Fire Chief a certificate of insurance that meets the Insurance Requirements as set out in Schedule "C".

#### **Permit Holder Requirements**

19 Every Fireworks Permit or Pyrotechnics Permit Holder shall:

- (a) Fire, discharge, set off, explode or use only those Fireworks or Entertainment Industry Pyrotechnics specified in the Fireworks Permit or Pyrotechnics Permit;
- (b) Fire, discharge, set off, explode or use Fireworks or Entertainment Industry Pyrotechnics only in accordance with the terms and conditions of the Fireworks Permit or Pyrotechnics Permit;
- (c) Fire, discharge, set off, explode or use Entertainment Industry Pyrotechnics only in accordance with the Fire Safety Plan;
- (d) Ensure that the Fireworks or Entertainment Industry Pyrotechnics are only fired, discharged, set off, exploded or used under the Fireworks Permit or Pyrotechnics Permit Holder's direct supervision and responsibility; and,
- (e) Ensure that the use, handling, discharge, possession, and storage of the Fireworks or Entertainment Industry Pyrotechnics conforms in every respect to the *Explosives Act* (Canada) and regulations, the Display Fireworks manual as published by the Explosives Regulatory Division, and this Bylaw.

#### **Revocation of Permit**

20 The Fire Chief may revoke a Fireworks Permit or Pyrotechnics Permit at any time if the Fireworks Permit or Pyrotechnics Permit Holder:

- (a) Fails to comply with any term or condition of the Fireworks Permit or Pyrotechnics Permit; or
- (b) Violates or breaches any of the provisions of this Bylaw.

21 The Fire Chief may revoke a Fireworks Permit or Pyrotechnics Permit at any time if:

- (a) the provincial fire danger rating is high or extreme; or
- (b) the weather conditions such as rain, fog or wind, make it impractical and/or unsafe to set off Fireworks, the Fire Chief may designate an alternate day and time.

#### **Cost Recovery Fees**

22 Every Pyrotechnics Permit Holder shall pay for any fire protection services provided by the District for the Pyrotechnics Event. The fees shall be calculated in accordance with the Fees and Charges Bylaw.

23 Every Fireworks Permit or Pyrotechnics Permit Holder shall pay all costs and expenses of any fire protection services, materials or resources expended or incurred by the District as a result of a fire

caused by a Fireworks or Pyrotechnics Event. The fee shall be calculated in accordance with the Fees and Charges Bylaw.

- 24 Every Fireworks Permit or Pyrotechnics Permit Holder shall pay all costs and expenses to remove any litter and debris expended or incurred by the District that is left on site at the conclusion of a Fireworks and/or Pyrotechnics Event. The fee shall be calculated in accordance with the Fees and Charges Bylaw.

**Enforcement**

- 25 No person shall obstruct an Enforcement Officer engaged in the administration or enforcement of the Bylaw.
- 26 Every person who contravenes a provision of this Bylaw commits an offence, and each day that the violation is caused or allowed to continue constitutes a separate offence.
- 27 Any person guilty of an infraction of this Bylaw is liable on summary conviction to a fine of not more than \$50,000.00, and/or imprisonment to a maximum of six months.

**Repeal**

- 28 Bylaw No. 1579, being the "Fireworks Bylaw 1974", and all amendments thereto, are hereby repealed.

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READ a first time on July 21, 2021  
READ a second time on July 21, 2021  
READ a third time, as amended on July 21, 2021  
ADOPTED on August 18, 2021

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CORPORATE OFFICER

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PRESIDING MEMBER

**SCHEDULE A**



**Fireworks Regulation Bylaw No. 3810**

District of North Cowichan, Fire and Bylaw Services

7030 Trans-Canada Highway, Duncan, BC V9L 6A1

250.746.3108 | [fire@northcowichan.ca](mailto:fire@northcowichan.ca) | [www.northcowichan.ca](http://www.northcowichan.ca)

**FIREWORKS PERMIT**

Name of Applicant: \_\_\_\_\_

Location: \_\_\_\_\_

Date: \_\_\_\_\_ Time: (Start) \_\_\_\_\_ (End) \_\_\_\_\_

PERMISSION IS GRANTED to the above Applicant to fire, discharge, set off or explode:

**Family Fireworks | Display Fireworks**  
(circle one)

at the location and on the date and time(s) as set out above, subject to the District of North Cowichan Fireworks Regulation Bylaw, as amended from time to time, and to the following conditions and restrictions:

- This permit is not transferable. Only the Applicant is authorized under this permit to fire, discharge, set off or explode fireworks.
- The Applicant may only fire, discharge, set off or explode the type and quantity of fireworks described in the application.
- The Applicant must ensure that all debris and litter related to the Fireworks Event, including any litter left by the spectators, is removed from the location at the conclusion of the Fireworks Event.
- In accordance with requirements of the Fireworks Regulation Bylaw, the Applicant shall obtain a Comprehensive General Liability insurance policy with an inclusive limit of not less than \$5,000,000.00 per occurrence for bodily injury and property damage and provide evidence of the same to the Fire Chief at the time of issuance of this Permit. [Required for **Display Fireworks** only]

Other: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Fire Chief or authorized designate

\_\_\_\_\_  
Date of Issue

SCHEDULE B



Fireworks Regulation Bylaw No. 3810
District of North Cowichan, Fire and Bylaw Services
7030 Trans-Canada Highway, Duncan, BC V9L 6A1
250.746.3108 | fire@northcowichan.ca | www.northcowichan.ca

PYROTECHNIC PERMIT

Name of Applicant: \_\_\_\_\_

Location: \_\_\_\_\_

Date: \_\_\_\_\_ Time: (Start) \_\_\_\_\_ (End) \_\_\_\_\_

PERMISSION IS GRANTED to the above Applicant to fire, discharge, set off or explode Entertainment Industry Pyrotechnics, at the location and on the date and time(s) as set out above, subject to the District of North Cowichan Fireworks Regulation Bylaw, as amended from time to time, and to the following conditions and restrictions:

- In accordance with requirements of the Fireworks Regulation Bylaw, the Applicant shall obtain a Comprehensive General Liability insurance policy with an inclusive limit of not less than \$5,000,000.00 per occurrence for bodily injury and property damage and provide evidence of the same to the Fire Chief at the time of issuance of this Permit.
• This permit is not transferable. Only the Applicant is authorized under this permit to fire, set off, discharge or explode Entertainment Industry Pyrotechnics.
• The Applicant may only fire, discharge, set off or explode the type and quantity of Entertainment Industry Pyrotechnics described in the application.
• The Applicant must ensure that all debris and litter related to a permitted event that occurs on District property, including any litter left by the spectators, is removed from the location at the conclusion of the permitted event.

Other: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Fire Chief or authorized designate

Date of Issue

**SCHEDULE C**  
**Insurance Requirements**

A **Display Fireworks Permit** or **Pyrotechnics Permit** Holder shall, at his or her own expense, for the duration of the Fireworks Event or Pyrotechnics Event, secure and maintain a Comprehensive General Liability insurance policy with an inclusive limit of not less than \$5,000,000.00 per occurrence for bodily injury and property damage. The Comprehensive General Liability insurance policy shall:

- 1) Include all premises and operations necessary or incidental to the Fireworks Event or Pyrotechnics Event;
- 2) Include "Broad Form" Property Damage coverage on an occurrence basis, including loss of use of property;
- 3) Include, but not necessarily limited to, the following coverage:
  - a) Contingent Employers Liability;
  - b) Owners and Contractors Protective Liability;
  - c) Contractual Liability assumed with respect to the event;
  - d) Non-Owned and Hired Auto; and,
  - e) Personal Injury Liability;
- 4) Include the District, its elected officials, officers, agents and employees, and contractors acting on behalf of the District as additional insured's;
- 5) Be primary and non-contributing with respect to any insurance carried by the District of North Cowichan;
- 6) Not include a deductible greater than \$5,000.00 per occurrence (unless the District of North Cowichan advises in writing that it has determined that a greater deductible is acceptable);
- 7) Include a Cross Liability clause;
- 8) Preclude subrogation claims by the insurer against any of the insured;
- 9) Include a provision requiring the insurer to give the District of North Cowichan thirty (30) days' prior written notice before making any material change to the insurance coverage, or the termination or cancellation thereof;
- 10) Provide that the District of North Cowichan, its elected officials, officers, agents and employees, and contractors acting on behalf of the District of North Cowichan are protected notwithstanding any act, neglect or misrepresentation of the Display Fireworks Permit or Pyrotechnics Permit Holder which might otherwise result in the avoidance of a claim and that such policy is not affected or invalidated by any act, omission or negligence of any third party which is not within the knowledge or control of the insured;
- 11) Be underwritten by a responsible insurance company or companies licensed to do business in the Province of British Columbia and that meet with the reasonable approval of the District of North Cowichan;
- 12) Maintenance of the insurance required herein and the performance by the Display Fireworks Permit or Pyrotechnics Permit Holder of his or her obligations under this clause shall not relieve the Display Fireworks Permit or Pyrotechnics Permit Holder from liability under any covenant to indemnify the District of North Cowichan;
- 13) It shall be the sole responsibility of the Display Fireworks Permit or Pyrotechnics Permit Holder to determine his or her own additional insurance coverage, if any, including workers' compensation, that are necessary and advisable for his or her own protection or to fulfill his or her obligations with respect to the Fireworks Event or Pyrotechnics Event. Any such additional insurance shall be secured and maintained by the Display Fireworks Permit or Pyrotechnics Permit Holder at his or her own expense;
- 14) The foregoing insurance provisions shall not limit the insurance the Display Fireworks Permit or Pyrotechnics Permit Holder is required to secure and maintain by the provincial or federal law; and,
- 15) If the Display Fireworks Permit or Pyrotechnics Permit Holder fails to secure or maintain insurance as required herein, then the District of North Cowichan shall have the right, but not the duty or obligation, to secure and maintain such insurance and give evidence thereof to the Display Fireworks Permit or Pyrotechnics Permit Holder. The Display Fireworks Permit or Pyrotechnics Permit Holder shall pay the cost thereof to the District on demand.