



COWICHAN VALLEY REGIONAL DISTRICT

Bylaw No. 39

(As Amended by Bylaw No. 3303, 3633, 3655 and 3951)

COWICHAN VALLEY REGIONAL DISTRICT BYLAW NO. 39 - FIREWORKS SALE AND DISCHARGE REGULATION BYLAW, 1970

**CONSOLIDATED FOR CONVENIENCE ONLY
(October 21, 2015)**

The amendment bylaw(s) listed below have been incorporated into enactment Bylaw No. 39 for convenience purposes only. Persons making use of the consolidated version of Bylaw No. 39 are advised that it is not a legal document and that for the purpose of interpreting and applying the law, the original bylaw(s) must be consulted. Certified copies of original bylaws are available through the Corporate Secretary's office.

AMENDMENT BYLAW

**Bylaw No. 3303
Bylaw No. 3633
Bylaw No. 3655
Bylaw No. 3951**

EFFECTIVE DATE

**August 26, 2009
September 12, 2012
November 14, 2012
October 14, 2015**



COWICHAN VALLEY REGIONAL DISTRICT

Bylaw No. 39 - Consolidated for Convenience with Amending Bylaw Nos. 3302, 3633, 3655 and 3951

A Bylaw to regulate the sale and use of fireworks within the Regional District of Cowichan Valley, excluding the Corporation of the City of Duncan, and the Corporation of the District Municipality of North Cowichan

WHEREAS it is enacted by Section 870 of the "Municipal Act", R.S.B.C. 1960, Chap. 255, that the sale or disposal to any person of firecrackers and other fireworks may be by-law be regulated and prohibited;

AND WHEREAS the said regulatory powers have been by Letters Patent granted to the Regional District of Cowichan Valley;

AND WHEREAS it is deemed expedient to regulate the sale and disposal to any person of firecrackers and other fireworks in the said Regional District;

AND WHEREAS it is enacted by Section 871 of the said Act that the Board may be by-law regulate or prohibit the exploding of firecrackers or other fireworks;

AND WHEREAS the said regulatory powers of Section 871 of the said Act have also been by Letters Patent granted to the Regional District of Cowichan Valley;

AND WHEREAS it is deemed expedient to regulate the exploding of firecrackers or other fireworks throughout the Regional District;

AND WHEREAS it is enacted by Clause (a1) of sub-section (1) of the said Section 871 of the said Act that notwithstanding any regulation or prohibition enacted under the last recited provision of the said Section 871 the Board may authorize the issuance of a permit to any person or organization for the purpose of the observance or the celebration of any special event or festival by the use of firecrackers or other fireworks of any nature or kind, and may specify the terms and conditions thereof;

AND WHEREAS the said power to issue permits under clause (a1) of sub-section (1) of Section 871 of the Act has been by Letters Patent granted to the Regional District of Cowichan Valley;

AND WHEREAS the member municipality of the Corporation of the City of Duncan and the Corporation of the District Municipality of North Cowichan do not participate in the regulations pursuant to this Bylaw;

AND WHEREAS this bylaw is designated under Section 266.1 of the *Local Government Act* and Section 264 of the *Community Charter* as a bylaw that may be enforced by means of a tick and fines.

1. DEFINITIONS

"Authority having jurisdiction" means, for the purposes of this bylaw, any person designated by the Municipal Council or Regional Board of the applicable Local Government to administer or enforce this bylaw.

"Board" means the Board of Directors of the Cowichan Valley Regional District.

"Bylaw Enforcement Officer" means the person designated by the Board to administer and enforce bylaws within the Cowichan Valley Regional District.

"Discharge" means to fire, ignite, explode or set off or cause to be fired, ignited, exploded or set off.

"Fire Chief" means the Chief of the Fire Department in the jurisdiction that the public special event or festival is being held.

"Fire Safety Plan" means a plan detailing the procedures to protect public safety when discharging fireworks.

"Fireworks" means, as defined by the *Fire Works Act*, "includes cannon crackers, fireballs, firecrackers, mines, Roman candles, skyrockets, squibs, torpedoes and any other explosive designated as a firework by regulation".

"Fireworks Discharge Permit" means a current and valid permit in the form attached as Schedule A to this Bylaw, specifying and authorizing a person or organization to possess and discharge fireworks.

"Livestock" means cattle and other animals of the bovine species, horses, donkeys, mules, llamas, ostrich, swine, sheep or goats.

"Livestock property" means land where livestock is raised, reared or grazes.

"Public Special Event or Festival" means the observance or celebration of a public special event, festival or other ceremony sponsored or conducted by an organization or person.

"Ticket" means municipal ticket information in the form described in the *Community Charter Bylaw Enforcement Ticket Regulation*.

2. APPLICATION

This bylaw applies to the following municipalities and electoral areas in the Cowichan Valley Regional District namely, the Town of Lake Cowichan; the Town of Ladysmith; Electoral Area A – Mill Bay/Malahat; Electoral Area B – Shawnigan Lake; Electoral Area C – Cobble Hill; Electoral Area D – Cowichan Bay; Electoral Area E – Cowichan Station/Sahtlam/Glenora; Electoral Area F – Cowichan Lake South/Skutz Falls; Electoral Area G – Saltair/Gulf Islands; Electoral Area H – North Oyster/Diamond; and Electoral Area I – Youbou/Meade Creek.

3. PROHIBITIONS

- a) Except as permitted by Section 4 of this bylaw, no person shall sell or cause to be sold, keep with the intent to sell or dispose of to any person, give, or accept from another person, any fireworks.

- b) Except as permitted by Section 4 of this bylaw, no person shall discharge or facilitate the discharge of fireworks.

.../3

4. REQUIREMENTS FOR SPECIAL EVENTS

- a) Despite subsections 3(a) and (b), any person or organization may possess and discharge fireworks at a public special event or festival if the person or organization has a fire safety plan and holds a valid Fireworks Discharge Permit for the level appropriate to the nature of the fireworks being possessed and discharged, as confirmation of their knowledge and ability to safely possess and discharge fireworks in a sufficiently controlled environment.
- b) Fireworks Discharge Permits will be issued for one day only and must be approved by the CVRD.
- c) One day permits will be issued for the following days only: January 1st; July 1st; October 31st. Special request dates must be approved by the CVRD Board.
- d) No person shall discharge fireworks within 500 metres of a livestock property.

6. RIGHT TO ENTER

The authority having jurisdiction may enter upon any property to exercise the authority under Section 16 of the *Community Charter* or Section 268 of the *Local Government Act*, as applicable, with respect to this bylaw.

7. PENALTIES

A person who contravenes any of the provisions of this bylaw, or who permits any act or thing to be done in contravention or violation of any of the provisions of this bylaw, commits an offence and is liable, on summary conviction, to a fine and penalty of not less than \$50.00 and no more than the maximum permitted by law.

8. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this bylaw is for any reason found invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this bylaw.

- 9. This Bylaw may be cited for all purposes as "**Cowichan Valley Regional District Bylaw No. 39 - Fireworks Sale and Discharge Regulation bylaw, 1970**".

READ A FIRST TIME this 10th day of June, 1970.

READ A SECOND TIME this 10th day of June, 1970.

RED A THIRD TIME this 10th day of June, 1970.

ADOPTED this 10th day of June, 1970.

Gerry Giles
Chair

Joe E. Barry
Corporate Secretary



SCHEDULE "A"
To CVRD Bylaw No. 3633

FIREWORKS DISCHARGE PERMIT

LOCATION: _____

DATE: * _____

*Date must be January 1st, July 1st, or October 31st – Special request dates must be approved by the CVRD Board.

*July 1st date may be subject to LOCAL FIRE DEPARTMENT APPROVAL

Fireworks may be discharged only between the hours of 6:00 pm and 12:00 midnight on July 1st or October 31st, and on January 1st between 12:00 midnight and 1:00 am.

I, _____, have read and understand the contents of CVRD Fireworks Sale and Discharge Regulation Bylaw No. 39, and amendments, and the Fireworks Safety Awareness Information package, available at the CVRD office. I am over 19 years of age and assume responsibility for the discharge of fireworks on the date and at the location noted above. I acknowledge that fireworks are not to be discharged within 500 metres of livestock.

Name: (print) _____ Date: _____

(signature) _____

email: _____ phone: _____

This Permit is approved by: _____
CVRD Bylaw Enforcement Officer

Date: _____

Note: The RCMP and local Fire Department will be notified of the above event.