

CONSOLIDATED FOR CONVENIENCE

CITY OF PORT MOODY

BYLAW NO. 2070

A BYLAW FOR THE PRESERVATION OF LIFE, PREVENTION OF INJURIES, PROTECTION OF PROPERTY, AND CONTROL OF FIRECRACKERS AND FIREWORKS.

WHEREAS, pursuant to the provisions contained in the *Municipal Act*, being Chapter 290, R.S.B.C., 1979 and amendments thereto, Council may by Bylaw provide Regulations for the protection of persons and property;

AND WHEREAS, the Council of the City of Port Moody deems it expedient and desirable to provide such regulations;

NOW THEREFORE, the Council of the City of Port Moody in open meeting, enacts as follows:

1. TITLE

This Bylaw may be cited for all purposes as the "City of Port Moody Fireworks Bylaw, 1991, No. 2070.

2. INTERPRETATION

In this Bylaw,

- 2.1 **"APPROVED"** means approved by an Officer of the Fire Department of the City of Port Moody.
- 2.2 **"COUNCIL"** means the Municipal Council of the City of Port Moody.
- 2.3 **"CITY"** means the City of Port Moody.
- 2.4 **"EXPLOSIVE"** means gunpowder, nitroglycerine, gun cotton, dynamite, blasting gelatin, gelnite, fulminate of mercury or other metals, coloured fire, and every other substance used or manufactured to produce a violent effect by explosion, or a pyrotechnic effect, and shall include fireworks, fuses, rockets, percussion caps, detonator, cartridges, and ammunition.
- 2.5 **"FAMILY FIREWORKS"** means outdoor low hazard recreational fireworks classified by the Canada Explosives Regulations as Class 7.2.1.
- 2.6 **"FAMILY PACK"** means a prepackaged assortment of family fireworks excluding nuisance fireworks

*Amended
by Bylaw
#2665

*Amended
by Bylaw
#2725

2. INTERPRETATION (Continued)

- 2.7 **"FIRE CHIEF"** means the person appointed to such position from time to time.
- 2.8 **"FIRECRACKER"** means small fireworks with entwined fuses used solely as noise makers, and not for pyrotechnic effect.
- 2.9 **"FIREWORKS"** means manufactured goods intended to be used for pyrotechnic effect that are classified by the ***Canada Explosives Regulations*** as low hazard fireworks for recreation (Class 7.2.1) such as firework showers, fountains, golden rain, lawn lights, pinwheels, Roman candles, volcanoes, and sparklers.
- 2.10 **"NUISANCE FIREWORKS"** means a fireworks product that produces an effect involving a screech or noise, or is being altered or misused, that has the effect of invoking fear, or disturbance to residents of the City. Nuisance fireworks include Roman Candles with an internal tube size of 3/8" or less, Sound Shells such as Mini Air Bombs, Air Bombs, Super Sonic Bang, Cherry Bomb, Mach 3's, Bottle Rockets, and Fountain Whistles such as Hummer-oos, Screecher-oos, and Zinger-oos.
- 2.11 **"OCCUPANT"** means an owner, tenant, lessee, agent, licensee, and any other person who has the right of access to and control of any land, building or premises to which this Bylaw applies.
- 2.12 **"OFFICER"** means any person appointed by the Fire Chief to exercise the powers vested under this Bylaw or the ***Fire Services Act***. An Officer includes members of the fire department appointed from time to time to the positions of Deputy Fire Chief, Captain, Acting Captain, Lieutenant and Acting Lieutenant.
- 2.13 **"PEACE OFFICER"** means a person employed by the Port Moody Fire Department as an Officer, or any person employed by the City as a Bylaw Enforcement Officer, or any person carrying out the duties of a Municipal Police Officer for the City of Port Moody.

*Amended
by Bylaw
#2665

3. GENERAL

- 3.1 In the event of any inconsistency between the provisions of this Bylaw and the provisions contained in a statute and/or regulation enacted by the Government of the Dominion of Canada or the Province of British Columbia, the more restrictive provisions of those statutes and/or regulations shall apply.

*Amended
by Bylaw
#2168 and
Bylaw
#2606 →

- 3.2 As provided by Section 66 of the Community Charter, S.B.C. Chapter 26, and subject to the ***Fire Services Act***, R.S.B.C. 1979, Chapter 133, the ***National Fire Code of Canada 1985***, as revised, is adopted as Regulations for the City of Port Moody supplementary to this Bylaw. In the event of conflict between this Bylaw and the ***National Fire Code***, the ****Canada Explosives Act***, the ***Dominion Railway Act***, and the ***National Harbours Act 1936***, the provisions of the ***National Fire Code***, the ****Canada Explosives Act*** the ***Dominion Railway Act***, and the ***National Harbours Act 1936***, shall prevail over the provisions of this Bylaw.

3. GENERAL (Continued)

- 3.3 If an Officer, on account of the existence of hazardous fire conditions deems it advisable, he may cancel or suspend for such time as is specified in the order, any permits issued pursuant to this Bylaw, or he may attach to any or all such permits such conditions and restrictions as he thinks proper.
- 3.4 A person, defined as a Peace Officer pursuant to this Bylaw, is empowered to exercise the powers conferred in this Bylaw, and further, the Fire Chief and appointed Officers of the Fire Department are empowered to exercise the powers conferred by this Bylaw and the powers conferred by the ***Fire Services Act*** for the City.
- 3.5 All permits issued pursuant to this Bylaw shall be subject to such conditions, restrictions, and provisions as an Officer may consider necessary or expedient to incorporate therein.

4. STORAGE

- 4.1 It shall be unlawful for any person to store, or keep in storage any explosive ammunition or material used, or intended to be used for fireworks, firecrackers, or small arms ammunition unless such person shall have first obtained permission in writing to do so from the Fire Chief.

*Added by
Bylaw No.
2606 →

- 4.1.1 The storage of low hazard fireworks intended for personal use does not require the permission of the Fire Chief.

- 4.2 An application for permission hereunder shall be made to the Fire Chief and shall set out the premises or portion thereof on which it is proposed that such explosives, ammunition, fireworks, firecrackers, or material intended to be used for fireworks, firecrackers or small arms ammunition, are to be kept or stored and all particulars pertaining to the proposed storage and keeping of such materials shall be specified in such application.

- 4.3 No explosives, fireworks, firecrackers, small arms ammunition or material may be stored or kept contrary to the provisions of this Bylaw or permission issued hereunder.

*Amended
by Bylaw
#2168 →

- 4.4 It shall be unlawful for any person to store or keep in any premises in which other flammable materials are kept or stored, except in a fireproof vault or fireproof storeroom, any material used for, or intended to be used for, fireworks in excess of ****ninety-one kilograms*** gross weight.

- 4.5 No person shall smoke, or allow any other person to smoke, in any area defined or set aside for storage of fireworks, firecrackers, or small arms ammunition, or any material intended to be used as fireworks, firecrackers or small arms ammunition, and such area shall be so marked as defined in City of Port Moody "Smoking Control Bylaw 1987, No. 1875", Section 11, "Signs".

5. WHOLESALE AND RETAIL SALES

5.1 It shall be unlawful for any person to offer for sale, expose for sale, advertise or display, or sell at wholesale or retail, any firecrackers to any person or organization unless such person or organization is in possession of written permission of the Fire Chief authorizing a display including firecrackers.

5.2 The Fire Chief may give permission in writing to a person or organization to detonate or explode firecrackers for religious or ceremonial purposes, with any conditions restricting or limiting use as the Fire Chief deems advisable.

*Amended
by Bylaw
#2168 →

5.3 It shall be unlawful for any person directly or indirectly to sell, give or furnish to a person under the age of eighteen ***(18)** years, any fireworks or firecrackers whether for his own use or not.

*Added by
Bylaw
#2168 →

5.3.1 It shall be unlawful for any person under the age of eighteen (18) to possess fireworks for any reason.

*Amended
by Bylaws
#2168 and
#2606 →

5.4 Unless authorized by written permission of the Fire Chief, it shall be unlawful for any person to possess fireworks except from, and including, the twenty-fourth ***(24th) day of October to, and including, the thirty-first (31st) day of October** in any year.

Sections 5.4.1 to
5.4.7 Added by
Bylaw #2168 →

Section 5.4.1
deleted and
replaced by
Bylaw No. 2232

5.4.1 The Sale of fireworks shall be carried out from inside a retail premises located in a **Neighborhood Commercial (C-2), Community Commercial (C-3) or Automobile Oriented Commercial (C-5) Zone under "City of Port Moody Zoning Bylaw No. 1890, 1988", or in a Light Industrial / Commercial (M-2) Zone where public entry is provided to a floor of the building from St. John's Street with the following exceptions:**

- a) buildings used for occupancies classified **A-2 Assembly** under the British Columbia *Building Code*: and
- b) buildings used for occupancies **classified "C" Residential** under the British Columbia *Building Code*.

A permit issued by the Fire chief pursuant to the provisions of this bylaw is required.

*Amended by
Bylaws #2396 and
#2606→

5.4.2 All requests for permits to sell or distribute fireworks will require site inspection and the ***fees shall be as set out in Section 6 of Schedule "A" of Fees and Charges Bylaw"**.

5. WHOLESALE AND RETAIL SALES 5.4 (Continued)

- 5.4.3** Sale, distribution, or storage of fireworks in or from vehicles, trailers or temporary structures is prohibited.
- 5.4.4** A "**Sales - Retail or Wholesale (Classification 554)**" Business License is required for the sale of fireworks. Applications for business licenses or permits to sell fireworks are to be received **no later** than the end of the first business day after October 07, in any year.
- 5.4.5** Sale of fireworks will only be allowed between the 24th day of October and the 30th day of October in any year.
- 5.4.6** All sales of fireworks are to **cease** on **October 30 at 9:00 p.m.**
- 5.4.7** Vendors are to be held responsible for the clean-up of their sales area and all signage to be removed by **12:00 p.m. October 31.** The clean-up of the sales area and signage is not to be contracted out.

5.5 No person shall smoke, or allow any other person to smoke, in any area defined or set aside for wholesale or retail sale of fireworks, firecrackers, or small arms ammunition, or any material intended to be used for fireworks, firecrackers, or small arms ammunition, and such area shall be so marked with the appropriate "No Smoking" signs as required in Section 4.5 of this Bylaw.

5.6 No person shall offer for sale at retail, or display for sale, any fireworks that are not enclosed behind glass or wire enclosures to prevent customers from handling the fireworks on display.

*Added by
Bylaw #2168
→

5.7 Fire protection required for sale of fireworks will be two - 2 kg. ABC dry chemical fire extinguishers.

*Added by
Bylaw #2725
→

5.8 No person will sell or offer for sale any nuisance fireworks.

*Added by
Bylaw #2665
→

5.9 Should the Fire Chief, Officer, or Peace Officer determine that a firework not named in this bylaw is a nuisance firework, the retailer is to be notified in writing and have the item removed from display and sale immediately.

6. REGULATION OF FIREWORKS AND FIRECRACKERS

6.1 It shall be unlawful for any person to set off, discharge or explode any fireworks on any street, lane, square or public place, unless such person or persons has first obtained both:

*a) & b) Replaced
by Bylaw #2168 →

- a) written permission of the property owner where the fireworks are to be set off, and
- b) a permit issued by the Fire Chief for the display.

It shall be the responsibility of the permit holder to ensure compliance with the provisions contained therein, or for any damages that may arise therefrom by reason of the issuance of such permit.

***Added by Bylaw
No. 2606 →**

- 6.1.1** Fireworks may only be set off, discharged, or exploded during the date of October 31st of each year and only subject to the following conditions:
- i. On the lot of a private dwelling and only with the knowledge and consent of the occupant; or
 - ii. As part of a public display organized and controlled by a public body or society wherein such person or persons have first obtained written permission of the Fire Chief.

***Added by Bylaw
No. 2606 →**

- 6.1.3** No person shall set off, discharge or explode firecrackers.

***Added by Bylaw
No. 2606 →**

- 6.1.4** Notwithstanding Section 6.1.1, the Fire Chief may issue permission to a person or organization to detonate or explode fireworks or firecrackers for religious, ceremonial, or special occasions subject to strict conditions, as the Fire Chief deems necessary.

***Amended
by Bylaw
#2168 →**

- 6.2** It shall be unlawful for any person to point or direct a firework at any person, animal, building or motor vehicle where such firework is in the process of exploding or detonating and where it is capable of projecting or discharging a charge or pyrotechnical effect for a distance of more than one ***(1)** metre.

- 6.3** A Peace Officer may seize firecrackers or fireworks being held in violation of this Bylaw and may dispose of them without compensation.

***Amended
by Bylaw
#2168 →**

- 6.4** Public display of fireworks and firecrackers shall be permitted only when the actual point at which the fireworks and firecrackers are to be fired is at least sixty (60) metres from the nearest permanent building, public highway or railway, or other means of travel, or fifteen ***(15)** metres from the nearest above ground telephone or telegraph line, tree, or other overhead obstruction.

***Amended
by Bylaw
#2168 →**

- 6.5** The audience at a public display of fireworks and firecrackers shall be restrained behind lines at least forty-six ***(46)** metres from the point at which the fireworks and firecrackers are discharged, and only persons in active charge of the display shall be allowed inside these lines.

- 6.6** All fireworks that fire a projectile shall be so set up that the projectile will go into the air as nearly as possible in a vertical direction. Provided that where such fireworks are to be fired beside a lake or large body of water, they may be directed in such a manner that the falling residue from the deflagration will fall into the said body of water.

6. REGULATION OF FIREWORKS AND FIRECRACKERS (Continued)

6.7 Any fireworks and firecrackers that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks and firecrackers remaining.

***Amended
by Bylaw
#2168 →**

6.8 No fireworks and firecrackers display shall be held during a wind storm in which the wind reaches a velocity of more than fifty ***(50)** kilometres per hour. In such cases the Fire Chief may authorize the display at a future date.

6.9 The persons in actual charge of the firing of fireworks and firecrackers in public display shall be able bodied persons of at least nineteen (19) years of age, and competent for the task.

6.10 There shall be at all times at least two operators of the display constantly on duty during the discharge, and at least one of the operators shall hold a valid Fireworks Supervisors Certificate.

***Amended
by Bylaw
#2168 →**

6.11 At least two (2) approved fire extinguishers of at least twelve ***(12)** litres capacity shall be kept at as widely separated points as possible within the actual area in which the discharge is being done.

6.12 All disputes arising as a result of the administration of the provisions of this Bylaw shall be referred to the Fire Chief, who shall be the authority in all cases.

7. PENALTY SECTION

***Amended
by Bylaw
No. 2359
and 2606
→**

7.1 Every person who contravenes or fails to comply with this bylaw or who fails to carry out an order made under this bylaw or any condition attached to a permit is guilty of an offence, is liable on summary conviction to a fine of not more than \$10,000 or to imprisonment for a term not exceeding six months or to both such fine and imprisonment and in default of payment of the fine to imprisonment for an additional term not exceeding six months. Offences for which tickets can be issued and fines imposed are prescribed in the Municipal Ticket Information Utilization Bylaw.

8. SEVERABILITY

8.1 If any section, subsection or clause of this Bylaw is declared or held to be invalid by a Court of competent jurisdiction, then that invalid portion shall be severed and the remainder of this Bylaw shall be deemed to have been enacted and adopted without the invalid and severed section, subsection or clause.

9. EFFECTIVE DATE

This Bylaw shall come into force and take effect upon adoption thereto.

10. READINGS AND ADOPTION

READ A FIRST TIME THE 22ND DAY OF APRIL, 1991.

READ A SECOND TIME THE 22ND DAY OF APRIL, 1991.

READ A THIRD TIME THE 22ND DAY OF APRIL, 1991.

RECONSIDERED AND FINALLY ADOPTED THE 6TH DAY OF MAY, 1991.

"D. T. DRISCOLL", MAYOR

"C. A. PENNEY", CITY CLERK