



STAFF REPORT COMMITTEE

DATE OF REPORT November 8, 2023
MEETING TYPE & DATE Electoral Area Services Committee of December 6, 2023
FROM: Inspection and Enforcement Division
Land Use Services Department
SUBJECT: CVRD Fireworks Sale and Discharge Regulation Bylaw No. 4514, 2023
FILE: 3900-30 4514

PURPOSE/INTRODUCTION

The purpose of this report is to introduce “CVRD Fireworks Sale and Discharge Regulation Bylaw No. 4514, 2023”, which would repeal and replace “CVRD Fireworks Sale and Discharge Regulation Bylaw No. 39, 2017”.

RECOMMENDED RESOLUTION

That it be recommended to the Board that CVRD Bylaw No. 4514 – Fireworks Sale and Discharge Regulation Bylaw, 2023, be considered for three readings and adoption.

BACKGROUND RATIONAL

In 1970, CVRD was granted a service to regulate firecrackers, fireworks, and firearms under the authority of a supplementary Letters Patent, now recognized as a “continued service”. On June 10th of the same year, the CVRD adopted the “Cowichan Valley Regional District Bylaw No. 39 – Fireworks Sale and Discharge Regulation Bylaw, 1970”, a bylaw to regulate the sale and use of fireworks within the regional district. This Bylaw applied to all electoral areas, the Town of Ladysmith and Town of Lake Cowichan, but excluded the City of Duncan, and the Municipality of North Cowichan.

In recent years both the Town of Lake Cowichan and the Town of Ladysmith have expressed interest in being excluded from Bylaw No. 39 as both have developed and adopted their own fireworks discharge bylaws that better reflect their individual community’s needs. Further to this, a lack of public support for fireworks within the nine electoral areas has prompted more restrictive changes to the existing Bylaw.

“Continued services” no longer meets the requirements of the legislation, and any amendment or repeal to the service requires the “continued service” to be converted to a service establishment bylaw. At the time of writing this report, “CVRD Bylaw No. 4509 – Fireworks Regulation Service Establishment Bylaw, 2023” is in the process of being adopted. Once adopted, no fireworks bylaw will be in effect until a new one is adopted by the Board. The timing of Bylaw No. 4514 is intended to be adopted at the same Board meeting as Bylaw No. 4509 to ensure there is no gap where an electoral area fireworks bylaw would not be in effect.

The new Service Establishment Bylaw applies only to the nine Electoral Areas.

ANALYSIS

Currently, under Bylaw No. 39, staff are authorized to issue permits for fireworks displays, including for personal use, on January 1, July 1 and October 31 with all other dates requiring Board approval.

Establishment of a new service requires the Board to adopt a new Fireworks Sale and Discharge Regulation Bylaw. Bylaw No. 4514, as proposed, incorporates similar provisions to Bylaw No. 39 with minor revisions, including:

- A requirement to supply evidence of valid fireworks operation certification, appropriate to the level of discharge proposed;
- Specifying conditions of (Board) permit issuance including publication of advanced notice in local newspapers; and
- Provision of permit application fees in the amount of \$100 for fireworks to be discharged on July 1, October 31 or December 31) and \$500 for fireworks to be discharged on all other dates.

Alternatives to the current version of proposed Bylaw No. 4514 include:

- Prohibition of the sale and discharge of Fireworks (Option 2); and
- Revisions as directed by the Board (Option 3).

See Attachment B for current version of Bylaw No. 4514.

Note, staff consider Bylaw No. 4514 to be an appropriate interim bylaw and that further amendments to this bylaw may be beneficial to address pyrotechnic displays and other issues related to fireworks discharge. As such, staff recommend direction to report back to Committee in 2024.

OPTIONS

Option 1: (Recommended)

That it be recommended to the Board that CVRD Bylaw No. 4514 – Fireworks Sale and Discharge Regulation Bylaw, 2023 be considered for three readings and adoption. (Provided as Attachment B)

Option 2: (Fireworks Prohibition)

That it be recommended to the Board that staff revise proposed Bylaw No. 4514 – Fireworks Sale and Discharge Regulation Bylaw, 2023, to prohibit the sale and discharge of fireworks and forward the bylaw to the Board for consideration of three readings and adoption.

Option 3: (Other)

That it be recommended to the Board that proposed Bylaw No. 4514 - Fireworks Sale and Discharge Regulation Bylaw, 2023, be referred to staff for consideration of further amendments, as noted.

FINANCIAL CONSIDERATIONS

N/A

COMMUNICATION CONSIDERATIONS

N/A

STRATEGIC/BUSINESS PLAN CONSIDERATIONS

N/A

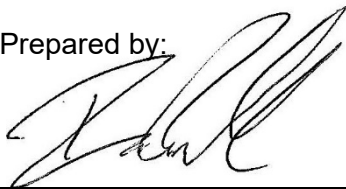
GENERAL MANAGER

Upon adoption, CVRD Bylaw No. 4514 – Fireworks Sale and Discharge Regulation Bylaw, 2023, should be referred to CVRD Emergency Management Division for consideration in conjunction with Special Events Regulations and Permitting modernization.

Referred to (upon completion):

- ☐ Community Services (*Cowichan Community Centre, Cowichan Lake Recreation, South Cowichan Recreation, Arts & Culture, Facilities & Transit*)
- ☐ Corporate Services (*Finance, Human Resources, Information Technology, Legislative Services*)
- ☐ Operations (*Utilities, Parks & Trails, Recycling & Waste Management*)
- ☐ Land Use Services (*Community Planning, Strategic Initiatives, Development Services, Building Inspection & Bylaw Enforcement*)
- ☒ Strategic Services (*Communications & Engagement, Economic Development, Emergency Management, Environmental Services*)

Prepared by:



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Reviewed by:



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General Manager, MCP, RPP, MCIP

Reviewed for form and content and approved for submission to the Committee:

Resolution:

☒ Corporate Officer

Financial Considerations:

☒ Chief Financial Officer

ATTACHMENTS:

Attachment A – Bylaw No. 39

Attachment B – Draft Bylaw No. 4514