



COWICHAN VALLEY REGIONAL DISTRICT

Bylaw No. 4514

A Bylaw to Regulate the Sale and Use of Fireworks Within CVRD Electoral Areas

WHEREAS the Board of the Cowichan Valley Regional District (CVRD) established the services of a fireworks under the provisions of Bylaw No. 4509, cited as "CVRD Bylaw No. 4509 – Fireworks Regulation Service Establishment Bylaw, 2023";

AND WHEREAS the *Local Government Act* authorizes a Regional District to regulate or prohibit the sale and discharge of fireworks on any land within the electoral areas, and to require permits and impose fees;

AND WHEREAS the Board of the Cowichan Valley Regional District wishes to regulate the sale and discharge of fireworks within the Electoral Areas;

NOW THEREFORE the Board of Directors of the Cowichan Valley Regional District, in open meeting assembled, enacts as follows:

1. CITATION

This Bylaw may be cited for all purposes as "**CVRD Bylaw No. 4514 - Fireworks Sale and Discharge Regulation Bylaw, 2023**".

2. DEFINITIONS

"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 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 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.

3. **APPLICATION**

This bylaw applies to all lands within CVRD Electoral Areas A, B, C, D, E, F, G, H and I under the jurisdiction of the Board.

4. **SCHEDULES**

All schedules attached to this bylaw form part of this bylaw.

4. **PROHIBITIONS**

- a) 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) No person shall possess or discharge fireworks without a *Fireworks Discharge Permit* pursuant to this bylaw.

5. **FIREWORKS DISCHARGE PERMIT**

- a) A person may make application to the CVRD for a *Fireworks Discharge Permit* using the form of application provided by the CVRD from time to time for that purpose and upon payment of the application processing fee prescribed in **Schedule A**.
- b) An application for a *Fireworks Discharge Permit* must be authorized in writing by all owner(s) of the lands that are the subject of the application.
- c) A *Bylaw Enforcement Officer* may issue a *Fireworks Discharge Permit* to any person or organization for a *Public Special Event or Festival* subject to:
 - i. A *Fire Safety Plan* and evidence of valid fireworks operator certification appropriate to the level of fireworks to be possessed and discharged, as confirmation of knowledge and ability to safely possess and discharge fireworks in a sufficiently controlled environment.
 - ii. *Discharge* occurring on January 1, July 1, or October 31 only.
 - iii. *Discharge occurring at least 500 metres from any livestock property.*
- d) Despite 4(a) and (b), the Board may issue a *Fireworks Discharge Permit* to any person or organization for a public special event or festival for any day other than January 1, July 1 or October 31, subject to:
 - i. A *Fire Safety Plan* and evidence of valid fireworks operator certification appropriate to the level of fireworks to be possessed and discharged, as confirmation of knowledge and ability to safely possess and discharge fireworks in a sufficiently controlled environment.
 - ii. *No discharge occurring within 500 metres of any livestock property.*
 - iii. Publication of notice in a local newspaper of the *Public Special Event or Festival* for which the *Fireworks Discharge Permit* is requested.
 - iv. Any other conditions the Board deems reasonable and in the public interest for the purpose of protecting public health and safety or the environment.

6. RIGHT TO ENTER

Subject to applicable enactments, a *Bylaw Enforcement Officer* may enter on a property at any time to ascertain whether the requirements of this bylaw are being met.

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 \$250.00 and no more than the maximum permitted by law.

8. INDEMNIFICATION

- a) The holder of the permit is at all times responsible for compliance with the provisions of this bylaw and any other applicable enactment and for any claim, demand, damage, loss, costs, expense, fees or fine that may arise from a discharge of fireworks.
- b) The holder of a permit shall save harmless, indemnify and keep indemnified the CVRD, its officers, employees, contractors and elected officials from any and all claims, demands, damages, losses, costs, expenses, fees, fines, actions, proceedings whatsoever brought by any person arising from the issuance of a permit under this bylaw with respect to the discharging of fireworks authorized under permit.

9. 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.

10. COMMENCEMENT

This Bylaw comes into force on the date of its adoption.

READ A FIRST TIME this _____ day of _____, 2023.

READ A SECOND TIME this _____ day of _____, 2023.

READ A THIRD TIME this _____ day of _____, 2023.

ADOPTED this _____ day of _____, 2023.

Chair

Corporate Officer

**SCHEDULE "A"**

Application Type	Date of Event	Fee
Fireworks Discharge Permit (may be issued by a CVRD Bylaw Enforcement Officer)	January 1, July 1 or October 31	\$100
Fireworks Discharge Permit (may be issued by the CVRD Board)	Any day other than January 1, July 1 or October 31	\$500