



City of Port Moody

Bylaw No. 3436

A Bylaw to regulate the storage, sales, and use of firecrackers, fireworks, and explosives.

WHEREAS, pursuant to section 8(3)(d) of the *Community Charter*, a council may, by bylaw, regulate, prohibit, and impose requirements in relation to firecrackers, fireworks, and explosives;

AND WHEREAS the Council of the City of Port Moody deems it expedient and desirable to regulate the storage, sales, and use of firecrackers, fireworks, and explosives;

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

1. Citation

- 1.1 This Bylaw may be cited as “City of Port Moody Fireworks Regulation Bylaw, 2023, No. 3436”.

2. Repeal

- 2.1 City of Port Moody Fireworks Bylaw, 1991, No. 2070 and all amendments thereto are hereby repealed.

3. Definitions

- 3.1 In this Bylaw,

“Approved” means approved by an Officer of City of Port Moody Fire and Rescue Services.

“Council” means the Council of the City of Port Moody.

“City” means the City of Port Moody.

“Explosive” means gunpowder, nitroglycerine, gun cotton, dynamite, blasting gelatin, gelignite, 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, detonators, cartridges, and ammunition.

“Fire Chief” means the City of Port Moody Fire Chief or their designate.

“Firecracker” means small fireworks with entwined fuses used solely as noise makers, and not for pyrotechnic effect.

“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.

“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.

“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.

“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.

“Peace Officer” means a person employed by Port Moody Fire and Rescue Services 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.

4. General

- 4.1 In the event of any inconsistency between the provisions of this Bylaw and the provisions contained in a Federal and/or Provincial statute and/or regulation, the more restrictive provisions of those statutes and/or regulations shall apply.
- 4.2 As provided by the *Community Charter*, and subject to the *Fire Services Act*, the *British Columbia Fire Code*, is adopted as Regulations for the City of Port Moody supplementary to this Bylaw. In the event of conflict between this Bylaw and the *British Columbia Fire Code* and/or the federal *Explosives Act*, the provisions of the *British Columbia Fire Code* and the federal *Explosives Act* shall prevail.
- 4.3 If an Officer, on account of the existence of hazardous fire conditions deems it advisable, they may cancel or suspend for such time as is specified in the order, any permits issued pursuant to this Bylaw, or they may attach to any or all such permits such conditions and restrictions as they think proper.
- 4.4 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.
- 4.5 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.

5. Storage

- 5.1 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 has first obtained permission in writing to do so from the Fire Chief.
- 5.2 The storage of low hazard fireworks intended for personal use does not require the permission of the Fire Chief.
- 5.3 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.
- 5.4 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.
- 5.5 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 more than ninety-one (91) kilograms gross weight.
- 5.6 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 the City of Port Moody Smoking Control Bylaw.

6. Wholesale and Retail Sales

- 6.1 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.
- 6.2 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.
- 6.3 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 their own use or not.
- 6.4 Unless authorized by written permission of the Fire Chief, it shall be unlawful for any person to possess fireworks.

7. Regulation of Fireworks and Firecrackers

- 7.1 It shall be unlawful for any person to set off, discharge, or explode any fireworks or firecrackers on any street, lane, square, or public place, unless such person or persons has first obtained both:
- 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.
- 7.2 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.
- 7.3 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 more than one (1) metre.
- 7.4 A Peace Officer may seize firecrackers or fireworks being held in violation of this Bylaw and may dispose of them without compensation.
- 7.5 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.
- 7.6 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.
- 7.7 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.
- 7.8 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.
- 7.9 No fireworks and firecrackers display shall be held during a windstorm 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.

- 7.10 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.
- 7.11 There shall be always 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.
- 7.12 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.
- 7.13 All disputes arising because of the administration of the provisions of this Bylaw shall be referred to the Fire Chief, who shall be the authority in all cases.

8. Offence and Penalty

- 8.1 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 (6) 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 (6) months. Offences for which tickets can be issued and fines imposed are prescribed in the Municipal Ticket Information Authorization Bylaw.

9. Severability

- 9.1 If a portion of this Bylaw is found invalid by a court, it will be severed, and the remainder of the Bylaw will remain in effect.

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.

M. Lahti
Mayor

S. Lam
City Clerk

I hereby certify that the above is a true copy of Bylaw No. 3436 of the City of Port Moody.

S. Lam
City Clerk

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