

Considered at the November 14, 2023, Regular Council meeting

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City of Port Moody Report/Recommendation to Council

Date: November 14, 2023
 Submitted by: Fire Chief
 Subject: New Fireworks Regulation Bylaw, No. 3436 and MTIA Amendment Bylaw, No. 3439 – Three Readings

Purpose

To present for Council consideration of first three readings a new Fireworks Regulation Bylaw and an associated amendment to the Municipal Information Ticket Authorization Bylaw.

Recommended Resolution(s)

THAT City of Port Moody Fireworks Regulation Bylaw, 2023, No. 3436 and City of Port Moody Municipal Ticket Information Authorization Bylaw, 2020, No. 3218, Amendment Bylaw No. 10, 2023, No. 3439 be read a first, second, and third time as recommended in the report dated November 14, 2023, from the Fire Chief regarding New Fireworks Regulation Bylaw, No. 3436 and MTIA Amendment Bylaw, No. 3439 – Three Readings.

Background

At the July 18, 2023, Governance and Legislation Committee meeting, Council considered a report dated July 18, 2023, from the Fire Chief regarding Fireworks Bylaw Review (**Attachment 1**) and passed the following resolution:

GLC23/037

THAT staff be directed to report back with amendments to City of Port Moody Fireworks Bylaw, 1991, No. 2070 as recommended in Attachment 1 of the report dated July 18, 2023, from the Fire Chief regarding Fireworks Bylaw Review.

Discussion

Port Moody Fire Rescue has conducted a review of fireworks regulation and use in Port Moody and neighbouring municipalities and presented the findings to the Governance and Legislation Committee meeting of July 18, 2023. Staff are recommendations included the banning of fireworks sales and mandating of a permit for consumer fireworks use to align the City's regulatory approach with most other municipalities in Metro Vancouver. During the review of the existing bylaw (**Attachment 2**), which was written in 1991, staff noted that several housekeeping changes are required to update legislative references and align the bylaw with the City's current bylaws, policies, and procedures. Staff determined that it would be prudent to

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prepare a new bylaw and repeal the old one. Draft City of Port Moody Fireworks Regulation Bylaw, 2023, No. 3436 is included as **Attachment 3** for Council's consideration. City of Port Moody Fireworks Permit Guidelines are included as **Attachment 4** for Council's information.

City of Port Moody Municipal Ticket Information Authorization Bylaw, 2020, No. 3218 will also need to be amended because of the adoption of Fireworks Regulation Bylaw, 2023, No. 3436. Draft City of Port Moody Municipal Ticket Information Authorization Bylaw, 2020, No. 3218, Amendment Bylaw No. 10, 2023, No. 3439 is included as **Attachment 5** for Council's consideration.

Other Option(s)

THAT the report dated November 28, 2023, from the Fire Chief regarding New Fireworks Regulation Bylaw, No. 3436 and MTIA Amendment Bylaw, No. 3439 – Three Readings be received for information.

Financial Implications

Adoption of Bylaw No. 3436 will result in reduced staff time spent on enforcement of fireworks regulations.

Communications and Civic Engagement Initiatives

Once the new bylaw is adopted, it will be posted on the City website, and on the Port Moody Fire-Rescue website and social media channels.

Council Strategic Plan Goals

The recommendation in this report aligns with the Council Strategic Plan Objectives of Healthy Community Development and Resilient Natural Environment.

Attachment(s)

1. Report considered at the July 18, 2023, Governance and Legislation Committee meeting – Fireworks Bylaw.
2. City of Port Moody Fireworks Bylaw, 1991, No. 2070.
3. Draft City of Port Moody Fireworks Regulation Bylaw, 2023, No. 3436.
4. City of Port Moody Fireworks Permit Guidelines.
5. Draft City of Port Moody Municipal Ticket Information Authorization Bylaw, 2020, No. 3218, Amendment Bylaw No. 10, 2023, No. 3439.

Report Author

Darcey O'Riordan
Fire Chief

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Report Approval Details

Document Title:	New Fireworks Regulation Bylaw, No. 3436 and MTIA Amendment Bylaw, No. 3439 – Three Readings.docx
Attachments:	<ul style="list-style-type: none"> - Attachment 1 - Report considered at the July 18, 2023, GLC meeting - Fireworks Bylaw.pdf - Attachment 2 - City of Port Moody Fireworks Bylaw, 1991, No. 2070.PDF - Attachment 3 - Draft City of Port Moody Fireworks Regulation Bylaw, 2023, No. 3436.pdf - Attachment 4 - City of Port Moody Fireworks Permit Guidelines.pdf - Attachment 5 - Draft City of Port Moody MTIA Bylaw, 2020, No. 3218, Amendment Bylaw No. 10, 2023, No. 3439.pdf
Final Approval Date:	Nov 7, 2023

This report and all of its attachments were approved and signed as outlined below:

Stephanie Lam, City Clerk and Manager of Legislative Services - Nov 6, 2023 - 12:46 PM

Lindsay Todd, Manager of Communications and Engagement - Nov 6, 2023 - 1:47 PM

Paul Rockwood, General Manager of Finance and Technology - Nov 6, 2023 - 3:23 PM

Tim Savoie, City Manager - Nov 7, 2023 - 9:06 AM

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Attachment 1

Considered at the July 18, 2023, Governance and Legislation Committee meeting

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City of Port Moody

Governance and Legislation Committee

Date: July 18, 2023
Submitted by: Fire Chief
Subject: Fireworks Bylaw Review

Purpose

To evaluate City of Port Moody Fireworks Bylaw, 1991, No. 2070 and propose Port Moody Fire Rescue's recommendations for amendment.

Recommended Resolution:

THAT staff be directed to report back with amendments to City of Port Moody Fireworks Bylaw, 1991, No. 2070 as recommended in the 2023 Fireworks Bylaw Review Report included as Attachment 1 in the report dated July 18, 2023, from the Fire Chief regarding Fireworks Bylaw Review.

Background

Many residents enjoy personal use of fireworks on their properties and have expressed a desire for this to continue. The City of Port Moody Fireworks Bylaw places restrictions to regulate the use and sales of fireworks, but widespread contraventions, community complaints, and increasing hazard levels are prompting Port Moody Fire Rescue (PMFR) to make recommendations for changes to Council.

PMFR, the Port Moody Police Department (PMPD), and Council continue to hear concerns from residents negatively impacted by fireworks regarding:

- public safety;
- disturbance and disruption to the community;
- inappropriate use;
- effects on the environment from noise and pollution; and
- damage to municipal infrastructure.

Due to climate change, 2022 was the first year that the fire danger rating was high until October 20. While this was unprecedented, it will likely be a continuing trend causing firework use and sales to be evaluated on a yearly basis unless the bylaw is amended.

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Overall, these key points demonstrate that banning the sales and requiring a permit for consumer firework use can help to protect individuals, the environment, and communities from the potential dangers and negative effects associated with their use.

Discussion

Port Moody Fire Rescue has conducted a review of fireworks regulation and use in Port Moody and neighbouring municipalities. The resulting report and recommendations are included for Council consideration as **Attachment 1**. Staff are recommending that the City of Port Moody modify its Fireworks Bylaw (**Attachment 2**) to ban firework sales and mandate a permit for consumer firework use to align its regulatory approach with most other municipalities in Metro Vancouver.

Other Option(s)

THAT the report dated July 18, 2023, from the Fire Chief regarding Fireworks Bylaw Review be received for information.

Financial Implications

Reduced staff time on Fireworks enforcement.

Communications and Civic Engagement Initiatives

Communication through city website, Communications department, and Fire Department website and social media.

Council Strategic Plan Objectives

The recommendation in this report aligns with the Council Strategic Plan Objectives of Healthy Community Development and Resilient Natural Environment.

Attachment(s)

1. 2023 Fireworks Bylaw Review Report.
2. City of Port Moody Fireworks Bylaw, 1991, No. 2070.

Report Author

Darcey O'Riordan
Fire Chief

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Report Approval Details

Document Title:	Fireworks Bylaw Review.docx
Attachments:	<ul style="list-style-type: none"> - Attachment 1 - 2023 Fireworks Bylaw Review Report.pdf - Attachment 2 - City of Port Moody Fireworks Bylaw, 1991, No. 2070.pdf
Final Approval Date:	Jul 4, 2023

This report and all of its attachments were approved and signed as outlined below:

Tracey Takahashi, Deputy Corporate Officer, for Stephanie Lam, City Clerk and Manager of Legislative Services - Jun 30, 2023 - 10:56 AM

Natasha Vander Wal, Communications Specialist, for Lindsay Todd, Manager of Communications and Engagement - Jun 30, 2023 - 11:30 AM

Paul Rockwood, General Manager of Finance and Technology - Jul 1, 2023 - 1:09 PM

Anna Mathewson, General Manager of Community Services, for Tim Savoie, City Manager - Jul 4, 2023 - 12:53 PM

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Fireworks Bylaw Review

June 2023

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Attachment 1

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Overview:

The purpose of this report is to evaluate the City of Port Moody Fireworks Bylaw ([BL2070-C](#)) and propose Port Moody Fire Rescues recommendations for amendment. Port Moody Fire Rescue suggests that the City of Port Moody modify its firework bylaw to ban sales and mandate a permit for consumer firework use to align its regulatory approach with most other municipalities in Metro Vancouver.

Background:

Many residents enjoy personal use of fireworks on their properties and have expressed a desire for this to continue. The City of Port Moody Fireworks Bylaw places restrictions to regulate the use and sales of fireworks, but widespread contraventions, community complaints, and increasing hazard levels are prompting Port Moody Fire Rescue to make recommendations for changes to Council.

PMFR, PMPD, and Council continue to hear concerns from residents negatively impacted by fireworks regarding:

- public safety;
- disturbance and disruption to the community;
- inappropriate use;
- effects on the environment from noise and pollution; and
- damage to municipal infrastructure.

Due to climate change, 2022 was the first year that the fire danger rating was high until Oct 20th. While this was unprecedented, it will likely be a continuing trend causing firework use and sales to be evaluated on a yearly basis unless the bylaw is amended.

Overall, these key points demonstrate that banning the sales and requiring a permit for consumer firework use can help to protect individuals, the environment, and communities from the potential dangers and negative effects associated with their use.

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Attachment 1

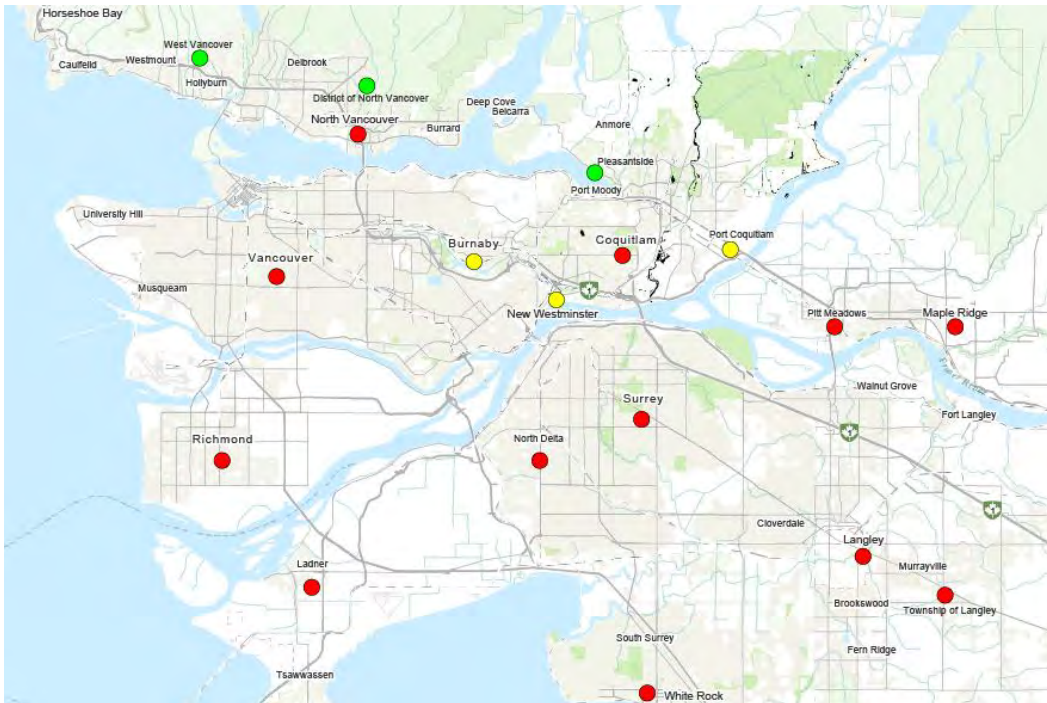
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Attachment 1

Other Communities' Bylaws:

This map illustrates the regulatory approach to fireworks in the Lower Mainland:



Approach by Community in the Lower Mainland:

●	Both consumer firework use and sales prohibited
●	Consumer firework use permitted with sales prohibited
●	Consumer firework use and sales permitted

A bylaw amendment to prohibit sales would harmonize this regulatory approach with most other municipalities in Metro Vancouver.

Requiring a permit for consumer firework use would essentially ban consumer firework use but it would also align the City of Port Moody with similar actions taken across the Lower Mainland.

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Existing Policy:

- Natural Resources Canada administers the *Explosives Act* and the *Regulations* and training and certification for operators, and classifies fireworks into four types:
 - F.1 — **consumer fireworks**;
 - F.2 — display fireworks;

This report is only in relation to the F.1 consumer grade fireworks. Fireworks used by certified fireworks technicians for pyrotechnics, theatrical special effects, and public displays (F.2- F.4) will continue to be regulated through a permit application process under section 6.1 of the Fireworks Bylaw.

- *BC Fireworks Act RSBC 1996, c. 146*
This *Act* allows municipalities to declare, by bylaw, the application of the *Act*, to prohibit or control the sale and use of low hazard fireworks, enabling communities to tailor access to these types of fireworks. The *Act* restricts the days that fireworks may be sold or discharged to October 24-November 1.
- *BC Community Charter*:
 - Section 8(3)(d) provides that a council, by bylaw, may regulate, prohibit and impose requirement in relation to fireworks.
 - Section 8(6) and Div. 9 provides that council may, by bylaw, regulate in relation to business.

Firework Sales:

[The City of Port Moody Fireworks Bylaw 1991, No. 2070](#), allows for sales of fireworks between October 24th and 31st of each year. All sales of fireworks are to cease on October 30th at 9:00 p.m. to curb late night purchases and discharge.

Firework Use:

Fireworks may only be set off, discharged, or exploded on October 31st of each year and only subject to the following conditions:

- On the lot of a private dwelling and only with the knowledge and consent of the occupant; or
- 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.

PMFR requests citizens using consumer fireworks voluntarily register their fireworks plan; however, registration is not required.

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Sale licences and permits issued:

The number of business licences issued for fireworks sales have averaged two per year from 2004 to 2021. In 2022, Port Moody issued 3 business licences to fireworks sales.

A voluntary permit program is offered by PMFR every year. Between 2018 and 2021, an average of 10 citizens registered **consumer** fireworks plans with PMFR. In 2022, 29 citizens registered fireworks plans with PMFR for private residence displays.

Permits are also issued by PMFR for public assembly **display** fireworks, such as the display in Glenayre every Halloween. There are several requirements such as:

- 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;
- 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;
- 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;
- Approval by PMFR of site plan; and
- Comprehensive Insurance coverage.

Port Moody Fire Rescue is not recommending any changes to the permitting process for display fireworks.

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Fireworks Enforcement:

The City of Port Moody Fire and Bylaws teams proactively ensure fireworks sales business premises are set up properly and are adhering to requirements. Staff also perform random checks throughout the selling period and address any contraventions at those businesses.

In the weeks leading up to Halloween, a high volume of complaints are typically directed to PMFR. The most common complaints are:

- fireworks discharged outside of the permissible hours;
- excessive noise to humans and wildlife;
- fear and anxiety of household pets;
- litter and chemical debris left on roads and neighbouring properties;
- fire damage directly caused by fireworks discharge; and
- contribution to poor air quality.

Teams from PMFR, Parks, and PMPD proactively patrol and respond to fireworks complaints. Some of the most common violations resulting from Halloween patrols include:

- dangerous use of fireworks;
- possession and discharge of illegal fireworks;
- discharge of fireworks on roadways, parks, and school grounds; and
- use of fireworks by under-age youth.

Direct impact on PMPD policing resources:

- The volume of incidents results in PMPD creating a bulk file due to the sheer volume of fireworks complaints around Halloween every year; and
- PMPD brings in extra staffing and opens the operations centre to effectively manage the complaints received on Halloween.

Injuries Resulting from Fireworks:

Injuries are tracked nationwide by the Canadian Hospitals Injury Reporting and Prevention Program (CHIRPP) and includes statistics from BC Children's Hospital. While this does not represent all injuries, CHIRPP reported that in 2011-2019, teenagers and adolescents represented the largest proportion of the injuries. Head injuries – burns and eye injuries are the most common, followed by fingers and hands, with 73% needing medical treatment and 11% requiring being admitted to hospital for treatment of the injuries.

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Summary:

Port Moody is one of the last municipalities in Metro Vancouver to allow fireworks sales and consumer use on private property without a permit. Port Moody Fire Rescue recommends that the Firework Bylaw is amended to ban sales and mandate a permit for consumer firework use.

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Appendices:

Appendix 1 – [Port Coquitlam's Fireworks Permit Process:](#)

Fireworks Regulations

Every year fireworks seriously injure people and cause millions of dollars in property damage. The Port Coquitlam Fire and Emergency Services encourages fireworks safety with the following regulations. Complete fireworks regulations are detailed in Section 6 of City [Bylaw No. 3880, Fire and Emergency Services Bylaw](#)

Can I purchase fireworks in Port Coquitlam?

In the best interest of community safety, the City of Port Coquitlam, like many other municipalities, has banned the sale of any fireworks within the City.

When can I set off fireworks?

Before detonating any fireworks within the City you require a valid Fireworks Event Permit. Fireworks may only be used, set off or discharged on October 31st (Halloween) until 11:00 pm and only with a permit as authorized by the Port Coquitlam Fire and Emergency Services. Anyone found setting off fireworks before or after this date or without a permit may be fined a minimum of \$200 and/or formal enforcement proceedings for each incident. Failure to comply with the terms of the Fireworks Permit is also subject to fine and/or formal enforcement proceedings.

Where can I obtain a Fireworks Event Permit?

Application to detonate low hazard fireworks must be made in person at the Tax Office at Port Coquitlam City Hall located at 2580 Shaughnessy Street between 8:30 am and 4:30 pm Monday to Friday. The fee for a permit is \$30. You must be at least 18 years of age to handle fireworks.

Please note: If you are not the property owner of where the permit is being taken out for, you will need a letter of consent from the registered property owner acknowledging that they are permitting you to light/ignite fireworks on the lands for which the permit is for.

Consideration for purchase of a permit must be submitted by 3 pm on the last weekday of October.

Where can I set off fireworks?

Fireworks can be set off:

- on private property and only with the knowledge and consent of the occupant
- as part of a public event controlled by a public body or society. Written permission from the Fire Chief is required for public functions and may be obtained by contacting the Fire Department as noted below.

Anyone found not complying with this regulation may be fined \$500 and/or subject to formal enforcement proceedings.

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Appendix 2 – [Coquitlam's Fireworks bylaw](#):

Fireworks Permits

As part of the [Fire Prevention and Life Safety Bylaw Number 3712, 2005 \(PDF\)](#), it is illegal to buy or sell fireworks in Coquitlam. Setting off fireworks is also prohibited unless the user has a permit from the Coquitlam Fire/Rescue Department. Fireworks are generally used in large public displays by trained individuals. Low hazard fireworks are for consumers and designed for recreational use, and high hazard fireworks are for professionals and are used in large (usually public) displays.

Before you complete your [Coquitlam Fireworks Permit Application \(PDF\)](#), please read the [Fireworks Permit Guidelines \(PDF\)](#).

Fireworks Permit Guidelines

Permit Fees a) A permit fee and application form from Coquitlam Fire/Rescue is required. Complete applications must be received a minimum of 72 hours prior to the event.

- Fees: Low Hazard Fireworks = \$50.00; High Hazard Fireworks = \$100.00

b) If at the discretion of the Fire Chief, it is determined that appropriately staffed fire department apparatus may be required to be stationed at the event for safety reasons, the following additional fees may be required at the time of permit issuance: • The current hourly rate for each four-person fire engine or emergency vehicle, for the duration of the event. Firefighters are required to stand-by 30 minutes prior to the event, during the event, and 30 minutes after the event has ended, plus any additional required time (for a minimum of three hours)

f) For low hazard fireworks, Coquitlam Fire/Rescue is adhering to the federal explosives guidelines for clearance requirements when approving fireworks permit, which are 30m x 30m for aerial displays and 20m x 20m for ground effects. These clearance requirements essentially eliminate most residential lots from receiving a permit. Office staff will check if required clearance is met.

Fire Prevention and Life Safety Bylaw Number 3712, 2005:

9. Fireworks, Firecrackers and Pyrotechnics

9.1 No person will possess for purposes of re-sale or distribution, offer for sale, store, distribute or sell:

- (a) Low Hazard Fireworks;
- (b) High Hazard Fireworks;
- (c) Firecrackers.

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9.2 Subject to sections 9.3 and 9.4, no person will possess for purposes of use, set off, use, explode or discharge:

- (a) Low Hazard Fireworks;
- (b) High Hazard Fireworks;
- (c) Firecrackers; or
- (d) pyrotechnics.

9.3 Section 9.2 does not apply if a person or organization has received a permit in the prescribed form from the Fire Chief to use, set off, explode or discharge any Low Hazard Fireworks, High Hazard Fireworks, Firecrackers or pyrotechnics for religious, ceremonial, celebratory or business related purposes. The Fire Chief may, in issuing a permit pursuant to this section, impose any and all conditions which he deems necessary to provide for the protection of persons and property. The person or organization to whom or to which a permit is issued pursuant to this section is responsible for ensuring compliance with all provisions contained in the permit and this Bylaw.

9.4 The Fire Chief will not issue a permit pursuant to section 9.3 for private property unless a registered owner of such property is the person seeking the permit or the permit applicant provides the Fire Chief with written authorization from a registered owner of the property authorizing the applicant to seek such a permit.

9.5 No person will point or direct a Low Hazard Firework, a High Hazard Firework or a Firecracker at any person, animal, structure, vehicle or other object where the Low Hazard Firework, High Hazard Firework or Firecracker is in the process of being used, set off, exploded or detonated.

9.6 Any member of the Royal Canadian Mounted Police, an Officer under this Bylaw, a City employee duly authorized by the Fire Chief or a Peace Officer, may seize Firecrackers, Low Hazard Fireworks and High Hazard Fireworks, or any of them, being held or used in violation of this Bylaw and may dispose of them in a manner approved by the Fire Chief, without compensation for the said seizure and without charges being laid or formal enforcement proceedings being commenced. This section does not in any way restrict or prevent charges from being laid or formal enforcement proceedings under this Bylaw from being commenced.

9.7 Every person who is issued a permit under section 9.3 of this Bylaw shall pay the fees prescribed in the Fees and Charges Bylaw.

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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, 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, detonator, cartridges, and ammunition.

*Amended
by Bylaw
#2665

2.5 "FAMILY FIREWORKS" means outdoor low hazard recreational fireworks classified by the Canada Explosives Regulations as Class 7.2.1.

*Amended
by Bylaw
#2725

2.6 "FAMILY PACK" means a prepackaged assortment of family fireworks excluding nuisance fireworks

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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.
- 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

*Amended
by Bylaw
#2168 and
Bylaw
#2606 →

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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.

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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".

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Considered at the July 18, 2023, Governance and Legislation Committee meeting

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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"**.

Considered at the November 14, 2023, Regular Council meeting

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Considered at the July 18, 2023, Governance and Legislation Committee meeting

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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

Considered at the November 14, 2023, Regular Council meeting

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Considered at the July 18, 2023, Governance and Legislation Committee meeting

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set off, and

- b) a permit issued by the Fire Chief for the display.

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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.

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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.

Considered at the November 14, 2023, Regular Council meeting

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Considered at the July 18, 2023, Governance and Legislation Committee meeting

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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

Considered at the November 14, 2023, Regular Council meeting

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Attachment 2

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, 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, detonator, cartridges, and ammunition.

*Amended
by Bylaw
#2665

2.5 "FAMILY FIREWORKS" means outdoor low hazard recreational fireworks classified by the Canada Explosives Regulations as Class 7.2.1.

*Amended
by Bylaw
#2725

2.6 "FAMILY PACK" means a prepackaged assortment of family fireworks excluding nuisance fireworks

Considered at the November 14, 2023, Regular Council meeting

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Bylaw No. 2070

Page No. 2

2. INTERPRETATION (Continued)

*Amended
by Bylaw
#2665

- 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.

3. GENERAL

*Amended
by Bylaw
#2168 and
Bylaw
#2606 →

- 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.
- 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.

Considered at the November 14, 2023, Regular Council meeting

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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".

Considered at the November 14, 2023, Regular Council meeting

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Attachment 2
Bylaw No. 2070

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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"**.

Considered at the November 14, 2023, Regular Council meeting

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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.

Considered at the November 14, 2023, Regular Council meeting

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Bylaw No. 2070

Page No. 6

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.

Considered at the November 14, 2023, Regular Council meeting

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Attachment 2
Bylaw No. 2070

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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.

Considered at the November 14, 2023, Regular Council meeting

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Attachment 2
Bylaw No. 2070

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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

Considered at the November 14, 2023, Regular Council meeting

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Attachment 3



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

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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.

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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.

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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.

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- 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

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

S. Lam
City Clerk

DRAFT

Considered at the November 14, 2023, Regular Council meeting

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Attachment 4



PORT MOODY
CITY OF THE ARTS

150 Newport Drive, Port Moody, B.C., V3H 5C3, Canada
Tel 604.469.7795 Fax 604.469.7796
www.portmoody.ca

In the City of Port Moody, fireworks can't be sold or discharged. Consumer or display fireworks may be used only with a permit.

Permit Requirements

- a) Display Supervisor with Endorsements Certification and Assistants are required handle and operate consumer and display fireworks.
- b) Permit submission includes the following information:
 - Fireworks' Supervisor's Card No., name, address, company and proof of identity;
 - The place, date, time and duration of the display;
 - The name and address of the owner of the property;
 - The name and address of each person under supervision;
 - The location and manner of fireworks storage and;
 - Site Security Plan.
- c) Written permission from the property owner.
- d) A site plan including:
 - The plan scale and clearly indicated north arrow;
 - Locations of existing structures, public and private access roads, and spectator viewing area;
 - Location(s) of pyrotechnic discharge area, and the distance to structures, access roads, viewing area, and adjacent properties;
 - Specific information pertaining to the property, i.e.; sloping lands, streams, wetlands, wooded areas, etc., and;
- e) Consumer fireworks clearance requirements of **30m x 30m** for aerial displays and **20m x 20m** for ground effects. **These clearance requirements essentially eliminate residential lots from permit eligibility.**



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Attachment 5



City of Port Moody

Bylaw No. 3439

A Bylaw to amend Municipal Ticket Information Authorization Bylaw, 2020, No. 3218 to align with the new Fireworks Regulation Bylaw.

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 Municipal Ticket Information Authorization Bylaw, 2020, No. 3218, Amendment Bylaw No. 10, 2023, No. 3439”.

2. Amendments

- 2.1 City of Port Moody Municipal Ticket Information Authorization Bylaw, 2020, No. 3218 is amended by replacing the following section of Schedule 1:

Fireworks Bylaw, No. 2070	<ul style="list-style-type: none"> • Fire Chief • Officer of the Fire-Rescue Department • Bylaw Enforcement Officer • Port Moody Police
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with the following:

Fireworks Regulation Bylaw	<ul style="list-style-type: none"> • Fire Chief • Officer of the Fire-Rescue Department • Bylaw Enforcement Officer • Port Moody Police
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- 2.2 Bylaw No. 3218 is further amended by replacing the following section of Schedule 2:

Fireworks Bylaw, No. 2070	Section(s)	Fine(s)	
Unlawful Storage of Fireworks	4.3	1 st Offence	\$500.00
		2 nd Offence	\$1,000.00
Unlawful Storage of Fireworks Materials	4.4	1 st Offence	\$500.00
		2 nd Offence	\$1,000.00
Smoking in Fireworks Storage Area	4.5	\$1,000.00	
Sell Firecrackers	5.1	1 st Offence	\$500.00
		2 nd Offence	\$1,000.00

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Sell Fireworks/Firecrackers to Person Under Age 18	5.3	1 st Offence	\$500.00
		2 nd Offence	\$1,000.00
Possession of Fireworks by Person Under Age 18	5.3.1		\$250.00
Possession of Fireworks When Prohibited	5.4		\$500.00
Sale/Distribution/Storage of Fireworks From Vehicle/Trailer/Temporary Structure	5.4.3	1 st Offence	\$500.00
		2 nd Offence	\$1,000.00
Sale of Fireworks When Prohibited	5.4.6	1 st Offence	\$500.00
		2 nd Offence	\$1,000.00
Failure to Clean Up Sales Area by 12:00pm on October 31 st	5.4.7		\$250.00
Smoking in Retail Area	5.5		\$250.00
Sale of Nuisance Fireworks	5.8		\$500.00
Unlawful Discharge of Fireworks	6.1, 6.1.1		\$500.00
Unlawful Discharge of Firecrackers	6.1.3		\$500.00

with the following:

Fireworks Regulation Bylaw	Section(s)	Fine(s)	
Unlawful Storage of Fireworks	5.3	1 st Offence	\$500.00
		2 nd Offence	\$1,000.00
Unlawful Storage of Fireworks Materials	5.4	1 st Offence	\$500.00
		2 nd Offence	\$1,000.00
Smoking in Fireworks Storage Area	5.6		\$1,000.00
Sell Firecrackers	6.1, 6.3	1 st Offence	\$500.00
		2 nd Offence	\$1,000.00
Possession of Fireworks	6.4		\$500.00
Sale of Fireworks	6.1, 6.3	1 st Offence	\$500.00
		2 nd Offence	\$1,000.00
Unlawful Discharge of Fireworks	7.1		\$500.00
Unlawful Discharge of Firecrackers	7.1		\$500.00

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3. Severability

- 3.1 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. 3439 of the City of Port Moody.

S. Lam
City Clerk