



The Village of
PORT CLEMENTS
"Gateway to the Wilderness"

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7:00 PM, Tuesday, September 5th, 2023
Committee of the Whole

AGENDA

This meeting of the Council of the Village of Port Clements being held on the traditional territory of the Haida People.

1. ADOPT AGENDA

2. REPORTS & DISCUSSIONS

D-1-Fireworks and Similar Events/Dog Control and Issues

Consideration:

- August 22nd, 2023, Regular Council Meeting Report on Fireworks and Similar Events Bylaw Potential*
- letters from the public regarding Fireworks and Similar Events Bylaw Potential*



REPORT TO COUNCIL

Author: Elizabeth Cumming, Deputy CAO
Date: August 22nd, 2023
RE: Fireworks and Similar Events Bylaw Potential

BACKGROUND:

At the March 20th, 2023, Regular Council Meeting, Council made the resolution directing staff to investigate municipal fireworks and similar events bylaws. These 'similar events' included things such as sky lanterns.

DISCUSSION:

Staff have found examples from several municipalities within British Columbia that have enacted bylaws banning fireworks. Some have complete bans on the use of fireworks and firecrackers as well as the sale of fireworks and firecrackers within their municipality, while others have a permitting system. The permitting systems involved usually rely on a mixture of the involvement of the Fire Department and bylaw enforcement officers.

This ability to control or prohibit the use and sale of fireworks and firecrackers within the municipality's boundaries, is explicitly and directly given by the *Community Charter* s. 8(3)(d) where a council may, by bylaw, regulate, prohibit, and impose requirements in relation to firecrackers, fireworks, and explosives. There are also additional sections of the *Community Charter* that would also enable such bans.

However, legislation is not as explicit when it comes to sky lanterns. There are several news reports of municipalities in British Columbia banning sky lanterns, however, on review of these municipalities staff could not clearly locate where their bylaws reference them and what legislative authority they utilize to implement their ban. As such, staff sought legal clarification that confirmed that there is no express legislation in British Columbia that bans sky lanterns (unlike Saskatchewan and Alberta that have explicit legislation that does so). However, they believe it is likely that bylaws regulating sky lanterns would come under the *Community Charter* s. 8(3)(h) in relation to s.64(b), where a council may, by bylaw, regulate, prohibit and impose requirements in relation to the protection and enhancement of the well-being of its community in relation to noise, vibration, odour, dust, illumination or any other matter that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public. While they identified that there is no judicial precedent for the use of this provision to regulate sky lanterns, considering the ability of the objects to set property alight, something that would disturb the peace of any reasonable individual, they think it would likely qualify, though they recommend seeking more specific and comprehensive legal advice during the drafting of the bylaw.

Given the Village's limited resources and staff capacity, it would be recommended that if the Council wanted to pursue a bylaw regarding fireworks, fireworks, explosive, and sky lanterns it would be more practical to have a complete prohibition on the sale and use within the municipality rather than introducing a partial prohibition with a permitting system.

Conclusion:

If Council is interested in pursuing this bylaw, Council can direct staff to develop a draft bylaw to bring back to Council for consideration. However, for that draft, staff need clarification on if it should be for a total prohibition or a permitting approach, and if the bylaw would be for firecrackers, fireworks, explosives, and sky lanterns or only for some of these items or additional items. It is recommended that once drafted, the bylaw be legally reviewed given some of the uncertainty around sky lanterns.

STRATEGIC

(Guiding Documents Relevancy – Official Community Plan)

The safety and wellbeing of the community is a priority. Firecrackers, fireworks, explosives, and sky lanterns due to their nature involving explosives and fire can interfere with the safety and wellbeing of the community.

FINANCIAL**(Corporate Budget Impact)**

A ban may incur costs with signage or communicating that there is a ban to the community, while a permitting system may have further increases in cost (supplies, labour, etc). There would also be a cost to get a legal review of the draft bylaw.

ADMINISTRATIVE**(Workload Impact and Consequence)**

Staff time was involved reviewing legislation, researching other municipalities, seeking casual legal advice and preparing the report to Council. More time would be spent implementing a permit system if pursued, and impacts on capacity would need to be considered, especially as these activities tend to be seen at night, on weekends, and during holidays.

Respectfully submitted: Elizabeth Cumming, Deputy CAO.

PO Box 298

#39 Bayview Drive

Port Clements, BC

V0T1R0

August 20, 2023

Village of Port Clements

PO Box 198

Port Clements, BC

V0T1R0

RE: FIREWORKS BAN

To Mr. Mayor, Councillors and Village Office Management and Staff:

There is word circulating around our Village regarding the implementation of a total ban on fireworks. Apparently, this ban would include special events displays such as Canada Day and Halloween.

It has been suggested that “low noise” fireworks might be a viable option. This type of fireworks is readily available in Canada at reasonable cost.

Perhaps a “total ban” isn’t a solution because it would affect a considerable section of our residents who enjoy such things, and it may well send them off in the direction of purchasing their own fireworks and displaying them regardless.

Fireworks at special community events would bring together our community in a regulated and controlled way. It would further reduce the number private or independent and perhaps more dangerous displays.

I am a pet owner. I have a rescue cat who is severely affected by loud noises such as fireworks and sirens along with earthquakes. I believe that this is a carryover from his life before he came to live with us. I also have an elderly parrot who suffers from the same. This is why I would opt for low noise fireworks so all of us can enjoy these beautiful displays and all creatures, forgive the expression, great and small, would be less affected.

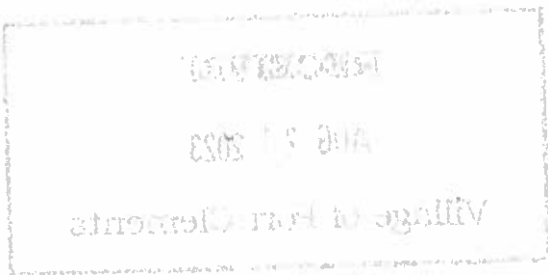
To TOTALLY ban something is to send it underground, out of management and control of those responsible for such things. It would further create division in our Village, something that we do not need.

I suggested perhaps music could accompany low noise fireworks. One of our residents would agree to assist with providing this music. This in itself could make for a wonderful community event that could be expanded upon.

I hope, as with all things that Mayor, Councillors and the Village Office Staff are tasked with, that ALL the residents of our beautiful Village are taken into consideration when such a by-law is being considered.

Very sincerely,

Cheri Brooks



Elizabeth Cumming

From: Greg Stewart <gstewart@qcislands.net>
Sent: August 21, 2023 3:50 PM
To: Elizabeth Cumming
Subject: Public response submission for VOPC Council meeting

Reading the upcoming Council meeting agenda has prompted me to send the following;

As a previously permitted professional firework and special effects user, I'm opposed to an outright prohibition of fireworks within our municipality. I am, however, in favor of restrictions ensuring the safety of persons, structures, and environment, for example; conditional use based on weather, season, events, and locations. No harder to enforce those conditions than to enforce a bylaw....

When we first moved to Port Clements, one of the attractions was the annual fireworks display hosted on Halloween by the PCVFD, sometimes Canada Day celebration, and New Years celebration. We've lost that, but at least a few people step up and put on small displays.

These events brought the community together and were enjoyed by the majority of residents. Yes, it can be hard on pets, but with planning, pet owners can take steps to minimize exposure.

I've witnessed and reported unsafe, irresponsible use of fireworks, and fully understand the associated risks of the use of home display as well as professional display fireworks.

When used safely and in appropriate conditions and locations, fireworks are safe and fun.

Enacting a bylaw just ensures that the RCMP can be involved and provide enforcement if someone complains.

By the time they get here from Masset, it's all over anyway, given the cost, it's unlikely anyone can afford more than 20 minutes of display.....

I'm willing to accept a form of registration at the vopc office to use fireworks, as long as any imposed restrictions are reasonable and fair.

Just another freedom facing the chopping block, likely due to firework use by a few miscreants, or possibly complaints from a minority voice....

BTW, firework restrictions are already imposed by government agencies during seasonal fire bans.....

Greg Stewart
19 Yakoun Street
V0T 1R0

Resident of The VOPC since 1989

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