



**Date:** 23/01/2024

**To:** Chair and Directors, Cariboo Regional District Board

**And To:** Murray Daly, Chief Administrative Officer

**From:** Gerald Pinchbeck, Manager of Communications

**Date of Meeting:** Cariboo Regional District Board\_Feb09\_2024

**File:** 0400-2024-60/NCLGA

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## Short Summary:

NCLGA Resolution on Fireworks Sale Ban

## Voting:

Corporate Vote - Unweighted

## Memorandum:

At the December 8, 2023 Board Meeting, the Board provided direction to staff to prepare a resolution for consideration at the upcoming NCLGA Annual General Meeting regarding banning the sale of fireworks during wildfire season. Fireworks in B.C. are regulated by three orders of law: the federal *Explosives Act* and regulations under it, the provincial *Fireworks Act [RSBC 1996] c. 146*, and municipal governments. Regional Districts may not pass bylaws, and instead must have rural areas designated by provincial regulation stating the Fireworks Act applies.

UBCM has previously endorsed two resolutions related to increased regulations on the sale and use of fireworks: Resolutions [2010-B3](#) and [2005-B74](#). No resolutions were passed by NCLGA referring to fireworks regulations between 2018-2023, for which resolutions passed at convention are available online. The Province has rejected these calls, either referring to federal legislation needing to change first or referring to the ability for communities to adopt fireworks bylaws of their own.

After conducting research, the proposed advocacy approach would be to request fireworks sales bans as part of open burning bans. The proposed resolution is:

### RECOMMENDED RESOLUTION:

*WHEREAS fireworks are a known fire hazard which can start wildfires when conditions are dry with sufficient forest fuels;*

*THEREFORE BE IT RESOLVED that the North Central Local Government Association and Union of BC Municipalities urge the Province of B.C. to prohibit the sale of fireworks in any area for which an open burning ban has been issued.*

Firstly, the federal [Explosives Act](#) and [Explosives Regulation](#) set out the federal framework for importing, producing, transporting, storing, selling, and using fireworks. As federal law, this represents the minimum standards that any person possessing fireworks in Canada, and by the principle of Parliamentary Supremacy, provincial laws and municipal bylaws enabled by such may not contradict the federal law. A search of the Federation of Canadian Municipalities' Resolution data base was conducted. There is no record of resolutions pertaining to the regulation of fireworks since 2021, the earliest year available for the database.

The Province of B.C. has two laws limiting how and when fireworks may be sold or used. The Provincial [Wildfire Act](#) and [regulation](#) provide the Province with the authority to prohibit the discharge of fireworks as part of a fire ban. Provincial *Fireworks Act* applies only to municipalities which pass bylaws declaring that the Act applies, and rural areas designated by regulation. Further, the Fireworks Act:

1. Only permits fireworks to be purchased between October 24 and November 1 for certain municipalities and rural areas;
2. Authorizes the Fire Commissioner to prohibit some fireworks from being sold to minors;
3. Allows fireworks to be sold and discharged at a public display under permit from a local assistant to the Fire Commissioner.

Without broader advocacy for changes to federal legislation, the suggested approach is to focus on the expansion of existing powers to prohibit burning of combustible materials under the Wildfire Act. This better reflects the Board's intent to focus on fireworks as a wildfire hazard, rather than a nuisance to be controlled. The recommended resolution reflects this approach.

Alternatively, the Board may call for more seasonal changes, in which case the following could be issued with timelines suggested based on previous and possible future activations of the Emergency Operations Centre for wildfires:

#### **ALTERNATIVE RESOLUTION**

*WHEREAS fireworks are a known fire hazard which can start wildfires when conditions are dry with sufficient forest fuels;*

*THEREFORE BE IT RESOLVED that the North Central Local Government Association and Union of BC Municipalities urge the Province of B.C. to amend the Fireworks Act to prohibit the sale of fireworks between May 1 to September 30 of each year.*

#### **Attachments:**

None.

#### **Financial Implications:**

None.

### **Policy Implications:**

None.

### **Alignment with Strategic Plan:**

- Infrastructure and Asset Management:** To establish a systematic, predictable approach to managing the regional district's assets and infrastructure that builds on current asset management data and condition assessments.
- Enhanced Communications and Engagement:** To build trust and credibility of the regional district by enhancing our communications and engagement with citizens, stakeholders, and volunteers.
- Effective and Responsive Land Use Planning and Development:** To ensure our land use planning and development is responsive to future growth and housing needs, anticipates risks and hazards associated with climate change and provides efficient and consistent processes for landowners and developers.
- Relationships with First Nations:** To foster a healthy and inclusive region by building and strengthening our relationships with First Nations and embracing the principles of reconciliation.

This item is not reflected in the CRD's Strategic Plan.

### **CAO Comments:**

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### **Options:**

1. Endorse the recommendation;
2. Endorse an alternative resolution;
3. Defer.

### **Recommendation:**

That the Board endorse the following resolution and direct staff to submit said resolution for consideration at the North Central Local Government Association's annual general meeting:

WHEREAS fireworks are a known fire hazard which can start wildfires when conditions are dry with sufficient forest fuels;

THEREFORE BE IT RESOLVED that the North Central Local Government Association and Union of BC Municipalities urge the Province of B.C. to prohibit the sale of fireworks in any area for which an open burning ban has been issued.