DISTRICT OF TOFINO

CORPORATION OF THE
DISTRICT OF TOFINO

FIREARMS AND FIREWORKS DISPLAY REGULATION BYLAW NO. 1219, 2016

Effective Date – April 5, 2016

DISTRICT OF TOFINO
BYLAW NO. 1219, 2016

A Bylaw to regulate, prohibit, and impose requirements in relation to firecrackers and fireworks and to regulate and impose requirements in relation to firearms.

WHEREAS the *Community Charter* authorizes the Council of the District of Tofino to regulate, prohibit and impose requirements in relation to firecrackers and fireworks; and to regulate and impose requirements in relation to the discharge of firearms;

NOW THEREFORE the Council of the District of Tofino, in open meeting, enacts as follows:

1. **Citation**

   The name of this Bylaw for citation purposes is "District of Tofino Fireworks and Firearms Regulation Bylaw, No. 1219, 2016".

2. **Definitions**

   In this Bylaw:

   Consumer Fireworks means outdoor, low hazard fireworks generally used for recreation and classified by the Explosives Regulations as Class F.1 explosives, and includes fireworks showers, fountains, golden rain, lawn lights, pin wheels, roman candles and volcanoes, but excludes Christmas crackers, sparklers and caps for toy guns;

   Display Fireworks means outdoor high hazard fireworks generally used for recreation and public display and classified by the Explosives Regulations as Class F.2 explosives, and includes rockets, serpents, shells, bombshells, tourbillons, maroons, large wheels, bouquets, bombardos, waterfalls, fountains, batteries, set pieces and pigeons, but excludes firecrackers;

   District means the District of Tofino;

   Enforcement Officer means the Fire Chief, or any person employed by the District as a Bylaw Enforcement Officer, or any member of the Royal Canadian Mounted Police;

   Firearm includes any gun using, as a propellant, compressed air, explosives or gas.

   Fire Chief means a person hired by the Chief Administrative Officer to be in charge of the Fire Department, and includes any other person authorized to act on behalf of the Fire Chief;

   Firecracker means a small pyrotechnic device, used primarily as a noisemaker, that explodes when ignited and does not make any subsequent display or visible

effect after the explosion, and includes those devices commonly known as Chinese firecrackers;

Fireworks means Consumer Fireworks, Display Fireworks, and Pyrotechnic Special Effects Fireworks;

Pyrotechnic Special Effects Fireworks means explosive articles and explosive substances used in a film or television production or a performance before a live audience to create pyrotechnic special effects and classified by the Explosives Regulations as Class F.3 explosives.

3. Prohibitions

(1) No person shall sell, offer to sell, give away, trade, or otherwise dispose of fireworks or firecrackers to any other person.

(2) No person shall buy, fire, discharge, set off, explode, or otherwise use fireworks or firecrackers.

(3) No person being the parent or guardian of any person under the age of eighteen (18) years may allow that person to buy, hold, possess, store, fire, discharge, set off, explode, or otherwise use any fireworks or firecrackers.

(4) The discharging of firearms, including air guns, air rifles, air pistols and spring guns is prohibited within the District.

4. Exemptions

(1) Despite section 3 (2), a person who is eighteen (18) years or older may hold, possess, store, fire, discharge, set off, explode, and otherwise use Consumer Fireworks between the hours of 5:00 p.m. and midnight on January 1, July 1, July 4, October 31, December 31 of any year.

(2) This Bylaw does not prohibit or regulate the use of torpedoes, flares, fuzzes or similar pyrotechnic devices by motorists, boat operators, police or other agencies for signaling purposes or illumination.

5. Enforcement

(1) No person shall obstruct an Enforcement Officer engaged in the administration or enforcement of the Bylaw.

(2) Every person who contravenes a provision of this Bylaw commits an offence and each day that the violation is caused or allowed to continue, constitutes a separate offence.

(3) Any person guilty of an infraction of this Bylaw:
   (a) shall be liable, on summary conviction, to a fine of not less than $100.00 and not more than $10,000.00, or imprisonment not exceeding the maximum allowed by the *Offence Act ;*
   (b) shall be liable for the fines established in the "District of Tofino Municipal Ticket Information Bylaw No. 1107, 2010";

(c) shall be liable for the penalties established in the "District of Tofino Bylaw Notice Enforcement and Dispute Adjudication System Bylaw No. 1107, 2010;
(d) may be party to an enforcement proceeding brought in Supreme Court; or
(e) any combination of (a), (b), (c) and (d) above.

6. Severability

If a portion of this Bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

7. Repeal

"District of Tofino Firearms and Fireworks Display Regulation By-law No. 592, 1992" is hereby repealed.

READ A FIRST TIME on March 15, 2016

READ A SECOND TIME on March 15, 2016

READ A THIRD TIME on March 15, 2016

ADOPTED on April 5, 2016

Josie Osborne, Mayor

Robert MacPherson, Corporate Officer