

Staff Report 2021-0117

Meeting Date: May 18, 2021

Subject: Proposed Recommended Changes to the Fireworks By-law

Submitted By: Dave Pelayo, Chief Fire Prevention Officer, Fire & Emergency Services

RECOMMENDATION

That Option 1 as outlined within Staff Report 2021-0117 to repeal Fireworks By-law 2009-097 and replace with the proposed Fireworks By-law attached as Schedule A to this report, be selected and approved;

That a by-law be enacted to amend the 2021 Fees Bylaw 2021-05 to include the changes outlined in Table 3 of Staff Report 2021-0117; and

That the proposed By-law come into full force and effect on November 1, 2021.

REPORT HIGHLIGHTS

- Over the past number of years staff has received several inquiries from residents regarding the ability to discharge low-hazard (consumer) fireworks for the observances of Diwali, Chinese New Year and New Year's Eve.
- The Town continues to manage complaints related to nuisance activity resulting from the discharge of fireworks.
- Staff looked at seven (7) municipal Fireworks By-laws including the Town's partners in the Region of Peel. This benchmarking provided staff with several progressive ways to regulate the sale and use of fireworks.
- As a result of staff's review, it was identified that several observances such as Chinese New Year, Diwali and New Year's Eve are not recognized, low hazard (consumer) fireworks that are sold in Caledon and discharged are not regulated, acceptable times for the discharging of fireworks is not captured, private display fireworks permits caused community concerns leading to non-approvals, theatrical pyrotechnics for the Television and Motion Picture industry are not regulated and there isn't a process for approval and oversight, and the by-law contains limited enforcement capabilities.
- Staff are recommending that a new Fireworks By-law be enacted to address the following:
 - recognize Chinese New Year, Diwali and New Year's Eve as observances,
 - regulate the use of low hazard (consumer) fireworks that are sold in Caledon and discharged to a height limit of 5 metres,
 - set acceptable times for the discharging of fireworks (establishing a set time of dusk to 11:00 p.m. will provide residents with a reasonable time in which to discharge fireworks while minimizing any disruption),
 - add additional fire safety requirements when discharging low hazard (consumer) fireworks such as establishing a minimum safe discharge distance around schools, vulnerable occupancies (i.e. nursing and care

- facilities), industrial facilities and fuel dispensing stations (gasoline, diesel, propane, etc.),
- introduce a permit process for theatrical pyrotechnics for the Television and Motion Picture industry use, remove the permit system for private display fireworks,
- incorporate a consumer firework permitting process for publicly attended community events, and
- increase enforcement abilities such as the introduction of Part 1 fines (in addition to Part 3's).
- A key aspect of the review was a comprehensive public engagement opportunity that considered of two Open House Sessions and a survey.
- Should a new By-law be approved as outlined in this Report, a new program will be developed and implemented to educate the residents of the hazards associated with the improper discharging and disposal of consumer fireworks, utilizing a number of tactics.
- In addition to the introduction of Part 1 tickets, staff in Fire and Emergency Services will work with the Town's Municipal Enforcement Services section and the Caledon OPP to enhance enforcement efforts during peak times.
- The proposed By-law is recommended to take effect on November 1, 2021 to allow sufficient time for staff to educate the community of the changes as well as an adjustment period for the vendors.
- Staff are proposing an additional fee for a permit to display fireworks for community events. The new permit consists of a review of the event details pertaining to the type of aerial fireworks proposed, confirmation that a Federally Licensed expert will be setting off the display and spectator safety. Staff expect a minimal impact to their revenue budget based on the proposed changes.

DISCUSSION

Background

Over the past number of years staff has received several inquiries from residents regarding the ability to discharge low-hazard (consumer) fireworks for the observances of Diwali, Chinese New Year and New Year's Eve (currently residents of the Town are only permitted to discharge consumer fireworks for the observances of Victoria Day and Canada Day). In addition, the Town continues to manage complaints related to nuisance activity resulting from the discharge of fireworks.

As a result, over the last several years, staff have been conducting a review of the Town's Fireworks By-law. The purpose of this report is to advise on the final findings and propose changes to the Town's Fireworks By-law for consideration.

Municipal Benchmarking

As part of the review, staff looked at seven (7) municipal Fireworks By-laws including the Town's partners in the Region of Peel. This benchmarking provided staff with several progressive ways to regulate the sale and use of fireworks. Outlined in Table 1 is a comparison of the seven municipalities that were reviewed. The comparison includes what

is permitted in terms of the use of large display fireworks versus low hazard fireworks, safe distances applied to such displays, and details on the recognized observances where fireworks displays are permitted.

Table 1 – Fireworks By-law Comparison

Municipality	Display Fireworks Permitted	Safe Distance for fireworks	Low Hazard Fireworks Permitted	Safe Distances for low hazard fireworks	Recognized Observances
Caledon (current)	Yes, with permit	300m	Yes, private property	None	Canada Day Victoria Day
Brampton	Yes, with permit	None	Yes, private property with 18 m frontage	Short range only 3m height	Canada Day Victoria Day Diwali New Year's Eve
Mississauga	Yes, with permit	None	Yes, private property	None	Canada Day Victoria Day Diwali Chinese New Years Any other day with permit
Richmond Hill	Yes, with permit	300m	Yes, private property	100m	Canada Day Victoria Day Any other day with permit
Vaughan	Yes, with permit	300m	Yes, private property	15m	Canada Day Victoria Day Any other day with permit
Orangeville	Yes, with permit	300m	Yes, private property	None	Canada Day Victoria Day
Milton	Yes, with permit	180m	Yes, private property with a permit	30mx30m for aerial 20mx20m for ground devices 20m from spectators	Canada Day Victoria Day Diwali Any other day with permit
Whitchurch-Stouffville	Yes, with permit	None	Yes, private property	30m x 30m for aerial 10 m from buildings	Canada Day

Challenges and Opportunities

As a result of staff's review, it was identified that the current By-law presents the following challenges:

- several observances such as Chinese New Year, Diwali and New Year's Eve are not recognized,
- low hazard (consumer) fireworks that are sold in Caledon and discharged are not regulated,
- acceptable times for the discharging of fireworks is not captured,

- private display fireworks permits caused community concerns leading to non-approvals
- theatrical pyrotechnics for the Television and Motion Picture industry are not regulated and there isn't a process for approval and oversight, and
- limited enforcement capabilities.

To address the challenges within the current By-law, the following key changes were built into a new proposed Fireworks By-law attached as Schedule A to this report and presented to the public for review and comment. *The key changes are also part of Option 1 as outlined in this Report.*

- Recognize Chinese New Year, Diwali and New Year's Eve as observances,
- regulate the use of low hazard (consumer) fireworks that are sold in Caledon and discharged in Caledon to a height limit of 5 metres,
- set acceptable times for the discharging of fireworks (establishing a set time of dusk to 11:00 p.m. will provide residents with a reasonable time in which to discharge fireworks while minimizing any disruption),
- contain added fire safety requirements when discharging low hazard (consumer) fireworks such as establishing a minimum safe discharge distance around schools, vulnerable occupancies (i.e. nursing and care facilities), industrial facilities and fuel dispensing stations (gasoline, diesel, propane, etc.),
- introduce a permit process for theatrical pyrotechnics for the Television and Motion Picture industry use,
- remove the permit system for private display fireworks,
- incorporate a consumer firework permitting process for publicly attended community events, and
- increase enforcement abilities such as the introduction of Part 1 fines (in addition to Part 3's). *Part 1 fines are essentially a ticket that can be issued at the time of the occurrence to address the contravention, whereas a Part 3 is charges that can be issued at a later date.*

Public Engagement

A key aspect of the review was a comprehensive public engagement opportunity that considered of two Open House Sessions and a survey.

Public Engagement Session – Open House

2019 Session

On March 26, 2019 an Open House was hosted at Town Hall, it was attended by 4 members of the public including 1 representative from the Canadian National Fireworks Association. The presentation consisted of an information board highlighting the key changes to the fireworks by-law and handouts providing the same information. The attendee's comments related to fireworks debris, education and enforcement of the by-law when fireworks are discharged on non-authorized days.

2021 Session

On February 17, 2021 staff hosted a Public Engagement Session (virtually) on the proposed Fireworks By-law attached as Schedule A to this report. The Open House with advertised for four weeks beginning January 20, 2021 using various platforms including both traditional methods such as newspaper ads, the Town's website, as well as the use of social media. Further, to the advertisement the proposed By-law was made available on the Town website for review and comment in advance of the February 17, 2021 engagement session. Members of the public were given several options to participate including virtual attendance, listening by phone or providing written comments.

During the Open house staff provided a presentation highlighting key safety enhancements, improved enforcement capabilities, inclusivity and consistency. Questions or comments that were submitted by the public in advance were answered and readout, with one respondent stating concerns over the restrictiveness and another calling for a ban due to the health / wellbeing of family pets and livestock. Approximately 11 members of the public participated during the Open House. Of the members of the public that participated 3 individuals were satisfied with the proposed changes, 4 individuals believed that they were too restrictive, 2 individuals wanted a complete ban of the use of consumer fireworks event and the final individual asking for a complete ban. Attending participates were given the opportunity to ask follow-up questions and provide additional comments. While opinions and comments varied there were common themes among the participates. These included concerns over debris, property damage, noise, negative effects on pets and livestock and discharging of fireworks on non-authorized days and times. The participates also supported an increase in education and enforcement capabilities. Following the Open House, the presentation was posted on the Town website for 10 additional days permitting residents who were unable to attend the meeting an opportunity to review and provide comments. An additional comment was received by a special interest group with concerns over the restrictiveness of the proposed by-law.

Engagement Survey

In March 2019, staff conducted an online survey engaging the community as a tool in the initial review of the Fireworks Bylaw. The survey saw 121 responses. Table 2 provides details of the three questions asked of the public and the responses received.

Table 2 – Survey Results

<u>Question</u>	<u>Yes</u>	<u>No</u>	<u>Other</u>
Do you celebrate Victoria Day or Canada Day with approved fireworks?	56	63	2 (do not celebrate)
Other surrounding municipalities have recently updated their Fireworks By-laws to be more inclusive. Would you support the addition of Chinese New Year's, Diwali and New Year's Eve?	59	59	3 (n/a)
Do you agree with Town staff being provided with greater enforcement capabilities including regulating safe distances from vulnerable buildings, discharge times and safe extinguishing/disposal requirements?	115	6	

Proposed Options

Based on staff's findings and engagement with the public and other stakeholders, the following two (2) options are being presented for Councils consideration with Option #1 being the recommendation of staff:

- **Option 1** – Repeal By-law 2009-097 and replace with the proposed Fireworks By-law attached as Schedule A to this report. Only permit certain consumer fireworks to be sold in Caledon and discharged on Chinese New Year's, Victoria Day, Canada Day, Diwali and New Year's Eve. Permit display fireworks and permit consumer fireworks in public places by authorized individuals with a permit for community events. And to permit theatrical pyrotechnics.
- **Option 2** – Repeal Fireworks By-law 2009-097 and ban the use of fireworks within the Town.
- **Option 3** – Remain status quo and direct staff to bring forward key changes to address safe distances to display fireworks, increased enforcement abilities to address fire safety measures and limit the nuisance activity caused by fireworks.

Staff Recommendation - Option #1

In support of this recommendation staff reviewed the fireworks By-laws of seven (7) comparable municipalities and reviewed the Open House comments that were received by residents and special interest groups. Other important factors that were considered include the importance to develop a new public education program regarding Fireworks and review the opportunity to enhance the current enforcement capabilities.

Staff has determined that to balance community requests for additional observances with community safety the following is recommended:

- Recognize Chinese New Year's Day, Diwali Day, and New Year's Eve
- Prohibit the sale and discharge of low hazard (consumer) fireworks that exceed a height of 5 m from point of ignition
- Permit the discharge of low hazard (consumer) fireworks that exceed 5 m from the point of origin only by persons holding a valid Fireworks Display Supervisor Certificate for community (public) events
- Maintain minimum safe distances from vulnerable occupancies (schools, nursing and care facilities), industrial, fuel dispensing facilities and agricultural facilities containing livestock
- Set acceptable times (dusk to 11:00 p.m.) to discharge low or high hazard fireworks
- Provisions for proper extinguishment and disposal of discharged and/or misfired consumer fireworks
- Increase public education through traditional and social media along with messaging on our website
- Increase enforcement capabilities with the additional of Part '1' certificates (tickets)
- Permit the use of theatrical pyrotechnics for the newly emerging television and motion picture industry in Caledon.

Staff are recommending that the proposed By-law takes effect November 1, 2021 for the following reasons;

- Staff need the time to educate the business community and the residents, following the public education and fire prevention awareness tactics as outlined in this report.
- Authorized retail vendors will be educated as to the changes to the by-law including information about the additional observances and types of permitted fireworks that can be sold.
- It is best practice that when a by-law has significant impact on the community, residents and vendors need time to adjust to the changes.

Staff are not recommending Options 2 or 3 for several reasons. Currently, the fire loss data does not support a ban on fireworks from a fire safety perspective. The recommended proposed changes reflect community inclusivity and align with the Town's Peel Partners (Brampton and Mississauga). In addition, the proposed by-law reflects an update to fire safety measures and is more restrictive than the current Fireworks By-law.

Public Education and Fire Prevention Awareness Tactics

The mandate of Caledon Fire & Emergency Services is to prevent fires through public fire safety education. Should a new By-law be approved as outlined in this Report, a new program will be developed and implemented to educate the residents of the hazards associated with the improper discharging and disposal of consumer fireworks, utilizing the following tactics as the framework:

- Create additional educational materials
- Create a fireworks safety video to be available on the Town website
- Implement a social media outreach campaign
- Continue to encourage residents to attend Public Fireworks Displays hosted by numerous regional or municipal partners throughout the Greater Toronto Area
- Utilize signage at various Fire Stations around the Town
- Local authorized firework retailers will be provided with educational materials to be distributed to customers (residents) purchasing fireworks.

In addition to the above, staff will investigate options to make materials available in different languages to meet the needs of the community.

Enforcement

Enforcement with respect to the discharging of any type of Fireworks is a very challenging issue due to the nature of the activity (i.e., usually occurs at night, is of a relatively short duration and may occur anywhere in the Town). However, by implementing some strategic enforcement actions such as pre-deploying Municipal Law Enforcement Officers on dates and times when the discharging of fireworks is most common (e.g, Canada Day, New Year's Eve, Diwali, etc.) into certain urban areas it will enable officers to being more responsive to any service requests that may be submitted to the Town.

In conjunction with this enhanced enforcement approach by Municipal Law Enforcement Officers, the Town will be seeking approval from the Senior Regional Justice, Ontario Court of Justice new increased set fine amounts for contraventions related to the discharging of fireworks contrary to the Fireworks By-law. While the ability to issue tickets with set fine amounts will not initially prevent someone from contravening the By-law, it should act as a deterrent for future By-law contraventions by that individual. Over time with consistent enforcement actions it is expected that there will be a reduction in By-law contraventions concerning the discharging of non-permitted fireworks.

FINANCIAL IMPLICATIONS

There may be some financial implications associated with this report. The Town currently has two fees relating to fireworks in the Town's Fees By-law. Staff are proposing an additional fee for a permit to display fireworks for community events. The new permit consists of a review of the event details pertaining to the type of aerial fireworks proposed, confirmation that a Federally Licensed expert will be setting off the display and spectator safety. Staff expect a minimal impact to their revenue budget based on the proposed changes. Table 3 provides information on all fees related to fireworks.

Table 3 – Proposed Changes to the Town's 2021 Fees By-law

Changes to Fireworks By-law Fees to come into Effect November 1, 2021	2021 Fee
Application for a permit to set off display fireworks or pyrotechnics	*\$615.00
Application for a permit for the sale of *permitted consumer fireworks	\$183.00
**Application for a permit to display aerial consumer fireworks for community public events	\$240.00

*Indicates a minor change to existing fee

**Indicates proposed new fee to come into effect on November 1, 2021

COUNCIL WORK PLAN

Connected Community – Promote community enrichment through support of local groups, enhanced partnerships, and events.

ATTACHMENTS

Schedule A: Proposed new Fireworks By-law