

Staff Report 2021-0433

Meeting Date: November 30, 2021

Subject: Fireworks By-law Update

Submitted By: Darryl Bailey, Director, Fire & Emergency Services / Fire Chief
Mark Sraga, Director, Building and Municipal Law Enforcement Services / Chief Building Official

RECOMMENDATION

That Option 1 as outlined within Staff Report 2021-0433 to implement a ban on the discharging of fireworks, with the exception of Events and Theatrical Pyrotechnics, be selected and approved; and

That following public input on Option 1, staff bring a final By-law for consideration in early 2022.

REPORT HIGHLIGHTS

- The discharge of fireworks for personal use will not be permitted.
- Formal ban on the sale of low-hazard consumer fireworks.
- Implement a permit system for the discharge of fireworks for community events and other displays for motion picture and theatrical pyrotechnics. This is to ensure large fireworks displays are:
 - a) discharged by a Licensed Display Supervisor
 - b) have sufficient insurance for liability purposes
 - c) inspections are required to be conducted for safety purposes
 - d) include acceptable times and locations
 - e) this includes community groups that would like to put on displays in settlement areas and villages
- Maintain minimum safe distances of 300m from all vulnerable occupancies (schools, nursing and care facilities), industrial, fuel dispensing facilities and agricultural facilities containing livestock.
- Set acceptable times to discharge fireworks from dusk to 11:00 p.m. unless otherwise approved
- The permit system will be the responsibility of the Fire Chief and designates.

DISCUSSION

Background

At the May 18, 2021 General Committee meeting, Council referred Staff Report 2021-0117 back to staff to consider and develop a separate set of standards for the use of fireworks within urban centres (settlement areas), lot size, setbacks, distance from livestock and a permitting system for community displays. The purpose of this report is to provide options for consideration regarding the direction received and also outline some concerns with respect to the impact of the use of fireworks within the community.

Nuisance Activity Resulting from Fireworks

Over the course of the last two years, the Town has seen an increase in the amount of complaints from residents regarding nuisance activity and behavior. These complaints are a direct result from the discharge of fireworks on permitted observances and on days the Town does not currently allow the use of fireworks. The main concerns reported include, but are not limited to, noise, debris, property damage and unpermitted discharge. This type of activity is impacting the enjoyment of area residents and causing concern to residents with pets and livestock.

The negative impacts are a challenge to enforce due to the nature of the activity; fireworks usually occur at night, are relatively short in duration and may occur anywhere in the Town. At this time, the Town does not have adequate enforcement resources or measures in place to manage the complaints.

As a result of a comprehensive review of area municipalities, the current Fireworks By-law, the increasing concerns received from residents, staff have prepared some Options to be considered in addressing the discharge and sale of fireworks within the Town.

Proposed Options

Based on further analysis completed and growing concerns on the negative impacts of the discharge of fireworks, the following three (3) options are being presented for Councils' consideration with Option #1 being the recommendation of Staff:

Option 1 – Formal Ban on the discharging of fireworks, with the exception of Events and Theatrical Pyrotechnics

- a) The discharge of fireworks for personal use will not be permitted.
- b) Formal ban on the sale of low-hazard consumer fireworks.
- c) Implement a permit system for the discharge of fireworks for community events and other displays for motion picture and theatrical pyrotechnics. This is to ensure large fireworks displays are:
 - i) discharged by a Licensed Display Supervisor
 - ii) have sufficient insurance for liability purposes
 - iii) inspections are required to be conducted for safety purposes
 - iv) include acceptable times and locations
 - v) this includes community groups that would like to put on displays in settlement areas and villages
- d) Maintain minimum safe distances of 300m from all vulnerable occupancies (schools, nursing and care facilities), industrial, fuel dispensing facilities and agricultural facilities containing livestock.
- e) Set acceptable times to discharge fireworks with a permit from dusk to 11:00 p.m. unless otherwise approved.
- f) The permit system will be the responsibility of the Fire Chief and designates.

Option 2

- a) Permit the discharge of fireworks on properties that are a minimum of ½ acre in lot size. Implement a permit system to ensure the use of permitted and regulated fireworks and safety provisions are followed. A permit system will assist in effective enforcement measures.
- b) Maintain minimum safe distances of 300m from all vulnerable occupancies (schools, nursing and care facilities), industrial, fuel dispensing facilities and agricultural facilities containing livestock.
- c) Set acceptable times to discharge fireworks from dusk to 11:00 p.m. unless otherwise approved
- d) Implement a permit system for the discharge of fireworks for community events and other displays for motion picture and theatrical pyrotechnics. This is to ensure large fireworks displays are discharged by a Licensed Display Supervisor, sufficient insurance for liability purposes, any required inspections are conducted for safety purposes, including acceptable times and locations. *This includes community groups that would like to put on displays in settlement areas and villages.*
- e) The permit system will be the responsibility of the Fire Chief and designates.

Option 3 – Formal Ban on the discharging and sale of all fireworks

- a) Implement a formal ban on the discharging and sale of all fireworks within the Town of Caledon

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 Option 2 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. This will be accomplished by 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

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As part of the implementation strategy of the new By-law, the Town will be seeking approval from the Senior Regional Justice, Ontario Court of Justice, for new increased set fine amounts for contraventions related to the discharging of fireworks contrary to any new 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 fireworks.

Next Steps

Based on the decision Staff will proceed with public engagement to solicit feedback on the proposed changes. Following public engagement, staff will return to Council with a final By-law for consideration sometime in Quarter 1, 2022.

Staff is recommending that Community Events follow the requirements below should Options 1 and 2 be selected:

- be held on Town Property
- hold a minimum \$5 million liability
- the display be conducted or performed by a licensed display supervisor
- require a security deposit
- take into consideration other Town Departments that may be impacted including Parks and Recreation

A communication plan will have to be created to better educate and inform our residents and vendors of the changes that will come into effect as a result of a new By-law. This will be accomplished using traditional media, social media platforms and our Town website.

FINANCIAL IMPLICATIONS

Should Option 2 be selected, Staff will develop an online permitting program similar in concept to the Town's Burn Permit system.

There may be some financial implications associated with this report. The creation and implementation of a new web-based program will be required to enable the permitting process referenced in Option 2.

COUNCIL WORK PLAN

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

ATTACHMENTS

Schedule A: Staff Report 2021-0117: Proposed Fireworks By-law, dated May 18, 2021