

Committee of the Whole Report

DATE: Tuesday, May 03, 2022

WARD(S): ALL

TITLE: FIREWORKS AND PYROTECHNICS BY-LAW REVIEW

FROM:

Gus Michaels, Deputy City Manager, Community Services

ACTION: DECISION

Purpose

To seek to consolidate the City's Fireworks and Pyrotechnics By-law according to the approved consolidation format and incorporate several amendments to further promote the responsible and safe use of fireworks and provide enforcement staff with enhanced tools to enforce regulations and ensure the health and safety of residents.

Report Highlights

- In response to a Member's Resolution from Council, staff have undertaken a comprehensive review of the current Fireworks and Pyrotechnics By-law.
- In line with the City of Vaughan By-law Strategy, the City is continuing to consolidate and review all the by-laws on a cyclical basis to create more accessible and transparent regulations.
- Through research and analysis of Vaughan's needs, along with a review of firework regulations in different municipalities, staff have identified a number of opportunities to enhance the current Fireworks and Pyrotechnics By-law which would result in subsequent amendments to the City's Licensing By-law and Administrative Monetary Penalties By-law.
- Proposed changes include amending the educational brochures provided by fireworks vendors to their customers, prohibiting the discharge of fireworks from windows, doorways, balconies, terraces or decks in multi-residential properties, and strengthening enforcement and penalty provisions.

Recommendations

1. THAT the City's Licensing By-law 315-2005 be amended by adding more regulatory requirements, satisfactory to the Chief Licensing Officer, to the fireworks brochure that is provided by the vendors of consumer fireworks with every sale of consumer fireworks;
2. THAT the City's Fireworks and Pyrotechnics By-law 142-2006 be amended to prohibit fireworks and firecrackers from being discharged from any window, doorway, balcony, terrace or deck in a multi-residential property, as well as from any common area of such property;
3. THAT the City's Fireworks and Pyrotechnics By-law 142-2006 be amended to expressly authorize the Fire Chief, where warranted, to impose terms and conditions through a permit that may be more restrictive than the standards or requirements prescribed by the By-law;
4. THAT the City's Fireworks and Pyrotechnics By-law 142-2006 be amended to strengthen enforcement provisions by adding the By-law as a designated by-law under the Administrative Monetary Penalties By-law and that non-compliance under the By-law be liable to a monetary penalty of \$200 for every offence; and
5. THAT the City's Fireworks and Pyrotechnics By-law 142-2006 be amended to reflect the consolidated by-law format, with no other material changes to the By-law in a manner satisfactory to the City Solicitor.

Background

On September 14, 2021, through a Member's Resolution, Council directed staff to have the Director & Chief Licensing Officer of By-law & Compliance, Licensing & Permit Services, along with staff from relevant departments, undertake a comprehensive review of Fireworks and Pyrotechnics By-law 142-2006, with Corporate and Strategic Communications (CSC) and Access Vaughan (AV) to assist in public information and engagement efforts, including promotion of final recommendations to ensure compliance.

The direction arose from concerns about current regulations not differentiating between larger properties and those with smaller lot sizes and the failure to address any associated risks with this differentiation. In addition, the resolution indicated that residents had requested additional information, education pieces and regulation concerning the sale, purchase, and discharge of consumer fireworks.

Licensed vendors are only permitted to sell fireworks on Victoria Day and Canada Day and seven (7) days before those holidays, and they may not sell fireworks to any person under 18 years of age. Individuals wishing to set off consumer fireworks on days other than Victoria Day and Canada Day must obtain a permit through Vaughan Fire and Rescue Service (VFRS). The permit requires that individuals handling fireworks are at

least 18 years old, and that details be provided as to the type of fireworks, the proposed location for setting them off, the safety precautions in place, and the disposal of them after the display. Irrespective of whether a permit is needed or not, the Fireworks and Pyrotechnics By-law requires that no person set off consumer fireworks on land without written permission from the owner and that fireworks not be set off inside buildings, structures or vehicles, or into public places to which the public has access. The By-law also prohibits the discharge of fireworks within 15 metres of storage tanks or facilities for flammable liquids or gases or in a manner or at a location that creates a nuisance for (e.g., smoke, residue or fallout) or encroaches upon the property of another person, and that may create an unsafe condition.

In 2021, BCLPS received 41 firework-related complaints. Over this same period, VFRS received 2 complaints related to fireworks vendors. In 2021, the City licensed 11 fireworks vendors. All other fireworks-related complaints were referred to BCLPS and are included in the former figure. However, similar to many regulatory by-laws, while staff responded to each call for service as quickly as possible, records reflect no violations were identified at the time of attendance by enforcement officers. In many such circumstances, enforcement officers will take any opportunity to engage and educate residents regarding related requirements and importance of public safety.

Previous Reports/Authority

- [Fireworks and Pyrotechnics By-law](#) (approved by Council on May 8, 2006);
- [Licensing By-law](#) (approved by Council on December 12, 2005);
- [Member's Resolution, Item No. 29 of Report No. 39](#) of September 14, 2021, the Committee of the Whole: *Review of Fireworks By-law Number 142-2006*;

Analysis and Options

In conjunction with VFRS, CSC and AV, By-law and Compliance, Licensing and Permit Services undertook an on-line survey between October 24 and November 14, 2021, which was promoted through an extensive communications approach and Access Vaughan. The survey yielded 909 responses. A summary of the findings follows, with a complete set of results being provided in Attachment 1.

Survey Results

The survey focused on several key areas of concern including but not limited to, public knowledge of the rules respecting fireworks, support for the use of fireworks, restrictions on which days and during what times fireworks may be set off, and locations where fireworks should be permitted. Over 97% of respondents were residents of Vaughan with the various Wards represented as follows: Ward 1 – 27.5% (240); Ward 2 – 22.3% (195); Ward 3 – 20.5% (179); Ward 4 – 18.4% (161); and Ward 5 – 11.2% (98).

Seventy-seven percent (77%) lived in full detached homes, 20% lived in semi-detached or town houses; and only 3% lived in apartments or condominiums.

In terms of public knowledge, just over 60% of respondents were aware that the City has a fireworks by-law; however, just over 35% knew that a permit is required to set off fireworks at any time, except for Victoria Day and Canada Day. Nearly 57% of respondents agree with the current rules that limit the setting off of fireworks without a permit to Victoria Day and Canada Day.

Just under 23% of respondents have set off fireworks in the last five years and just 3.4% have ever obtained a permit (although it should be reiterated that if fireworks are set off on Victoria Day or Canada Day, no permit is required). Nearly 32% of respondents have not set off fireworks but have attended fireworks events of one sort or another. Forty-five percent (45%) of respondents have not set off or attended a display in the last five years.

When asked on which holidays fireworks should be allowed, 29% indicated that they believe that fireworks should not be allowed in Vaughan. Of the remaining respondents, nearly 91% agreed with fireworks should be allowed on Canada Day and just over 82% agreed with fireworks being allowed on Victoria Day. Of respondents in favour of fireworks, nearly 60% agreed that fireworks should be allowed on New Year's Eve and nearly 37% agreed that they should be allowed on Labour Day. When asked on what other holidays (aside from the ones listed in the survey) fireworks should be permitted, 48.7% of survey participants responded, and of these, 51% stated that fireworks should not be allowed on any other holidays. Of the remaining respondents, 132 (or 61%) mentioned Diwali as another potential holiday for consideration; this was slightly more than the 118 of respondents that agreed that Christmas should also be considered. As for time of day, 43% of respondents agreed with the current limit of 11:00 p.m. for the setting off of fireworks, with 11% suggesting that the limit could be later and 19% suggesting it could be earlier. Twenty-two percent (22%) of respondents, in line with the previous question about whether fireworks should be allowed, indicated that they should not be allowed at any time.

With respect to location, of the 909 survey participants, nearly 43% indicated that people should be allowed to set off fireworks in public places, such as parks, open areas, and school parking lots. Another 31% suggested that consumer fireworks should be restricted to private property, which is the current requirement under the Fireworks and Pyrotechnics By-law. Fifteen percent (15%) felt that they should not be allowed anywhere and nearly 8% felt that they should be limited to commercial displays, such as the displays conducted by Canada's Wonderland.

When asked about their concerns, of the total survey participants, 29% indicated they had no concerns. Of the remaining respondents, 34% indicated frequency (i.e., too often), 33% indicated the disturbance or distress they can cause people or animals, 28% indicated the time of day, 28% indicated the potential damage to property, 24% said that location was a concern, and 12% indicated the lack of enforcement as a

problem. Six-hundred and forty-one respondents (70.5% of the total number of participants) provided a number of suggested enhancements to the regulatory regime for fireworks, with a full summary provided in Attachment 1, and the main suggestions being: more enforcement/patrols/increased fines (189 or 29.5%); change permitted locations from private to public property (78 or 12.2%); outright prohibiting the use of fireworks in the city (74 or 11.5%); limiting the use of fireworks to professionals/City only (65 or 10.1%); and providing more information/education/signage (61 or 9.6%).

The survey's respondents had significant representation from all five City Wards with most of them living in fully detached homes. Although more than half of respondents were aware of the existence of the City's by-law, only a third knew that a permit is required to set off fireworks. The lack of knowledge is in line with the concern expressed in the Member's resolution respecting the need for information and education. A very slight majority of respondents were in favour of continuing to allow fireworks within City boundaries, albeit with regulatory oversight. Out of those in favour of fireworks, nearly 60% were in favour of allowing them on private property. With that said, only 29% of total respondents said they had no concerns over the discharge of fireworks in Vaughan, meaning that even amongst those supporting fireworks, there was significant concern over how they are used. Thus, the survey confirmed for staff the ongoing need to continue to regulate fireworks and to find ways to address public concerns more effectively.

Jurisdictional Comparison

In addition to a review of the City's By-law, BCLPS conducted a cross-jurisdictional scan, comparing firework regulations in 11 other Ontario municipalities: Toronto, Mississauga, Markham, Ottawa, Brampton, Richmond Hill, Kingston, Windsor, Niagara Falls, Barrie and Oakville. Staff compared four key areas of regulation:

- When fireworks can be discharged (with and without permits)
- Where (i.e., in what locations) fireworks Can be discharged;
- Until what time of day fireworks can be discharged; and
- The cost of firework permits.

Municipality	When	Where	Times	Permit Cost
City of Vaughan	<ul style="list-style-type: none"> • Canada Day; • Victoria Day. 	Private property	Allowed until 11 p.m. or until 10 p.m. as per Fireworks Permit	Consumer Fireworks - \$248. Display fireworks - \$218.
City of Toronto	<ul style="list-style-type: none"> • Canada Day; • Victoria Day; • 1 day before Canada Day 	Private property	Allowed until 11 p.m.	\$191.72

Municipality	When	Where	Times	Permit Cost
	and Victoria Day in case of inclement weather.			
City of Mississauga	<ul style="list-style-type: none"> • Canada Day; • Victoria Day; • Lunar New Year; • Diwali. 	Family fireworks on private property only; with a firework display permit, on both public or private property	Forbidden from 11 p.m. of one day to 7 a.m. of next day (till 9 a.m. on Sundays)	\$234.20
City of Markham	<ul style="list-style-type: none"> • Canada Day; • Victoria Day; • 1 day before Canada Day and Victoria Day. 	Private property	No exact timelines	\$212.50
City of Ottawa	<ul style="list-style-type: none"> • Canada Day; • Victoria Day; • 1 day before and 1 day after Canada Day and Victoria Day. 	Private property	No exact timelines	\$51
City of Brampton	<ul style="list-style-type: none"> • Canada Day; • Victoria Day; • New Year's Eve; • Diwali. 	Private property	Allowed between dusk and 11 p.m.	\$245
City of Richmond Hill	<ul style="list-style-type: none"> • From 1 day before to 1 day after Canada Day and Victoria Day. 	Private property	No exact timelines	\$83 – Family Discharge Permit \$331.75 – Display or Pyrotechnics Permit
City of Kingston	<ul style="list-style-type: none"> • New Year's Eve; • Canada Day; • Victoria Day; • 1 day before Canada Day and Victoria Day. 	Both in residential and other areas	Allowed between dusk and 11 p.m. on most holidays. Allowed between dusk and 12:30 a.m. on New Year's Day	Not allowed on any other days, so no permits required
City of Windsor	<ul style="list-style-type: none"> • New Year's Eve; • Canada Day; • Victoria Day; 	Private property	No exact timelines	\$300

Municipality	When	Where	Times	Permit Cost
	<ul style="list-style-type: none"> • 1 day before and 1 day after Victoria Day; • 1 day before Canada Day and following days up to and including 4th of July. 			
City of Niagara Falls	<ul style="list-style-type: none"> • Canada Day, • Victoria Day; • 1 day before and 3 days after Canada Day and Victoria Day. 	Private property	Allowed between 6 p.m. and 11 p.m.	Not allowed on any other days, so no permits required
City of Barrie	<ul style="list-style-type: none"> • Canada Day; • Victoria Day; • Lunar New Year; • Diwali; • New Year's Day. 	Private property	Forbidden from 11 p.m. of one day to 7 a.m. of next day (till 9 a.m. on Sundays)	\$245.75
Town of Oakville	<ul style="list-style-type: none"> • Canada Day; • Victoria Day; • New Year's Day; • any religious or cultural celebrations where fireworks are used to celebrate that cultural or religious event. 	Private property	Allowed between dusk and 11 p.m.	Special occasion permit (which might include Family fireworks) - \$333.00 Fireworks Display Permit - \$333.00

Most of the municipalities surveyed allow the discharge of fireworks on Canada Day and Victoria Day without a permit. Some municipalities allow setting off fireworks on some religious or cultural events, such as New Year's Eve, Lunar New Year and Diwali (Mississauga, Brampton, Barrie, Oakville, Windsor). Oakville allows fireworks to be set off on any cultural or religious celebrations. Also, in many cases, municipalities allow them either 1 day before those holidays or both 1 day before and 1 day after. Niagara Falls and Windsor allow fireworks 3 days after officially recognized holidays (Windsor only after Canada Day, Niagara Falls both after Canada Day and Victoria Day). Almost all of the municipalities do not allow the discharge of fireworks on public property. Kingston is the only municipality which does not explicitly prohibit the discharge of

fireworks on public property, as it allows fireworks in residential and other areas, which staff confirmed includes public lands. Some municipalities do not have specific times by which fireworks must finish, while the majority allow them until 11 p.m. A few municipalities allow the setting off of fireworks from dusk to 11 p.m., while only Niagara Falls allow them specifically from 6 p.m. Kingston allows the discharge of fireworks until 12:30 a.m. on New Year's Day. Mississauga and Barrie forbid fireworks from 11 p.m. to 7 a.m. of the next day (9 a.m. on Sundays). Fireworks permit costs range from \$51 in Ottawa to \$333 in Oakville, with an average cost of \$214 per permit.

Based on the public input received, complaint and enforcement data, internal consultations with relevant departments, including VFRS, CSC, Office of the City Clerk (Risk Management and Registration Services) and Parks, Forestry and Horticulture Operations Department (PFHO), and the jurisdictional comparison of municipalities above, staff explored a number of options in each area to arrive at its conclusions and make its recommendations to Council:

Public Knowledge

Although 60% of those surveyed indicated that they knew that the City has a By-law that regulates fireworks, significantly fewer seemed to know about their basic obligations under the By-law. Although not specifically addressed as part of the survey, staff believe that the public may also not be as adequately aware of some of the potential hazards and related safety practices that surround consumer fireworks. This conclusion is also in line with the concerns expressed through the Member's Resolution, which emphasized the need for "additional information" and "education pieces" with respect the sale and purchase, safe use, and regulatory requirements pertaining to fireworks. Staff also believe that firework vendors are a key player in ensuring that this information is distributed to the people to whom it is most relevant - end users. Together, these reasons form the rationale for recommending a review and update of the fireworks safety brochures that are provided by firework vendors. This will be done in cooperation with VFRS and CSC. Also, CSC will be providing communications campaign before the two official holidays when customer fireworks are allowed without a permit – Canada Day and Victoria Day. This campaign will include Public Service Announcements (PSA), social media engagement, digital signage and a homepage banner.

Days and Times of Discharge

A small majority of survey respondents indicated that current time limits (i.e., 11:00 p.m.) in the by-law are either appropriate or could be extended. About 40% of survey respondents indicated that time limits should be more restrictive or that fireworks should not be allowed at all. As a result, staff believe that the current regulations are adequate, but that in extenuating circumstances the Fire Chief should have the explicit authority to impose further restrictions through the terms and conditions of a fireworks permit and that such conditions may include setting a more restrictive time.

With respect to days permitted, although there were some suggestions to consider adding days where fireworks would be permitted without a permit, staff are of the opinion that there is no compelling public interest in expanding the number of days that do not require a permit and as such are further recommending that no changes be made in that regard. This does not preclude persons from being able to discharge fireworks on, for example, New Year's Eve or Diwali; it simply means that a permit will have to be obtained first. Staff believe that permits are an important tool to the safe and lawful use of fireworks.

Location

Where fireworks may be safely discharged was a significant concern for many of the survey respondents, with 52% indicating that location or potential damage to property was a concern and 43% indicating that fireworks should be permitted on public property. Currently, the By-law does not permit consumer fireworks to be discharged on public property. Just as expressed by the Member's Resolution, the current Fireworks By-law 142-2006 does not address or speak to condominium residences or differentiate risks for properties with small lot sizes, which can be interpreted as the City continues to intensify and residential density increases, there will be a reduced amount of both private and public space and the question of how to use fireworks safely and without creating undue nuisances becomes more poignant. With that said, current regulations do speak to this issue and prohibit any person from discharging fireworks in a manner that creates either an unsafe condition or an undue nuisance.

Of particular concern is the discharging of fireworks in multi-residential settings, where the close proximity of dwelling units, the use of common areas by residents, and the elevation of units, in the case of high-rises, exacerbates the potential for an incident if fireworks are used. For this reason, staff are recommending that it be prohibited to discharge fireworks from multi-residential properties.

With respect to allowing fireworks to be discharged by individuals in public spaces (such as parks and other open spaces), such permission may create a duty of care and allowing public spaces to be used for this purpose could increase the City's risk exposure under the *Occupiers' Liability Act*, R.S.O. 1990, c. O.2 as the City owns and is responsible for the property. The risk exposure is not limited to the discharge of fireworks and personal injury or damage during an event, but could also include any errant fireworks that caused damage post event. Also, allowing fireworks to be set off in public places would significantly impact service levels for PFHO, as it would require additional cleaning up of debris and litter left after the fireworks. For these reasons, staff are not recommending that fireworks be permitted on public property. Instead of shifting the discharge of fireworks to public property as a solution to irresponsible use on private property, staff see the concerns tied to location more as an issue of ensuring compliance with the current rules through enhanced awareness and education and, ultimately, if necessary, through more effective enforcement.

Compliance

A concern expressed through the survey that stood out for staff was the perceived lack of monitoring and enforcement with respect to fireworks. Staff do note that reactive enforcement is difficult when it comes to fireworks, as non-compliant displays are usually small and do not last long, meaning that by the time a complaint is received, an officer is dispatched and on-scene, the alleged violation has concluded and participants have left. Staff are of the opinion that a pro-active compliance plan would be more effective when it comes to fireworks. Such an approach seeks to inform, educate and, as a last resort, enforce. In the first instance, it is important to put out as much information as possible and to make it as broadly accessible as possible to the public – most people, as long as the rules are reasonable and easily understood, will voluntarily comply. In the second instance, where people are found to be in contravention of the rules, the first line of action for staff is to educate – again, most people when made aware of the rules will tend to abide by them. Finally, in recalcitrant cases or when the offences are egregious, staff always have the option to enforce using fines and penalties as leverage to achieve compliance.

In reviewing offences and related challenges, BCLPS is intending to change its approach to fireworks enforcement by making it a priority on those days that are most likely to illicit the use of fireworks, and through further analysis identify areas in the city that may benefit from greater attention from enforcement personnel. The aim of the approach is utilize existing data that will allow for increased visible presence in identified areas and to proactively engage, inform and educate the public before progressing to using enforcement tools. However, in the end, staff have the authority and agility to use such tools, if required. For this reason, staff are recommending that the Fireworks and Pyrotechnics By-law be designated under the Administrative Monetary Penalties By-law and that penalties be established at \$200 per offence.

Financial Impact

There is no financial impact to the City's budget as a result of the recommendations of this report.

Broader Regional Impacts/Considerations

There are no specific broader impacts or regional considerations beyond those already discussed in this report.

Conclusion

The proposed amendments and recommendations are intended to provide greater safety to the public, support the health and wellbeing of citizens and pets, address nuisance concerns while balancing the greater and at time varied public opinions and interests as reflected through the survey result. Providing focused public information and education has and continues to be invaluable in supporting greater compliance.

This can be achieved by providing more education on the regulatory requirements to the public, in part through the vendors of fireworks, ensuring an enhanced enforcement approach of the regulations and implementing additional restrictions for the discharge of fireworks by the general public.

For more information, please contact: Susan Kelly, Chief Licensing Officer and Director of By-law and Compliance, Licensing and Permit Services, ext. 8952.

Attachment

1. Survey Results.

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