

To: COUNCIL

Meeting Date: 8/29/2023

Subject: Interim Fireworks By-law Update

Submitted By: Danielle Manton, City Clerk

Prepared By: John Mattocks, Manager of Municipal By-law Compliance

Report No.: 23-128-CRS

File No.: C1101

Wards Affected: All Wards

RECOMMENDATION(S):

THAT Report 23-128-CRS Interim Fireworks By-law Update be received;

AND THAT; Council approve the amending by-law attached as Appendix A to amend By-law 40-04 the Fireworks By-law

AND FURTHER THAT staff be directed to conduct a review of the Fireworks By-law 40-04 and provide Council with a report and by-law recommendations in the second quarter of 2024.

EXECUTIVE SUMMARY:

Purpose

Due to an increase in public complaints about fireworks, the purpose of this report is to recommend an interim update to the City's Fireworks By-law 40-04 to only permit fireworks to be set off on Victoria Day, Canada Day, and Diwali and removing the two (2) days after due to inclement weather. Staff are recommending that the setting off of fireworks only be permitted between dusk and 11pm. A full review of the fireworks by-law will be commenced and presented back to Council in the second quarter of 2024.

Key Findings

The City's current Fireworks By-law #40-04 allows fireworks to be set off on Victoria Day, Canada Day and Diwali. In the event inclement weather prevents the setting off of fireworks on these days the current by-law allows the setting off of fireworks on any day within two days following Victoria Day, Canada Day or Diwali. The by-law is currently silent on the time of day which fireworks can be set off and by default it is 11:59pm

The current by-law was passed in 2004 (19 years ago) and was amended in 2015 and 2017. The most notable amendments were on October 20th, 2015, when Diwali was added to the list of permitted days community members could set off fireworks and on April 18th, 2017, when the inclement weather clause was reduced from 7 days following a permitted day to only 2 days following a permitted day due to inclement weather.

Due to an increase in complaints surrounding the setting off of fireworks staff are recommending removing the setting off of fireworks within the two days following Victoria Day, Canada Day and Diwali due to inclement weather and recommending the addition of a time that the setting off of fireworks are permitted. A recommendation of dusk till 11:00pm is proposed on the approved days.

Staff will undertake a full review of the Fireworks By-law and its regulations. An update will be provided to Council in the second quarter of 2024.

Financial Implications

There are no financial implications.

STRATEGIC ALIGNMENT:

☒ Strategic Action

Objective(s): VIBRANT NEIGHBOURHOOD - Promote, facilitate and participate in the development of safe and healthy neighbourhoods with a range of housing options

Strategic Action: Encourage safe and healthy neighbourhoods

OR

☐ Core Service

Program: Not Applicable

Core Service: Not Applicable

An amendment to the current fireworks by-law will further support actions being taken by Municipalities within the Region of Waterloo but also throughout Ontario and aids in providing a consistent, accessible, and fair approach to Municipal By-law Compliance. The recommendations of this report represent a continued support to improve the safety and livability of our community.

BACKGROUND:

The City's Fireworks By-law was approved and passed by Council on February 9, 2004. There are several different legislations and regulations that control the manufacture, storage, handling, transportation, sale, and use of fireworks in Canada and the Province of Ontario. For information purposes, a summary of the applicable laws has been provided below, which operate in addition to the city's existing fireworks by-law.

Other Regulations & Legislation

Ontario Fire Code (O. Reg 213/07)

Section 5.2 of the 2015 Ontario Fire Code regulates explosives, fireworks and pyrotechnics. Div. B, Article 5.2.1.2. - The manufacture, storage, handling, transportation, sale and use of explosives shall meet the requirements of the "Act" and the "Regulations".

- "Act" means the Explosives Act; (Canada)
- "Regulations" means the Explosives Regulations" made under the Explosives Act. (Canada)

Explosives Act and Regulations

Explosives Act, R.S.C.,1985, c. E-17:

- the Act relating to the manufacture, testing, acquisition, possession, sale, storage, transportation, importation and exportation of explosives and the use of fireworks.
- requires anyone working with explosives to have a licence, certificate or permit issued by the Minister of Natural Resources;
- makes exceptions for certain low-hazard explosives, low-hazard pyrotechnics, sporting ammunition and consumer (family) fireworks.
- Applicable to (high hazard) display/pyrotechnic fireworks displays

The Explosive Regulations, 2013 provide regulations for the safe and secure handling of explosives.

Fire Prevention and Protection Act, 1997, S.O. 1997, c.4

Section 7.1 (1) of the *Fire Prevention and Protection Act* states that council of a municipality may pass by-laws,

- a) regulating fire prevention, including the prevention of the spreading of fires;
- b) regulating the setting of open-air fires, including establishing the times during which open air fires may be set.

Municipal Act, 2001, S.O. 2001, c.25

Sections 8, 9 and 11 of the *Municipal Act, 2001*, authorize municipalities to pass by-laws necessary or desirable for municipal purposes, and in particular, paragraphs 5, 6 and 8 of subsection 11(2), and paragraph 11 of subsection 11(3) authorize by-laws respecting the economic, social, and environmental well-being of the City, the safety and well-being of persons, the protection of persons and property and structures and business licensing.

Section 128 (1) authorizes municipalities to regulate public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances.

City By-laws

The City regulates the discharge of fireworks through the fireworks by-law #40-04 as amended.

The City also licenses the sale of Fireworks within City limits through the Business Licensing by-law#142-16 as amended. Regulations include:

- Storage, transportation, and sale of fireworks shall conform with the federal Explosives Act
- Not sell any fireworks to someone under 18 years of age
- Only permitted to sell fireworks during the preceding ten (10) days prior to Victoria Day, Canada Day and Diwali.
- Require zoning approval
- Require fire approval

When developing or updating by-laws the municipality must ensure that their practices fit the needs of the community. A review of the fireworks by-law will include a look at community safety, noise and nuisance, population density, environment, protection of life and property from a fire risk standpoint and social responsibility. These factors will be taken into consideration as part of the review and recommendations for councils' future consideration.

Office of the Fire Marshal

The Office of the Fire Marshal (OFM) is a branch of the Community Safety Division of the Ministry of the Solicitor General. The OFM is the principal adviser to government on public fire protection policy and fire safety matters. The OFM provides municipal fire departments and councils with resources, training, investigation services, technical review, and interpretations, as well as advice on fire safety matters in the Province of Ontario.

The OFM does not recommend family fireworks or informal neighbourhood displays in order to “reduce the risk of fire and burn injuries.” Instead, the OFM encourages individuals to “attend professional fireworks displays hosted by their municipality or another responsible organization using NRCan fireworks certified technician.” According to figures provided by the OFM, fireworks were blamed for 83 fires and \$3.9 million in damage in Ontario between 2014 and 2018. These are the most recent figures available from the OFM.

ANALYSIS:

Staff have seen an increase in the number of complaints related to fireworks over the last few years. The increase in complaints began through the pandemic as more people were home and while public fireworks displays were cancelled to comply with provincial regulations. Most complaints received are related to disturbances late into the evening, fireworks being set off in public spaces such as parks, schools, parking lots and that fireworks are being set off in an unsafe manner.

Unfortunately, Municipal By-law Compliance has not consistently tracked fireworks complaints over the years and therefore we do not have reliable statistics to compare year over year. We are currently reviewing our complaint management system to ensure these can be properly tracked and useful/reliable statistics can be provided.

Enforcement

Complaints involving fireworks are difficult to enforce. While there is an expectation that enforcement staff should address these quickly, people will often disperse once the fireworks are launched, or complaints are described as being in the vicinity within a neighbourhood, without a specific address being provided. In addition, fireworks displays typically do not last longer than a few minutes, therefore when staff are dispatched and respond to a complaint the display is often over and staff are unable to locate where the violation was occurring.

When it comes to gathering of information and witness statements, which would allow enforcement staff to successfully prosecute potential violators that are in contravention of the by-law. Unless a Municipal By-law Compliance Officer witnesses the discharge of fireworks on a property a witness statement is required. Often complainants state that they are willing to provide a witness statement and attend court however, when this is followed up with, they tend to no longer be willing to provide information or a witness statement which renders further enforcement action nonexistent.

Based on observed non-compliance of the Fireworks by-law by the public, enforcement will continue to be a challenge if the public continues to randomly set-off fireworks with

total disregard and adherence to the by-law, with the potential for impacting public safety. Staff are committed to ensuring that the fireworks by-law is adhered to.

Comparison of Surrounding Municipalities

For Council's reference, staff conducted a review of local municipalities and their fireworks by-law regulations regarding days and timing restrictions. The below table one (1) shows the comparison.

Table 1 – Municipal Comparison

Municipality	Permitted Discharge Dates	Total Annual Discharge Days
Kitchener	<ul style="list-style-type: none"> • Victoria Day • Canada Day • Diwali • Permitted Dusk till 11pm on permitted days • Permitted events allowed 	3+
Waterloo	<ul style="list-style-type: none"> • Victoria Day, and one day before and after • Canada Day, and one day before and after • Diwali • Lunar New Year • Permitted from dusk till 11pm on permitted days 	10
Cambridge (proposed)	<ul style="list-style-type: none"> • Victoria Day • Canada Day • Diwali • Permitted Occasion • Permitted until 11pm on permitted days 	3+
Wilmot	<ul style="list-style-type: none"> • Victoria Day, and one day before and after • Canada Day, and one day before and after • Diwali, and one day before and after • Lunar New Year, and one day before and after 	12
North Dumfries	<ul style="list-style-type: none"> • Victoria Day, and one day before and after • Canada Day, and one day before and after • Permitted until 10:15 on permitted days 	6

Table 1 – Municipal Comparison

Municipality	Permitted Discharge Dates	Total Annual Discharge Days
Woolwich	<ul style="list-style-type: none"> • Not permitted without a permit 	-
Wellesley	<ul style="list-style-type: none"> • Victoria Day, on any of the three days during the weekend • Civic Holiday, on any of the three days during the weekend • Canada Day, and one day before or after • Labour Day, on any of the three days during the weekend 	12
Burlington	<ul style="list-style-type: none"> • Victoria Day • Canada Day • Permitted between dusk and 11pm • Allows permitted events 	2+
Hamilton	<ul style="list-style-type: none"> • Victoria Day, and one day following if adverse weather conditions • Canada Day, and one day following if adverse weather conditions • Permitted Between dusk and 11pm 	4
Oakville	<ul style="list-style-type: none"> • Victoria Day, and one day before and after • Canada Day, and one day before and after • New Year's Day, and one day before and after • Any religious or cultural celebrations where fireworks are used to celebrate the event • Permitted dusk till 11pm 	9+
Vaughan	<ul style="list-style-type: none"> • Canada Day • Victoria Day • Permitted Occasion • Permitted until 11pm or until 10pm as per fireworks permit 	2+

All of the municipalities compared allow for the discharge of fireworks on Victoria Day and Canada Day with the exception of Woolwich which does permit fireworks however residents are required to obtain a permit prior.

Proposed Recommendation

Staff are recommending a reduction to the number of permitted days in which fireworks can be set off and allowing them only on the day of Victoria Day, Canada Day and Diwali. Staff are also recommending the addition of a time to the by-law and only permitting fireworks from dusk until 11:00pm on the approved days. Limiting the number of days when fireworks can be used provides a balance to the community which allows for safe family enjoyment while adding some restrictions to address the nuisance concerns.

Staff will continue to monitor fireworks complaints and provide a more comprehensive review of the fireworks by-law which will include consolidating the fireworks by-law. This amendment and future by-law review aligns with the Municipal By-law Compliance Strategy objective #1 – By-law Modernization, approved at the July 18, 2023, Council meeting.

Next Steps

Staff will begin work on the following to engage members of our community through:

- Development of an online survey to seek feedback on our current by-law and solicit input into a future state of fireworks within the City of Cambridge
- Hold a public open house where residents can visit staff and provide feedback and share experiences/ideas
- Continue to engage with Corporate Communications to create fireworks awareness through various social media channels and our fireworks webpage
- Engage with Legal Services to develop/consolidate the fireworks by-law
- Present back to Council in the second quarter of 2024 to share the results of the survey, public open house and potential proposed changes to the fireworks by-law

The by-law review will look at tighter restrictions around public land, roadways, structures, and debris management and disposal once fireworks are set off.

EXISTING POLICY / BY-LAW(S):

The City regulates the discharge of fireworks through the fireworks by-law #40-04 as amended.

The City also licenses the sale of Fireworks within City limits through the Business Licensing by-law#142-16 as amended. Regulations include:

- Storage, transportation, and sale of fireworks shall conform with the federal Explosives Act
- Not sell any fireworks to someone under 18 years of age
- Only permitted to sell fireworks during the preceding ten (10) days prior to Victoria Day, Canada Day and Diwali.
- Require zoning approval
- Require fire approval

FINANCIAL IMPACT:

There is no financial impact.

PUBLIC VALUE:

Public Value is about ensuring that we are always considering the ‘big picture’ impact of our work on the community and communicating back to the public. For both Strategic Actions and Core Services.

Leadership:

This report is an important step in moving the City of Cambridge forward with respect to achieving a community that is intended for all and encourage safe and healthy neighbourhoods. A fireworks by-law will contribute to residents’ pride of place by developing regulations that are inclusive of all members of our community.

Collaboration:

Collaboration will involve working in partnership with the community and staff from Legal Services and the Cambridge Fire Department as we develop future recommendations.

Transparency:

To ensure transparency, regular updates on this by-law review will be shared with members of our community via email and social media channels. Staff will also be promoting compliance and the rules so that members of our community are informed.

Engagement:

The community will be invited to participate in the review of the fireworks by-law and invited to share solutions and feedback via a survey and by participating in engagement

sessions to bring community and staff together to brainstorm ideas, hear experiences and build solutions that will be presented to Council for approval in 2024. Hearing and checking in with our community partners at regular intervals will be an important part of the by-law review and ensures we stay relevant and fresh.

ADVISORY COMMITTEE INPUT:

Advisory Committees Consulted:

Not Applicable.

PUBLIC INPUT:

This report was posted publicly as part of the report process.

INTERNAL / EXTERNAL CONSULTATION:

Staff consulted with Legal Service and the Cambridge Fire Department. Due to time constraints, there was no external consultation undertaken at this time however, staff will engage our community when a full review of the fireworks by-law is started.

CONCLUSION:

Staff recognize that the discharge of fireworks has become a concern in our community and that further changes to the Fireworks By-law may be required. Regulating the discharge of fireworks within the City of Cambridge is currently the responsibility of the Municipal By-law Compliance section of the Clerks Division. It was determined that there is a need to reduce the number of permitted days for setting off fireworks by eliminating the two (2) days immediately preceding the permitted days due to inclement weather.

Staff recommend council approve the recommendations provided in this report for the following reasons.

- Supports the recommendation of the OFM as the primary advisor to governments for the provision of fire safety.
- Lessons fire risk and lessons noise and nuisance.
- Lessons impacts on people experiencing Post-Traumatic Stress Disorder (PTSD)
- Lessons impact on pets who may become anxious/disturbed by noise
- Supports improvement to current practices and lessons impact on the environment and climate change from the release of fireworks chemicals and toxins

REPORT IMPACTS:

Agreement: **No**

By-law: **Yes**

Budget Amendment: **No**

Policy: **No**

APPROVALS:

This report has gone through the appropriate workflow and has been reviewed and or approved by the following as required:

Danielle Manton, City Clerk

Sheryl Ayres, Chief Financial Officer

Bryan Boodhoo, City Solicitor

David Calder, City Manager

ATTACHMENTS:

When naming attachments please use the following format:

1. 23-128-CRS Appendix A – Draft Amending By-law – Fireworks