



## REPORT

---

**TO:** Mayor Lawlor and Members of Council

**FROM:** Jason Blackmere, Fire Prevention Officer

**DATE:** February 1, 2023

**REPORT NO.:** FIRE-2023-002

**SUBJECT:** Response to Council Referred Matter: Review of Fireworks By-Law

---

### RECOMMENDATION:

THAT Report No. FIRE-2023-002 dated February 1, 2023 regarding Response to Council Referred Matter: Review of Fireworks By-law be received.

### KEY POINTS:

The following are key points for consideration with respect to this report:

- Staff reviewed eight (8) municipal Fireworks By-laws as an indicator to regulate the sale and use of fireworks.
- Over the past few years, Fire Prevention, By-Law Enforcement and Service Halton Hills staff, have received inquiries from residents regarding the discharge of fireworks during Diwali, Lunar New Year, and New Year's Eve.
- Two observances are currently recognized: Victoria Day and Canada Day.
- The By-law does not currently recognize the following:
  - regulate the use of low hazard (consumer) fireworks that are sold in Halton Hills 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),
  - incorporate a consumer firework permitting process for publicly attended community events; and,
  - increase enforcement abilities such as the introduction of Provincial Offences Part 1 (individual ticket) fines (in addition to Provincial Offences Part 3's – summons to appear).

- If a new Fireworks By-law is approved, a new fire safety program will need to be developed and implemented to educate our residents about the dangers of improper fireworks discharge and disposal.
- In addition, both the By-Law Enforcement and Fire Prevention depts will require additional resources to enforce a new Fireworks By-law, and a cost analysis will be required by both departments.
- Post-traumatic stress disorder (PTSD) studies have shown that fireworks may trigger a traumatic experience.
- Pets, wildlife and livestock are known to have adverse effects due to fireworks, including physical injury, fear, stress, and death.
- When fireworks are discharged, the Halton Hills Fire Department often receive emergency 911 calls, which negatively impact our level of service to the community as we then become involved with resident complaints.
- Ideally, Halton Regional Police Service should be responsible for responding to firework complaints and matters.

## **BACKGROUND AND DISCUSSION:**

The current Fireworks By-law (2004-0122) was reviewed and amended over 18 years ago. Fire staff recently completed a scan of other municipal Fireworks By-Laws and have identified within the Report opportunities to amend our current Fireworks By-Law.

### **Municipal Fireworks By-Law Examples (refer to Table 1):**

This benchmarking provides staff with numerous forward-thinking approaches to regulating the sale and use of fireworks. A comparison of the eight municipalities investigated is shown in Table 1. The comparison includes what is permitted in terms of the usage of large display pyrotechnics versus low hazard fireworks, safe distances for such displays, and information on recognized observances where fireworks displays are permitted.

### **Exhibition Fireworks (High Hazard) versus Family Fireworks (Low Hazard) Fireworks (refer to Table 1):**

**Exhibition Fireworks** (also known/referred to as Recreational High-Hazard Fireworks) means the effects of light or sound such as, but not restricted to barrages, bombs, bombshells, rockets, large wheels, waterfalls in addition to those classed under the Act as high hazard fireworks but does not include firecrackers. Effects that reach above heights of 50 metres are termed high-level exhibition fireworks.

**Family Fireworks** (also known as Recreational Low-Hazard Fireworks) means a pyrotechnic device producing quantities or effects of light, sound, or smoke by the combustion of explosive or flammable composition and includes firework showers, fountains, golden rain, lawn lights, pin wheels, roman candles, volcanoes, and sparklers, classes under the Act as low hazard fireworks, but does not include caps for toy guns. Effects designed to rise to heights of less than 50 metres are termed low-level family fireworks.

Table 1 – Fireworks By-law Comparison

Municipality	High Hazard Fireworks Permitted	Safe Distance for Fireworks	Low Hazard Fireworks Permitted	Safe Distances for Low Hazard Fireworks	Recognized Observances
Halton Hills (current)	Yes, with permit	45m from spectators  200m from any premise or place with flammables  200m from any nursing home, public hospital, home for the aged, church, or a school unless with approval.	Yes, private property	None	Canada Day Victoria Day Any other day with permit
Caledon	Yes, with permit	300m	No	N/A	Any day with permit
Brampton	Yes, with permit	None	No	N/A	Any day with permit
Mississauga	Yes, with permit	None	Yes, private property	None	Canada Day Victoria Day Diwali Lunar 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	30m for aerial 20m 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 for aerial 10m 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:

- Family fireworks do not have a safe discharge distance limit;
- Several observances such as Lunar New Year, Diwali and New Year's Eve are not recognized; and,
- Acceptable times for the discharging of fireworks is not captured.

To address the challenges within the current By-law, the following key changes are identified:

- Recognize Lunar New Year, Diwali and New Year's Eve as observances;
- Regulate the use of low hazard (consumer) fireworks that are sold in Halton Hills and discharged in Halton Hills 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); and,
- Increase enforcement abilities such as the introduction of Part 1 fines (in addition to Part 3's). *To resolve the infraction, a Provincial Offences Part 1 fine (individual ticket) may be issued as a ticket at the scene, or a Provincial Offences Part 3 (summons to appear) charges may be imposed, at a later time.*

## **The Following Opportunities will be Explored for Future Amendments to the Fireworks By-law:**

- Remain status quo, no change to the 2004 Fireworks By-Law 2004-0122 (see attachment).
- Remain status quo but introduce Town enforcement measures to better address Family Fireworks safety standards (Low Hazard).
- Remain status quo, introduce Town enforcement measures to better address Family Fireworks safety standards (Low Hazard) and allow fireworks to be discharged on Lunar New Year, Diwali, and New Year's Eve (Victoria Day, Canada Day-currently allowed).
- Ban the use and sale of Family Fireworks (Low Hazard) and allow the continuation of discharging Exhibition Fireworks (High Hazard) for private and community events on Lunar New Year's, Victoria Day, Canada Day, Diwali and New Year's Eve and any other day with permit.
- Ban the use and sale of both Family Fireworks (Low Hazard) and Exhibition Fireworks (High Hazard) within the Town of Halton Hills and promote the use of light (drone) shows.

## **STRATEGIC PLAN ALIGNMENT:**

This report is administrative in nature and does not have an impact on the Town's Strategic Plan.

**RELATIONSHIP TO CLIMATE CHANGE:**

This report is administrative in nature and does not directly impact or address climate change and the Town's Net Zero target.

**PUBLIC ENGAGEMENT:**

Public Engagement was not needed as this report is administrative in nature.

**INTERNAL CONSULTATION:**

Additional internal consultation is required based on the Council's review of the recommendations and options within. Valerie Petryniak, Town Clerk and Director of Legislative Services was consulted on the revenue generated from fireworks, which is \$500 to \$1,000 annually. Susie Spry, Manager of Enforcement Services, was consulted on the necessity for enforcement, and additional discussion will be necessary if a ban on the sale and/or usage of fireworks is considered.

**FINANCIAL IMPLICATIONS:**

This report has the potential to require funding in a future budget year and therefore needs to be referred to budget committee for tracking purposes.

Reviewed and approved by,

Bruce Morrison, Deputy Fire Chief and Acting Commissioner & Chief of Fire Services

Chris Mills, Chief Administrative Officer