

Date: 2022-02-10

Subject: **Response to Council Referred Matter C245-2021: Municipal Fireworks Jurisdictional Scan**

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Report Number: Brampton Fire and Emergency Services-2022-170

Recommendations:

1. That the report titled **Response to Council Referred Matter C245-2021: Municipal Fireworks Jurisdictional Scan**, to the Committee of Council Meeting, dated March 9, 2022, be received;
2. That Staff be directed to implement an enhanced fireworks safety education program through the City's Strategic Communications Division with incremental costs of \$18,000 to be funded through Strategic Communications, Culture and Events existing operating budget and ongoing annual operating costs be incorporated in the 2023 budget process, pending Council approval; and,
3. That Council endorse a one-year pilot project for Staff to implement a City-run event with pyrotechnics on Diwali and Victoria Day at Garden Square in 2023 that can be externally sponsored, subject to Council approval through the annual budget process.

Overview:

- **On July 7, 2021 at a City Council Meeting, Council passed a motion that "staff be requested to report on other municipal examples of banning personal use fireworks and of only permitting City-led or sponsored firework displays and other special occasion permitted events". This resulted in the creation of referred matter C245-2021.**

- **To address referred matter C245-2021, Staff drafted this report, which includes a comprehensive benchmarking analysis amongst comparable municipalities to analyze how fireworks are restricted in their respective boundaries. The benchmarking highlights that comparable municipalities restrict the use and sale of fireworks in many different ways and therefore, there is no consensus amongst them.**
- **There is no municipality within the benchmarking group that has an outright ban on fireworks; however, there are a few that restrict the sale and use of all fireworks to only those with a permit. There is limited data on the effectiveness of this restrictive policy given that many of these municipalities do not substantively enforce this type of “ban” and most bans by municipalities were only introduced in the last year or two.**
- **Based on the review, Staff recommend increasing public education efforts by educating the public on the restrictions in the City’s Fireworks By-Law and safe handling practices of fireworks as well as, increase the promotion leading up to City run fireworks displays to provide a safer means of celebrating the holidays. The incremental cost to implement the additional public education efforts is \$18,000 which brings the total annual cost of the program to \$65,000.**
- **Staff recommend that Council endorse a one-year pilot project for Staff to implement a City-run event with pyrotechnics on Diwali and Victoria Day at Garden Square in 2023 that can be externally sponsored to further celebrate the Mosaic that is Brampton, subject to Council approval through the annual budget process. This will provide a safer means to celebrate these holidays and possibly reduce the amount of complaints and fireworks related fire incidents on those days. The cost to implement a City-run Diwali event with pyrotechnics is estimated to cost \$150,000 while a Victoria Day event with pyrotechnics is estimated to cost \$200,000. Staff will report back to Council in late 2023 on the outcome of the pilot**

Background:

At a City Council Meeting on July 7, 2021, Council passed a motion that “staff be requested to report on other municipal examples of banning personal use fireworks and of only permitting City-led or sponsored firework displays and other special occasion permitted events.” This resulted in the creation of referred matter C245-2021 which has been addressed in this report.

The sale and use of fireworks in the city is restricted by the conditions outlined in Fireworks By-law 163-2016 ('Fireworks By-law') which are intended to promote:

- The health and safety of Brampton citizens;
- The control of nuisances, particularly danger to persons and property from fireworks that escape from the property where they are set off; and
- Consumer protection, particularly the use of unauthorized fireworks.

In 2016, changes were made to the previous version of the City's Fireworks By-law to address concerns at a time when there were a large number of consumer fireworks being set off throughout the city. These concerns resulted in an overwhelming number of complaints for By-law Enforcement staff to address on New Year's Eve, Victoria Day, Canada Day and Diwali, but also gave rise to increased fire risks in the community in cases where fireworks were improperly handled or disposed of. As a result, the following three main changes were made to the Fireworks By-law:

1. Ban the sale and use of all fireworks for consumer/residential use that would reasonably be expected to travel or pose a hazard more than 3 metres (10 feet) from the point of ignition;
2. Allow the use of consumer/residential fireworks on private property, which do not travel more than 3 metres (10 feet) from the point of ignition, without the need for a permit; and
3. Require greater restrictions on vendors regarding the sale of consumer/residential fireworks.

Under the Fireworks By-law, the consumer/residential fireworks that do not travel more than 3 metres (10 feet) from the point of ignition (classified as "Permitted Fireworks") can only be set off on Victoria Day, Canada Day, Diwali, or New Year's Eve. A valid Fireworks Permit is required for all other times of the year. Additionally no person shall sell, buy or offer to buy any "Permitted Fireworks" except on New Year's Eve, Victoria Day, Canada Day, Diwali and the Seven (7) days preceding each of these days. Only those with a Fireworks Permit can set off fireworks that travel more than 3 metres (10 feet), which requires compliance with all of the provisions outlined in the Fireworks By-law.

The purchase and sale of fireworks within the city is regulated by the Business Licensing By-law Schedule 13, which requires a retailer to obtain a license to sell 'Permitted Fireworks'. The applicant must take a fireworks course as part of the license requirement, which must be completed prior to the issuance of the license. The City is one of few municipalities that require an educational course to be taken prior to a vendor selling fireworks.

Current Situation:

The City is currently the only municipality in the province that restricts the use of “Permitted Fireworks” on set days that do not travel more than 3 metres (10 feet) from the point of ignition. The height restriction on these consumer/retail fireworks imposed in the Fireworks By-law was implemented to help reduce complaints from residents, but also increase fire safety. Since inception of the updated Fireworks By-law, the City has experienced the following:

- As highlighted in **Appendix A**, complaints received by By-law Enforcement remained relatively flat from 2017-2019, however experienced significant growth over the following two years. Comparable municipalities in the province have noted a similar increase in complaints during 2020 and 2021, which are believed to be associated with more residents staying home because of the COVID-19 pandemic coupled with the cancellation of many events. Of the complaints received from 2017-2021, 66% occurred between October and November.
- As highlighted in **Appendix B**, the number of fire calls related to fireworks have been on average 9.3 calls per year over the last six years, with most calls related to minor outdoor grass fires and rubbish/trash fires, which resulted in minimal dollar loss and no injuries or fatalities. Fire calls also experienced significant growth the past two years in line with complaints received by By-law Enforcement likely due to the aforementioned reasons.
- As highlighted in **Appendix C**, the City has issued 195 licenses to vendors over the past six years to sell fireworks as required in Schedule 13 of the City’s Licensing By-law and 184 of the licenses were issued to retailers to sell fireworks during Diwali, which represents 94% of license issuances over that period.
- As highlighted in **Appendix D**, the City has issued 21 Fireworks Permits and 30 Pyrotechnic Permits over the course of the last six years and have remained fairly consistent year-over-year. Typically, Fireworks and Pyrotechnic Permits are issued for theatrical effects, weddings, celebrations, or to the film industry in Brampton and have not resulted in nuisance or fire safety concerns due to the high threshold, which must be met to obtain a permit as per the Fireworks By-law.

A letter to City Council dated December 13, 2021, from the Canadian National Fireworks Association (CNFA), which advocates on behalf of the Fireworks industry, suggested that a ban on fireworks would not be effective due to the difficulty of enforcing such a policy and the fact that residents will likely buy product from neighbouring municipalities or purchase them online. Furthermore, the letter noted, *“municipalities across Canada that have put stricter restrictions or attempted bans have not been successful in achieving their goal of eliminating fireworks. What this*

accomplishes is driving the economic impact outside their community while still retaining the responsibility and heavy cost of enforcement.” In meetings with Staff, the CNFA promoted a training and certification program that they have developed for fireworks vendors, which is similar to the Smart Serve program in the alcohol beverage industry. The City already operates a training and education program on its by-law for fireworks vendors prior to obtaining a license.

Staff conducted a jurisdictional scan as requested by Council to compile data on the fireworks restrictions that comparable municipalities have in place. The jurisdictional scan included 19 municipalities within Ontario and 5 municipalities outside of Ontario. As highlighted in **Appendix F**, Staff discovered that no municipality has a complete ban on fireworks use, although it has been reported that many have considered a ban when reviewing their respective Fireworks By-law or equivalent. However, Vancouver, Edmonton, Airdrie, Calgary, Surrey, and most recently Caledon (Ontario) do not allow the use of fireworks by the public unless a certified fireworks technician has obtained an approved permit from the municipality. Surrey has had this type of ban in place since 2005 and has seen a 53% drop in fireworks-related medical and fire incidents since then. The remaining four municipalities in the benchmarking group only recently implemented this type of ban and do not have data to evaluate the effectiveness of the policy.

Furthermore, the jurisdictional scan highlighted that Brampton already has one of the most restrictive Fireworks By-laws in place when compared to other surrounding large urban municipalities as it restricts the sale and use of all fireworks to the public without a permit, except those that travel less than 3 metres (10 feet) during one of four approved holiday/statutory periods. The other surrounding large urban municipalities do not have this height restriction in place, but rely on federal fireworks regulations in place under the Explosives Act, which only allows the public to purchase consumer grade fireworks (i.e. sparklers, roman candles, and fountains).

Limited data exists on the effectiveness of fireworks enforcement within the benchmarking group since only four municipalities actually laid charges in 2020 as highlighted in **Appendix G**. Brampton laid 59 fireworks related charges in 2020, which was by far the most of any comparable municipality, as the next highest municipality laid 11 charges in 2020 in Surrey, British Columbia. Given the insufficient data to support a fireworks ban and the fact that most municipalities with a ban only introduced the ban in the last year or two, it is unclear whether it would further improve the three objectives outlined in the current version of the City's Fireworks By-law as reviewed in the Background section of this report.

Furthermore, a fireworks ban would pose further enforcement challenges considering the City's By-law Enforcement team already experiences the following challenges on Fireworks By-law approved days:

- The time By-law Enforcement has to respond to a fireworks call is short and most fireworks are finished by the time they arrive thereby making it difficult to catch people in the act.
- There are a large number of fireworks related calls during these holidays in a small window of time, which causes capacity and staffing challenges.
- There are evidence collection challenges due to the explosive nature of fireworks thereby making them dangerous to transport by Staff.
- It is difficult to obtain valid identification at complaint scenes from the individuals responsible.
- The current Fireworks By-law allows for use of "Permitted Fireworks" without a permit on private property but it is difficult for By-law Enforcement Officers to make a clear distinction and determination of the property ownership where fireworks are being set off, especially considering each residential property has a different setback.
- The current By-law allows for "Permitted Fireworks", which are those that travel less than 3 metres (10 feet) from point of ignition, but it can be difficult for a By-law Enforcement Officer to distinguish whether a firework travelled greater than 10 feet.

Given the insufficient data to support a fireworks ban coupled with the enforcement challenges it would pose, Staff recommend enhancing public education efforts to better achieve the objectives outlined in the Fireworks By-law. These enhanced education efforts will be tailored to educate residents on the fireworks restrictions outlined in the Fireworks By-law and safe handling practices of fireworks and further promote City run fireworks displays as a safer means to celebrate the holidays. The Strategic Communications, Culture and Events Division in partnership with Brampton Fire and By-law Enforcement will use the following tactics to deliver these education campaigns:

- Paid Messaging
 - Print advertising in local newspapers
 - Ethnic media advertising through radio, print TV and digital
 - In-market advertising through transit (i.e. shelter ads, interior cards and bus sides)
 - Digital advertising through City social media platforms
 - Digital advertising through Google Display Ads, Google Adwords and Spotify
 - Pop-up banners

- Tax bill insert
- Unpaid Messaging
 - Print collateral at recreation centres, libraries and City offices
 - City Matters newsletter
 - Councillor newsletters
 - 3-1-1
 - City website and social media platforms
 - Parks signage
- Media Relations
 - Media release
 - Interview requests

Staff also conducted a jurisdictional scan as requested by Council to compile data on which municipalities in the group host city-run fireworks events. As highlighted in **Appendix E**, it was discovered that there are 17 municipalities, including Brampton, that host city-run fireworks events. The vast majority of events occur on Canada Day and New Year's Eve.

Currently, the City does not run municipal fireworks displays on Diwali and Victoria Day; however, Staff recommend that Council endorse a one-year pilot project for Staff to implement a City-run event with pyrotechnics on Diwali and Victoria Day at Garden Square in 2023. These events can be externally sponsored, and are subject to Council approval through the annual budget process. This will provide a safer means to celebrate these holidays and possibly reduce the amount of complaints and fireworks related fire incidents on those days, but also allow residents to further celebrate the Mosaic that is Brampton. The cost to implement a City-run Diwali event with pyrotechnics is estimated to cost \$150,000 while a Victoria Day event with pyrotechnics is estimated to cost \$200,000. Staff will report back to Council in late 2023 on the outcome of the pilot to inform future directions.

Diwali is part of a five-day festival celebrated with music, lights, fireworks and traditional sweets. The Festival of Lights is observed on the day of "Amavasya" or new moon, the 15th day of Kartik, according to the Hindi calendar. Vancouver is the only municipality within the benchmarking group that hosts a city run fireworks display on this holiday as highlighted in **Appendix E**. Due to the time of year Diwali occurs, staff suggest a three-hour event from 8:00-11:00 PM that will include on-stage programming and pyrotechnics at Garden Square. Using the New Year's Eve event plan as reference, Staff have estimated the cost of a municipal pyrotechnics display and event for Diwali to be approximately \$150,000, including pyrotechnics, programming, operations, safety and security, and event marketing.

Victoria Day is a federal Canadian public holiday celebrated on the last Monday preceding May 25. Guelph and Whitby are the only municipalities in the benchmarking group that host a city-run fireworks display on this holiday as highlighted in **Appendix E**. If the City were to run an event, Staff suggest a pyrotechnics show starting at dusk until 10:00 PM with an opportunity for food vendors and family activities preceding the display. Using the New Year's Eve event plan as a reference, staff have estimated the cost of a municipal fireworks display and event for Victoria Day to be approximately \$200,000 including pyrotechnics, programming, operations, safety and security, and event marketing. The increase in costs takes into consideration the holiday premium for outside services.

In 2019, the City entered into a three-year Sponsorship Agreement with Tim Hortons, which was valued at \$158,385 that includes presenting fireworks at Canada Day and New Year's Eve. The Agreement was postponed in 2020, 2021, and will resume in 2022 and 2023. The Sponsorship team will pursue further sponsorship opportunities similar to this one should Council endorse a one-year pilot project for Staff to implement a City-run event with pyrotechnics on Diwali and Victoria Day at Garden Square in 2023 to offset the costs of the events.

Corporate Implications:

Financial Implications:

The 2022 Approved Operating Budget for Strategic Communications includes \$47,000 for fireworks education. An enhanced education program will require an additional \$18,000 of funding, subject to Council approval.

Strategic Communications is confident that this additional work can be accommodated within their base operating budget for 2022. Ongoing incremental annual operating costs will be incorporated in the 2023 proposed budget submission, pending Council approval.

The estimated costs for the one year pilot of the city-run events in 2023 is approximately \$350,000 as follows:

- \$150,000 for the cost to implement a City-run Diwali event with pyrotechnics at Garden Square; and
- \$200,000 for the cost to implement a City-run Victoria Day event with pyrotechnics at Garden Square.

These costs will be incorporated as part of the 2023 proposed budget submission, pending Council approval. The City's Sponsorship team will seek external sponsorship opportunities to help alleviate the financial pressures associated with implementing the City-run events.

Term of Council Priorities:

This report has been prepared in full consideration of the Term of Council Priorities.

Brampton is a Safe & Healthy City:

Implementing an enhanced fireworks safety education program will improve the health and safety of Brampton citizens.

Brampton is a Mosaic:

Implementing additional city-run events with fireworks displays on cultural holidays celebrates the mosaic that makes up Brampton.

Conclusion:

Based on a jurisdictional scan as requested by Council, Staff recommend enhancing the City's fireworks education program to improve the health and safety of Brampton citizens while also endorsing a one-year pilot project for Staff to implement a City-run event with pyrotechnics on Diwali and Victoria Day at Garden Square in 2023. These events will provide a safer means to celebrate the holidays and possibly reduce the amount of complaints and fireworks related fire incidents on those days, but also allow residents to further celebrate the Mosaic that is Brampton.

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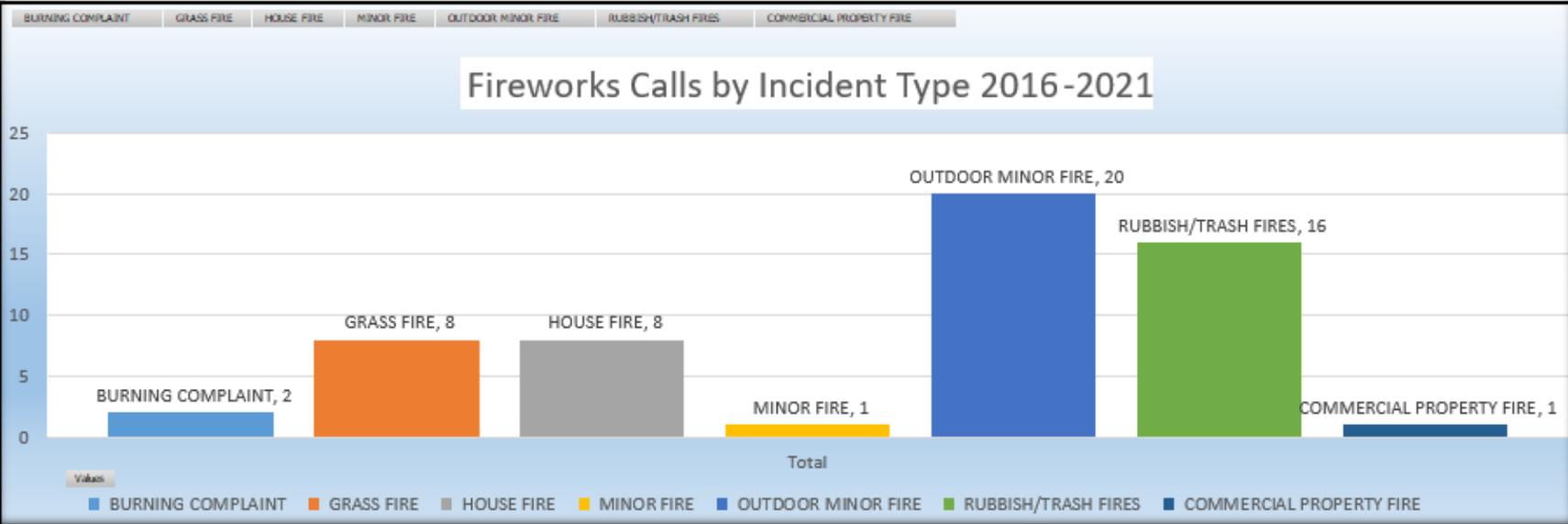
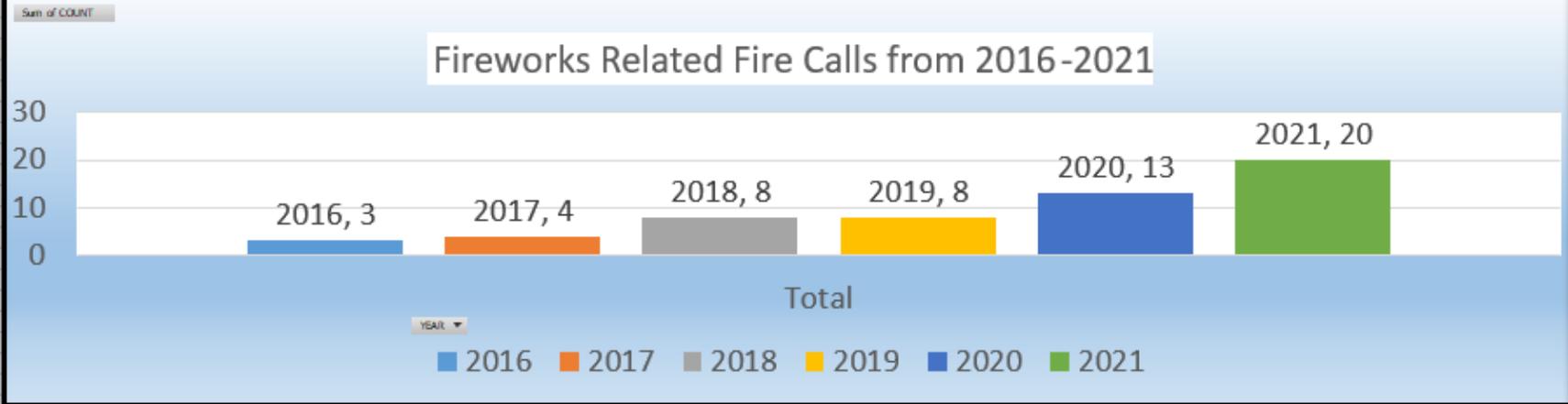
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Attachments:

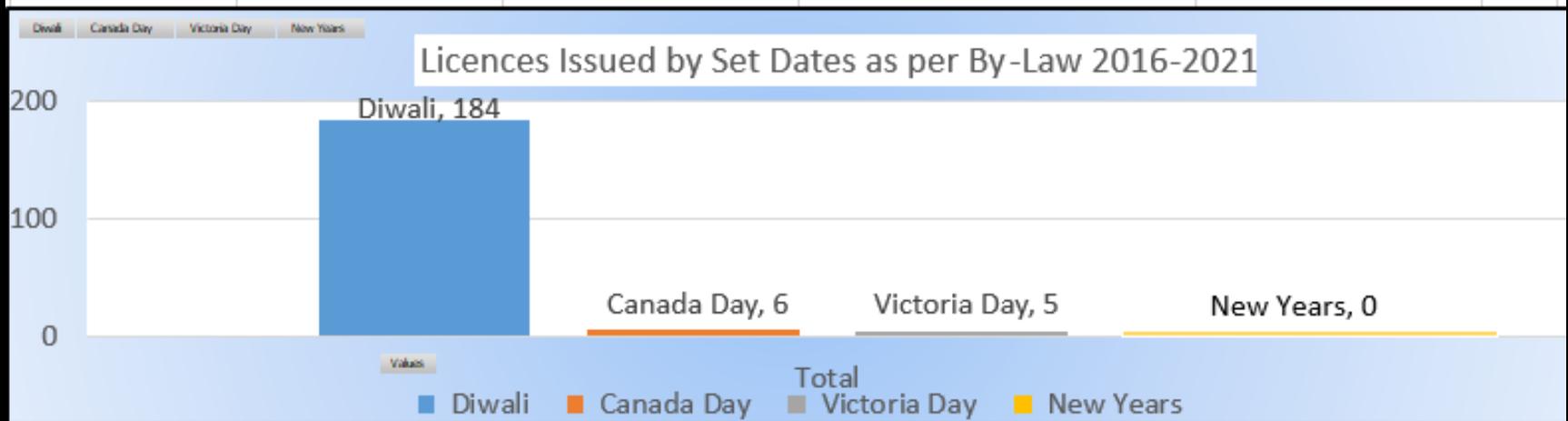
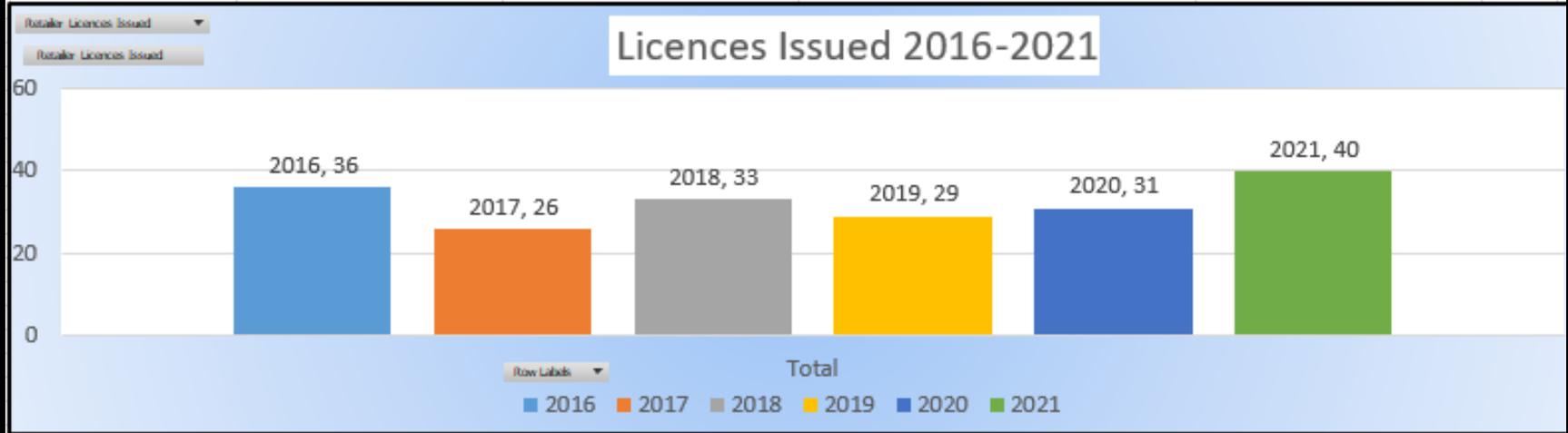
***Enforcement Complaints Relating to Fireworks
Appendix A***

	2017	2018	2019	2020	2021
Jan	0	1	3	0	3
Feb	0	0	1	0	0
Mar	0	0	0	0	0
Apr	1	0	1	1	1
May	20	15	19	22	60
Jun	3	9	21	15	13
Jul	16	19	29	64	106
Aug	7	1	16	14	26
Sep	1	4	6	15	25
Oct	122	2	132	4	3
Nov	5	128	5	185	535
Dec	1	1	0	3	13
Total	176	180	233	323	785

Fireworks Related Data Appendix B

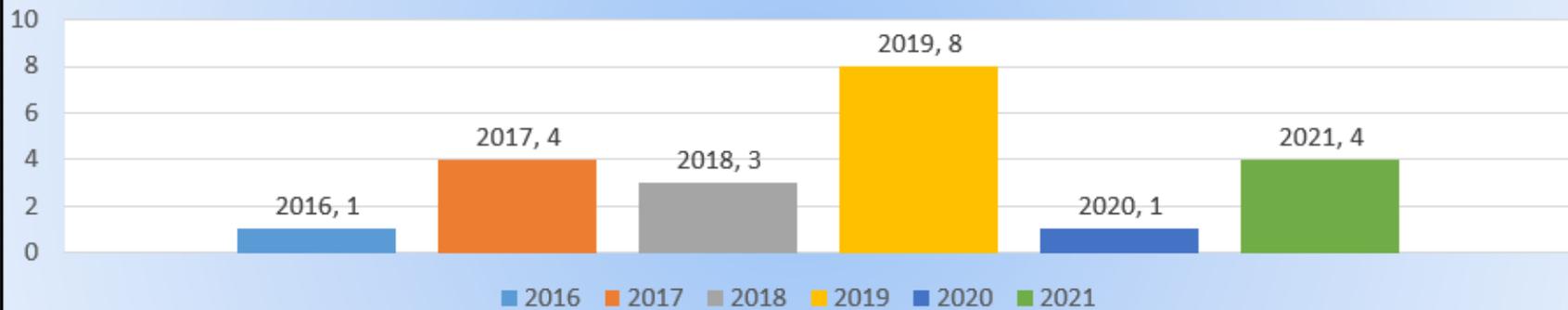


Firework Vendor Licences Appendix C

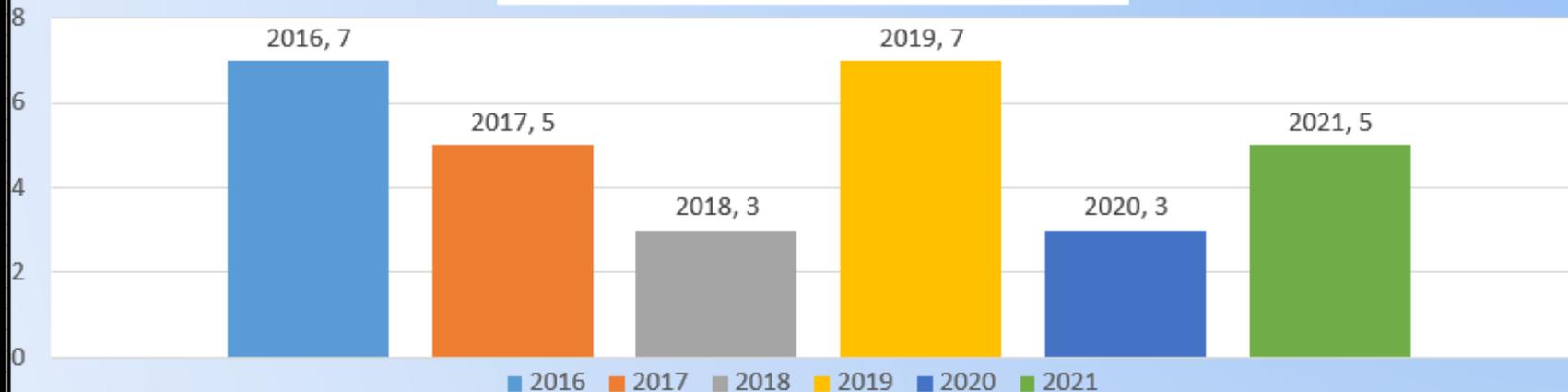


Fireworks and Pyrotechnics Permits Issued Appendix D

Fireworks Permits Issued 2016-2021



Pyrotechnics Permits Issued 2016-2021



Other Municipalities Hosted Events
Appendix E

Municipality	Hosts City Run Events	City Run Event on Canada Day	City Run Event on Victoria Day	City Run Event Celebration of Lights	City Run Event New Years	City Run Event on general Holiday	City Run Event on Specified Other Day	Receives sponsorship for City hosted Event	Partial Sponsorship/full
Brampton	X	X			X				
Calgary, Alberta									
Airdrie, Alberta									
Edmonton, Alberta	X	X			X				
Vancouver, British Columbia	X	X		X	X				
Surrey, British Columbia	X	X							
Vaughan									
Burlington	X	X							
London	X				X			Yes	Full
Oakville	X	X						No	
Mississauga	X					X		Yes	Partial
Guelph	X		X						
Milton									
Barrie	X	X			X		X		
Ottawa									
Toronto	X	X						Yes	
Whitby	X	X	X					Yes	Partial
Ajax	X						X		
Pickering	X	X					X		
York (Aurora + Newmarket)	X								
Oshawa	X	X						Yes	Partial
Caledon	X								
Red Deer Alberta									
TOTALS	17	11	2	1	5	1	3		

 Denotes a municipality we reached out to but received no response

Municipalities That Allow Fireworks - Appendix F

<i>Municipality</i>	<i>Does not allow fireworks on any day without Permit</i>	<i>Allows Fireworks</i>	<i>Allows Fireworks on Canada Day</i>	<i>Allows Fireworks on Victoria Day</i>	<i>Allows Fireworks on Diwali</i>	<i>Allows Fireworks on New Years Eve/ New Year</i>	<i>Allows Fireworks on Chinese New Year</i>	<i>Allows Fireworks on any religious Holiday</i>	<i>Allows Fireworks on Lunar New Year</i>
Brampton		X	X	X	X	X			
Calgary, Alberta	X								
Airdrie, Alberta	X								
Edmonton, Alberta	X								
Vancouver, British Columbia	X								
Surrey, British Columbia	X								
Vaughan		X	X	X					
Burlington		X	X	X					
London		X	X	X					
Oakville		X	X	X		X		X	
Mississauga		X	X	X	X		X		
Guelph		X	X	X	X				
Milton		X	X	X	X				
Barrie		X	X	X	X	X			X
Ottawa		X	X	X					
Toronto		X	X	X					
Whitby		X	X	X					
Ajax		X	X	X					
Pickering		X	X	X					
York (Aurora + Newmarket)		X	X	X					
Oshawa		X	X	X	X				
Caledon	X								
Hamilton			X	X					
Markham			X	X					
TOTALS	6	16	18	18	6	3	1	1	1

***Municipal Charges Laid
Appendix G***

Municipality	Charges laid in 2020	Enforcement Yes/No
Brampton	59	Yes
Calgary, Alberta	N/A	N/A
<u>Airdrie, Alberta</u>	N/A	N/A
Edmonton, Alberta	N/A	N/A
Vancouver, British Columbia	N/A	N/A
Surrey, British Columbia	11	Yes
Vaughan	6 in past 5 years	No
Burlington	0	No
London	0	No
Oakville	4 AMPS	No
Mississauga	0	No
Guelph	0	No
Milton	0	No
Barrie	low	No
Ottawa	N/A	N/A
Toronto	6 (2017-2020) in City park	No
<u>Whitby</u>	0	No
Ajax	0	No
Pickering	0	No
York (Aurora + <u>Newmarket</u>)	0	No
Oshawa	0	No
Caledon	N/A	N/A