

Date: 2022-06-10

Subject: **Response to Council Referred Matter CW117-2022: Municipal Fireworks Restrictions and Enforcement**

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Report Number: Brampton Fire and Emergency Services-2022-661

Recommendations:

1. That the report titled **Response to Council Referred Matter CW117-2022: Fireworks Restrictions and Enforcement**, to the Committee of Council Meeting, dated June 22, 2022, be received;
2. That Council enact an amendment to Fireworks By-law 163-2016 to implement a temporary fireworks ban by restricting the sale, purchase, possession or discharge of all Permitted Fireworks between July 6, 2022 and January 2, 2023 while still maintaining the current permit process for special events and the film industry;
3. That Council enact an amendment to the Administrative Penalty System By-law 218-2019 (Non-parking) to increase penalties for Fireworks By-law violations as highlighted in Appendix B;
4. That Staff continue with the current processes in place related to how Service Brampton (311) manages all Fireworks inquiries & complaints; and,
5. That Staff continue with the comprehensive parking controls in place at city-run events where fireworks displays occur.

Overview:

- **On April 19, 2022 at a Committee of Council Meeting, Council passed a motion that Staff consider and report back on:**
 - **An increased fine enforcement system for the discharge, sale or offer to sell prohibited fireworks**
 - Staff recommend to increase penalties administered through the Administrative Penalty System to an extent that is non-punitive for Fireworks By-law violations to promote compliance with the Fireworks By-law. The public will still be able to enjoy display fireworks during the temporary ban at City-run events on Canada Day and New Year's Eve while also still being allowed to apply through the current permit process for special events and the film industry.
 - **Amendment to Fireworks By-law to prohibit personal use of fireworks in 2022 and/or a personal fireworks use permits system**
 - To address the safety and nuisance concerns raised by the public and Council as it relates improperly discharged fireworks, Staff recommend a temporary ban on Permitted Fireworks between July 6, 2022 and January 2, 2023 while continuing to allow the setting off of fireworks through the issuance of a Fireworks Permit for special events and the film industry. Staff will conduct an analysis on the effectiveness of the temporary ban and report back to Council in April 2023 so that an informed decision can be made by Council whether or not to continue the ban or revert to the previous version of the Fireworks By-law.
 - **Consultation on impact on veterans, By-law Enforcement Staff connected with Royal Canadian Legion Branch 15 and Royal Canadian Legion Branch 609.**
 - Staff met with Legion representatives and distributed a survey amongst the membership highlighted that the Veteran community was in support of fireworks displays in the City of Brampton and that they did not have a desire to discourage family and community celebrations. "City Sponsored Events" and/or "Permitted Private Events" were the preferred model over "General Public Use" model.
 - **Adaptation of 311 requirements to no longer require an exact address for fireworks related complaints**

- Staff recommend to continue with the current processes in place related to how Service Brampton (311) manages all Fireworks inquiries & complaints since an address is required in order to properly address a fireworks complaint. If the complainant does not know the exact address, but is able to provide enough detail that an Officer might reasonably locate the call, a Service Request will be dispatched; however, this call may be assigned a lower priority.
- **Side-street parking during city-run fireworks displays and related safety concerns**
 - Based on the comprehensive parking plan developed over many years, traffic control issues have subsided in surrounding areas at City-run events. Any immediate concerns will continue to be dealt with in a timely manner by By-law Enforcement, Police and Parking Operations.
- **Work with the fireworks industry (Canadian National Fireworks Association) to increase public awareness around fireworks along with the Industry's Be a Good Neighbour program and vendor certification and employee training program.**
 - While it was determined it would be more efficient to keep and maintain the City's vendor certification and training program, opportunities to incorporate elements of CNFA's existing campaigns, including Be a Good Neighbour, were identified. Strategic Communications will work with the Canadian National Fireworks Association (CNFA) to determine collaborative opportunities such as resource sharing and cross-promotion leading up to holidays that allow private use fireworks.
- **Review the three-metre rule for fireworks.**
 - The three-metre rule was implemented to ensure safe separation distance for spectators and neighbouring homes coupled with the fact that fireworks cannot be discharged on streets, parks or school yards. Should Council decide not to impose a ban on restricting the sale, purchase, possession or discharge of all Permitted Fireworks, staff recommend to keep the three-metre rule in effect to ensure safe separation distance.

Background:

At a Committee of Council Meeting on April 19, 2022, Council passed a motion that staff consider and report back on:

- An increased fine enforcement system for discharge, sale or offer to sell prohibited fireworks,
- Amendment to Fireworks By-law to prohibit personal use of fireworks in 2022 and/or a personal fireworks use permits system,
- Consultation on impact on veterans,
- Adaptation of 311 requirements to no longer require an exact address for fireworks related complaints,
- Side-street parking during city-run fireworks displays and related safety concerns,
- Work with the fireworks industry (Canadian National Fireworks Association) to increase public awareness around fireworks along with the Industry's Be a Good Neighbour program and vendor certification and employee training program, and
- Review the three-metre rule for fireworks.

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.

Fireworks By-law 163-2016 is a designated by-law under the Administrative Penalties (Non-parking) By-law 218-2019, which enables the City’s enforcement staff to issue administrative monetary penalties for infractions under the Fireworks By-law, in place of the issuance of charges, in appropriate circumstances. Section 434.1 of the Municipal Act, 2001 requires that the purpose of the administrative monetary penalty system be to assist the municipality in promoting compliance with its by-laws. The amount of the penalties shall not be punitive in nature and shall not exceed the amount reasonably required to promote compliance with the by-law.

Current Situation:

Fireworks Restrictions

The number of complaints received by By-law Enforcement remained relatively flat from 2017-2019 averaging 196 complaints per year. However, the City has experienced significant growth related to the number of complaints over the following two years whereby 323 occurred in 2020 and 785 occurred in 2021. To address this problem, Staff recommend implementing a temporary fireworks ban by restricting the sale, purchase, possession or discharge of all Permitted Fireworks between July 6, 2022 and January 2, 2023 while continuing to allow the setting off of fireworks

through the issuance of a Fireworks Permit. Refer to Appendix A for the temporary amendment to the Fireworks By-law 163-2016.

A ban on Permitted Fireworks would remove enforcement ambiguities surrounding height of effect and location of use, which are currently factors which need to be considered when determining whether an offence has occurred. All fireworks purchased, sold, possessed or discharged as outlined in the updated Fireworks By-law would be considered contraventions unless a Fireworks Permit was issued.

After January 2nd, 2023, Staff will conduct an analysis on the effectiveness of the temporary ban and report back to Council in April 2023 so that an informed decision can be made by Council whether or not to continue the ban or revert to the previous version of the Fireworks By-law.

Increased Fireworks Penalties

As requested by Council, Staff completed a comprehensive review of the City's fireworks penalties administered under the Administrative Penalty System (AMPS). Based on the review, staff propose increasing the penalty amounts administered through AMPS for Fireworks By-law violations as highlighted in Appendix B to help deter the purchase, sale, possession or discharge of prohibited fireworks by the public and vendors. The below chart highlights the current penalties compared to the proposed increased penalties. The increased penalties are not intended to be punitive in nature but rather a revised amount to promote compliance with the Fireworks By-law.

Designated Provision	Description	Current Administrative Penalty	Proposed Administrative Penalty
Section 9	Discharge or be in possession of prohibited fireworks	\$350.00	\$500.00
Section 11	Sell or offer for sale permitted fireworks except on approved days and/or the 7 days preceding	\$350.00	\$1,000.00
Section 12	Sell or offer for sale prohibited fireworks	\$350.00	\$1,000.00
Section 15	Set off permitted fireworks without permit	\$250.00	\$500.00

Section 16	Set off permitted fireworks outside authorized hours	\$250.00	\$500.00
Section 17	Set off permitted fireworks in a prohibited manner/area	\$250.00	\$500.00
Section 19(1)	Property owner permit, allow or cause to be set off prohibited fireworks	\$250.00	\$500.00
Section 19(2)	Property owner permit, allow or cause to be set off fireworks without permit	\$250.00	\$500.00

Veteran Consultation

As part of the outreach component to address Council's direction to consult with the Veteran community, By-law Enforcement Staff connected with Royal Canadian Legion Branch 15 and Royal Canadian Legion Branch 609. A survey was developed and distributed amongst the membership however only three responses were received to date.

The initial discussion with Branches leadership and subsequent responses conveyed that the Veteran community was in support of fireworks displays in the City of Brampton and that they did not have a desire to discourage family and community celebrations. With that stated, the limited responses indicated that "City Sponsored Events" and/or "Permitted Private Events" were the preferred model over "General Public Use" model.

Adaptation of 311 Requirements for Fireworks Related Complaints

Service Brampton (311) manages all fireworks inquiries and complaints through multiple channels (phone, online, mobile app, email, and in-person) as well as dispatches the service requests to a By-law Enforcement Officer (Officer) based on priority. An address is required in order to properly address a fireworks complaint. This will enable dispatch to assign the investigation to an Officer who will attend the location where the infraction is occurring. If the complainant does not know the exact address, but is able to provide enough detail that an Officer might reasonably locate the call, a Service Request will be dispatched; however, this call may be assigned a lower priority than calls with complete address information.

Without an address or a reasonable description of where the infraction is occurring, 311 will not be able to effectively dispatch service requests or prioritize complaints based on urgency. This could result in additional repeat complaints as it may take longer for Officers to find and attend the locations. Moreover, the removal of the requirement for an address given the volume of complaints and the often brief period of time that a specific event occurs, may negatively impact the response time for complaints that do contain the information necessary to facilitate a proper investigation and response. Due to the potentially negative impact, a change like this may impose on response times and the ability to conduct a proper investigation, careful consideration should be applied before removing this requirement. Therefore, Staff recommend to continue with the current processes in place related to how Service Brampton (311) manages all Fireworks inquiries & complaints.

Side-street Parking During City-run Fireworks Displays

Since the Canada Day event returned to Chinguacousy Park in 2013, Staff have been implementing and refining measures to minimize the impact of the event on local neighbourhoods as follows:

- Having on-site parking available at a rate of \$20 per vehicle, on a first-come, first-serve basis.
- Promoting alternative parking locations within close proximity to Chinguacousy Park due to the limited parking there which include:
 - Bramalea City Centre
 - Brampton Civic Centre
 - Greenbriar Recreation Centre
 - Lester B. Pearson Catholic School
 - St. Jean Brebeuf Catholic School
 - Terry Miller Recreation Centre
- Encouraging residents to walk, ride their bikes, or take public transit to the event whenever possible.
- Implementation of “Road Closed, Local Traffic Only” signage at access points to Goldcrest Road, Glenforest Road and Goodwood Road to discourage non-local traffic from accessing the area.
- Implementation of “Emergency No Parking” signs on both Goldcrest Road and Glenforest Road to restrict on-street parking to one side of the road to maintain access for Fire and Emergency Services.
- Implementation of additional signage at access points to the local roads off of Goldcrest Road and Glenforest Road to discourage parking on both side in order to maintain access for Fire and Emergency Services.

- Frequent patrols by both Enforcement & By-law Services and Peel Regional Police to deter illegal parking in all areas around Chinguacousy Park.

Based on the comprehensive parking plan developed over many years, recent Canada Day events at Chinguacousy Park did not reveal any significant concerns in local neighbourhoods. Due to the presence of Enforcement & By-law Service, any concerns that did arise were dealt with in a timely manner.

Canadian National Fireworks Association Collaboration

Council directed Staff to also work with the fireworks industry to increase public awareness around fireworks along with the Industry's Be a Good Neighbour program. Strategic Communications will connect with the Canadian National Fireworks Association (CNFA) to determine collaborative opportunities such as resource sharing and cross-promotion leading up to holidays that allow private use fireworks. A preliminary meeting between representatives of the CNFA, Strategic Communications and Brampton Fire & Emergency Services took place on May 19th, 2022. While we determined it would be more efficient to keep and maintain the City's vendor certification and training program, opportunities to incorporate elements of CNFA's existing campaigns, including Be a Good Neighbour, were identified.

Should Council decide not to impose a ban on restricting the sale, purchase, possession or discharge of all Permitted Fireworks, the City will continue to work with the CNFA in developing a program to increase public awareness around fireworks including the Be a Good Neighbour program.

Three-Metre Rule for Permitted Fireworks

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.

There are over 4,000 consumer fireworks regulated through National Resources Canada (NRC) for which all have varying height effects. Although there is no maximum height effect on Consumer fireworks, according to NRC, the highest effects are between 50-70 metres. Increasing the height effect of consumer fireworks from 10 metres would be

even more difficult to enforce, as there is no ability for By-law Enforcement Officers to judge the height of varying fireworks.

Removing the restrictions on the height effect would also impact the safe separation distance for spectators, which is 2 to 2.5 times the height of the effect accordingly to regulations. For example, a consumer firework that has a height effect of 50 metres would require a minimum of 100 metres or 164 feet for spectators from the firework. As a result, the three-metre rule was recommended by Staff in 2016 given that very few properties in Brampton have 100 metres of separation coupled with the fact that fireworks cannot be discharged on streets, parks or school yards.

Corporate Implications:

Financial Implications:

There may be potential implications which include additional resource requirements, additional public education funding and additional revenue dependent on public compliance of the ban, however, these impacts cannot be quantified at this time. Staff will continue to review, monitor and advise Council on the financial implications in the April 2023 report to Council. Any future revenue adjustments will be incorporated in Legislative Services' operating budget submission, subject to Council approval.

Legal Implications:

There are no legal implications associated with this report.

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 a temporary fireworks ban by restricting the sale, purchase, possession or discharge of all Permitted Fireworks violations will improve the safety of Brampton citizens while also reducing potential property damage due to improperly discharged or discarded fireworks.

Brampton is a Well-Run City:

Increasing penalties for Fireworks By-law related violations will help promote compliance with the Fireworks By-law. Furthermore, the temporary ban will likely streamline the enforcement process as it will remove the ambiguity of assessing whether certain fireworks are within the allowed limit or not.

Conclusion:

To address the safety and nuisance issuances concerns raised by the public and Council as it relates improperly discharged fireworks, Staff recommend a temporary ban on Permitted Fireworks and increased penalties to promote compliance with the Fireworks By-law. The public will still be able to enjoy display fireworks at City-run events on Canada Day and New Year's Eve while also still being allowed to apply through the current permit process for special events and the film industry. Staff will conduct an analysis on the effectiveness of the temporary ban and report back to Council in April 2023 so that an informed decision can be made by Council whether or not to continue the ban or revert to the previous version of the Fireworks By-law.

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Appendix A – Draft Fireworks By-law 163-2016 Temporary Amendment



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number _____ - 2022

A By-law to amend By-law 163-2016, the “Fireworks By-law”

WHEREAS By-law 163-2016 (“Fireworks By-law”) was enacted to prohibit and regulate the sale of fireworks and the setting off of fireworks;

AND WHEREAS Council for The Corporation of the City of Brampton passed Resolution No. CW117-2022;

AND WHEREAS Council for The Corporation of the City of Brampton deems it appropriate to prohibit the use of Permitted Fireworks during the year of 2022;

NOW THEREFORE the Council of The Corporation of the City of Brampton ENACTS as follows:

1. That By-law 163-2016 be amended by adding the following section immediately following section 13:

“13A. (1) Notwithstanding the provisions of this By-law, no person shall:

(a) sell, or offer for sale, buy or offer to buy, or possess Permitted Fireworks; or

(b) set off Permitted Fireworks

between July 6, 2022 and 12:00 a.m. on January 2, 2023.”

ENACTED and PASSED this day of , 2022.

Approved as to
form.

2022/

Approved as to
content.

2022/

Patrick Brown, Mayor

Peter Fay, City Clerk

Appendix B – Draft Increased Administrative Penalties to By-law 218-2019



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number _____ - 2022

Response to Council Referred Matter CW117-2022: Municipal Fireworks Restrictions and Enforcement”
A by-law to amend By-law 218-2019,
the “Administrative Penalties (Non-Parking) By-law”

WHEREAS By-law 163-2016 (“Fireworks By-law”) was enacted to prohibit and regulate the sale of fireworks and the setting off of fireworks;

AND WHEREAS By-law 218-2019 “Administrative Penalties (Non-Parking) By-law” was enacted to provide for a system of administrative monetary penalties for designated by-laws;

AND WHEREAS Council for The Corporation of the City of Brampton passed Resolution No. CW117-2022;

AND WHEREAS Council for The Corporation of the City of Brampton deems it appropriate to increase the administrative penalties for violations of By-law 163-2016 ("Fireworks By-law");

NOW THEREFORE the Council of The Corporation of the City of Brampton ENACTS as follows:

2. That section 4 of Schedule "A" to By-law 218-2019 be amended by deleting the table and replacing it with the following:

Item	Column 1 Designated Provision	Column 2 Short Form Wording	Column 3 Administrative Penalty
1	Section 9	Discharge or be in possession of prohibited fireworks	\$500.00
2	Section 11	Sell or offer for sale permitted fireworks except on approved days and/or the 7 days preceding	\$1,000.00
3	Section 12	Sell or offer for sale prohibited fireworks	\$1,000.00
4	Section 15	Set off permitted fireworks without permit	\$500.00
5	Section 16	Set off permitted fireworks outside authorized hours	\$500.00
6	Section17	Set off permitted fireworks in a prohibited manner/area	\$500.00

7	Section19(1)	Property owner permit, allow or cause to be set off prohibited fireworks	\$500.00
8	Section 19(2)	Property owner permit, allow or cause to be set off fireworks without permit	\$500.00

ENACTED and PASSED this day of , 2022.

Approved as to form. <u>2022/</u>
Approved as to content. <u>2022/</u>

Patrick Brown, Mayor

Peter Fay, City Clerk