

Date: 2023-01-06

Subject: **New Year's Eve 2022 – Fireworks Enforcement Campaign - Committee of Council Recommendation CW376-2022 – RM 47/2022 clause 7 ALL WARDS**

Contact: **P. Bryson, Interim Manager, By-Law Enforcement, Legislative Services 905-458-3424 Ext 63231**

Report Number: Legislative Services-2023-058

Recommendations:

THAT the report from Peter Bryson, Interim Manager, By-Law Enforcement, Legislative Services, dated February 1, 2023, to the Committee of Council Meeting of February 1, 2023, re: The feasibility of an enforcement “blitz” for New Year’s Eve 2022 Committee of Council Recommendation CW376-2022 - Report RM 47/2022, ALL WARDS, be received.

Overview:

- **On November 28, 2022, Committee of Council requested that Staff report back on the feasibility of an enforcement “blitz” for New Year’s Eve 2022 with additional 311 staff and staff for proactive enforcement including the possibility of utilizing City of Brampton Property Standards Officers or enforcement officers from neighbouring jurisdictions to assist with service requests for the day.**
- **This report provides an overview of the enforcement campaign on New Year’s Eve 2022.**

Background:

On November 28, 2022, Committee of Council passed resolution CW376-2022:

Whereas the City of Brampton allows residents the use of short-range fireworks on their private property four times a year (Victoria Day, Canada Day, Diwali and New Years Eve); and

Whereas the City of Brampton currently has city-run events with fireworks on Canada Day and New Year's Eve; and

Whereas the current firework permit process allows for the issuance of permits for special events and the film industry; and

Whereas staff have identified a significant growth related to the number of fireworks related complaints since 2019; and

Whereas in a staff report from June 10, 2022, staff indicated that a complete ban on permitted fireworks would remove enforcement ambiguities surrounding height of effect and location of use as all fireworks purchased, sold, possessed or discharged unless a Fireworks Permit was issued;

Therefore, be it resolved that:

- 1. The City of Brampton amend the Fireworks By-Law to prohibit the use, purchase, discharge, possession, sale and offer to sell all fireworks including Consumer Fireworks, Display Fireworks, Pyrotechnics and Prohibited Fireworks for all uses (except those outlined in clause 2) effective immediately; and*
- 2. The current firework permit process be amended to only be applicable to the film industry and City run events; and*
- 3. The City of Brampton increase the fines for discharge, sale, and offer to sell fireworks as per the chart below; and*

<i>Description</i>	<i>Current Administrative Penalty</i>	<i>Proposed Administrative Penalty</i>
<i>Discharge or be in possession of fireworks</i>	<i>\$350.00</i>	<i>Minimum \$500.00</i>
<i>Sell or offer for sale fireworks</i>	<i>\$350.00</i>	<i>Minimum \$1000.00</i>

- 4. Staff be directed to implement a fireworks ban awareness campaign through the City's Strategic Communications Division with a cost of \$20,000 to be included in the 2023 budget process; and*
- 5. Staff add an annual City-run Diwali event with Pyrotechnics and/ or fireworks similar to Canada Day and New Year's Eve fireworks and pyrotechnics displays; and*
- 6. Events and Protocol staff and Sponsorship staff work with local partners to invest in the City-run Diwali event to support a vibrant, fun and safe event for residents to enjoy; and*

7. **Staff report back on:**

- a. ***The feasibility of an enforcement “blitz” for New Year’s Eve 2022 with additional 311 staff and staff for proactive enforcement including the possibility of utilizing City of Brampton Property Standards Officers or enforcement officers from neighbouring jurisdictions to assist with service requests for the day; and***
- b. ***The justification and maximum fines that can be laid for the discharge and sale of fireworks through the AMPS system.***

This report will provide an overview of the enforcement campaign on New Year’s Eve, December 31, 2022 (Resolution CW376-2022 Section 7).

On December 14, 2022, Council unanimously passed a new fireworks by-law strictly prohibiting the use, purchase, possession, and sale of all fireworks in the City of Brampton. The ban was imposed following numerous complaints about noise, property damage and safety incidents.

Over the past few years, Enforcement and By-Law Services have seen a steady increase in the number of fireworks related complaints. In 2021, Enforcement and By-Law Services investigated 785 fireworks related files, issued 38 warnings and 75 penalty notices while in 2022, 1194 files were investigated, and Officers issued 78 warnings and 140 penalty notices.

It’s important to note that not all interactions that 311 has regarding fireworks result in a file. Case in point for Diwali in 2022 the Call Centre reported it had 1004 fireworks related interactions; of those 787 were reporting fireworks related to Diwali, which were dispatched out to Enforcement; the remainder were information inquiries.

Typically, a complaint is received by Service Brampton and a By-Law Enforcement Officer is dispatched to investigate. Due to the frequency at which these calls are received and the relatively short window of time an individual event takes, response time is often after an event has ended. As such, Enforcement and By-law Services transitioned to a proactive enforcement model to deal with events they encountered as they were occurring as ultimately chasing complaint calls typically yields less enforcement. To illustrate, an officer would need to drive by an active event to get to a complaint only to find that event had concluded and then neither event was enforced.

The number of fireworks complaints received by Enforcement and By-Law Services remained relatively flat from 2017 to 2019 averaging 196 complaints per year. However, the City experienced significant growth related to the number of complaints over the following three years.

Year	Number of Fireworks Complaints
2020	323
2021	785
2022	1194

Historically the use of fireworks on New Year's Eve generates a manageable number of complaints. Over the past five years, Enforcement and By-Law Services investigated 34 fireworks related complaints on New Year's Eve; of those 28 were investigated in relation to the 2021/2022 holiday. During the 2021 New Year's Eve, the complaints were not specific to one area/ward but were widespread across the city. The locations included parks, streets, and private properties.

Current Situation:

As of December 14, 2022, all fireworks are banned in the City of Brampton. This latest ban received mixed reactions from residents and as a result the City expected to see an increase in fireworks complaints on New Year's Eve. Acknowledging that change takes time, the City is committed to eliminate all fireworks in Brampton through widespread public awareness, education, and enforcement.

The ban removes enforcement ambiguities surrounding height of effect and location of use, which were factors which needed to be considered when determining whether a violation had occurred.

Under the new Fireworks By-law, penalties under the Administrative Monetary Penalty System (AMPS) have been increased significantly. The increased penalties are not intended to be punitive in nature but rather a revised amount to promote compliance with the by-law. It also helps deter the purchase, possession, or discharge of all fireworks by the public and ensures that vendors are held accountable for failing to comply with the by-law.

The increased penalties are justified based on the below factors:

- Use of fireworks can result in significant risk to public safety and cause property damage.
- Economic profits for vendors who opted to illegally sell fireworks.

The higher penalty amount (\$1000) is directed to vendors who violate the by-law and to those individuals who fail to comply with an order. Officers may also at their discretion issue a court summons requiring an individual to attend Provincial Court where fines could be from \$500 to \$100,000.

Description	Previous Administrative Penalty	Current Administrative Penalty
Discharge or be in possession of fireworks	\$350	\$500
Sell, distribute, or offer for sale fireworks	\$350	\$1000
Person permit, allow or cause to be set off fireworks on their property	\$250	\$500
Fail to comply with an Order	\$350	\$1000

New Year's Eve – Education and Enforcement Campaign – December 31, 2022

City Staff from various Divisions/Departments were deployed throughout the City to assist with the education and enforcement campaign. The operation included prevention, education, and enforcement actions, as needed.

Staff from Public Works, Recreation, Security Services, Fire Prevention and Parks were assigned specific areas to patrol. Having the presence of City staff in marked vehicles has shown to be an effective way to prevent violations from happening. Their mere presence helped to discourage residents or visitors from using fireworks.

Service Brampton (311) managed all fireworks inquiries and complaints through multiple channels (phone, online, mobile app, email, and in-person) and dispatched the service requests to a By-law Enforcement Officer based on priority. Additional Service Brampton staff were available to manage and dispatch the calls.

Enforcement and By-Law Services strategically patrolled the City, educated the residents, investigated complaints and if necessary, issued penalty notices.

Phase 1 – (December 20 to 31, 2022):

Enforcement and By-Law Services

Enforcement and By-Law Services visited and inspected 26 fireworks vendors to educate and ensure compliance. We found many of the businesses closed, no longer in business, or were determined to be in compliance with the by-law.

By-Law Enforcement and Fire Prevention Officers commenced a joint investigation after receiving information that an individual was suspected of selling fireworks from a residence in Brampton. During the investigation, one individual was identified, and found to be in contravention of the Fireworks By-Law. As a result, a penalty notice in the amount of \$1,000.00 was issued to the individual for offering to sell fireworks.

Recreational Centres / City Facilities

Staff were provided with educational and informative handouts designed to highlight the regulation and prohibition of fireworks as well as the penalties for violating the by-law. These handouts were distributed throughout the City’s recreational centres and other city facilities to broaden awareness and help reduce the number of complaints.

Strategic Communications

Strategic Communications staff developed a comprehensive communication plan to deliver key messages to residents including social media and handouts. Staff monitored social media to identify any potential issues or activities related to the illegal use or sale of fireworks.

Part of the communication plan included the following:

- City Hall, Garden Square and Recreation TV tiles
- Homepage web tile and feature section addition
- Website updates: Brampton.ca/fireworks, Consolidated By-Law
- www.brampton.ca homepage tile
- Organic social posts across Facebook, Instagram, and Twitter
- Notify fireworks vendors of the ban via email
- Double-sided postcard/handout
- Advertising in local newspapers
- Radio ads in top three languages: Punjabi, Gujarati and Urdu

Phase 2 – (December 31, 2022):

A briefing of all staff involved in the execution of the education and enforcement campaign occurred at Flower City Community Campus Enforcement Building to ensure that assignments and responsibilities were clearly defined and understood by each operating group within the response team prior to deployment.

We had 58 staff members from Enforcement and By-Law Services, Public Works, Recreation, Security Services, Fire Prevention and Parks strategically deployed to specific areas of the City or posted at identified hot spots. All staff were provided with handouts to help support public awareness and education and were encouraged during their patrols to engage members of the public for these purposes.

New Year’s Eve 2022 – Fireworks Enforcement Campaign		
Description	December 31, 2022	January 1, 2023
Files Investigated by Enforcement	4	21
Penalty Notice Issued	0	5
Warning	0	1

Corporate Implications:

Financial Implications:

As a result of the request for additional support to deliver the education and enforcement of this campaign additional staffing resources were required. As a result, the operating groups incurred overtime costs associated with staffing.

Term of Council Priorities:

This report aligns with the City of Brampton 2018-2022 Priorities:

Brampton is a Healthy and Safe City: Focusing on community safety, improving mental health support, and encourage active and healthy lifestyles. The regulation and prohibition of fireworks exists to promote the safety of all City of Brampton residents and visitors, as well as to uphold community standards.

Conclusion:

On December 14, 2022, Council unanimously passed a new fireworks by-law strictly prohibiting the use, purchase, possession, and sale of all fireworks in the City of Brampton. The ban was imposed following numerous complaints about noise, property damage and safety incidents. Acknowledging that change takes time, the City is committed to eliminating all fireworks in Brampton through continued widespread public awareness, education, and enforcement.

Given the results of the education and enforcement campaign for the New Year's event a similar collaborative approach will be considered for implementation at future events where fireworks may be anticipated such as Victoria Day, Canada Day, and Diwali.

Authored by:

Reviewed by:

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Approved by:

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Attachments: