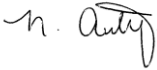




**CITY OF HAMILTON**  
**CORPORATE SERVICES DEPARTMENT**  
**Legal and Risk Management Services Division**

<b>TO:</b>	Mayor and Members Committee of the Whole
<b>COMMITTEE DATE:</b>	May 13, 2020
<b>SUBJECT/REPORT NO:</b>	Amending Fireworks and Administrative Penalties By-law (Temporary Fireworks Ban 2020) (LS20012) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Leanne Fioravanti (905) 546-2424 Ext.4223
<b>SUBMITTED BY:</b>	Nicole Auty City Solicitor Legal and Risk Management Services
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That the amending by-law attached as Appendix “A” to Report LS20012 which amends the Fireworks By-law (By-law 02-285) to prohibit the sale and discharge of all fireworks in the City of Hamilton until July 4, 2020 and which creates two new Administrative Penalties for related offences, and which has been prepared in a form satisfactory to the City Solicitor, be enacted and effective immediately;

**EXECUTIVE SUMMARY**

In light of the on-going COVID-19 Pandemic and declaration of emergency by the Province of Ontario, the Emergency Operations Centre (EOC) is recommending prohibiting the sale and use of fireworks in Hamilton to help prevent large gatherings and the spread of COVID-19, and to protect emergency response staff from inspecting more businesses than necessary and also to reduce the potential for fires at a time when emergency response teams are required to handle issues directly related to the COVID-19 emergency.

This amending by-law will prohibit the sale and discharge of all fireworks in Hamilton for a temporary period ending July 4, 2020.

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: loss of permit fees (approximately \$8,000).

Staffing: existing Municipal By-law Enforcement staff will enforce this by-law.

## **HISTORICAL BACKGROUND**

Earlier this year, the World Health Organization declared a worldwide pandemic regarding the Novel Coronavirus (“**COVID-19 Pandemic**”).

On March 17, 2020, a declaration of emergency was made by the Province of Ontario pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E. 9 (the “**Act**”) related to the COVID-19 Pandemic.

Since the declaration of emergency by the Province of Ontario, there have been a number of provincial emergency orders and guidelines restricting the operation of businesses, the gathering of more than five (5) people, the closure of outdoor recreational amenities and further physical distancing protocols.

On April 8, 2020, Council unanimously passed a physical distancing by-law to further support the provincial orders and help stop the spread of COVID-19 in Hamilton.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

N/A

## **RELEVANT CONSULTATION**

Legal Services, Licencing and By-law Services and the Fire Department were consulted in the preparation of this Report.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

In Hamilton, there are still outbreaks occurring in certain parts of Hamilton and the City is committed to help prevent the spread of COVID-19 and protect its emergency staff.

The sale of fireworks involves the issuance of permits and business inspections by Fire Prevention Inspectors. Non-essential inspections, meaning inspections that do not involve health and safety concerns, should be avoided during the COVID-19 emergency to reduce the risk of spreading COVID-19.

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The discharge of fireworks also encourages the gathering of large crowds, which should also be avoided during the COVID-19 emergency to reduce the risk of spreading the virus.

Finally, the sale and discharge of fireworks involves enforcement staff and Fire Prevention Inspectors to interact with the public and respond to various complaints regarding the illegal sale of fireworks, or the noise or accidental fires resulting from fireworks that are not discharged according to the by-law. During the COVID-19 emergency, enforcement staff and Fire Prevention Inspectors are better served responding to complaints and enforcement issues that have serious health and safety issues, not issues related to nuisance.

It is for all these reasons that the Emergency Operations Centre is recommending a temporary ban of the sale and discharge of fireworks until July 4, 2020.

**ALTERNATIVES FOR CONSIDERATION**

N/A

**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

**Our People and Performance**

Hamiltonians have a high level of trust and confidence in their City government.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A”: Amending Fireworks By-law 02-285