



CITY OF HAMILTON
HEALTHY AND SAFE COMMUNITIES DEPARTMENT
Hamilton Fire Department

TO:	Chair and Members Emergency and Community Services Committee
COMMITTEE DATE:	April 21, 2022
SUBJECT/REPORT NO:	Fireworks By-Law Review (HSC22018) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Michael Rember (905) 546-2424 Ext. 3376
SUBMITTED BY:	David Cunliffe Chief, Hamilton Fire Department Healthy and Safe Communities Department
SIGNATURE:	

RECOMMENDATION(S)

- (a) That the amending By-law attached as Appendix “A” to Report HSC22018 to amend the City of Hamilton’s By-law 02-285, To Regulate the Sale and Use of Fireworks (the “Fireworks By-law”) which has been prepared in a form satisfactory to the City Solicitor, be enacted effective immediately by Council;
- (b) That By-law 07-025, a By-law to Amend Fireworks By-law No. 02-285 to Provide for the Sale of Family Fireworks for a Period of 14 days, Prior to Holidays be repealed in its entirety; and,
- (c) That the item respecting the Fireworks By-Law Review be removed from the Outstanding Business List.

EXECUTIVE SUMMARY

Staff undertook a review of the existing Fireworks By-Law to determine whether its content and scope aligned with current community fire safety, social responsibility, and inclusivity needs.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

An environmental scan of several communities provided points of comparison regarding the sale and use of family fireworks (referred to as “consumer fireworks” under the *Explosives Act*, R.S.C., 1985, c. E-17, which are designed for recreational use by members of the general public.

The recommendations in this report derive from consideration of the following key decision points: fire safety, legislation and recommendations, environment, and inclusivity.

Staff are proposing:

- (a) That the sale of family fireworks be permitted for only seven days prior to Victoria Day and Canada Day – reduced from 14 days in the current By-law;
- (b) That the use/discharge of family fireworks be permitted on Victoria Day and Canada Day only, or in case of inclement weather the day immediately following Victoria Day or Canada Day. This would reduce the number of use/discharge days to a total of two days each year from the current 10;
- (c) That the use/discharging of family fireworks be limited to the time period between dusk and 11:00 p.m. on Victoria Day and Canada Day only (or the day following each holiday in case of inclement weather); and,
- (d) That the use of professional display/pyrotechnic fireworks be maintained as per current practice as this supports the message of diversity and inclusivity in the community by allowing groups, organizations, and communities to celebrate on any day of the year pending permit issuance.

The Hamilton Fire Department will continue to issue permits to firework vendors and professional display operators, inspect fireworks retail sales outlets for compliance, issue compliance orders to those retail sales outlets being found in violation and provide emergency response in case of medical or fire-related issues stemming from fireworks use. Additionally, the Hamilton Fire Department will look to enhance the level of public education relating to fireworks safety through local media and social media channels with the assistance of Corporate Communications.

The current enforcement strategy for Licensing and Bylaw Services (LBS) focuses on public complaint for the roadside sales and the display of private fireworks, usually identified by a nuisance type of concern. The roadside sales of fireworks require a transient traders/peddlers license together with a fireworks permit. There are limitations in the availability of staff to proactively enforce both the sales or display of fireworks. As part of continuous improvement efforts, staff will work to evaluate the internal service levels of both departments to identify inefficiencies and limitations administering and

enforcing the regulations for fireworks within the City of Hamilton. LBS will continue to respond to noise complaints as a result of fireworks.

Alternatives for Consideration – See Page 7

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: Legal Services provided direction on the amending By-law to the existing Fireworks By-Law 02-285.

HISTORICAL BACKGROUND

In November 2021, the Hamilton Fire Chief and staff were directed to review the City's bylaw that regulates fireworks sales and residential use.

There was a significant increase in noise and nuisance complaints related to fireworks in 2020 and 2021 compared with prior years. Concerns included time of day, proximity to adjacent residences, use of City owned property, inducing anxiety in certain persons and animals, size of the fireworks display, pollution and debris.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

- By-Law 02-285 To Regulate the Sale and Use of Fireworks
- Ministry of the Attorney General approvals are required to update short form wording for the Set Fine Schedule respecting By-law 02-285.
- Provincial Offences Act, R.S.O. 1990, c. P.33, as amended
- Ontario Fire Code (O. Reg 213/07)
- *Explosives Act*, R.S.C., 1985, c. E-17

RELEVANT CONSULTATION

Consultation has taken place with staff from the City's Licensing and By-Law Services and Legal Services Divisions.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The current Fireworks By-law regulates the discharge of both family fireworks and display/pyrotechnic fireworks.

Display / Pyrotechnic Fireworks

A permit must be issued by the City of Hamilton, for display/pyrotechnic fireworks, which may occur on any day of the year, pending permitted approval by the Hamilton Fire Chief (or their designate). Display/pyrotechnic fireworks are for professional use only and require training and certification by Natural Resources Canada (NRCAN). There are no recommended revisions to alter this approval process within the existing Fireworks By-law or this report.

Family Fireworks

Family fireworks are fireworks designed for recreational use by members of the general public over the age of 18, such as roman candles, fountains and sparklers.

The current By-law allows individuals to set off family fireworks on Victoria Day and Canada Day and the two days immediately preceding and following each of those days. This represents a total of 10 days per year. This number is higher than in several surrounding communities who have either recently revised or are in the process of revising their fireworks by-laws.

The existing By-law permits the sale of family fireworks for a period of 14-days prior to and including the holiday. This number is higher than several of the surrounding communities, who on average permit seven days.

Staff reviewed the by-laws and regulations associated with the sale and use of family fireworks in several municipalities. The two primary points of comparison included the number of sales days per year (timeframe during which vendors may sell family fireworks), and the number of permissible use/discharge days per year.

Tables 1 and 2 below illustrate the respective information.

Table 1 - Family Fireworks By-Law Permitted Sale Days

Municipality	Permitted Sale Days for Family Fireworks
Brampton	7 days prior to Victoria Day, Canada Day, Diwali, New Year's Eve
Burlington	6 days prior to Victoria Day, Canada Day
Brantford	5 days prior to Victoria Day, Canada Day
Grimsby	7 days prior to Victoria Day, Canada Day
Hamilton (current)	14 days prior to Victoria Day, Canada Day
Niagara Falls	Annual period between May 1 – July 6
Oakville	Not specified
Ottawa	7 days prior to Victoria Day, Canada Day
Mississauga	Not specified
St. Catharines	7 days prior to Victoria Day, Canada Day
Richmond Hill	7 days prior to Victoria Day, Canada Day

Except for Brampton and Niagara Falls, the remaining communities permit family fireworks sales less than half the number of days that Hamilton does.

Table 2 - Family Fireworks By-Law Allowed Use/Discharge days

Municipality	Permitted Use/Discharge Dates for Family Fireworks	Total Annual Discharge Days
Brampton	Victoria Day, Canada Day, Diwali, New Year's Eve	4
Burlington	Victoria Day, Canada Day	2
Brantford	Victoria Day, Canada Day or on the three (3) calendar days immediately preceding those days	8
Grimsby	Victoria Day and Canada Day or each of two (2) days immediately preceding or seven (7) days immediately following of those days	20
Hamilton (current)	Victoria Day, Canada Day and the two days immediately preceding and following each of those days	10
Niagara Falls	Victoria Day, Canada Day; the day immediately preceding and three (3) days immediately following those dates	10
Oakville	Victoria Day, Canada Day, New Year's Day, and any religious or cultural celebrations where fireworks are used to celebrate the religious or cultural event, including the day of, the day before, or the day after	9+
Ottawa	Victoria Day, Canada Day and the day before or after	6
Mississauga	Victoria Day, Canada Day, Diwali, Lunar New Year, and if rain delayed - the day following the holiday	4
St. Catharines	Victoria Day, Canada Day and the day before or after	6
Richmond Hill	Victoria Day, Canada Day and the day before or after	6

With the exception of Grimsby and Niagara Falls, Hamilton's total number of use/discharge days is greater (66% on average) than in eight of the other jurisdictions compared.

Concerns have been expressed about the nuisance and safety aspects of family fireworks displays in the community. Staff conducted an analysis of both the perceived risks as well as existing regulations and legislation that speak to the potential hazards of fireworks handling and use.

Municipal Law Enforcement (MLE) provided data on noise complaints received due to the discharging of fireworks between 2017 and 2021. These ranged from less than five in 2017 and 2018, to 10 in 2019, then 24 and 26 in 2020 and 2021 respectively. Of note is the fact that due to COVID-19 a temporary fireworks ban was in place during a portion 2020.

The Hamilton Fire Department received five fireworks complaints in 2021 – all of them citing improper use, three of them associated with use in parks and public areas, and four resulting in debris on abutting properties. While the overall number of complaints were small, over 50% of cases occurred on City land.

There are several different legislations and regulations that control the manufacture, storage, handling, transportation, sale and use of fireworks in Canada and the Province of Ontario. For information purposes, a summary of the applicable laws has been provided below, which operate in addition to the City's existing Fireworks By-law:

- Section 5.2 of the 2015 Ontario Fire Code regulates explosives, fireworks and pyrotechnics. Div. B, Article 5.2.1.2. – The manufacture, storage, handling, transportation, sale and use of explosives shall meet the requirements of the *Explosives Act* and the Regulations made under the *Explosives Act*.
- The *Explosives Act* is the Act relating to the manufacture, testing, acquisition, possession, sale, storage, transportation, importation and exportation of explosives and the use of fireworks. It requires anyone working with explosives to have a license, certificate or permit issued by the Minister of Natural Resources, and makes exceptions for certain low-hazard explosives, low-hazard pyrotechnics, sporting ammunition and consumer (family) fireworks. It is also applicable to (high hazard) display/pyrotechnic fireworks displays. The Explosive Regulations, 2013 (SOR/2013-211) provides regulations for the safe and secure handling of explosives.

The Office of the Fire Marshal (OFM) does not recommend family fireworks or informal neighbourhood displays in order to “reduce the risk of fire and burn injuries.” Instead, the OFM encourages individuals to “attend professional fireworks displays hosted by their municipality or another responsible organization using NRCan fireworks certified technicians.” According to figures provided by the OFM, fireworks were blamed for 83 fires and \$3.9 million in damage in Ontario between 2014 and 2018. These are the most recent figures available from the OFM.

Several municipalities have used an inclusivity lens when contemplating changes to their fireworks by-laws. This aligns with Hamilton's 2016 – 2025 Strategic Plan focus on Culture and Diversity to support the inclusion of religious and cultural events within our community. Equally, the nature of cultural celebration can be polarizing at time – especially when there is a desire to avoid exclusion or marginalization.

This requires consideration of those individuals who would be in favour of adding additional family fireworks discharge dates, as well as the percentage of those whose preference would be for no fireworks at all.

Staff considered a holistic approach to the impact of fireworks in the community. Not only are fireworks considered a fire hazard, the loud noise created by fireworks can induce fear, stress and anxiety in people and animals (wildlife and family pets). Also, while fireworks are enjoyed by some as part of a celebration, there are many individuals in the community that find them a frightening ordeal. The noise from fireworks is loud, sudden and can be reminiscent of the sounds of war and/or attacks. It is not uncommon for veterans, civilians, new Canadians, refugees and first responders to have a negative experience from the sound and/or display of fireworks.

The recommendation by staff is to only allow family fireworks use/discharge on Victoria Day and Canada Day between dusk and 11:00 p.m., or in case of inclement weather the day immediately following (same time period). This would reduce the number of use/discharge days to a total of two days each year.

Additionally, the sale of family fireworks would be reduced from a 14-day to a 7-day period prior to and including the holiday.

ALTERNATIVES FOR CONSIDERATION

In light of the growing concern regarding the fire safety, environmental, and social impacts of fireworks displays, consideration could be given to an outright ban on the sale and use of fireworks in the community. This could include family fireworks only, or both family and display/pyrotechnic fireworks.

As climate change actions and environmental protection becomes more prevalent, places around the world are acting to reduce the negative impacts of fireworks. Some examples are; Banff, Alberta has cut out the use of fireworks for large celebrations all together due to the adverse effects on local wildlife. Vancouver, British Columbia has banned the sale and use of fireworks completely.

This alternative is not being recommended.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to report HSC22018: By-Law - To Amend By-law 02-285, a By-law to Regulate the Sale and Use of Fireworks