



January 16, 2023

City of Mississauga
300 City Centre Drive,
Mississauga, Ontario.
L5B 3C1

Attention: Your Worship Mayor Bonnie Crombie and Members of the Council

Re: Item 15.1 Council Meeting January 18, 2023 – Sale of Fireworks

Dear Mayor Crombie and Council Members,

I am writing in response to the fireworks motion item 15.1 which will be discussed at the upcoming council meeting on January 18, 2023. Unfortunately, I will not be available to speak to the council at the time of the meeting.

Kaboom fireworks has been safely operating a storefront and several mobile sales locations in Mississauga for decades. Over the past several years, Kaboom has also helped to implement regulatory compliant sales programs for several large retailers in the municipality. We have detailed knowledge of explosives regulations, by-laws and protocols in Mississauga as well as customer demographics.

Based on this knowledge and experience, I have briefly added some detail and/or perspective under many of the issues raised by Councillor Parrish in the motion. I hope that this will be helpful in your assessment and it is our hope that Kaboom may continue to offer employment and conduct business in Mississauga while safely providing consumer fireworks to its residents.

Sincerely,

Kaboom Fireworks Inc.

A handwritten signature in blue ink, appearing to read "Victor Chapnik", written over a horizontal line.

Victor Chapnik, MD
CEO

KABOOM Fireworks Inc.
192 Bridgeland Avenue, Toronto, Ontario M6A 1Z4
Phone: 1-866-452-2666, Fax: 1-866-481-6851

Moved by: Councillor Parrish

Second by: Councillor Butt

NOTICE OF MOTION – January 11, 2023

Whereas Section 131 of the Municipal Act allows municipalities to prohibit or regulate the use of fireworks;

Whereas Councils in Caledon (2019) and Brampton (2022) have chosen to ban fireworks outright in those municipalities;

Whereas stricter bylaws governing the sale of fireworks, restrictions on the type of fireworks for individual use and clarification of the days and hours fireworks can be used, is preferable to a total ban at this time;

Whereas restriction to only F1 and F2 classifications of fireworks under the Explosives Act will contribute to the safe enjoyment of individual fireworks displays (showers, artificial rain, lawn lights, pin wheels, some Roman candles, volcanoes and sparklers);

The F2 classification comprises only professional display fireworks. This proposed list of permissible non-aerial consumer fireworks only account for up to 10-15% of consumer firework sales and are not the types most desired by Mississauga residents (i.e. 85-90% of consumer fireworks sales would be restricted by this motion). Restricting aerial products would be akin to instituting a fireworks ban on sales since the remaining business would not support the costs associated with operations inclusive of licensing and inspection costs.

Whereas strict regulations for vendors' permits for the sale of fireworks should include the following proposed regulations and restrictions:

- vendors must attend education sessions provided free of charge by the Canadian Fireworks Association;

Kaboom has instituted its own comprehensive training program for its employees and also ensures that any of its wholesale customers (i.e. big box retailers) have a complete understanding of both the explosives regulations and municipal bylaws as they pertain to the sale of consumer fireworks. During inspections by the Mississauga Fire Department which occur prior to each sales cycle in storefronts and prior to each sales holiday in mobile stores, the inspectors verify that the set-up and sales will occur in compliance with regulations. Sales permits are only issued once fire inspections are fully passed.

- licensing and follow up inspections shall be under the control of the Mississauga Fire Department or their agents

As detailed above, the Mississauga Fire Department is already an integral component of the licensing process. In addition, subsequent random inspections are common.

•temporary sites such as tents, trailers and huts will no longer be licensed for the sale of fireworks for safety reasons as they, by their nature have temporary wiring and shelving, can be crowded with makeshift entrance and egress openings and can be in close proximity to cigarette smokers

Many temporary sites are the among the safest sites possible for the sales of fireworks. Please note the following aspects of Kaboom's mobile store set-ups in Mississauga:

- Fully secured, steel shipping containers with lockboxes
- 8ft wide entrance and exit on both sides of container
- Steel shelves welded permanently to walls with federally approved dividers between shelves to separate the product into "lots" in accordance with regulations
- All products are packed in consumer packs in accordance with regulations (ie. "loose" products are not sold).
- Fire extinguishers (annually certified) mounted at both ends of containers
- Electrical hook-ups completed by certified electricians (and often not used as POS systems can now run with batteries)
- No smoking signs and no under 18 signs visible posted inside and outside of containers
- Safe distance to roadways, buildings and intersections in compliance with regulations
- Pylons set-up around containers to keep a safe distance from cars and parking
- Non-self serve: Due to COVID, Kaboom adjusted its sales model to a non-self serve model where customers line up along side container in single file (stanchions, signage and staff provided) and are served at the counter, without entering the sales container. While Kaboom intends to continue with this model, our self-service model is also well controlled and organized inclusive of crowd control.

•sales must be in sections of permanent buildings with a principal business other than fireworks

There are safety advantages of mobile stores as outlined above. In addition, when the principal business is fireworks, all the employees are trained in accordance with regulations and all customers are fully aware of their proximity to fireworks. The fireworks can easily be attended at all times. In addition, shelving (with approved dividers) and protocols are maintained. These are among the safest and most compliant stores involved in the sale of fireworks.

•fireworks vendors must carry general liability insurance not less than \$5 million and must name the City of Mississauga as an additional insured as a cross liability

Kaboom carries \$5M liability and names the City of Mississauga as additional insured. This has been a requirement for mobile store sales permits in Mississauga dating back many years. Currently, as there is no insurance requirement for storefronts, this could provide challenges for many other retailers.

•for each of the four permitted holidays, vendors must obtain a new temporary sales permit
•permits will be for a maximum of 12 consecutive days only: 3 days to set up, 7 days including the actual holiday for sales ending at 7:00 pm, and 2 days to dismantle

For mobile stores, this has already a requirement for many years. Of note, due to the high costs associated with opening a mobile store, Kaboom only operates these locations for Victoria Day and Canada Day holidays. As it stands, most fireworks retailers do not continue their fireworks programs for Diwali and Lunar New Years due to reduced sales volumes. If a new license were to be required prior to each of the four permitted holidays, then it is unlikely that there will be any availability for customers who celebrate religious holidays (i.e. Diwali). In addition, please note that the current processes for inspections require product to be set-up on display at the time of the inspection. This is a challenge for larger major chain retailers to have product set-up without customers trying to purchase the products. Adding additional inspection periods would likely diminish the willingness of these stores to carry consumer fireworks and the availability of these products for the consumer. The arbitrary sales deadline of 7pm would not be possible to reliably implement in larger stores (e.g. customers could be waiting in line to pay at the time of this arbitrary deadline).

- *each permit will be \$1000 per holiday with mandatory fire inspection taking place on the first application and spot checks thereafter*

As detailed above, mandatory fire inspections have already been in place for decades and spot checks are often conducted thereafter. In terms of dramatically escalated permit costs combined with the requirement for a permit prior to each holiday, this would reduce the number of stores able to sell this product and completely remove the availability of product for those who celebrate the less busy cultural or religious holidays (i.e. Diwali, Lunar New Year). Please note that current permit costs for mobile stores consist of costs related to: Vendor License, Site Inspection, Fire Inspection and Operator Licenses (per employee). Each of these costs are charged per holiday and per location. The permit costs for storefront sales in Mississauga consist of both Vendor License and Fire Inspection fees and these are charged per location per season.

- *functioning fire extinguishers must be easily accessed at every location*

There are already functioning, accessible and certified fire extinguishers at every location and these are verified by Fire Inspectors as part of their general inspection prior to the issuance of any sales permits.

- *the owner of the building in which fireworks are sold will be deemed to have committed the same offence as the vendor and fined separately (current fines in place are \$25,000 for an individual and \$50,000 for a corporation)*

Building owners will not agree to allow the sales of consumer fireworks if this was implemented. Implementation of this clause would be an effective complete ban on this product in Mississauga.

Whereas information on safe storage, handling and detonation of fireworks must be clearly posted at all sales locations with a pamphlet version included with each sale;

- *purchasers must be 18+ and must show proof of age and address*

Providing each customer with a comprehensive set of safety instructions is already a requirement of the Explosives Regulations as well as Mississauga's permit requirements. At the time of the inspections, inspectors confirm that these are available. A minimum age of 18 to purchase fireworks has always been a requirement of the Explosives Regulations and bylaws.

- *addresses must be logged by the vendor and available to bylaw enforcement to assist in investigating complaints*

This is not feasible and may be considered an invasion of customer privacy. Larger big box retailers would never agree to carry product under these circumstances. In addition, many customers purchase products to discharge in other locations or municipalities.

- *packages of home kits shall not exceed 22.68kg or 50lb per individual purchaser*

While the vast majority of home kits would not exceed this weight, this limit seems arbitrary and unnecessary if product is safely discharged in accordance with guidelines and regulations. In addition, individual customers would simply be able to combine purchases or purchase at multiple locations if they wanted to exceed this amount.

Whereas some holidays approved for fireworks involve multiple days of celebration, the municipality will set the single date for each on which fireworks can be used;

A large number of residents typically discharge their product on the day prior to the actual holiday and have been doing so for many years. In addition, this restriction might compromise religious freedoms.

- *special events which are permitted by the Fire Department, under the supervision of a certified pyrotechnic expert can still operate outside the four designated days in each calendar year*
- *fireworks can only be detonated during the hours between dusk and 11:00 p.m.*
- *individuals in breach of the fireworks bylaw shall be fined as well as the homeowner on whose property the offence takes place*
- *finest shall be set in an amount sufficient to act as a strong deterrent*

Whereas the final fireworks bylaw will reinforce the current regulation stating no neighbourhood fireworks displays shall take place on City property including roadways, boulevards, sidewalks or parkland.

THEREFORE BE IT RESOLVED:

That the information and direction contained in this Notice of Motion, and any other relevant material, be addressed by staff in a detailed report to Council; and further

That the report from staff also include recommendations regarding the staffing required to enforce any bylaws coming out of the report, once approved by Council, as well as suggested methods of supervising traditionally high incident areas; and further

That any resulting bylaw be in effect for one calendar year from the date of its passing with a follow up staff report on its success in curbing improper activity with the potential of considering the complete banning of fireworks as has been done in Caledon and Brampton.