

City of Mississauga
Corporate Report



<p>Date: September 19, 2023</p> <p>To: Chair and Members of General Committee</p>	<p>Originator's files:</p>
<p>From: Raj Sheth, P.Eng, Commissioner of Corporate Services</p>	<p>Meeting date: October 4, 2023</p>

Subject

Fireworks By-law Review

Recommendation

1. That the following by-laws be enacted in accordance with the corporate report entitled "Fireworks By-law Review" from the Commissioner of Corporate Services report dated September 19, 2023:
 - a. An amended Business Licensing By-law 0001-2006; and
 - b. A new consolidated Fireworks Use and Licensing By-law.
2. That the Outside Fireworks Vendors Licensing By-law 0340-2001 and Fireworks By-law 0293-2001, be repealed.
3. That all necessary by-laws be enacted.

Executive Summary

- Staff conducted a comprehensive review of the Fireworks By-law, in order to identify by-law amendments and develop options intended to improve compliance with regulations.
- Community engagement included three surveys which had 3,710 respondents, two virtual and one in person community engagement sessions with 53 attendees, and two virtual sessions with industry members.
- Community engagement found that there is support for increased enforcement and public education.
- The report identifies by-law amendments that will provide clarity to residents and vendors and allow for greater enforcement. It also recommends including New Years' Eve as an additional fireworks holiday.
- Enforcement staff conducted proactive enforcement of fireworks vendors and provided onsite responses to complaints between May and September 2023, including during the Victoria Day and Canada Day holiday weekends. This included 976 inspections of vendors and 170 onsite responses to complaints. Onsite investigations resulted in interactions with residents only 10% of the time due to unspecified complaint locations and practical challenges with enforcing fireworks regulations.

- Staff recommend continuing proactive inspections of vendors and onsite responses to complaints on private property during designated fireworks holidays, using existing staff resources.
- Staff also recommend increased public education in order to improve resident awareness of the by-law regulations.

Background

In January 2023, Council passed a motion directing staff to conduct a review of the Fireworks By-law 0293 2001 (“Fireworks By-law”) and Outside Fireworks Vendors Licensing By-law 0340-2001 By-law (“Fireworks Vendor By-law”) in order to determine whether improvements are needed in the regulatory framework. Staff conducted a comprehensive by-law review, which included a jurisdictional scan, robust community engagement, and enforcement operations during Victoria Day and Canada Day. This report summarizes the results of the engagement and staff’s recommendations.

Present Status

There are two fireworks by-laws: the Fireworks By-law 0293-2001 outlines the regulations for setting off fireworks and the Outside Fireworks Vendor Licensing By-law 0340-2001 by-law outlines the licensing requirements and process for selling fireworks. Additional fireworks regulations are also contained in the Noise Control 0360-1979 and Business Licensing By-law 0001-2006. See Appendix 1 for information on the current regulations and complaint trends.

Comments

JURISDICTIONAL SCAN

Staff conducted a jurisdictional scan of eleven jurisdictions to examine their by-laws and fireworks regulations (Appendix 2). Only one jurisdiction, Brampton, has banned fireworks, while the other ten allow fireworks on designated holidays. Mississauga is more permissive than most of the jurisdictions examined with regards to the number of holidays that fireworks are permitted on and the time fireworks are permitted until.

COMMUNITY ENGAGEMENT

As directed by Council, staff conducted comprehensive community engagement, including public surveys, three community meetings and two meetings with industry stakeholders. There was robust public interest in the By-law Review as evidenced by the number of participants who attended a meeting or completed the public survey. Although there were divergent opinions on fireworks, a common theme that emerged was the importance of public education and enforcement.

Engagement with the Public

Public Surveys

Staff conducted three surveys with a total of 3,710 respondents (Appendix 3). In addition to a virtual survey that had 3,261 responses, two “Food For Thought” survey events were held on February 20th (Family Day) at Celebration Square and March 18th at Malton Community Centre. During these events, residents were asked by enforcement by-law officers to complete a short five minute survey. Participants who completed the survey were provided with a \$5 gift voucher for their contributions. These events allowed staff to reach residents who may not typically participate in City engagement efforts and also test the validity of the online survey results.

Virtual and in-person meetings

Staff conducted two virtual community engagement sessions and one in-person session with members of the South Asian community. Forty-two residents attended the virtual sessions and eleven attended the in-person session (Appendix 3).

Engagement with Industry Members

In addition to the virtual community engagement sessions, staff held two sessions for members of the fireworks industry (Appendix 3). The purpose of these sessions was to provide additional information on the city’s current regulations and enforcement approach and allow industry members to provide specific feedback on regulation, industry practices and staff’s preliminary recommendations.

PROPOSED BY-LAW AMENDMENTS

Staff recommend several key changes, including consolidation of the two fireworks by-laws, the addition of New Year’s Day as a permitted holiday, changes to the permitted times for use and sales the day of the holiday and a training requirement for vendors (Appendix 4).

ENFORCEMENT

Updated Complaints Process

Prior to Victoria Day 2023, Enforcement had never provided after-hours or weekend fireworks enforcement due to limitations around 311, dispatch, and enforcement staffing. This year, to test response models and efficacy, Enforcement coordinated with Fire and Emergency Services, Communications, Security, 311, and Works Operations and Maintenance to ensure residents could submit firework use and sale complaints through dynamic portal. This feature is available 24/7 and enabled staff to accept and respond to complaints outside of regular business hours.

Victoria Day and Canada Day Enforcement

Staff conducted enforcement in the ten days preceding Victoria Day and Canada Day. Key results are summarized below and in greater detail in Appendix 5.

Licensing

Enforcement staff issued 12 licences for fireworks vendor sales. Seven licences were for portable display unit sales and five were for annual fireworks sales. Licenced fireworks vendors are permitted to sell fireworks for the ten days preceding Victoria Day and Canada Day. Over these two ten day periods, staff conducted 976 proactive inspections of vendors.

The proactive inspections conducted by staff identified 11 unlicensed vendors during the Victoria Day sales period, all of whom were brought into compliance with the Business Licensing By-law and the Fireworks Vendor By-law. During the Canada Day sales period, staff did not identify any unlicensed vendors, which demonstrates that proactive inspections are an effective tool to ensure compliance with the by-laws

Complaint Response

Enforcement staff responded to complaints about fireworks misuse over the 2023 Victoria Day and Canada Day holiday weekends. Between May 19 and September 18, Staff received 252 service requests and conducted 170 onsite responses. A further 21 service requests were areas identified for future monitoring. The remaining service requests were either duplication, out of jurisdiction or provided general feedback. Staff also engaged 229 residents in parks to educate them on by-law requirements.

Enforcement endeavoured to respond to all complaints received, including instances where the complaint information lacked specificity in regards to the location of the fireworks. For most service requests, complainants were not able to provide a specific address, which limited enforcement action. Additionally, 30% of the complaints received should have been directed to Security Services or Peel Regional Police instead of Enforcement.

Only 10% of the 170 onsite responses resulted in Officers making contact with residents. Officer's average response time for firework use complaints was 64 minutes. The difficulty in making contact with potential violators was exacerbated by a lack of specificity in complaint location.

Future Service Levels**Licensing**

Staff recommend continuing proactive inspections during the four fireworks sales periods.

Complaint Response

The service level provided during the Victoria Day and Canada Day weekends relied on a large number of Officers working overtime, which is not a sustainable practice. In future the enforcement of fireworks will be the responsibility of the new Overnight Enforcement Team, augmented with regularly scheduled Mobile Licensing MLEOs. Although this will mean fewer officers on shift, the response model developed through the Victoria Day and Canada Day

weekends will allow for more efficient deployment of staff, particularly if officers only respond to complaints on private property.

Staff will work with Peel Regional Police and Security Services to develop procedures for transferring complaints about fireworks misuse on roadways and public property to the responsible group for enforcement. Staff also recommend that a robust public education campaign be conducted to educate residents to not set off fireworks in parks.

It is important to note that although there is a resident support for increased enforcement, greater enforcement does not necessarily equal less fireworks, especially due to the fleeting nature of violations and the difficulty in determining the exact location of the violation. Robust public education on by-law regulations may be a more effective tool to increase compliance.

AWARENESS AND DEVELOPMENT

Public Education

Based on the survey results, it is apparent that further public education is needed on the current regulations, particularly around fireworks dates and times of use. There is also a need to educate residents that fireworks are prohibited in parks and school properties. Staff will develop a comprehensive communication plan to deliver key messages to residents using multiple tactics including the City's website and signage, social media posts and community outreach. This will improve awareness of the by-law regulations, which may lead to greater compliance.

Environmental Impact

While it is not the recommendation of staff to ban the use of fireworks by the public, a number of engagement session participants identified concerns regarding the impact of fireworks on the environment. To provide context to these concerns staff reviewed a variety of articles available from online sources that speak to the impact of fireworks (Appendix 6).

As a municipality that promotes itself as environmentally aware, consideration should be given to moving away from large City endorsed events that incorporate fireworks displays. The exploration of alternatives that are more environmentally sound, such as light or drone shows would be more consistent with the City of Mississauga's commitment to the environment.

Additional City Run Displays

Staff looked into the projected cost to add an additional ten minute fireworks show independent of an existing City-produced event for Diwali. The cost for this is approximately \$75,000 per show; with additional budget being required if the event includes performances or use of the main stage.

Although fireworks are a popular programming element, the feedback collected through community engagements indicates that many residents do not want to travel to one central location for holidays such as Diwali and would prefer to celebrate the holiday with a smaller

fireworks show within their community. Based on this community feedback, staff do not recommend introducing a new fireworks show on Diwali at Celebration Square.

Force and Effect Date

Staff are recommending that the force and effect date for the Fireworks By-law 0293-2001 and the repeal date of the Outside Fireworks Vendors Licensing By-law 0340-2001 By-law be December 1, 2023. This will provide vendors with constancy by not changing the regulations until after Diwali. It will also allow staff to conduct public education prior to the 2024 fireworks holiday dates, where staff will focus on educating residents and vendors on the regulatory changes.

Financial Impact

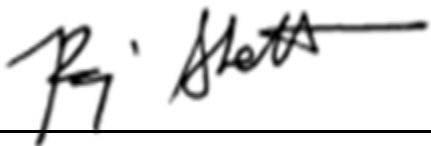
There is no current financial impact resulting from the recommendation of this report, as additional funding will be requested through the 2024 operating budget.

Conclusion

As directed by Council, staff have conducted a thorough review of the Fireworks By-law. The primary purpose of the Review was to determine whether improvements are needed to the regulatory frameworks and current enforcement practices. Although fireworks are a divisive topic, thorough community engagement identified support for greater public education and enforcement of the current regulations. The proposed by-law amendments will provide clarity and allow for more effective enforcement. The updated complaint process, proactive inspections and onsite investigation of complaints will better meet resident expectations, while greater public education will improve awareness and potentially increase compliance with by-law regulations.

Attachments

- Appendix 1: Current Fireworks Regulations and Fireworks Use Complaints
- Appendix 2: Jurisdictional Scan
- Appendix 3: Community Engagement Summary
- Appendix 4: Proposed By-law Amendments
- Appendix 5: Proactive Enforcement Results
- Appendix 6: Environmental Impact Review



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