

By-law Consolidation

Currently, there are two fireworks by-laws, Fireworks By-law 0293-2001 and Outside Fireworks Vendors Licensing By-law 0340-2001 By-law. Fireworks licensing for indoor sales is contained in the Business Licensing By-law 0001-2006. Staff recommend consolidating the two by-laws and the relevant sections of the Business Licensing By-law so that all fireworks regulations are in one place. This will allow for easier interpretation.

Fireworks Use

Addition of New Year's Day as a Permitted Holiday

Staff recommend permitting fireworks from dusk on New Year's Eve until 1 a.m. on New Year's Day. Fireworks are common on this holiday, so including it as a designated date will provide clarity around when fireworks can be set off and allow for greater enforcement of misuse.

Allowing fireworks before midnight will allow families to celebrate earlier in the evening

Permitted Times

Staff recommend adding a start time of dusk to the permitted time for fireworks use on designated days. This will prevent residents from being permitted to set off fireworks in the early morning hours of the designated holidays.

Staff also recommend changing the permitted time for fireworks use on designated days from midnight to 11 p.m. for Lunar New Year, Victoria Day, Canada Day and Diwali. This is aligned with comparable jurisdictions and many residents desire not to hear fireworks late at night. It also will close a loophole due to the by-law provision which allows for fireworks the day after the holiday if the weather is inclement.

Due to the nature of New Year's celebrations, fireworks will be permitted until 1 a.m. on New Year's Day since it is customary for fireworks to be set off at midnight.

Process for Determining Dates

Under the current Fireworks By-law, the date fireworks are permitted for Diwali and the Lunar New Year are determined by the Fire Chief, despite the by-law being enforced by Enforcement. Staff recommend that the Director of Enforcement be responsible for determining the dates through consultation with community groups.

Enforcement of By-law Violations

Staff recommend amending the by-law so that the property is responsible for violations taking place on property over which they have control. This will ensure greater enforcement, since MLEOs cannot compel an individual to provide identification, which could prevent a charge from being laid.

Fireworks Licensing

Sales Day of the Holiday

During the consultation sessions, industry stakeholders shared that the majority of their sales happen the day of the holiday, since residents often wait until they know the weather forecast to purchase fireworks. However, allowing sales after dusk may promote impulsive or repeat purchases which can result in misuse. Staff recommend only permitting sales until 9 p.m. on designated holidays.

Training Requirement

Many industry members currently ensure their staff are trained to educate consumers on safe fireworks use. Staff recommend that staff training be made a mandatory requirement, with a certificate of compliance from an approved training program being a requirement to obtain a licence to sell fireworks for indoor fireworks sale and outdoor fireworks vendors.

Licensing Fee

The licensing fee for Fireworks Sales was increased in 2022 to \$1000 annually, from \$226.75. The Fireworks Portable Display Unit Operator and Unit Owner licences remained at \$50.73 and \$149.35 respectively. While the Fireworks Sales licence is valid for the ten day period preceding the four fireworks holidays, the Portable Display Unit and Unit Owner licences are only valid for one holiday period. Staff recommend that the Fireworks Sale licence be reduced to \$800, which is in line with comparable jurisdictions, provides equity between the licence types, and is more reflective of the cost of enforcement. Staff recommend that the Portable Display Unit licences remain at the same price, since they are only valid for one ten day period.

Fire Extinguishers

Staff recommend updating the required fire extinguishers in the by-law to the current industry standard of a minimum 6A:80B:C or up to three portable extinguishers.

Indoor Pyrotechnics

As requested by Council, staff also looked into whether indoor pyrotechnics can be regulated. Indoor pyrotechnics, also known as “cold sparks”, are used to create a sparkler effect indoors. They have recently been added to the National Fire Projection Association’s Standards of Use of Standard on Use of Pyrotechnics before a Proximate Audience, which outlines requirements for safe use. Fire Prevention staff will mandate these requirements in addition to existing safety protocols such as minimum clearance distances and accessible portable fire extinguishers to ensure safe use.