

# Town of Whitby

## Staff Report

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### Report Title: Report and Recommendations of changes to the Bylaw to Regulate the Sales and Discharge of Fireworks

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**Report to:** Committee of the Whole

**Date of meeting:** June 12, 2023

**Report Number:** FES 04-23

**Department(s) Responsible:**

Fire and Emergency Services

**Submitted by:**

Fire Chief Michael Hickey

<b>Acknowledged by M. Gaskell, Chief Administrative Officer</b>
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**For additional information, contact:**

Deputy Chief Glenn Green

Fire Chief Michael Hickey

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#### 1. Recommendation:

1. That report FES 04-23 be received for information; and,
2. That Council direct staff to bring forward a Fireworks By-law in accordance with the recommendations contained in Report FES 04-23 and in consideration of the Connect Whitby fireworks public survey results, with an effective date of January 1, 2024.

#### 2. Highlights:

- In 2021 a community petition was submitted to add Diwali to the list of celebrations where no permit is required to discharge consumer fireworks.
- An exemption to By-law # 6339-10 was granted to allow for the discharge of consumer fireworks without the need for a permit during the celebration of Diwali.
- Following that exemption, Council requested that staff bring forward a report to amend By-law # 6339-10 to allow fireworks to be used for the festival of Diwali in perpetuity and investigate other cultural days of celebration where the discharge of fireworks played an integral role.

- In 2022 two (2) surveys were completed to gain feedback from the public about fireworks and other celebrations.
- Respondents identified the top three (3) celebrations of Diwali, Lunar New Year and Labour Day; with a smaller group of respondents specifying the addition of Eid al-Fitr, Family Day, and Remembrance Day.
- 68% of respondents identified no concerns with the display grade fireworks set off by professionals, facilitated by the Town.
- 78% of respondents were in favour of display fireworks at Town event(s).
- 75.3% of respondents were concerned about garbage, noise, and unsafe use of consumer grade fireworks during any private event and/or public holiday.
- 47.8% of respondents were in favour of a consumer grade fireworks ban.
- Recommend Council rescind bylaw # 6339-10 and prohibit the possession, sale and/or discharge of all consumer fireworks in the Town of Whitby.
- Professional display fireworks permits will remain available for licensed professionals at any time of the year; at a cost of \$225 (plus HST), in accordance with Town of Whitby By-law item number FES- 50.
- The ban on consumer fireworks would not take effect until 2024 in order to allow for an appropriate notice period for community groups, raise funds and organize professional displays with permits.
- Until implementation of the new by-law, it is recommended the Town of Whitby continues with the allowance of consumer grade fireworks during the 2023 celebration of Diwali.
- The Explosives Act, R.S.C., 1985, c. E-17, (sec 29a) allows a municipality to enact bylaws that govern the acquisition, possession, storage, handling, sale, transportation or delivery of explosives or components of explosives.

### **3. Background:**

In 2021, pursuant to a public petition, an exemption to By-law # 6339-10 was granted to allow for the discharge of consumer grade fireworks without the need for a permit during the celebration of Diwali for that same year. Following this exemption, Council requested staff bring forward a report to amend Fireworks By-law # 6339-10 to allow fireworks to be used for the celebration of Diwali in

perpetuity and investigate other cultural days of celebration where the discharge of fireworks played an integral role.

Public engagement was sought through an online survey in March 2022, with 651 people providing responses. Concerns were identified within this survey regarding the impacts of fireworks discharge on the community as a whole.

Due to the number of concerns, an additional survey was conducted in October 2022 to further clarify the overall sentiment about the use of fireworks within the Town of Whitby. This second survey garnered over 1,500 responses.

The table below denotes the levels of engagement for both surveys:

Engagement Tool Name	Visitors	Contributors		
		Registered	Unverified	Anonymous
Fireworks Second Survey	3231	569	937	0
Fireworks Survey	1203	89	562	0

In addition to the survey, Town staff have received complaints from the public and concerns from Whitby Councillors, regarding the use of consumer grade fireworks throughout the community. Complaints are primarily related to noise, the negative impact to people's sleep, pets, animals, children, elderly and/or war veterans. Other complaints have been received regarding debris on private property, and/or damage to property. Finally, concerns surrounding environmental impacts of fireworks were identified with respect to air quality, to wild animals and/or birds.












#### 4. Discussion:

As previously described, public feedback surveys were conducted in March 2022 and October 2022 via Connect Whitby. Each survey experienced considerable engagement from the public, who not only identified additional holidays to be added but also multiple concerns regarding health and safety, environmental, and general nuisances.

Pressures from the Province due to Bill-23 and decreasing home affordability, will continue to drive community intensification. This intensification will only exacerbate the concerns from residents with regard to garbage and noise from discharged fireworks, while also increasing the possibility of an injury and/or fire incident as a result of unsafe use of consumer grade fireworks.

Other municipalities have also completed comprehensive reviews of their fireworks by-laws which has resulted in reducing and/or eliminating the permissions to discharge consumer grade fireworks.

The below summaries current permitted use of consumer grade fireworks among other municipalities:

Only Permitted on: Canada Day & Victoria Day	Only Permitted on: Canada Day, Victoria Day & Diwali	Permitted on: Multiple Holidays	Complete Ban on Fireworks
    	  	 	

While appreciating Council's direction for allowance of consumer grade fireworks during the festival of Diwali in perpetuity, while also investigating other cultural days or celebrations where the discharge of fireworks plays an integral role, it became apparent through survey responses that the public has a high degree of concern from health and safety, environmental, and nuisance perspective.

In recognition of public response, coupled with intensification concerns outlined above, WFES is recommending a complete ban on consumer grade fireworks. Permitted use of professional display fireworks by licensed professionals will continue to be authorized at anytime during the year.

## 5. Financial Considerations:

The proposed ban, effective 2024, would require community groups and/or organizations to hire licenced vendors in order to safely run fireworks with display grade fireworks. The Town's Strategic Initiatives division currently organizes firework displays at various Town events through licenced vendors with costs ranging from \$10,000 to \$30,000 per event, depending on duration and intensity of the display.

The sale of consumer grade fireworks requires a retail licence from the Town. Retail licences for the sale of fireworks from a mobile premise are obtained through the By-law Enforcement division. At a cost of approximately \$235 per license (fee # BYL- 18), the division reviews the application, setbacks, and health and safety provisions related to combustibles at the retail location.

The Town's Fees and Charges By-law also includes a \$225 (plus HST) fee for an application to "Discharge of Fire Works – Display Grade", under fee FES- 50, to recover the costs of the Whitby Fire and Emergency Services Department staff reviewing the application, verification of the vendor's Federal licence, and conducting a site visit prior to the event.

## **6. Communication and Public Engagement:**

Working with Communications and Creative Services, strategic communication plans were developed to support building awareness of, and encourage participation in, the two (2) surveys, which lead to more than 2,157 people participating and providing feedback.

WFES will continue to work with the Communications and Creative Services division to develop a comprehensive communications plan to inform the community of the changes and revised By-law, in advance of the 2024 implementation.

## **7. Input from Departments/Sources:**

Fireworks are not permitted in any Town of Whitby parks however, Operational Services staff routinely visit all parks for regular maintenance and garbage, litter, and debris collection. It is not uncommon for this collected debris to include fireworks waste. If there is a permitted use in a park (i.e., minor baseball, soccer etc.) after an illegal fireworks discharge and before staff are able to attend, the permitted user would be responsible for clearing any debris that is impeding the use of the sports field and/or other permitted area. Operational Services does not have available resources to attend all 130 parks frequently enough to guarantee a permitted user would not need to remove debris prior to using the space.

Legal and Enforcement Services reports barriers to enforcement due to time of day, length of time of the displays (discharge is complete prior to arrival), locations are difficult to predict and insufficient resources to proactively patrol the Town. Despite the challenges of enforcing a complete band, Legal and Enforcement Services is committed to partnering with internal departments, such as WFES, on how best to address and/or patrol received complaints.

**8. Strategic Priorities:**

The recommendation of a complete band on consumer grade fireworks, as outlined within this report, was derived from health and safety, environmental and nuisance concerns. In conclusion, this ban will ensure community safety remains the top priority for the Town of Whitby.

**9. Attachments:**

Attachment 1 – Whitby Fireworks Survey