

Subject: Firework By-law Update

Staff Report No. CPS-022-24

**Department/
Commission:** Corporate Services Commission

Date: October 16, 2024

Recommendation:

- 1) That staff bring forward an amendment to the Parks By-law to reduce park hours to a closing time of 11 p.m.; and
- 2) That staff bring forward amendments to the Fireworks By-law to licence the sale of fireworks, increase the age limits for sale and possession to ages 19 or older, and bring the sale of fireworks under AMPS; and
- 3) That these by-law amendments be brought forward in Q1 of 2025.

Report Highlights

- A review of other municipalities in Ontario revealed that permits and/or licenses are required for the sale of fireworks
- The research and recommendations presented in this report may contribute to addressing safety concerns related to fireworks
- Potential options for Council's consideration in amending the existing Fireworks By-law are listed

1. Purpose:

This report provides Council with an overview of the fireworks-related issues within the Town of Whitchurch-Stouffville and offers potential solutions to address ongoing safety concerns and enforcement challenges. The report includes a comparison of practices from other municipalities and recommendations for improving the sale, use, and enforcement of fireworks in the Town.

2. Background:

On June 18, 2019, Council passed the Fireworks By-law 2019-077-FR which outlines the sale and use of fireworks. Sales are restricted to Victoria Day, Canada Day, and the seven (7) days leading up to these holidays, with purchases limited to individuals 18 years or older. Fireworks must be safely stored, and a copy of the By-law must be displayed at the selling location. Family Fireworks may only be set off on Victoria Day, Canada Day, or the two days immediately preceding or following, unless a permit is obtained to display at another time. Fireworks must be used on private property, away from buildings and vehicles, and the individual must have fire extinguishing equipment on hand. A permit is required for both Display Fireworks and Family Fireworks set off outside of the designated holidays, with a current fee of \$138 plus HST. This permit must be presented for inspection upon request by the Fire Chief or designate.

Over the past five (5) years, concerns have been raised regarding minors setting off fireworks in parks and the ease of access to purchase fireworks. In response, on January 17, 2024, Council approved the following resolution:

WHEREAS the use and sale of personal fireworks can cause safety concerns and challenges in the community;

NOW THEREFORE BE IT RESOLVED THAT Council direct staff to undertake a comprehensive review of the Town's Fireworks By-law and report back to Council.

The review conducted by staff focused on the use and sale of personal fireworks which have raised safety concerns and enforcement challenges within the community, as well as the processes for permitting and licensing these activities.

3. Analysis:

Staff reviewed the fireworks by-laws and associated fees of seventeen (17) municipalities in the Province of Ontario, including eight (8) from York Region and five (5) from Durham Region.

3.1 Survey of Municipalities

i. Sale of Fireworks: Permits and Restrictions

Municipalities in York and Durham Region restrict the sale of fireworks to individuals aged 18 or older. They also have similar requirements to Stouffville of safe storage of fireworks and displaying the fireworks by-law at the location of the sale. The municipalities that require a permit or license to sell also require that this must be posted in a conspicuous area. Like Stouffville, other municipalities restrict fireworks sales to specific holidays, such as Victoria Day, Canada Day, and the seven (7) days leading up to these holidays.

Most municipalities in York Region and Durham Region require a license or permit to sell fireworks. Permits are non-transferable and must be used only by the individual to whom they were issued. In contrast, other municipalities surveyed in Ontario either prohibit the sale of fireworks, or do not require any permits or licensing.

Permit fees vary for the sale of fireworks. In York Region, the cost of a license/permit to sell fireworks ranges from \$50-603, with an average cost of \$207. Similarly, the cost in Durham Region ranges from \$100-250 with an average cost of \$198.

The Town of Stouffville does not currently require a permit or license to sell fireworks.

ii. Discharge of Fireworks: Permits and Restrictions – Family & Commercial

Most municipalities do not require a permit for setting off Family Fireworks on Victoria Day, Canada Day, or a specific number of days immediately before or after these holidays. However, in both York and Durham Regions, a permit is required for Family Fireworks outside of these designated holiday periods. Similar to permits for selling fireworks, permits to display Family Fireworks are non-transferable and can only be used by the individual to whom they were issued. In York Region, permit fees for Family Fireworks outside of holiday periods range from \$25 to \$250, with an average cost of \$124. Durham Region fees are comparable, also ranging from \$25 to \$250, with an average of \$150. Stouffville's current fee is \$138 plus HST, aligning well with those in neighboring municipalities. Given that Stouffville's current practices for Family Fireworks are consistent with those of municipalities in York and Durham Region, no changes are recommended at this time.

For Display Fireworks, which are distinct from Family Fireworks, all municipalities surveyed – including Stouffville – require a permit. Special circumstances may allow for a permit to be granted for discharge, particularly for film or production companies. In York Region, Display Fireworks permit fees range from \$120 to \$380, with an average cost of \$230, while in Durham Region, fees range from \$100 to \$250, averaging \$197. Stouffville's current fee is \$138 plus HST.

Each municipality, including Stouffville, provide safety restrictions for the discharge of fireworks, including limiting fireworks discharge to private property, prohibiting targeting or discharging in or on buildings or vehicles, and recommending that individuals have a fire extinguisher readily available. A few municipalities restrict discharge times, limiting them to dusk until 11 p.m.

iii. Enforcement Practices

The enforcement of fireworks by-laws is typically carried out by municipal officers or fire officials. Many municipalities conduct inspections of businesses selling fireworks to ensure the safety practices are being followed and the permit is in good standing. Individuals found in violation may receive fines under the *Provincial Offences Act*, R.S.O.

1990, c. P.33 (POA). In York Region, two (2) municipalities also allow officers to issue Administrative Monetary Penalties (AMPS) at their discretion. Municipalities in Durham Region, along with the other municipalities in York, rely on the traditional fines from the POA for enforcement.

3.2 Potential Solutions for Fireworks Management

Staff have explored several potential options to address the ongoing issues related to fireworks in Stouffville.

One possible solution to reduce complaints about fireworks in parks during the summer could be to amend the Parks By-law to enforce earlier park closures, such as 11 p.m., which may help reduce instances of late-night fireworks activity, particularly involving minors.

Another strategy could involve requiring businesses wishing to sell fireworks in the Town to obtain a license, following the example of other municipalities. This would allow for more control over the sale of fireworks and enable the Town to maintain a registry of licensed vendors and ensure that enforcement actions are taken against unlicensed sellers. This may provide better oversight of who is permitted to sell fireworks and ensure compliance with applicable safety regulations.

Currently, the Town restricts the sale of fireworks to individuals aged 18 and older. Staff recommend raising this age limit to 19 to align with the legal drinking age, enhancing safety and maintaining consistency with other regulations. Additionally, the Town restricts possession of fireworks to individuals aged 18 and older. To further improve safety, staff suggest increasing this age restriction to 19 or older as well.

Additional regulations could also be added to the Fireworks By-law, particularly around sales and discharge practices. Including fireworks violations under the Administrative Monetary Penalty System (AMPS), as seen in some York Region municipalities, could expand the Town's enforcement capabilities by allowing officers to issue penalties directly and creating a formalized process for dealing with violations.

While these measures will not eliminate the problems, they have the potential to significantly reduce incidents and improve compliance with the Town's regulations. Staff believe that a combination of these items could help to address community safety concerns.

4. Options:

4.1 Option A (Recommended)

That staff bring forward an amendment to the Parks By-law to reduce park hours to a closing time of 11 p.m.; that staff bring forward amendments to the Fireworks By-law to

licence the sale of fireworks, increase the age limits for sale and possession to ages 19 or older, and bring the sale of fireworks under AMPS. That these amendments be brought forward in Q1 of 2025.

4.2 Option B

That Council advise staff to take no immediate action and continue to monitor the use of fireworks in the Town and use the findings from this report for future reference if concerns escalate.

4.3 Option C

That Council provide direction to staff on any amendments or action.

5. Financial Implications:

If the Fireworks By-law is amended to require businesses selling fireworks to obtain a license, the Town could see annual revenue generated from the licensing fees. With an estimated fee of \$207 per license plus an inspection fee, annual revenue could range between \$2,000 and \$5,000 to offset resources required for additional enforcement.

In addition, if Fireworks are included under AMPS, the revenue generated will offset costs associated with additional enforcement.

6. Alignment with Strategic Plan:

1. A Safe Town
Make our community safer
2. Good Governance
Provide Good Governance
3. Organizational Effectiveness
To Elevate our Organizational Effectiveness

7. Attachments:

None

8. Related Reports:

None

Authors: Becky Jamieson, Commissioner of Corporate Services & Town Clerk
William Snowball, Fire Chief
Rob Braid, Commissioner of Community Services
Alyssa Gee, Administrative & Project Coordinator

For further information on this report, please contact the Department Head: Becky Jamieson, Commissioner of Corporate Services & Town Clerk at 905-640-1900 or 1-855-642-8697 ext. 2224 or via email at becky.jamieson@townofws.ca