TO: Chair and Members Economic Development and Planning Committee  
WARD(S) AFFECTED: CITY WIDE

COMMITTEE DATE: October 5, 2010

SUBJECT/REPORT NO: Proposed Amendment to Fireworks By-law (HES10008) (City Wide)

SUBMITTED BY:  
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General Manager / Chief  
Hamilton Emergency Services

PREPARED BY:  
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RECOMMENDATION

(a) That By-law 02-285 ‘To Regulate the Sale and Use of Fireworks’ not be amended to include additional permissible dates or events for setting off family fireworks; and

(b) That staff develop an information package to include a list of authorized Display Fireworks Supervisors for the Greater Hamilton Area to assist cultural and religious groups that wish to undertake family fireworks in accordance with Item 6.2 of By-law 02-285 to be distributed to the various cultural and religious organizations and promoted via the print media and other various electronic means including the City of Hamilton and Hamilton Emergency Services websites; and

(c) That staff be directed to meet with interested groups to provide further clarification and guidance on the By-law and citizens’ abilities to discharge fireworks using the exemption currently provided within the Fireworks By-law.
EXECUTIVE SUMMARY

Recommendation (a) outlines that the existing Fireworks By-law 02-285 (approved on October 9, 2002) provides for public safety with respect to the handling, sales, use and allowable activation dates respecting family fireworks. Staffs’ position to limit the use of family fireworks is based solely on fire safety reasons by limiting the discharge of the fireworks by the public at large in residential settings and by limiting the sale and storage for fireworks in retail buildings and residential dwellings to the noted discharge dates of Victoria Day and Canada Day respectively. Incorporating additional discharge dates would increase storage, handling and discharge of family fireworks potentially increasing fire and safety risk to the community and is not recommended by staff.

Consultations with a representative from a local Hindu Temple indicates that they are receptive to achieving a resolution that is acceptable to all parties, including working within the restrictions of the existing Fireworks By-law 02-285 as they presently do, to celebrate the Diwali festival.

While staff does not support amendment of the By-law 02-285, Recommendation (b) recognizes there may currently be insufficient information for the community at large to understand the exemption provision in the By-law and to utilize it to facilitate the use of fireworks to enhance cultural and/or religious celebrations.

The By-law 02-285 has always contained the provision to allow family fireworks to be set off on any day throughout the year beyond the specified dates of the By-law, with the only restriction being that the set up, activation and clean up of the fireworks be conducted by a Fireworks Supervisor who is certified by the Explosives Regulatory Division of Natural Resources Canada. There are certified Fireworks Supervisors who work in the Hamilton area that could provide this service.

This provision is open to all citizens and is not restricted to specific events (i.e. cultural or religious events). Numerous cultural/religious groups have previously utilized this option in the By-law to use fireworks as part of ceremonies/events including weddings, using the services of a certified Display Fireworks Supervisor.

Recommendation (c) provides staff the opportunity to meet with interested groups to provide further clarification and guidance on the By-law and their ability to discharge fireworks using the exemption currently provided within the Fireworks By-law.

Alteratives for Consideration – See Page 5 and 6
FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial:
There are no financial implications.

Staffing:
There are no staffing implications.

Legal:
There are no legal implications.

HISTORICAL BACKGROUND (Chronology of events)

The City of Hamilton Fireworks By-law (By-law 02-285) was enacted on October 9, 2002.

The current By-law was harmonized to incorporate the best practices of existing by-laws from the six (6) former municipalities that were amalgamated to form the New City of Hamilton.

The By-law has undergone two (2) amendments since its inception to increase the allowable sales period for family fireworks, initially to 10 days and ultimately to a 14 day sales period leading up to the Victoria Day and Canada Day discharge dates.

The City of Hamilton Fireworks By-law restricts dates for setting off family fireworks as do most municipalities in Ontario. The current allowable dates for setting off family fireworks are Victoria Day, Canada Day, and the two (2) days preceding and following these dates. This has directly resulted in limited issues to date.

The City of Hamilton Fireworks By-law contains provisions to allow the setting off of family fireworks on any day throughout the year that is not allowed under the By-law. The restriction under this provision is that the set up, activation and clean up of the fireworks be conducted by a Fireworks Supervisor who is certified by the Explosives Regulatory Division of Natural Resources Canada.

This provision is, and always has been open to all citizens and is not restricted to specific events only (i.e. cultural or religious events). Allowing the use of family fireworks at other times during the year under the jurisdiction of a Fireworks Supervisor reduces the community fire and injury risk by ensuring proper discharge techniques and spatial separations in compliance with the manufacturer’s recommendations are followed.
The need for the use of a Fireworks Supervisor is based on the fact that these “extra” fireworks events throughout the year are usually connected with a major event or festival involving a larger group of spectators than would be expected for a display using family fireworks, along with a larger than normal amount of fireworks being used. The Fireworks Supervisor has the knowledge and training to safely set up and activate these fireworks, and still maintain the required level of safety for the spectators.

**POLICY IMPLICATIONS**

There are no policy implications.

**RELEVANT CONSULTATION**

Staff has consulted with senior members of the Diwali community representing the Hindu Samajh Temple. To date these conversations have been productive and preliminary indication is that they will work with staff and within the confines of the current By-Law to ensure a mutually agreeable fireworks display is available for Diwali celebrations.

**ANALYSIS / RATIONALE FOR RECOMMENDATION**

(Include Performance Measurement/Benchmarking Data, if applicable)

Staff has collected statistical data relevant to incidents involving family fireworks for the timeframes around Canada Day and Victoria Day (the two (2) allowable sale and setting off periods allowed in the Fireworks By-law) for the past number of years.

Data was collected from the following resources:

- HES-Emergency Medical Services (EMS) – medical responses;
- HES-FIRE – fire incident responses;
- HES Fire Prevention – complaints/By-law compliance issues; and
- Hamilton Police Service (HPS) – emergency responses.
- Municipal Law Enforcement (MLE) – noise complaints

A survey of ten (10) neighbouring municipalities was also conducted to review their By-law and policies on family fireworks. The review found that none of the municipalities maintained a complaint tracking system of fire incidents/injuries relating to the discharge of family fireworks. Therefore, it is difficult to conduct a comparative study on that basis.
Of the ten (10) Ontario municipalities surveyed, four (4) had specific wording embedded into their respective By-law or provision for allowing the discharge of family fireworks for Diwali and the Chinese New Year and/or other cultural events.

The remaining six (6) municipalities all had provisions for the ability to allow the discharge of family fireworks outside of the specified allowable dates within the By-law consistent with the current City of Hamilton By-law 02-285, in some instances with the issuance of a permit from Fire Prevention and/or through the services of a Fireworks Supervisor.

The following chart is a summary of emergency responses, complaints and injuries tracked during those time periods – only 2 days per year (note that statistics were not collected for the year 2009):

<table>
<thead>
<tr>
<th>Year</th>
<th>EMS</th>
<th>Fire Suppression</th>
<th>Fire Prevention</th>
<th>HPS</th>
<th>MLE</th>
<th># of Injuries</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td>3</td>
<td>8</td>
<td>12</td>
<td>12</td>
<td>n/a</td>
<td>3</td>
</tr>
<tr>
<td>2006</td>
<td>0</td>
<td>21</td>
<td>3</td>
<td>0</td>
<td>n/a</td>
<td>0</td>
</tr>
<tr>
<td>2007</td>
<td>1</td>
<td>22</td>
<td>5</td>
<td>0</td>
<td>n/a</td>
<td>1</td>
</tr>
<tr>
<td>2008</td>
<td>1</td>
<td>15</td>
<td>4</td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>2010</td>
<td>1</td>
<td>3</td>
<td>8</td>
<td>3</td>
<td>1</td>
<td>3</td>
</tr>
</tbody>
</table>

These figures represent the total number of fireworks related incidents/responses attended to by the respective agencies and do not include any incidents or injuries that went unreported to these agencies (i.e. injury self-treated, or through a medical walk-in clinic/hospital emergency room).

The By-law also states and establishes parameters relating to minimum age, where and when fireworks can be used, and the types of fireworks that can be set off and purchased.

Any changes would require greater enforcement provisions resulting in increased fines, charges and potential litigation.

**ALTERNATIVES FOR CONSIDERATION**

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

Currently, City of Hamilton By-law 02-285 ‘To Regulate the Sale and Use of Fireworks’ is utilized to control the sale and use of family fireworks. It has proved effective in controlling the sale of family fireworks through a strict permit process utilizing various safety guidelines including criteria from the Federal Explosives Regulatory Division that
establishes a list of approved family fireworks for sale. The By-law also regulates the use of family fireworks through various criteria including age limits for the discharge of family fireworks, proper storage and handling of family fireworks, allowable discharge locations and specific dates for discharge.

While the By-law has proved effective in providing an enforcement framework, the controlled discharge dates is one of the most important component in limiting the use of family fireworks to the general public. Increasing the available dates for ‘at large’ discharge of family fireworks will create the potential for further increases in fire and injury risks to citizens. Statistical information shows that injuries, complaints and emergency responses will occur during allowed fireworks activation time frames. Increasing the number of allowable dates, even for an additional single date, would potentially create an increase in these incidents, resulting in a negative impact on fire safety for the citizens of Hamilton. As importantly, staff does recognize that the current By-law has provision to allow the discharge of family fireworks outside of the current dates under the supervision of certified Fireworks Supervisor.

The following are alternatives for considerations:

Option (1): That By-law 02-285 not be amended to include any additional dates for the discharge of family fireworks. Item 6.2 forming part of Section 6 of the By-law provides the opportunity to any individual or organization to obtain a permit to set off family fireworks on any date under the care of a Fireworks Supervisor.

Not recommended.

Option (2): That the By-law be amended to include the celebratory date for Diwali in Section 6 - Item 6.1 and allow two (2) discharge dates immediately preceding and following the celebratory date.

Not recommended.

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)


Skilled, Innovative & Respectful Organization

• A culture of excellence
**Financial Sustainability**
- Delivery of municipal services and management capital assets/liabilities in a sustainable, innovative and cost effective manner

**Intergovernmental Relationships**
- Maintain effective relationships with other public agencies

**Growing Our Economy**
- An improved customer service

**Social Development**
- Everyone has a home they can afford that is well maintained and safe
- People participate in all aspects of community life without barriers or stigma

**Environmental Stewardship**
- Natural resources are protected and enhanced
- Reduced impact of City activities on the environment
- Aspiring to the highest environmental standards

**Healthy Community**
- An engaged Citizenry
- Adequate access to food, water, shelter and income, safety, work, recreation and support for all (Human Services)

**APPENDICES / SCHEDULES**

None.