



## STAFF REPORT ACTION REQUIRED

### Expanding the Sale of Fireworks to Include Labour Day

<b>Date:</b>	January 11, 2016
<b>To:</b>	Licensing and Standards Committee
<b>From:</b>	Executive Director, Municipal Licensing and Standards and Fire Chief and General Manager, Fire Services
<b>Wards:</b>	All
<b>Reference Number:</b>	P:\2016\Cluster B\MLS\LS16001

### SUMMARY

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This report responds to Licensing and Standards Committee's request at its meeting of October 22, 2015, for staff to determine how best to allow fireworks on Labour Day.

This report proposes amendments to Toronto Municipal Code, Chapter 466, Fireworks, to allow temporary fireworks vendors holding a valid temporary fireworks vendor's permit to sell fireworks on Labour Day and the 7-day period leading up to Labour Day. The discharge of fireworks for Labour Day would require a *Special Occasions Discharge Permit*.

The amendments address Licensing and Standards Committee's specific request to expand the sale of fireworks to include Labour Day.

Legal Services was consulted in the preparation of this report.

### RECOMMENDATIONS

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**The Executive Director, Municipal Licensing and Standards and the Fire Chief and General Manager, Fire Services recommend that:**

1. City Council approve amendments to Toronto Municipal Code, Chapter 466, Fireworks, to authorize holders of Temporary Fireworks Vendor Permits to sell fireworks on Labour Day and the 7-day period leading up to Labour Day, such amendments to come into force on May 1, 2016.

2. City Council authorize the City Solicitor to prepare the necessary Bills for introduction in City Council to give effect to Recommendation 1 above, subject to such technical and stylistic amendments as may be required.

## **Financial Impact**

With the proposal to expand the permissions related to the sale of family fireworks for Labour Day celebrations, there is the possibility that there will be an increase in both the number of fireworks vendors and the number of persons wishing to discharge Labour Day fireworks, increasing permit revenues. The amount of any increase however is difficult to estimate. Based on 2015 fees, ML&S collects \$2,669.96 for each *Permanent Fireworks Vendor's Permit* issued and between \$533.99 to \$1,601.98 for each *Temporary Fireworks Vendor's Permit* issued. TFS collects \$26.70 for each *Special Occasions Discharge Permit* issued. In 2015, ML&S issued 7 permits for permanent fireworks vendors and 66 permits for temporary fireworks vendors, and TFS issued a total of 15 *Special Occasions Discharge Permits*. Fees are shared by ML&S (to offset costs of processing permit applications) and TFS (to cover costs related to inspections, other enforcement activity, and public education).

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

## **DECISION HISTORY**

At its meeting of October 22, 2015, Licensing and Standards Committee requested the Executive Director, Municipal Licensing and Standards, in consultation with the Chief of Toronto Fire Services, to report back to Licensing and Standards Committee at its meeting of January 22, 2016 with recommendations on how best to allow Temporary Fireworks Vendor Permit holders to include selling fireworks on Labour Day and during the 7-day period leading up to Labour Day.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.LS7.6>

## **ISSUE BACKGROUND**

There are a number of different types of fireworks, including: display fireworks and theatrical fireworks (both considered high-hazard explosives required to be used by licensed technicians/certified supervisors), and family fireworks (designed for recreational use and available for sale to the public, with smaller quantities of flammable or explosive materials and generally considered less hazardous).

Under the *Explosives Act*, the sale and discharge of display fireworks and theatrical fireworks are heavily regulated. However, the sale and discharge of family fireworks are subject to far fewer restrictions. As a result, various municipalities have enacted their own municipal by-laws to regulate the sale and discharge of fireworks, with added provisions respecting family fireworks.

In the City of Toronto, the sale and discharge of fireworks is regulated under Toronto Municipal Code, Chapter 466, Fireworks. Family fireworks are regulated by means of permits, conditions, and inspections. Enforcement is carried out by Fire Services.

Under the by-law, fireworks vendors in the City of Toronto are required to obtain a fireworks vendor's permit, issued by Municipal Licensing and Standards (ML&S).

Retailers that sell fireworks year round from a permanent location are categorized as permanent fireworks vendors and are required to obtain a *Permanent Fireworks Vendor's Permit*, at a current fee of \$2,669.96. Permanent vendors may sell family fireworks, display fireworks, and theatrical fireworks.

Retailers that sell fireworks solely for the 7-day period leading up to and including Victoria Day, Canada Day, and/or Diwali, are categorized as temporary fireworks vendors, and are required to obtain one of four types of *Temporary Fireworks Vendor's Permits*:

- 1) for those who sell from an existing place of business in which the net explosive quantity is less than 25 kg (current permit fee: \$533.99),
- 2) for those who sell from an existing place of business in which the net explosive quantity is more than 25 kg (current permit fee: \$800.89),
- 3) for those who sell from a temporarily leased premises/retail store (Temporary Lease Fireworks Vendors; current permit fee: \$1,601.98), or
- 4) for those who sell from an outdoor trailer or tent (Temporary Mobile Fireworks Vendors; current permit fee: \$1,601.98).

Temporary vendors may only sell family fireworks.

In 2015, ML&S issued a total of 73 fireworks vendors permits; of which 7 were for permanent fireworks vendors, 49 for temporary fireworks vendors, 2 for temporary lease fireworks vendors, and 15 for mobile fireworks vendors.

## COMMENTS

ML&S, TFS and Legal Services reviewed the existing fireworks by-law, giving consideration to Licensing and Standards Committee's request to expand the sale of fireworks to include Labour Day. Allowing temporary fireworks vendors to sell fireworks for Labour Day and the 7-day period leading up to the holiday, is consistent with the permissions that currently exist in the by-law for the sale of fireworks on Victoria Day, Canada Day, and Diwali.

However, in order to discharge fireworks on Labour Day, persons would be required to obtain a *Special Occasions Discharge Permit* from TFS in the same manner required for any other religious, cultural or special event, including Diwali. Under the current by-law, only on the designated holidays of Victoria Day and Canada Day, are fireworks allowed to be discharged without the need for a *Special Occasions Discharge Permit*.

Fireworks are powerful pyrotechnic devices with the potential to cause damage if misused.

The office of the Ontario Fire Marshal reported that from 2009 to 2013, there have been 121 incidents caused by fireworks. Particularly in Toronto, from 2010 to 2015, a total of 38 fires were caused by fireworks. Attachment 1 contains data on the number of fires caused by fireworks in Toronto, each year between 2010 to 2015.

For TFS, it is important to ensure that fireworks are being used properly and carefully, and to be able to account for and document fireworks that are authorized. The *Special Occasions Discharge Permit* allows TFS to look at a plan to assist in determining that the one-time use of fireworks at a specified location can be discharged safely.

Comparing neighbouring jurisdictions: Mississauga, Brampton, Ottawa, Hamilton and London, do not allow fireworks to be sold or discharged for Labour Day.

If City Council adopts the proposal to expand the sale of fireworks to include Labour Day, TFS will enforce the requirements of temporary fireworks vendors who sell fireworks on Labour Day and the 7-day period prior.

## **CONTACTS**

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## **SIGNATURES**

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Tracey Cook, Executive Director  
Municipal Licensing and Standards

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Jim Sales, Fire Chief and General Manager  
Fire Services

## **ATTACHMENTS**

Attachment 1: Fireworks Incidents – 2010-2015