

Feasibility of Restrictions on the Retail Sale and Public Use of Consumer Fireworks and Responses to Outstanding Directives

Date: April 14, 2022

To: Economic and Community Development Committee

From: Fire Chief and General Manager, Toronto Fire Services and Executive Director, Municipal Licensing and Standards

Wards: All

SUMMARY

This report responds to the various fireworks related City Council directives received from May through July 2021. The report also provides updates on actions taken to mitigate unpermitted/illegal fireworks use, public education initiatives undertaken during the 2021 warm weather season, and plans for the 2022 warm weather season.

In recent years, there has been an increase in unpermitted/illegal consumer fireworks use and emergency incidents related to fireworks in Toronto, especially in parks, public spaces, and waterfront areas. In response, City Council directed staff to review the feasibility of restricting both the retail sale and use of consumer fireworks by the public. Staff in Municipal Licensing and Standards (MLS) and Toronto Fire Services (TFS) reviewed the feasibility of a range of possible options to support the safe and compliant use and sale of consumer fireworks, to enhance public safety, and to reduce nuisance impacts on residents. The options reviewed and considered included implementing no additional restrictions, implementing partial restrictions, and implementing the most prohibitive restrictions.

The report provides a recommended approach, which includes working with the Province of Ontario to establish regulations for consumer fireworks under the Ontario Fire Code, as well as describes some of the other options explored. As Council direction was to review consumer fireworks restrictions, staff did not evaluate any options to restrict professional fireworks displays or pyrotechnics currently permitted under Toronto Municipal Code, Chapter 466, Fireworks.

This report responds to outstanding City Council directives around fireworks including requests for staff to:

- review fireworks vendor permit fees;

- explore policies to revoke temporary vendor permits linked to unpermitted/illegal firework use;
- monitor and evaluate complaints data including location and time of day;
- explore the feasibility of introducing new fireworks fines under City of Toronto Municipal Code Chapter 591, Noise; and,
- explore the feasibility and efficacy of an online fireworks vendor certification and employee training education program.

As part of this work, staff completed a jurisdictional scan, gathered feedback from the public and industry stakeholders, and procured a third-party vendor to conduct demographically representative public opinion research and focus groups to better understand residents' experiences, priorities, and concerns about the public sale and use of consumer fireworks.

This report recommends amendments to City of Toronto Municipal Code Chapter 441 Fees and Charges, Chapter 466, Fireworks, and Chapter 608, Parks to:

- prevent the possession and use of fireworks in City parks or other public spaces, unless specific municipal authorization is granted;
- establish a time limit of no later than 11:00pm for the discharge of consumer fireworks in relation to the designated days of Victoria Day, and Canada Day; and,
- to update legislative references, fee descriptions and municipal code definitions so that the wording of the City's Municipal Code corresponds to Federal regulations to improve readability and clarity.

This report was developed in consultation with Parks, Forestry and Recreation, Economic Development & Culture, Solid Waste Management Services, and Strategic Communications.

RECOMMENDATIONS

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

1. City Council direct the Fire Chief and General Manager, Toronto Fire Services, in consultation with the Executive Director, Municipal Licensing and Standards and the City Solicitor, to request the Province of Ontario to implement the necessary amendments to the Ontario Fire Code to appropriately and effectively regulate consumer fireworks, thereby enhancing public safety and enabling a more effective enforcement framework.
2. City Council direct the Fire Chief and General Manager, Toronto Fire Services, in consultation with the Executive Director, Municipal Licensing and Standards to further explore the feasibility of an education/training system for the use of consumer fireworks in Toronto and report back on implementation considerations to the appropriate Committee in late 2023.

3. City Council amend City of Toronto Municipal Code Chapter 441, Fees and Charges Chapter 466, Fireworks, and Chapter 608, Parks in accordance with the draft by-law included in Attachment 1 to the report to prevent the possession and use of fireworks in City Parks or other public spaces, unless specific municipal authorization is granted; establish a time limit of no later than 11:00pm for the discharge of consumer fireworks on the designated days of Victoria Day, and Canada Day; and to update legislative references, fee descriptions and municipal code definitions so that the wording of the City's Municipal Code correspond to Federal regulations to improve readability and clarity.

4. City Council direct the Fire Chief and General Manager, Toronto Fire Services and the Executive Director, Municipal Licensing and Standards to consult with permanent fireworks vendors on the feasibility of restricting permanent vendors from selling consumer fireworks year-round, and report back on potential by-law amendments and implementation considerations in late 2023.

5. City Council direct the City Solicitor to prepare the necessary bill(s) required to give effect to Council's decision and to make any necessary minor substantive or stylistic refinements as may be identified by the City Solicitor.

FINANCIAL IMPACT

There are no current or known future year financial impacts arising from the recommendations contained in this report.

The cost of the continued fireworks public education campaign in 2022 is accommodated within approved operating budgets for Municipal Licensing & Standards, Solid Waste Management Services, and Toronto Fire Services, and is currently budgeted at a total of \$75,000. Any potential costs associated with future programs recommended for exploration will be reported back to council in a separate report for decision.

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

DECISION HISTORY

At its meeting on July 14 and 15 2021, City Council directed the Executive Director, Municipal Licensing and Standards and the Fire Chief and General Manager-Emergency Management, Fire Services to report back to General Government and Licensing Committee on the feasibility of restricting the retail sale and use of Family Fireworks by the public. Additionally, the divisions were directed to, as part of the COVID-19 Unpermitted Fireworks Action Plan to explore vendor fees, potential policies for revoking vendor permits, and processes for monitoring complaints.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.MM35.24>

At its meeting on June 7 and 8 2021, City Council directed the Executive Director, Municipal Licensing and Standards and Fire Chief and General Manager- Emergency Management, Toronto Fire Services to immediately ban the possession of fireworks in a city of Toronto Park, identify funding for MLS By-law Enforcement Officers to enforce fireworks regulations after midnight on specified dates, immediately apply to province to double fireworks-related set fines, immediately install permanent No Fireworks signage in a number of parks, and launch an information campaign.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.MM34.36>

At its meeting on May 5 and 6 2021, City Council adopted the staff report, Response to Increased Unpermitted Fireworks Use during the COVID-19 Pandemic and requested the Executive Director, Municipal Licensing and Standards and Fire Chief and General Manager- Emergency Management, Toronto Fire Services to install no fireworks signage in all waterfront parks, apply to the Province of Ontario to increase fine amounts as needed, provide information on the safe use and handling of fireworks to vendors for customers, explore online vendor certification program and training education programs and explore feasibility of introducing new fines under City of Toronto Municipal Code Chapter 591, Noise.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.EC21.10>

At its meeting on October 27, 28, and 30, 2020, City Council adopted Item MM25.14, Requesting a Review of Chapter 466, Fireworks, directing the Executive Director, Municipal Licensing and Standards and the Fire Chief and General Manager, Toronto Fire Services, to report to the General Government and Licensing Committee on the outcome of a review of Chapter 466, Fireworks, including a jurisdictional scan and consideration of increased education, enhanced environmental protections, and other regulation on fireworks sales and discharge.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.MM25.14>

At its meeting held September 26 and 27, 2007 City Council authorized amendments to the Fireworks By-law permit fees effective January 1, 2008 increasing the fees for temporary fireworks vendor permits.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2007.LS7.2>

At its meeting held April 23 and 24, 2007, City Council authorized a new harmonized Fireworks By-law to be effective starting January 1, 2008 including the introduction of Vendor permit fees.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2007.LS3.2>

COMMENTS

Unpermitted/illegal use of consumer fireworks has been a long-standing issue in Toronto. There has also been a notable increase in complaints about unpermitted/illegal fireworks use and emergency incidents related to fireworks in recent years, and especially since the onset of the COVID-19 pandemic. To mitigate these issues, the City began a review of the Fireworks By-law in early 2021 to explore opportunities for enhanced public education to support safe and compliant use of fireworks. Through

stakeholder consultations and a public survey, staff identified an overall lack of public awareness of Toronto's current fireworks rules.

In response, the City launched an education campaign in May 2021 to increase awareness of Toronto's rules around the use of fireworks, including safety tips and proper disposal. The City also installed signage in parks with higher incidents of unpermitted/illegal fireworks use.

At its meeting in June 2021, Council adopted a motion to immediately ban the possession of fireworks in City parks. Public use of fireworks in City parks was already not permitted unless authorized by the City. The City Council direction to amend the municipal code chapters to "immediately ban the possession of fireworks in a City of Toronto park" contained no exceptions, including any that would allow for the continuation of the past practice of City-organized fireworks displays.

City Council, in July 2021, directed Municipal Licensing & Standards (MLS) and Toronto Fire Services (TFS), in consultation with relevant City divisions, to report back on the feasibility of restricting the retail sale and use of consumer fireworks by the public.

This report seeks to respond to various fireworks related City Council directives and provides an update on actions taken to mitigate unpermitted/illegal fireworks use and public education initiatives undertaken during the 2021 warm weather season and planned for the 2022 warm weather season.

The comments section of the report is organized as follows:

1. Background Information
2. Fireworks Management and Public Education
3. Incidents and Complaints Data
4. Research and Consultation
5. Feasibility of Restricting Public Use and Sale of Consumer Fireworks
6. Other Proposals to Change Toronto's Fireworks Rules
7. Responses to Other Outstanding Directives
8. Proposed Amending By-law
9. Next Steps

1. Background Information

In Toronto, most fireworks incidents and complaints are related to discharge of consumer fireworks (designed for recreational use). Consumer fireworks are classified as F.1 under the *Explosives Act*. This type of fireworks is referred to as "family fireworks" in the Fireworks By-law, however this report proposes updating by-law language to align with the Federal *Explosives Act*, which uses the term "consumer fireworks."

Users of fireworks designed for professional use, including F.2 display fireworks (high-hazard fireworks) and F.3 Special Effects Pyrotechnics (high-hazard fireworks and special-purpose pyrotechnics used by professionals in the film and television industry) are also regulated by the federal government under the *Explosives Act*. Professional

fireworks are not legally available to the wider public as individuals buying and using these types of fireworks must be certified by Natural Resources Canada (NRCan).

Current City of Toronto Fireworks Regulations

Toronto Municipal Code Chapter 466, Fireworks (the Fireworks By-law) regulates the use and sale of fireworks in Toronto. The Fireworks By-law contains regulations and prohibitions concerning the use or display of fireworks everywhere in the City. Toronto Municipal Code, Chapter 608, Parks prohibits the discharge and possession of fireworks in City parks.

In the City of Toronto, members of the public can only set off fireworks on private property without a permit on Victoria Day and Canada Day (in the event of inclement weather, discharge is also allowed on the day before or after). They must apply for a special occasion permit, issued by TFS, to use fireworks on any other date. Members of the public are prohibited from using fireworks in a park, street, public square, or other public property. A separate permit process is used for display fireworks or special effect pyrotechnics use by professionals.

The sale of fireworks (consumer fireworks, display fireworks or special effect pyrotechnics) in Toronto requires a permit issued by MLS. The current Fireworks By-law has both permanent and temporary vendor permit classifications. Permanent vendors are permitted to sell fireworks year-round from a permanent location and are allowed to sell consumer fireworks, as well as professional fireworks to federally certified users. Temporary vendors are only permitted to sell consumer fireworks on Victoria Day, Canada Day, and Diwali, and the seven-day period before each holiday.

2. Fireworks Enforcement and Public Education

In response to an increase in unpermitted/illegal fireworks use during the 2020 warm weather season, staff in MLS and TFS, in collaboration with Strategic Communications, implemented an action plan to support compliant fireworks use and sale. The action plan included a suite of enhanced public education and outreach initiatives, complemented by data-driven priority-based enforcement.

As directed by City Council, staff also completed additional actions to address fireworks issues, including banning possession of fireworks in City parks, increasing fireworks signage in parks, and doubling all fireworks related set fines (now ranging from \$400 to \$1,000).

See Attachment 2 for further updates on 2021 fireworks enforcement and education actions. Actions planned for the 2022 warm weather season are described in the Next Steps section of this report.

3. Incidents and Complaints Data

As part of this review, TFS and MLS analyzed historical emergency incidents and service requests related to fireworks use and sales, including location and time of day.

TFS Emergency Incident Response due to Fireworks

TFS reviewed incidents that were coded as fireworks (no fire), and those that were fires with an identified cause as fireworks in 2020 and 2021 compared to previous years.

In 2021, TFS responded to 142 calls for service related to fireworks, including 5 fire events. This represents a 20% decrease over 2020, but a 70% increase compared to 2019. This data suggests an increase in fireworks calls corresponds with the onset of the COVID-19 pandemic in 2020. While fireworks incidents are higher, the number of fires related to the misuse of fireworks has remained fairly steady. In 2021, TFS responded to five incidents where the ignition source was fireworks. This included one major fire in ward 25 on June 2021 caused by the improper use of fireworks that impacted multiple dwellings, displaced approximately 30 residents, and resulted in an estimated \$300,000 in damages.

Table 1: TFS fireworks incidents data 2017-2021

	2017	2018	2019	2020	2021	Total
Fireworks incidents (no fire)	63	57	81	172	137	510
Fire incidents where the ignition source was identified as fireworks	1	3	4	4	5	17
Total	64	60	85	176	142	527

Parks and Noise Related Fireworks Complaints

The majority of fireworks related service requests (complaints) received by MLS is for the unpermitted/illegal use of fireworks in City parks. In 2021, MLS received a total of 309 complaints under Toronto Municipal Code, Chapter 608 Parks. This represents a 151% increase compared to 2020, and a 758% increase compared to 2019. This shows that fireworks complaints in City parks increased greatly since the onset of the COVID-19 pandemic. In 2021, more than half of the service requests were received from Wards 3, 4, 10, and 19 (Ward 3 received 28% of all service requests). Fireworks related complaints under Chapter 591, Noise have remained fairly steady in recent years.

Table 2: Fireworks related complaints made under Chapter 608, Parks and Chapter 591, Noise from 2017 to 2021.

	2017	2018	2019	2020	2021	Total
Fireworks related complaints under the Chapter 608, Parks	18	22	36	123	309	508
Fireworks related complaints under the Chapter 591, Noise	7	13	11	15	16	62
Total	25	35	47	138	325	570

An analysis of fireworks related service requests (complaints) received by MLS from 2017 to 2021 showed that the majority of service requests were received during the months of May, June and July. This is consistent with increased public fireworks use on Victoria Day and Canada Day where members of the public are able to discharge fireworks in Toronto without a permit. Nearly half of the service requests were received between 9pm and 1am. It is important to note that fireworks complaints received during Lunar New Year and Diwali were minimal.

Fireworks Vendor Complaints

Complaints related to fireworks vendors have been consistently low over the last three years. From 2017 to 2021, MLS received a total of nine complaints for vendors selling fireworks without a proper permit, including only two in 2021.

Enforcement

Efforts by MLS and TFS to enforce and support compliance of Chapter 466, Fireworks and the fireworks provision of Chapter 608, Parks are primarily complaint and emergency response based. MLS By-law Enforcement Officers also proactively patrol select park locations where unpermitted/illegal fireworks use is popular, often in collaboration with Toronto Police Service (TPS). By-law Enforcement Officers respond to any complaints about fireworks vendors, including those operating without a proper permit. MLS By-law Enforcement Officers and TFS staff focus on education and compliance, and depending on the actions taken by the public, MLS By-law Enforcement Officers may lay charges in relation to the violations, or issue orders, as appropriate.

Where a person is found in violation of Chapter 466, Fireworks, or the fireworks provision in Chapter 608, Parks, MLS has the ability to lay a charge for the violation, either filing ticket (formally known as a certificate of offence under Part I of the *Provincial Offences Act*), or by utilizing the tools available under Part III of the *Provincial Offences Act*. Utilizing a ticket would impose a set fine ranging from \$400 to \$1,000 (depending on the fireworks-related offence), where a successful Part III prosecution could result in a current maximum potential fine of \$5,000. Under Chapter 466, Fireworks, MLS By-law Enforcement Officers are also capable of issuing a variety of remedial orders concerning as provided for by the *City of Toronto Act, 2006*.

4. Research and Consultation

As part of the review, staff completed a scan of fireworks regulations in 15 neighbouring municipalities in the Greater Toronto Area (GTA) and comparable cities in other provinces and the United States, including Edmonton and Vancouver. Staff also procured a third-party vendor to conduct demographically representative public opinion research and focus groups to better understand residents' awareness of the City's fireworks regulations, and experiences, priorities, and concerns related to the sale and use of fireworks by the public. Additionally, staff solicited public feedback on Toronto's fireworks rules via email and reached out to recent and current Toronto fireworks vendors and industry and community stakeholders.

This report is informed by findings from that research and consultations. Highlights include:

- Generally, Toronto's regulations around fireworks use align closely with other Ontario municipalities.
- Staff received 42 email responses from members of the public, with the majority of respondents in support of further restricting the use of fireworks.
- Public opinion research showed that many residents have had mostly positive experiences with fireworks. Among the negatives associated with fireworks, residents highlighted noise disturbances from fireworks use after appropriate hours, and related safety risks.
- The majority of residents do not have a detailed understanding of Toronto's fireworks rules.
- Half of residents support keeping Toronto's current fireworks use and sale regulations the same. About 40% of residents support increased restrictions on how the public can use and buy fireworks, while 10% support reducing restrictions.

A detailed summary of all research and consultation results can be found in Attachment 3. See Attachment 4 for a summary of public opinion research findings.

5. Feasibility of Restricting Public Use and Sale of Family Fireworks

As directed by City Council in July 2021, staff explored the feasibility of restricting the retail sale of consumer fireworks to the public and restricting the use of consumer fireworks by the public. Informed by consultations and jurisdictional research, staff reviewed a range of possible options, including no additional restrictions, partial restrictions, and the most prohibitive restrictions. Staff have identified a recommended way forward, which includes working with the Province to establish consistent, Province-wide regulations for consumer fireworks under the Ontario Fire Code.

General Feasibility Considerations

Fireworks Enforcement

Fireworks enforcement remains challenging due to the high number of parks and public spaces in the city. In many instances, by the time City staff arrive in response to reports of unpermitted/illegal fireworks use, the fireworks have concluded and individuals have left the scene. MLS By-law Enforcement Officers are largely unable to lay charges in relation to by-law violations unless they have sufficient evidence of an offence, including possibly witnessing unpermitted/illegal fireworks use in person. MLS By-law Enforcement Officers do not dispatch on an emergency response basis. MLS enforcement resources are limited on statutory holidays, and calls related to essential services are prioritized. In assessing the best approach to restrict public use and sale of fireworks, staff considered which options would enhance effective enforcement.

Impacts of Fireworks Use

The City recognizes the value and enjoyment fireworks use brings to residents of the City. However, fireworks are regulated federally as a type of explosive. It is clear that there is an inherent danger associated with fireworks if not used as directed on the manufacturer's label. Consumer Fireworks are identified by the *Explosives Act* with a Potential Effect (PE) category of 4 for storage and handling, recognising that there is

both a fire and slight explosive hazard associated with the product. This is consistent with the experience of TFS in responding to fire incidents involving fireworks.

Additionally, Fireworks have been found to create a nuisance in neighbourhoods where their unpermitted/illegal use disturbs the quality of life for other residents. Residents and other stakeholders have also raised concerns about the impacts of fireworks use on wildlife, pets and the environment, as well as impacts on residents sensitive to loud noises and individuals with post-traumatic stress injury (PTSI). As part of this review, staff looked at how to reduce unpermitted/illegal fireworks use, thereby also reducing these negative impacts and risks to public safety.

Further Engagement with Fireworks Vendors Recommended

Staff engaged vendors on general topics to help inform this feasibility report; however, staff feel that further detailed consultation with fireworks vendors should occur before City Council makes any significant changes to current regulations governing the sale of consumer fireworks and/or requirements for vendors. Staff are recommending that any by-law amendments that would impact fireworks vendors not come into effect until 2023 as many vendors have already secured permits and ordered fireworks stock for the 2022 season.

Options Considered

Staff reviewed the feasibility of a range of possible options to restrict public use and sale of consumer fireworks, including no additional restrictions, partial restrictions, and the more prohibitive restrictions. Staff considered how each approach could balance compliant fireworks use and sale in Toronto while also protecting public safety and reducing nuisance impacts on residents. Some of the options that staff determined to be not currently feasible or recommended were implementing no further restrictions (status quo), requiring members of the public to always obtain a special occasions permit to use fireworks (removal of designated fireworks dates), and implementing a complete ban on public access and use of consumer fireworks. Instead, staff are recommending the approach described below.

Recommended Approach

As part of this review, staff consulted with neighbouring jurisdictions about their experiences with fireworks use and around regional fireworks issues. Given the ability of residents to easily cross the borders between municipalities in the GTA, fireworks restrictions in one jurisdiction may not be effective as consumers can simply visit other jurisdictions to buy or use fireworks (for example, if consumer fireworks are not available for sale in one municipality, individuals may buy them in another nearby jurisdiction).

Part of the issue that staff have identified is the lack of a province-wide system for consumer fireworks. Currently the Ontario Fire Code (OFC) regulates the use and storage of display fireworks (F.2) and special effects pyrotechnics (F.3), by speaking to the federal requirements for use and providing further guidance for use through the display fireworks Manual published by NRCan. The handling and discharge of consumer fireworks (F.1), however, is not currently regulated under the OFC.

Staff recommend that the City request the Province of Ontario to implement the necessary amendments to the OFC to establish a provincial framework for the use of consumer fireworks, thereby enhancing public safety and enabling a more effective enforcement framework for the province as a whole.

Supporting Approach

Fireworks User Education/Certification Program

Staff recommend seeking amendments to the OFC, however through the feasibility analysis, staff also identified a potential supporting approach that brings together elements from a number of the options explored into one system focusing on bringing accountability to the end user and recognizing the inherent risk and disruption that fireworks can pose if not done safely.

Staff propose exploring the feasibility of an education/training program for those residents who want to use fireworks to increase consumer accountability and address issues related to unpermitted/illegal fireworks use public safety, nuisance, and the lack of awareness of fireworks regulations. While this concept requires more work to examine all the elements, at a high level it would require a training program be undertaken by residents wishing to purchase and/or discharge consumer fireworks in the City of Toronto. This one-time training, would cover proper fireworks use and fire safety, as well as details on Toronto's fireworks regulations. Additionally, residents could be required to show their certificate at the point of sale to purchase fireworks, which would show that all individuals buying fireworks in the city have been educated on how to use them properly. With a certificate as the base line requirement for fireworks use, any absence of it in relation to fireworks use, could become an offence, thereby enhancing the City's ability to take effective enforcement action helping enforcement of use. This could also be supplemented with vendor training, which is outlined in Section 7 of the report below.

While this concept was not put forward during public consultation, focus group participants supported training for fireworks buyers prior to purchasing fireworks as a potential solution to put accountability on fireworks users, though others identified that it might be too onerous and/or complicated for residents. Additionally 84% of residents felt awareness of the rules and regulations governing fireworks use in Toronto was important or very important, but only 45% knew where they could use fireworks in Toronto and 39% were aware of when they could use fireworks without a permit. This disconnect between valuing education around fireworks, and the actual knowledge of the rules by the public indicates more needs to be done. A targeted user education was previously implemented in Vancouver. Any resident who wanted to use fireworks on the designated date was required to complete the short education module and 10 question quiz. The individual then had to show the completed "permit" at point of sale.

A system focused on user training may result in reduced unpermitted/illegal fireworks discharge over time, as all users would have had education on where and when they can use fireworks. A reduction in unpermitted/illegal fireworks use, could also mean a reduction in the noise impacts of fireworks. There may also be impacts on fireworks vendors as sales may be reduced, which will need to be further assessed. An important note is that residents would still be able to buy fireworks from neighbouring jurisdictions,

however the requirement to show proof of training requirement would help control their use if individuals are found using fireworks.

This would require a fundamental shift in resident behaviour, as the fireworks user experience would change significantly, as the requirement to obtain and show proof of a certificate in order to purchase, and to carry said proof with you when using is new. Recognizing that findings suggest residents are already unaware of the rules surrounding fireworks, initial uptake and awareness on further changes may be mixed without proper resources dedicated to education and enforcement. This option would provide additional enforcement tools as it would be an offence to buy or use fireworks without being certified. It would also be an offence for vendors to sell fireworks to Toronto residents who do not show proof of certification.

There is more work to be done before staff can confidently recommend moving forward with this concept, including assessing the additional resources that will be required to create, implement, and maintain the program. Further work is also required to identify the key elements that should be covered in a training and certification program, and how procurement for training delivery could be accomplished. Staff are interested in exploring this option further as it recognizes the inherent risk with fireworks, and the heightened responsibility of the user so they are managed safely.

Time Restriction on Consumer Fireworks Use

Currently, Toronto residents are only allowed to use fireworks on their own private property and without a permit on Victoria Day and Canada Day without time-of-day restrictions on that use. This report recommends allowing this use to continue, but balancing stakeholder concerns by not allowing them to be discharged after 11:00pm on Victoria Day or Canada Day.

Restricting fireworks use to 11:00pm on those two designated fireworks dates would respond to stakeholder feedback and findings from the public opinion research that residents are concerned about noise disturbances from fireworks at inappropriate times. An 11:00pm limit aligns with provisions of Toronto Municipal Code, Chapter 591, Noise that limits both amplified sound and loading and unloading noise after this time. Since fireworks are best experienced in complete dark, staff do not recommend an earlier time restriction as sunset is at approximately 9:00pm on Canada Day, for example. Other jurisdictions, including Brampton and Vaughan, limit use of consumer fireworks on designated dates to 11:00pm.

Like other regulations governing the use of consumer fireworks, a time restriction on fireworks use would be challenging to enforce. Voluntary compliance would be the goal, supported by public education and priority data-driven enforcement in areas in high instances of fireworks complaints.

Staff recommend that the Fireworks By-law be amended to prohibit the discharge of consumer fireworks on the designated days of Victoria Day and, Canada Day after 11:00pm.

Restricting Permanent Vendors from Selling Consumer Fireworks Year-Round

As another measure, the City should explore restricting permanent vendors from selling consumer fireworks year-round, and allow them to sell consumer fireworks to the general public only on Victoria Day, Canada Day, and Diwali, and the seven-day period before each holiday, like temporary vendors. Vendors could also sell consumer fireworks only to members of the public who provide proof of an authorized special occasion permit from TFS. This approach would not restrict permanent vendors from selling fireworks to certified professional fireworks users year-round.

Some stakeholders and residents who participated in the public opinion research expressed concerns regarding the availability of consumer fireworks year-round as it creates the perception that fireworks can be discharged any day of the year. Jurisdictional research completed by staff shows that vendors in other GTA municipalities (including Brampton, Mississauga, Vaughan, Richmond Hill and Pickering) are only permitted to sell consumer fireworks for up to 10 days prior to a designated date. From an enforcement perspective, restricting the availability of fireworks for sale year-round could help reduce unpermitted/illegal fireworks use by the public.

To support restricting to the availability of consumer fireworks to members of the public, staff recommend that City Council direct MLS and TFS to consult with permanent fireworks vendors on the feasibility of restricting permanent fireworks vendors from selling consumer fireworks year-round, and report back on proposed amendments and implementation considerations in late 2023.

6. Other Proposals to Change Toronto's Fireworks Rules

Through public and stakeholder consultations staff received wide-ranging feedback regarding potential changes to Toronto's current fireworks regulations. Staff reviewed and analyzed all proposals, as described below.

Designated Fireworks Dates

Currently the City of Toronto identifies two designated dates where fireworks can be used by the general public on their private property without a special occasion permit; Canada Day and Victoria Day. These are dates that have been in place since before amalgamation, and generally align with many other municipalities in Southern Ontario. On all other dates, residents are required to obtain a special occasion permit to discharge consumer fireworks.

As part of this review, some stakeholders and residents have suggested that additional cultural holidays, such as Lunar New Year and Diwali, should be included as designated fireworks dates in Toronto. This proposal has also been raised in past years. Some other GTA municipalities include Lunar New Year (for example, Mississauga), Diwali (for example, Brampton, Mississauga), and New Year's Eve (for example, Brampton) as designated dates.

While this is an important conversation, it should be paused until the issues in the current system are resolved. It would be premature to consider new designated dates, effectively increasing access and use of fireworks while there are outstanding issues

with compliance, enforcement and administration. With the right system in place, increasing the number of designated dates may be feasible, although careful consideration will be required as to how designated dates are selected going forward and how many should be included.

Low-Noise Fireworks

During consultations, some stakeholders suggested that the City of Toronto should only allow low-noise or quiet fireworks to reduce noise impacts. Staff reviewed the feasibility of this proposal in spring 2021, and again as part of this review. Staff found that this is not currently feasible for a number of reasons. Low-noise or quiet fireworks are not defined in the industry or in federal legislation; however, the terms generally describe products that do not go as high as traditional fireworks, lack the characteristic “bang” of a firework, instead tend to make whistling or crackling noises. The terms low-noise or quiet fireworks can be misleading as they still do make some noise.

Since low-noise fireworks are not defined under the federal *Explosives Act* and thus there is no industry labeling on fireworks to identify which may be considered low noise, it would be difficult for the City to clearly distinguish this product type and create any specific rules governing low noise fireworks. While some consumer fireworks currently on the market, such as fountains and sparklers, may be considered low-noise, there is still limited demand within the industry. Other jurisdictions including Halifax, Mississauga, and Edinburgh, Scotland have also concluded that mandating the use of low-noise fireworks for the public and city displays is not feasible. Staff will continue to monitor this issue and will report to City Council if there are changes to federal regulations or a significant shift in availability of low-noise fireworks in the consumer fireworks industry that would make this proposal more feasible.

7. Responses to Other Outstanding Directives

Potential for Fireworks Fines under Municipal Code Chapter 591, Noise

In June 2021, City Council directed staff to explore the feasibility of introducing new fireworks related offences under Chapter 591, Noise. Under Chapter 591, Noise, noise associated with fireworks is often regulated under § 591- 2.9, unreasonable and persistent noise. Staff do not use Chapter 591, Noise as the primary tool for regulating unpermitted/illegal fireworks use. First, it should be determined if the fireworks use is permitted under Chapter 466, Fireworks and/or Chapter 608, Parks. If the use is permitted (there is no violation under Chapter 466 or Chapter 608), but it is simply the noise of fireworks that is an issue, then the unreasonable and persistent noise provision in Chapter 591 could be considered. The current set fine for making/causing noise that is unreasonable and persistent is \$500.

Fireworks Vendor Certification/Education Program

In May 2021, City Council directed staff to explore of the feasibility and efficacy of an online firework vendor certification and employee training education program. The Fireworks By-law currently requires that all permitted fireworks vendors must meet certain criteria, including the necessary business requirements, insurance requirements, and fireworks storage and safety requirements in accordance with federal regulations. Vendors must also must display and make available to purchasers of fireworks any

information or brochures supplied by a fireworks manufacturer or the City outlining the safe handling of fireworks.

Staff found that other GTA municipalities including Brampton, Vaughan and Markham require fireworks vendors to undergo fireworks education training annually as part of permit issuance/renewal. Each of these municipalities have developed their own course to educate vendors about current by-law rules to ensure that vendors are familiar and comply with relevant municipal, provincial and federal regulations. Each of these courses are City-run, and are typically delivered in-person, but due to the pandemic are currently being delivered online. There is a separate fee associated with each of these training courses, ranging from \$100 to \$180 per person.

The Canadian National Fireworks Association (CNFA) has also developed a free online training and certification program for fireworks vendors and employees. The course covers federal regulations vendors need to be aware of when selling fireworks in Canada, including regulations regarding the transportation, storage, product types, usage, display for sale, and the sale of fireworks in Canada. While the CNFA has promoted their training and certification program for fireworks vendors, neighbouring municipalities have not yet adopted this program as a requirement. The CNFA program has limited adoption in other large Canadian cities as of yet and staff are not aware of any performance data that shows how the program supports compliant fireworks use. If the City were to implement the training provided by CNFA, the training program would need to be augmented to incorporate pertinent information associated with Toronto's Fireworks By-law and the OFC. Any potential procurement for third-party fireworks vendor training would be required to meet City of Toronto procurement standards.

Toronto residents who participated in the public opinion research were supportive of vendor certification/education programs. However, residents also recognized the need for fireworks buyers to have some degree of training prior to purchasing fireworks. Staff are not aware of any evidence that suggests that vendor education would support compliance for fireworks users. Additionally, as noted above, there have been no significant compliance issues with fireworks vendors in recent years and complaints have been consistently low. As such, staff are not recommending the implementation of a vendor education program at this time, however further consideration will be given in relation to the feasibility of a user education program.

Policies to Revoke Temporary Vendor Permits

In July 2021, City Council directed staff to explore creating stronger policies to revoke temporary vendor permits linked to unpermitted/illegal fireworks use. It is very difficult to determine where individuals improperly using fireworks purchased them. As noted in [EC21.10](#), in most instances, by the time City staff arrive after reports of unpermitted/illegal fireworks, the fireworks have concluded and individuals have left the scene. Staff explored the feasibility of requiring fireworks vendors to collect contact information from customers; linking the user and vendor would still be challenging.

Additionally, in a case where an individual who used fireworks in violation of City by-laws purchased them from temporary vendor who acted in compliance with Chapter 466, including providing the individual with information with Toronto's fireworks rules at the point of sale, staff feel it would be inappropriate to revoke the vendor's permit based

on actions of the customer. As noted above, MLS complaints data shows no significant compliance issues among City of Toronto temporary fireworks vendors who have been issued vendor permits.

It is an offence for any person to sell any consumer fireworks in the City except pursuant to a fireworks vendor's permit and the terms of the Chapter 466. Where a person contravenes their permit or Chapter 466, the City can issue an order to discontinue that prohibited activity and/or seek a restraining order where needed. In cases where a temporary fireworks vendor contravenes any provision of Chapter 466, MLS or TFS staff can issue either a ticket with a set fine ranging from \$400 to \$1,000 (depending on the offence), or a Part III summons with a maximum potential fine of \$5,000.

Staff believe that further consultation would be required to provide recommendations concerning the utilization of the City's business licensing powers under the *City of Toronto Act, 2006* and the application of the City's existing processes, including suspension of licences, and applicability of Toronto Licensing Tribunal's jurisdiction with respect to firework vendors.

Review of Vendor Permit Fees

In July 2021, City Council also directed staff to review and complete a jurisdictional scan of fees charged to vendors of fireworks, including options to adjust fee structures to help fund increased enforcement.

The majority of municipalities in the GTA charge between \$100 and \$230 for an annual temporary fireworks vendor permit. The City of Vaughan however has recently changed its fireworks vendor fee structure. With the introduction of their mandatory vendor training program, initial vendor fees are now more than \$900 (expected to be more than \$1,000 in 2023) and renewal fees are around \$340.

The City of Toronto charges annual permit fees for both permanent and temporary fireworks vendors, which are generally much higher than other GTA jurisdictions (the annual fee for a permanent fireworks vendor permit is \$3,080.48 and the fee for a temporary vendor ranges from \$616.10 to \$1,848.30, depending on type). These fees were first created in 2007 when regulations for vendors were first introduced and the fees were established to cover services associated with inspections and administration for MLS and TFS, in addition to enforcement costs associated with vendor inspections and the creation and distribution of public education for fireworks safety. When the City's User Fee Policy was introduced, these fees were evaluated against those requirements.

Fees for municipal services must be designed to collect no more than the cost of the services provided, the City is legally restricted from charging fees for services which are designed to generate revenues for general municipal services. Staff do not believe that there is a sufficient proximity between the enforcement costs related to enforcement of the regulations concerning the general issue of firework display or use, with the costs charged for the enforcement of regulations related to vendor permits.

8. Proposed Amending By-law

Fireworks in Parks

At its meeting on June 8 and 9, 2021, Council adopted a motion to immediately ban the use and possession of fireworks in City parks, resulting in amendments to the Fireworks By-law and Municipal Code Chapter 608, Parks. City Council directed a complete ban on the use and possession of fireworks in parks, and replaced the previous provisions which allowed the use of fireworks in parks if a display permit was issued by the City. The City's firework display permits required written consent of the property owner.

As a result of these changes to the Fireworks By-law and Municipal Code Chapter 608, Parks, currently there is no exemption possible for the previous practice of allowing for "City-run" or "authorized" fireworks displays, like those that were previously held on Canada Day and Victoria Day in parks like Ashbridges Bay. Staff in PFR and Economic Development and Culture have determined that maintaining the by-laws with the blanket prohibitions on possession and use of fireworks in parks would prevent any future fireworks displays approved by the City from occurring in parks.

During consultations with the public, it was noted that the lack of City-run displays during COVID-19 (as a way to limit public gatherings) may have contributed to unpermitted/illegal use of fireworks in parks as there was no other way for those that enjoy fireworks to see them other than to buy their own. Many residents also commented on how much they enjoy the City-run fireworks displays.

As a result, staff recommend that the Fireworks By-law and Chapter 608, Parks be amended to enable City-authorized fireworks displays in City parks. Staff recommend that these events be required to have a fireworks discharge permit. The permit application process requires the applicant to obtain written authorization of the lawful owner or occupier of the lands where the fireworks are to be discharged. The Fireworks By-law will be amended to make it clear how authorization of "lawful owner or occupier" will be satisfied with respect to City-owned lands.

The General Manager, Parks, Forestry and Recreation, will develop a policy which would detail when that authorization would be provided for park lands to allow for an individual or group to obtain a fireworks display permit. Members of the public will still be banned from using or possessing consumer fireworks in a City park without authorization.

The draft by-law in Attachment 1, contains the proposed changes to both Chapter 466 and Chapter 608.

Updating Definitions to Align with Federal Explosives Regulation

City staff have identified an opportunity to better align the Fireworks By-law with the Federal *Explosives Act (the Act) and Explosives Regulations, 2013 (the Regulation)*. Staff recommend a number of technical amendments to make this alignment including updating the terms for "family" fireworks to "consumer" fireworks and "Theatrical" fireworks to "special effect pyrotechnics". This will align the Fireworks By-law with the Regulation's classification system. A second technical change is to align the definitions for certified users of fireworks required for any use of display and special effect pyrotechnics. The definition of Fireworks Operator will replace existing definitions for

Fireworks supervisor and pyrotechnician as the centralized term covers both those certified to use type F.2 (Display Fireworks) and type F.3 (Special Effect Pyrotechnics) in the Regulation.

A final alignment between the regulation and Firework by-law is to clarify permissions for the use and sale of firecrackers. There are a subset of firecrackers which users certified by the federal government are permitted to use. In Toronto, this is mostly related to film and special effects industry. This technical amendment, will permit the use of firecrackers by those authorized federally to do so. Technical changes are also required in Toronto Municipal Code, Chapter 441, Fees and Charges, to align with the new definitions outlined above for the Fireworks By-law.

These changes will improve the ability for the public to understand the City's Firework By-law and assist in ensuring the regulations are clear and easily interpreted. There are no impacts to this change or the way the by-law can be interpreted. A draft of the proposed changes to both Chapters 441 and 466 has been provided in Attachment 1.

9. Next Steps

During the 2022 warm weather season staff will continue to enforce against unpermitted/illegal fireworks use and implement a fireworks public education campaign. The 2022 fireworks public education and outreach campaign will build on last year's strategy as outlined in Attachment 2. The campaign will be supported by MLS, TFS, and SWMS, with a budget of \$75,000. Communication tactics will include:

- *Ad campaign:* Paid digital and social media ads, including ads geo-targeted to areas with increased issues.
- *Transit shelter campaign:* Fireworks messaging at 125 transit shelter ad spaces.
- *Social media campaign:* Educational posts via the City's channels (corporate and TFS Facebook, Twitter and Instagram).
- *Vendor education:* Vendor outreach and education about the rules around fireworks sales and storage, and requirement to display/hand out City-developed fireworks poster to individuals purchasing fireworks.
- *City parks:* PFR will deploy temporary large-scale Curbex signs with 'No Fireworks' messaging in parks across Toronto.

Public education initiatives will be complemented by on-going, data driven enforcement and compliance efforts by MLS and its partners. MLS will maximize enforcement resources by targeting parks and neighbourhoods where the greatest number of complaints and incidents occurred in 2021. When possible, officers will conduct proactive enforcement in these areas during dates when unpermitted/illegal fireworks use is common. Where required given a pattern of persistent misuse of fireworks, paid overtime for MLS By-law Enforcement Officers will be considered as mitigation/prevention strategy. Officers will focus on compliance and educate residents about Toronto's fireworks regulations and safety requirements.

City staff will continue to closely monitor fireworks incidents and complaints in 2022, and will look at whether the notable increase experienced since the onset of the pandemic persists or begins to level off.

TFS, in consultation with MLS will initiate conversations with the Province of Ontario to discuss amendments to the Ontario Fire Code to appropriately and effectively regulate consumer fireworks on a Province-wide basis in order to enhance public safety and enable a more effective enforcement framework. Staff will also report back in late 2023 on the feasibility of creating and implementing an education/training system for the use of consumer fireworks in Toronto, and on the feasibility of restricting permanent vendors from selling consumer fireworks year-round.

CONTACT

Larry Cocco, Deputy Fire Chief, Community Risk Reduction, Toronto Fire Services,
416-338-9052, Larry.Cocco@toronto.ca

Ginny Adey, Director, Policy and Strategic Support, Municipal Licensing and Standards
Division, Tel: 416-338-5576, Email: Ginny.Adey@toronto.ca

SIGNATURE

Matthew Pegg
Fire Chief and General Manager
Toronto Fire Services

Carleton Grant
Executive Director
Municipal Licensing and Standards

ATTACHMENTS

Attachment 1: Draft amending by-law concerning changes to firework regulations

Attachment 2: Updates on 2021 fireworks enforcement and education actions

Attachment 3: Summary of fireworks research and consultations

Attachment 4: Fireworks public opinion research final report