

Update on Outstanding Directives on the Public Use and Retail Sale of Consumer Fireworks

Date: November 14, 2023

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 provides an update on actions taken to date in response to outstanding City Council directives related to consumer fireworks since the last staff report in May 2022. This includes requesting the Province of Ontario to implement changes to the Ontario Fire Code to regulate consumer fireworks, as well as exploring additional dates where fireworks may be discharged without the requirement of a specific municipal permit ("Designated Dates"), considering the feasibility of restricting the year-round sale of consumer fireworks, and a user education/training program.

Toronto Fire Services (TFS) submitted requests to the Province of Ontario in both August 2022 and September 2023 to implement necessary changes to the Ontario Fire Code to effectively regulate consumer fireworks, thereby enhancing public safety and enabling a more effective enforcement framework in the province. TFS also requested the Province to implement a centralized user education training program to increase safe and compliant use of consumer fireworks. As of the date of this report, the Province has not responded to these requests; staff will continue to monitor for a response.

The feasibility of modifications to the existing Designated Dates is premature at this point, as this determination by staff was directed to be informed by the outcome of the City's request to the Province of Ontario for a provincial framework concerning consumer fireworks regulation. As the Province has not responded to these requests, staff are not recommending an expansion of dates at this time. This report outlines factors for consideration should Council decide to modify the allocation of Designated Dates while the request to the Province of Ontario to make amendments to the Ontario Fire Code is pending.

Municipal Licensing and Standards (MLS) consulted with permanent vendors on the feasibility of restricting the sale of consumer fireworks year-round. Staff are not recommending a restriction on the sale of consumer fireworks year-round and instead recommend that the City continue to work with licensed vendors to enhance public education, supporting safe and compliant use of consumer fireworks.

RECOMMENDATIONS

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

1. Economic and Community Development Committee receive this report for information.

FINANCIAL IMPACT

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

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

EQUITY IMPACT STATEMENT

This report has been analyzed for potential impacts on Indigenous, Black, and equity-deserving communities of Toronto. Toronto is one of the most multicultural cities in the world and is made up of diverse communities and groups. Fireworks are used for many celebrations, including cultural, religious and special events throughout the year.

Toronto Municipal Code, Chapter 466, Fireworks, currently requires all celebrations to go through the Special Occasion Permit process to use consumer fireworks on private property, with the exception of Canada Day and Victoria Day. This means that for other cultural celebration dates such as Lunar New Year and Diwali, there is the additional requirement to access the use of consumer fireworks via the Special Occasion Permit process.

DECISION HISTORY

At its meeting on May 11 and 12 2022, City Council adopted EC29.7 - Feasibility of Restrictions on the Retail Sale and Public Use of Consumer Fireworks and Responses to Outstanding Directives which included bylaw amendments and considered a range of possible options to support the safe and compliant use of consumer fireworks, enhance public safety, and reduce community nuisances. Council directed TFS and MLS to report back by late 2023 on various outstanding directives.

<https://secure.toronto.ca/council/agenda-item.do?item=2022.EC29.7>

At its meeting on July 14 and 15 2021, City Council adopted MM35.24 - Determining the Feasibility of Restricting the Retail Sale of Consumer Fireworks, directing TFS and MLS to report back on the feasibility of restricting the retail sale and use of consumer fireworks by the public and explore vendor fees, potential policies for revoking vendor permits, and processes for monitoring complaints.

<https://secure.toronto.ca/council/agenda-item.do?item=2021.MM35.24>

At its meeting on June 7 and 8 2021, City Council adopted MM34.26 - Request to Re-open Item EC21.10 Response to Increased Unpermitted Fireworks Use during the COVID-19 Pandemic, TFS and MLS to immediately ban the possession of fireworks in Toronto parks, identify funding for MLS Enforcement Officers to enforce fireworks regulations after midnight on specified dates, immediately apply to the Province of Ontario to double fireworks-related set fines, immediately install permanent No Fireworks signage in a number of parks, and launch an information campaign.

<https://secure.toronto.ca/council/agenda-item.do?item=2021.MM34.36>

At its meeting on May 5 and 6 2021, City Council adopted EC21.10 - Response to increased Unpermitted Fireworks Use During the COVID-19 Pandemic requesting TFS and MLS to install no fireworks signage in all waterfront parks, apply to the Province of Ontario to increase fine amounts, provide information on the safe use and handling of fireworks to vendors for customers, and explore the feasibility and efficacy of an online vendor certification and employee training education program and introducing new fines under Chapter 591, Noise.

<https://secure.toronto.ca/council/agenda-item.do?item=2021.EC21.10>

At its meeting on October 27, 28, and 30, 2020, City Council adopted MM25.14 - Requesting a Review of Chapter 466, Fireworks which directed MLS and TFS to conduct a review of Toronto Municipal Code Chapter 466, Fireworks and report back on the outcome of the review.

<https://secure.toronto.ca/council/agenda-item.do?item=2020.MM25.14>

COMMENTS

The purpose of this report is to respond to outstanding City Council directives related to consumer fireworks and provide an update and actions taken to date since the last staff report in May 2022.

TFS and MLS have reported twice previously in recent years on fireworks in response to notable increases in both illegal consumer fireworks use, and emergency incidents commencing during the onset of the COVID-19 pandemic. In 2021, City staff reviewed Toronto Municipal Code, Chapter 466, Fireworks, to explore opportunities to support safe and compliant use of fireworks by the public. The City launched a public education campaign, complemented by data-driven priority-based enforcement, to increase public awareness of Toronto's rules around the use of fireworks, including safety tips and proper disposal.

In 2022, City staff reviewed a range of possible options to restrict the retail sale and use of consumer fireworks. Council adopted the approach for the City to request the Province of Ontario to establish regulations for consumer fireworks under the Ontario Fire Code. Council also adopted bylaw amendments to support the safe and compliant use of fireworks, including a prohibition of fireworks use in City parks and beaches, a time limit of no later than 11 p.m. for the use of fireworks on Designated Dates, and updates to legislative references to align with Federal regulations.

Background Information

Consumer fireworks are generally used for recreational purposes and are classified as F.1 under the Federal Explosives Act and include, but are not limited to: roman candles, sparklers, fountains, volcanoes, mines and snakes. Toronto Municipal Code Chapter 466, Fireworks, regulates the use and sale of fireworks across the city. Toronto Municipal Code, Chapter 608, Parks, prohibits the discharge and possession of fireworks in City parks and beaches.

In the City of Toronto, members of the public must apply for a Special Occasion Permit, issued by TFS, to use consumer fireworks anywhere in the City. Consumer fireworks may only be discharged on privately owned property where a Special Occasion Permit is obtained, and the property owner consents to the discharge. Similarly, consumer fireworks cannot be discharged in a park, street, public square, or other public property unless a Special Occasion Permit is obtained and the discharge is authorized by the City. A separate similar permit process is used for display fireworks or special effect pyrotechnics use by professionals. Currently Chapter 466, Fireworks, provides an exception to the above noted requirements with respect to the discharge of consumer fireworks for two "Designated Dates" (specifically Victoria Day and Canada Day). On these Designated Dates, a member of the public can discharge consumer fireworks without a permit on privately owned property or another with the consent of the owner of the property until 11p.m.

The sale of fireworks requires a permit from Municipal Licensing and Standards. A permit is required for each business location where fireworks are sold and expires annually on the anniversary date when it was first issued. Chapter 466, Fireworks, has both permanent and temporary vendor classifications. Permanent vendors are allowed to sell consumer fireworks, display fireworks, and special effect pyrotechnics all year-round from a permanent location. Temporary vendors are only allowed to sell consumer fireworks on Victoria Day, Canada Day, Diwali, and the seven-day period before each holiday. Diwali was added as a date for temporary vendors to sell consumer fireworks in 2009 by City Council to assist individuals to purchase consumer fireworks in Toronto for Diwali celebrations ([2009 LS19.9](#)).

In Toronto, the vast majority of fireworks incidents and complaints are related to the discharge of consumer fireworks. During the onset of the COVID-19 pandemic, there was a notable increase in illegal fireworks use by the public, especially in Toronto's parks, waterfronts, and public spaces, which was measured in an increase in both complaints and incidents. Since then, staff are seeing a downward trend in complaints and incidents in 2022 and 2023 (up to September 2023).

Toronto Fire Services Incident Response due to Fireworks

Between 2019 to 2022, Toronto Fire Services responded to 499 incidents involving fireworks. In 2023, for the period ending September 30, 2023, TFS has responded to 71 such incidents. TFS is responding to an increased number of fires as a result of fireworks, with 10 in 2022, and 7 so far in 2023, compared to 8 between 2019 and 2020.

Table 1: TFS fireworks incidents (January 2019 - September 30, 2023).

	2019	2020	2021	2022	2023*	Total
Firework Incidents (no fire)	81	172	138	85	64	540
Fire Incidents where the ignition source was the identified as fire works	4	4	5	10	7	30
Total	85	176	143	95	71	570

*Data to September 30, 2023

Fireworks-related Complaints Under Chapter 608, Parks

Table 2: Fireworks-related Complaint Data (January 2019-September 30, 2023)

	2019	2020	2021	2022	2023*	Total
Fireworks related complaints under Chapter 608, Parks	68	192	694	433	376	1763

*Data to September 30, 2023

Note: The totals of fireworks-related complaints received by MLS in 2019, 2020, and 2021 in Table 2 are higher than what was presented in previous staff reports (EC21.10 and EC 29.7) due to an improvement in data extraction methodology for this report.

The majority of fireworks complaints received by MLS were about the illegal use of fireworks in City parks. In 2022, MLS received a total of 433 complaints under Toronto Municipal Code, Chapter 608, Parks, representing a 37.6% decrease from 2021. An analysis of complaints received between January 2019-September 30, 2023 showed that the majority of complaints were received by MLS during the months of May, June, and July around Victoria Day and Canada Day where members of the public are allowed to discharge fireworks without the need for a Special Occasions Permit. Most complaints were received by MLS at nighttime between 9 p.m.-1 a.m.

Enforcement

On-going efforts by MLS and TFS to enforce and support compliance of Chapter 466, Fireworks and the fireworks provision of Chapter 608, Parks are complaints-based, while TFS provides an emergency response. MLS Bylaw Enforcement Officers also strategically patrol select park locations, where complaints of illegal fireworks use are frequent, on dates where firework use is of particular concern, such as Victoria Day and Canada Day. Often these MLS patrols are co-ordinated with attendance by Toronto Police Service (TPS). MLS Bylaw Enforcement Officers also respond to complaints about fireworks vendors, including those operating without a proper permit. MLS Bylaw Enforcement Officers and TFS staff focus on an education-first approach to achieve compliance, and depending on the actions taken by the public, MLS Bylaw Enforcement Officers may lay charges in relation to the violations, 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 issuing a 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. Issuing a ticket would impose a set fine ranging from \$400 to \$1,000 (depending on the fireworks-related offence) which is the increased value after Council directed staff to double the fines in 2021. Under the existing provisions of Chapter 466, Fireworks, or Chapter 608, Parks, a successful Part III prosecution could result in a current maximum potential fine of \$5,000.

MLS will continue to maximize enforcement resources by targeting parks and neighbourhoods where the greatest number of fireworks-related incidents and complaints occurred in 2023. MLS Bylaw Enforcement Officers will continue focus on compliance and educate residents about Toronto's fireworks regulations and safety requirements.

Updates on Outstanding Directives

Request to the Province of Ontario for a Province-Wide Framework to Regulate Consumer Fireworks

In 2022 City Council directed TFS and MLS to request the Province of Ontario to implement the necessary amendments to the Ontario Fire Code to effectively regulate consumer fireworks, to enhance public safety and enabling a more effective enforcement framework. Currently, the Ontario Fire Code (OFC) does not regulate the handling and use of consumer fireworks. Without a province-wide system to regulate consumer fireworks, restrictions in one municipality may not be effective as consumers can simply cross the borders between municipalities to use or buy fireworks.

On August 8, 2022, in response to Council direction, Toronto Fire Services submitted proposed amendments to the Ontario Fire Code to the Ontario Fire Marshal and Solicitor General through a set process. The submitted amendments included specific language to be included in the Ontario Fire Code to provide a clear framework that all municipalities can work from as well as additional elements such as education parameters for safe use by all potential consumer firework users (see Attachment 1). On September 13, 2023, the Fire Chief sent a follow up letter to the Ontario Fire Marshal and Solicitor General. At present, staff have not received a response regarding the submission and there have been no amendments to the OFC as it relates to consumer fireworks.

Feasibility of an Education/ Training Program

In City staff discussions, it was identified that introducing a centralized public education program to ensure that consumer fireworks users from all municipalities have the same base-level requirements when purchasing fireworks. A province-wide approach would prevent individuals from travelling to another municipality to buy or use fireworks where such program is not required, removing the benefit of a Toronto-only program. As such, a key element of the proposed OFC amendments submitted to the Province included the need for all consumer fireworks users to successfully complete a program on fireworks safety deemed acceptable to the Ontario Fire Marshal prior to making a purchase. This program would include elements on the safe use and discharge for users purchasing consumer fireworks and a requirement that vendors would not be able to sell without proof of completion of this course. Staff are awaiting direction from the Province on whether they would be willing to introduce a centralized public education program before taking any next steps on a made for Toronto-only model.

Public education on fireworks continues within the City. In 2023, TFS and MLS developed a fireworks safety information sheet, which was distributed to all licensed vendors ahead of the Designated Dates. Vendors were instructed, as per Chapter 466, Fireworks, to provide a copy to any consumer at the point of sale with the goal of educating direct users of fireworks in Toronto (Attachment 2).

Additionally, a public education campaign was launched by MLS, Solid Waste Management, TFS, and Strategic Public and Employee Communications in 2021 and continued in both 2022, and 2023 to increase public awareness about the rules on the use of consumer fireworks, safety tips, and proper disposal of fireworks. The campaign ran in the weeks leading up to Victoria Day and Canada Day. The campaign included a mix of ads, including transit shelter, online, audio, sponsored content, and multi-lingual print and online ads. The campaign was also promoted on City channels including the web, news release, social media, and newsletters. The 2023 campaign reached over 1.86 million people via the social media ads and posts and generated more than 36,500 webpage views. Staff are planning to continue the campaign in 2024.

Feasibility of Restricting Permanent Fireworks Vendors from Selling Consumer Fireworks Year-round

In 2022, City Council directed staff to consult with permanent fireworks vendors on the feasibility of restricting the sale of consumer fireworks year-round. This option was considered to limit the availability of consumer fireworks to members of the public year-round given there are limited dates for general use in the fireworks bylaw. Under this option, vendors with a permit from MLS would only be allowed to sell consumer fireworks on Victoria Day, Canada Day, Diwali, and the seven-day period before each holiday, like temporary vendors under the current regulations. This option would not restrict permanent vendors with a permit issued by MLS to sell display and special effect pyrotechnics fireworks to certified, professional users year-round.

Staff assessed the feasibility of this option by analyzing complaints data on the sale of consumer fireworks year-round, findings from consultation meetings with licensed permanent vendors from Toronto and considered whether this change had the potential to increase safe and compliant use of fireworks in Toronto. At this time, staff are not recommending a change to regulations for permanent vendors.

Consultation with Permanent Vendors

Staff hosted two consultation meetings with permanent vendors with a permit from MLS on October 16th and 19th, 2023. Permanent vendors were also invited to complete a survey and share written feedback between October 3rd-25th. Permanent vendors were asked to share feedback on their experiences selling consumer fireworks under current regulations and factors the City should consider if the sale of consumer fireworks were restricted year-round.

As of September 30, 2023, there are 8 permanent vendors with a permit from MLS. A total of 6 permanent vendors attended the consultation meetings held in October, as well as the Canadian National Fireworks Association. Permanent vendors who participated in the consultations and survey explained that all their sales come from consumer fireworks. The most popular occasions for consumer fireworks include

Victoria Day, Canada Day, Diwali, Lunar New Year, New Years Eve as well as special occasions such as weddings, birthdays, and family events. Staff heard from most permanent vendors that consumer fireworks sales peaked during the onset of the COVID-19 pandemic and have declined over the last two years.

Complaints regarding fireworks vendors have remained consistently low between January 2019-September 2023. During this period, MLS received a total of 10 complaints, all regarding vendors selling without a permit, with zero complaints in 2023. There were no complaints during this time about permanent vendors.

Impact on Availability of Fireworks

The current regulations on the sale of consumer fireworks allows permanent vendors to sell consumer fireworks all year-round, which provides an avenue for residents with a Special Occasions Permit to purchase consumer fireworks from a licensed vendor. Although restricting the sale of consumer fireworks year-round reduces the number of available locations where residents can buy fireworks, residents would still be able to purchase consumer fireworks from other sources, including online or from other municipalities. During the consultations, permanent vendors also suggested that residents may purchase more fireworks when temporary sales are allowed for use at other events later in the year when fireworks are not available.

Impact on Permanent Vendors

Restricting the sale of consumer fireworks year-round would have a negative impact on permanent vendors currently operating in Toronto. All permanent vendors who participated in the consultation and survey shared that their businesses would no longer be sustainable if the sale of consumer fireworks sales were limited to only Victoria Day, Canada Day and Diwali, and seven days before each holiday. Most permanent vendors employ full-time staff with specialized training and operate in permanent locations.

Benefits of Permanent Vendors in Supporting Safe and Compliant Use of Consumer Fireworks

Staff assessed the feasibility of restricting the sale of consumer fireworks year-round as an option to support safe and compliant use of consumer fireworks. Through the consultations and survey, permanent vendors emphasized the importance of public education. Staff heard that permanent store fronts allow vendors to provide user safety tips and public education all year-round at the point of sale to anyone who purchases consumer fireworks with a Special Occasions Permit or that inquires about an event they are considering.

After considering all the impacts, staff do not recommend restricting permanent vendors from selling consumer fireworks year-round. Restricting the sale of consumer fireworks year-round would result in a negative impact on permanent vendors operating in the City, with no clear positive impacts on the safe and compliant use of fireworks by members of the public. Staff recommend that the City continue to focus on enhancing public education and working with licensed vendors across the City to promote safe and compliant use of fireworks.

Feasibility of Expanding the Allocation of Designated Dates

City Council directed City staff to review the feasibility of expanding the allocation of Designated Dates provided by Chapter 466, Fireworks. This review was expressly directed to be informed by the outcomes of the request to the Province for a centralized framework on fireworks use. As staff have not heard back from the Province, there are no changes proposed at this time.

The City of Toronto currently identifies two Designated Dates where consumer fireworks can be used by members of the public on private property with the consent of the property owner, without a Special Occasion Permit: Canada Day and Victoria Day. On all other dates of the year, individuals are required to obtain a Special Occasion Permit from Toronto Fire Services to discharge consumer fireworks, which requires fire inspectors to review the location for suitability to safely discharge fireworks, and ensuring the requester has a fire safety plan. The current fee as per Toronto Municipal Code Chapter 441, Fees and Charges to obtain a special occasion permit to discharge consumer fireworks is \$205.17 and in 2022, TFS received 21 Special Occasion Permit applications.

Factors for Consideration

Public opinion research conducted as part of the 2022 staff report on fireworks (EC29.7) showed that views were divided on whether new holidays should be exempt from the fireworks permit process. Some residents suggested that additional holidays, such as Lunar New Year and Diwali, should be adopted as additional Designated Dates in Toronto, and others disagreed with adding dates as they considered it might increase fireworks-related concerns.

In a jurisdictional scan of 14 Ontario municipalities, 13 municipalities allow members of the public to discharge of consumer fireworks on Victoria Day and Canada Day without a permit with one municipality not permitting fireworks use at all. Additionally, there are 6 municipalities that allow for the discharge of fireworks on additional dates including Lunar New Year (2), Diwali (4) and New Years Eve/ New Years Day (4). A summary table of municipalities is provided in Attachment 3.

Adding additional holidays such as Diwali or Lunar New Year to the Designated Dates has the potential of a positive equity impact by increasing access to the use of consumer fireworks without the need to go through the Special Occasions Permit process.

An analysis of TFS data has found that over the last 5 years (January 2019-July 2023), 51% of the incidents, including 70% of fires related to fireworks that the service responded to occurred in the week before and the week after a Designated Date. Increasing the number of Designated Dates where the public can discharge fireworks has a potential to also increase the number of incidents that TFS responds to as this pattern around Designated Dates is anticipated. Similarly, MLS data found that most complaints on fireworks occur within May, June and July in time-periods close in time to the existing Designated Dates.

While the City continues to be concerned about the safe and compliant use of fireworks, despite recognizing that there are benefits and a desire by some to expand the dates to

include other cultural celebrations, City staff are unable to recommend this at this time. Staff continue to await a response from the Province with respect to the recommendations made for a provincial framework for fireworks use, which was a Council requested consideration for a full assessment of expanding Designated Dates. Once the City has received a response, a fulsome review can be completed in alignment with any changes made by the Province, or with a clear picture of the landscape within which the City would be operating.

Next Steps

TFS and MLS staff will continue to monitor fireworks-related incidents and complaints related to fireworks and partner on enforcement initiatives. Staff are planning a public education campaign for the 2024 season to support safe and compliant use of fireworks by the public and will continue to work with licensed vendors to increase public awareness of fireworks regulations. Public education initiatives will be complemented by on-going, data-driven enforcement and compliance efforts by MLS and its partners.

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SIGNATURE

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ATTACHMENTS

Attachment 1: Communications to Province on Ontario Fire Code proposed amendments regarding Consumer Fireworks

Attachment 2: Public Education Fireworks Flyer

Attachment 3: Summary of Jurisdictional Scan on Municipalities with Designated Dates