



The Corporation of the Town of Milton

Report To: Council

From: Peter Gatto, Fire Chief

Date: December 13, 2021

Report No: ES-009-21

Subject: Town of Milton - Fireworks By-law Review

Recommendation: THAT staff be directed to revise By-law 37-2009, Being a By-Law to Prohibit and Regulate the Sale, Storage, Display and Discharge of Fireworks to ensure consistency with the Explosives Act and Explosive Regulations, 2013;

THAT the revised By-law 37-2009 limit the days fireworks can be discharged to Victoria Day, Canada Day, the 3rd Day of Diwali and any day that a Permit has been issued by the Chief Fire Official only;

THAT the Fire Department and Strategic Communications work together to enhance the fireworks safety public awareness campaign;

THAT a proactive enforcement campaign of by-law compliance be implemented to ensure fireworks are not being sold outside the permit guidelines.

EXECUTIVE SUMMARY

- At the August 23, 2021 Council meeting, staff were directed, by resolution, to investigate options to further regulate consumer fireworks sale and discharge in the Town of Milton.
- This report presents information on the existing Fireworks By-law, the governing federal requirements for fireworks, issues and recommendations from the 2020 staff task force in response to fireworks complaints, 2021 data, community awareness initiatives and an environmental scan.
- Statistical data indicates that the majority of permit applications for discharging fireworks are denied due to the distance to combustibles area that is required. There continue to be a number of persons discharging fireworks without permits and in unsuitable locations
- Complaints are common in the weeks surrounding the celebratory days stated in the current by-law.

EXECUTIVE SUMMARY

- Enforcement is a common challenge in all municipalities, as it is difficult to arrive at locations where fireworks are being set off in a timely manner and identifying the person responsible in order to be able to successfully prosecute a by-law violation is difficult.
- The Town's By-law appears relatively consistent with by-laws of other municipalities that permit fireworks and there are also several municipalities that do not permit fireworks in their community.
- Staff recommend an update to the current Fireworks By-law to align with the Federal Explosives Act and Explosives Regulations.
- A change to the days fireworks can be discharged in the Town of Milton is also suggested due to complaints and reducing the discharge dates.

REPORT

Background

At the August 23, 2021 Council meeting, staff were directed, by resolution, to investigate banning the sale, distribution and setting off of family fireworks or options to further strengthen the by-law regulating fireworks sale and discharge in the Town of Milton.

The Municipal Act, 2001 permits a municipality to pass by-laws prohibiting and regulating the sale and the discharge of fireworks. This enables municipalities to choose the holidays that residents may discharge fireworks on, provided they have applied for, received, and approved permit from the Fire Department.

The following documents have been reviewed to present the findings in this report:

- Town of Milton By-law No. 037-2009
- By-laws from other Municipalities
- Explosives Act and Explosives Regulations, 2013
- 2020 Task Force Report
- 2021 statistical information
- 2021 public awareness program

Federal Regulations:

The Explosives Act and Explosives Regulations, 2013 dictate when licensing is required and the requirements for the sale, display and storage of fireworks.

Town of Milton By-Law:

The Town of Milton By-law 37-2009 regulates the sale, storage, display and discharge of fireworks. This by-law regulates the location and area required for discharge of family fireworks and also requires residents to obtain a permit to discharge family fireworks.



Background

Milton allows for the discharge of family fireworks on the following days:

- Victoria Day
- Canada Day
- 3rd day of Diwali
- Two (2) days immediately preceding each of the identified days above
- Any day that a permit has been issued by the Chief Fire Official.

Sale of Family Fireworks (Retailer):

Family fireworks shall only be sold ten (10) days before the stated holiday. A permit issued by the Milton Fire Department is required to sell fireworks. You must be eighteen (18) years or older to purchase fireworks.

Sale of Family Fireworks (Mobile Vendor):

Family fireworks may be sold ten (10) days before the stated holiday. A permit issued by the Milton Fire Department is required to sell fireworks. You must be eighteen (18) years or older to purchase fireworks. Vendor structures must be located a minimum of 3 metres from any vehicle parking lot.

Display of Family Fireworks:

This section describes the requirements for displaying sample materials for sale. Only mock samples can be displayed and must be kept out of the sun. Bundle sizing must weigh less than 25 kg and an employee must always be present.

Storage of Family Fireworks:

A maximum of 1,000 kg gross weight of family fireworks can be stored in a building as long as there is no public access, the building is well constructed and is used exclusively for family fireworks storage.

Permit to Discharge Family Fireworks:

Milton Fire Department approves family fireworks applications which meet all by-law requirements;

- applicants must be eighteen (18) years of age
- the address of the property is provided
- a list of the fireworks being discharged is provided
- And any other documentation requested by the Fire Department

Fireworks may be discharged between dusk and 11:00pm on the celebratory date. Aerial fireworks require a minimum clearance of 30m by 30m and ground based fireworks require a minimum clearance of 20m by 20m.

Permit to Discharge Exhibition Fireworks:

A permit is also required for large firework events. Applicants must hold a Fireworks



Background

Operator Certificate issued by Natural Resources Canada. Applications must include the following information; address of site, insurance, a list of fireworks to be discharged and detailed site plans. Applications are reviewed and a site inspection is conducted prior to issuing a permit.

Enforcement:

The by-law may be enforced by all agencies such as Fire, Police, Municipal Law Enforcement Officers and any other such persons as Council may designate. There are challenges to enforcement of the by-law. Finding the location of ignition and identifying the person responsible in a timely manner are extremely difficult.

2020 Task Force

A task force was established by the Fire Department in 2020 as a result of numerous complaints and concerns that raised by the public. The task force included representation from various municipal departments and was chaired by Deputy Chief Bigrigg. A summary of the issues and how they were addressed is attached as Schedule A.

2021 Fireworks Statistical Information

Table 1 reflects the statistical information for 2021.

Sale of Family Fireworks		Notes
Retailer	5	
Mobile Vendors	3	
Discharge of Family Fireworks		
Applications	35	
Permits issues	2	
Complaints Received	23	Online and telephone complaints.

Community Awareness

During 2021, the Fire Department worked with Strategic Communications to create fireworks awareness through various media. Public Service Announcements were issued around holidays when fireworks sale and discharge are permitted. The fireworks webpage on the Fire Department website has had 2,828 views so far this year. Messaging was consistent between the Fire Department Twitter, Town of Milton Twitter and Facebook. The Fire Department Insider Newsletter debuted this year and fireworks safety was a key feature in the publication. The Fire Chief was also interviewed on FM 101 Milton radio.

The National Fire Protection Association encourages people to leave fireworks to the professionals. Their public education campaign on consumer fireworks safety is a continual program with materials that are highlighted around various holidays and special occasions. The materials are commonly used by both media and fire departments as part of awareness initiatives as consumer use of fireworks across North America results in thousands of injuries annually, property damage and even fatalities. An NFPA video, [The](#)

Background

[Dangers of Consumer Fireworks in Canada](#), was developed for Canada Day 2021 and clearly outlines the risks and dangers of fireworks. According to NFPA, “consumer fireworks are extremely dangerous and should never be used.”

Environmental Review

Numerous municipal by-laws were reviewed to compare allowances and restrictions throughout the Province. Milton By-law 037-2009 is in line with such municipalities as Brampton, St. Catharines and Burlington. These municipalities provide discharge guidelines that mirror Milton’s by-law allowing for the discharge of consumer (family) fireworks with distancing requirements and allowances on specific celebratory days. Municipalities such as Alexandria, Cornwall, Hearst and Kapuskasing have implemented a ban of fireworks.

Media reports of fireworks complaints, issues and discussions by Councils were common throughout 2021.

- The Municipality of Northern Bruce Peninsula was reported to be considering a ban.
- A family pet went missing in the Township of Oro-Medonte when fireworks were set off. The surrounding municipalities of the City of Orillia and the City of Barrie are noted in the article. The article indicates that fireworks are banned in Orillia and limited in Barrie.
- The City of Vancouver banned the discharge of consumer fireworks as of November 1, 2021. Reports indicate that Halloween is an active time for fireworks in Vancouver and the pending ban may have helped discourage the setting off of fireworks and also indicates that the fire department response to reported incidents and fires declined significantly. It is also noted that enforcement is a challenge.
- The City of Waterloo has updated its fireworks by-law, limiting discharge to one day before and after specific holidays and sets a time of 11pm for discharge to be completed. The changes were in response to complaints from the Victoria Day weekend. Reports indicate enforcement is a challenge and additional educational initiatives will be undertaken. Cambridge, Guelph and Kitchener were reported to have similar by-law restrictions.

Discussion

The Milton Fire Department issues Fireworks Discharge Permits to applicants where the properties meet the requirement of the by-law. A few key points are worth noting:

- Inside the urban area, most properties do not meet the requirements to obtain a permit based on lot size.
- Complaints indicate that fireworks are being set off in parks, backyards and on streets.
- The sound of the fireworks is disturbing to residents and pets and has reportedly caused a nuisance and distress in animals.

Discussion

- In 2021, eight (8) permits were issued to vendors authorizing them to sell family fireworks.

A review of the Explosives Act and Explosives Regulations requirements and guidelines for the use of fireworks in Canada was conducted. To be consistent with this regulation the Town by-law requires some language updates including the following:

- Replace the word “family” with “consumer”
- Change mobile vendor requirements to allow placement in parking lots
- Add distance requirements between firework storage displays

Next Steps

Staff will prepare a revised by-law for consideration, based on the direction of Council, to incorporate the recommendations presented herein.

If Council votes to oppose the staff recommendation and instead wishes to ban the sale and discharge of the sale and discharge of consumer (family) fireworks in the Town of Milton, the following motion would need to be approved by Council:

THAT staff bring forward a by-law to amend Fireworks By-law 37-2009 to ban the sale and discharge of consumer (family) fireworks in the Town of Milton.

Impact on Town Resources

Based on the 2021 request for vendor permits, it is estimated that Fire Department staff committed approximately 10 hours of time towards application of the by-law. Fire Department staff have taken a modest approach to enforcement, primarily reviewing analyzing and responding to complaints. No enforcement actions have been taken. Fire department enforcement staff are off-duty on holidays and evenings. Much of the time spent is on reviewing applications and determining if sales locations meet the necessary requirements. Some additional hours are committed to community engagement and education.

A more assertive approach to enforcement of the sales, storage and display requirements of vendor/retailer permits is recommended. It is estimated that eighty (80) hours of staff time for a fire inspector will be committed towards this initiative.

Additional staff time will also be required to further both public and vendor education campaigns.

The Fire Master Plan has recommended an immediate need for an additional fire prevention staff position and the implementation of a workload management process for assessing overall fire prevention staff resource needs.



Financial Impact

Fireworks permit fees are established within the Town's rates and fee's by-law and are reviewed annually. Fees are collected when a retailer/vendor wishes to sell consumer fireworks and when Exhibition fireworks are discharged. The Sales Permit fee for 2021 is \$129 and the Exhibition Permit fee is \$260. There is no fee for a Family Fireworks Discharge Permit however Fire Department approval is required.

Respectfully submitted,

Peter Gatto
Fire Chief

For questions, please contact:

Peter Gatto, Fire Chief
peter.gatto@milton.ca

Phone:
905 878-9251 x 2806

Attachments

Schedule A - Summary of Task Force
Schedule B - Notice of Motion Revised Fireworks By-law
Schedule C - Canadian National Fireworks Association Letter

CAO Approval
Andrew M. Siltala
Chief Administrative Officer

Recognition of Traditional Lands

The Town of Milton resides on the Treaty Lands and Territory of the Mississaugas of the Credit First Nation. We also recognize the traditional territory of the Huron-Wendat and Haudenosaunee people. The Town of Milton shares this land and the responsibility for the water, food and resources. We stand as allies with the First Nations as stewards of these lands.

Schedule A
Summary of Task Force

- The number of complaints seem to increase proportionally with better weather (and COVID-19 distancing requirements).
- There is no record of a property fire or injury arising from the discharge of fireworks in the past decade, however, complainants have stated that personal property has been damaged.
- Complaints often trigger emergency vehicles to attend locations about fireworks being set off that cannot be located upon arrival in the area thereby making successful enforcement action unlikely.
- Using fire apparatus to respond to complaints has not altered behavior towards consumer fireworks and the Town incurs costs associated with responding apparatus.
- Fire apparatus responding to complaints are diverted from readiness to respond from a real emergency incident.

The Task Force recommended the following which has been implemented:

- The Fire Department not respond to fireworks complaints in-person, unless a fire, injury or immediate safety hazard is identified.
- To help mitigate non-emergency calls, Communications and Marketing (Strategic Communications) develop a fireworks complaint form to be available on the Fire Department's website.
- Complaints will be directed to the Fire Department for follow up on the next business day.
- A questioning matrix be developed for the purpose of assessing calls regarding fireworks that are received in the Fire Communications Centre.
- The Fire Communications Centre will terminate fireworks complaints calls after assessing the nature of the situation and where appropriate directing the caller to the Milton Fire Department section of the website.
- Persistent 9-1-1 callers will be addressed by Fire Prevention staff through the Halton Regional Police.



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Schedule B Notice of Motion Revised Fireworks By-law

THE CORPORATION OF THE TOWN OF MILTON

NOTICE OF MOTION

INTRODUCTION DATE: August 23, 2021
SUBJECT: Revised Fireworks Bylaw
CONSIDERATION DATE: August 23, 2021
REQUESTED BY: John Challinor II
SECONDED BY: Rick Malboeuf

WHEREAS Section 121 of the Ontario Municipal Act states that, without limiting sections, 9, 10 and 11, a local municipality may prohibit and regulate the sale of fireworks and the setting off of fireworks;

AND, WHEREAS members of Milton Council, Milton Fire Department and Town of Milton staff have received an inordinate number of complaints, of late, about the setting off of fireworks that contravene the Town's current fireworks bylaw;

AND, WHEREAS the unexpected setting off of fireworks late at night can impact both human beings and animals by damaging their hearing and creating emotional distress;

THEREFORE, BE IT RESOLVED THAT Milton Council direct Milton Fire Department and Town of Milton staff to investigate either banning the sale, distribution and setting off of consumer fireworks in Milton or further strengthening the provisions of the current fireworks bylaw dealing with consumer fireworks;

AND FINALLY, THAT Milton Fire Department and Town of Milton staff provide Milton Council with a report and recommendation before 2022 for its consideration, allowing the community to properly plan for such celebrations as Victoria Day, Canada Day, Lunar New Year and Diwali.

Schedule C
Canadian National Fireworks Association Letter



Canadian National Fireworks Association
PO Box 1238
Aldergrove, BC
V4W 2V1

Tel: 604-853-2255
Toll Free: 1-855-652-CNFA (2632)
Fax: 604-852-3469
nationalfireworks.ca

September 10, 2021

His Worship Mayor Gordon Krantz
Milton Town Hall
150 Mary Street
Milton, On
L9T 6Z5

Re: Review of By-Law 037 - 2009:

Dear Mayor Krantz,

As the leading voice in the fireworks industry, the Canadian National Fireworks Association (CNFA) advocates for our membership through government engagement and robust public input. The CNFA's mission is to promote **fair access and safety** in the sale and use of fireworks through public education, advocacy with regulators and strong member compliance.

The reason for my letter is because I was forwarded a copy of the article in the *InsideHalton.com* and after reading it, I felt that I had a responsibility to reach out to you and introduce the CNFA and explain what we do.

We work on behalf of the fireworks industry and meet with all three levels of government to work on requirements for better safety and education requirements for consumer fireworks. Over the past two years, the CNFA has worked with staff and council in over fifty municipalities across Canada to make better education a requirement when using fireworks.



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What Milton has experienced over the past year is not unique to your community. Increased firework sales and discharges have been seen across the country. Many place the blame on Covid-19 restrictions and while the CNFA doesn't dispute these assumptions, we still believe that our industry needs to do more.

The CNFA has created our **Vendor Certification and Employee Training Program**. Comparable to Ontario's SMART Serve program for alcohol servers, we believe that anyone working within the fireworks industry should be required to take our online course. A retailer learns about the ERD regulations, fire safety and the penalties for non-compliance. A shift in the responsibility for effective enforcement needs to be placed on the person interacting with the public on the sale of fireworks.

The CNFA has also created a program called, **Be A Good Neighbour**, which would help people such as Mariane Santo and her son. It is a pamphlet that we ask be handed out with every sale and explains how individuals can use fireworks responsibly and be a good neighbour, and has been activated across traditional media and social media channels.

We would like to ask that Milton City Council require Fire and city staff to engage our organization to help them resolve outstanding concerns and build a by-law that is enforceable and supported by our industry. We would welcome the opportunity for a meeting online over Zoom at your earliest convenience to discuss.

Sincerely,

Perry Logan

Perry Logan
Executive Director
CNFA
587 229 1779

CC: City of Milton members of Council

City of Milton Fire Chief

City of Milton Director of By-Law Enforcement