



The Corporation of the Town of Milton

Report To: Council

From: Peter Gatto, Fire Chief

Date: October 23, 2023

Report No: COMS-010-23

Subject: Fireworks Sales, Distribution and Discharge Review

Recommendation: That Council receive Report COMS-010-23, Fireworks Sales, Distribution and Discharge Review as information.

EXECUTIVE SUMMARY

- At the July 17, 2023 Council meeting, staff were directed, by resolution, to investigate banning the sale, distribution and setting off of consumer fireworks in the Town of Milton.
- There are very few urban properties within Milton that meet the clearance requirements for consumer fireworks; those being set off in areas where clearance distances are not met are in contravention of the by-law and are at a greater risk of structure fires, property damage, and/or injury to persons or animals.
- Based on adherence to the current by-law, banning the discharge of consumer fireworks in Milton would have only impacted two (2) residents in 2023; therefore, a ban on consumer fireworks would have very little impact on Milton residents.
- 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 continues to be a number of persons discharging fireworks without permits and in unsuitable locations.
- Purchasing fireworks from a vendor in Milton will most likely result in illegal and unsafe discharge due to the lack of consumer firework discharge permits being issued.
- 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. To successfully enforce the Fireworks By-Law, enforcement agencies must witness the discharge of the fireworks and be able to identify the person or persons involved.
- There is an increasing number of municipalities throughout North America that do not permit fireworks in their community.
- The National Fire Protection Association (NFPA) encourages people to leave fireworks to the professionals as consumer use of fireworks across North America results in thousands of injuries annually, property damage and even fatalities.
- Changes to the By-law pertaining to exhibition fireworks (ie. Canada Day at the Fairgrounds) is not contemplated as part of this report; as such, opportunities for community groups, individuals and organizations to set off fireworks during

designated times would still be permitted provided they meet with the by-law requirements (Schedule A, Section 10 and 11)

REPORT

Background

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 consumer fireworks on, provided they have applied for and received and approved permit from the Fire Department.

The last Fireworks By-law review occurred in December 2021 (ES-009-21) and included:

- updates to align with the Federal Explosives Act and Explosives Regulations such as wording changes, allowing placement of mobile vendors in parking lots and adding distance requirements between firework storage displays;
- inclusion of Chinese Lunar New Year as a recognized day that fireworks could be discharged.

At the July 17, 2023 Council meeting, staff were directed, by resolution, to investigate banning the sale, distribution and setting off of consumer fireworks in the Town of Milton.

Changes to the by-law pertaining to exhibition fireworks (ie: Canada Day at the Fairgrounds) is not being contemplated as part of this report. Opportunities for community groups, individuals and organizations to set off fireworks during designated times would still be permitted provided they meet with the by-law requirements (Schedule A, Section 10 and 11).

Town of Milton By-Law

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

Consumer fireworks on currently permitted on the following days:

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



Background

Sale of Consumer Fireworks (Retailer):

Consumer fireworks shall only be sold ten (10) days before the stated holiday. A permit issued by Milton Fire & Rescue Services (MFRS) is required to sell fireworks. Individuals must be eighteen (18) years or older to purchase them.

Sale of Consumer Fireworks (Mobile Vendor):

Consumer fireworks may be sold ten (10) days before the stated holiday. A permit issued by MFRS is required to sell fireworks. Individuals must be eighteen (18) years or older to purchase them. Vendor structures must be located a minimum of 3 metres from any parked vehicle.

Permit to Discharge Consumer Fireworks:

Milton Fire & Rescue Services approves consumer fireworks applications which meet all by-law requirements including:

- 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.

Through report ES-009-21, recommendations were also made to (a) enhance fireworks safety through a public awareness campaign, and (b) that a proactive enforcement campaign of by-law compliance be implemented to ensure fireworks are not being sold outside of the permit guidelines. Steps have been taken to accomplish both of these initiatives.

Discussion

Milton Fire & Rescue Services issues Fireworks Discharge Permits to applicants 18 years of age or older and where the properties meet the requirement of the by-law.

Inside the urban area of Milton, the majority of properties do not meet the permit requirements. To meet the minimum clearances of 30m by 30m with an additional 20m for spectator and clearance of all building and obstructions, a lot must be extremely large. To put this in perspective a resident would require over a ½ acre of unobstructed land free of building, shrubs, and overhead wires. Using GIS mapping, less than 1% of homes in urban Milton are ½ acre or larger noting that they still may not meet size requirements based on possible obstructions.



Discussion

Sales/Distribution of Fireworks

Due to the limited area where fireworks may be potentially considered for safe discharge within the urban area of Milton, a total ban of consumer fireworks sales should help reduce the illegal use of fireworks and subsequent complaints.

Purchasing fireworks from a vendor in Milton will most likely result in illegal and unsafe discharge due to the lack of consumer firework discharge permits being issued. In 2023, six (6) permits were issued to vendors authorizing them to sell consumer fireworks.

Based on only two (2) discharge permits being approved by the Fire Department for use in the rural area, the majority of fireworks sold in the Town of Milton were then used in contravention of the by-law and likely in areas not meeting minimum clearance requirements.

Discharge of Fireworks

At the time of this report, only two (2) permits have been approved by MFRS in 2023 (rural Milton), meaning all fireworks displays that have occurred in urban Milton have done so in contravention of the current by-law.

A few key points worth noting with respect to the discharging of consumer fireworks:

- Complaints often trigger emergency vehicles to attend to locations about fireworks being set off and upon arrival in the area, locations cannot be determined thereby making successful enforcement action unlikely.
- While there is no formal record of a property fire or injury arising from the discharge of fireworks in the past decade, complainants have stated that personal property has been damaged.
- 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.

As outlined earlier, there are very few urban properties within Milton that potentially meet the requirements to safely discharge consumer fireworks, so in essence fireworks are already 'banned' for the most part in the urban area of Milton based on lot size requirements. On this basis, and with the understanding that the by-law currently in place supports public safety, banning the discharge of consumer fireworks would have minimal impact on Milton residents who comply with the current by-law (2 residents in 2023)



Discussion

Safety/Public Education

Fireworks are a class of low explosive pyrotechnic devices containing gunpowder and other combustible chemicals that causes an explosion when used improperly. Consumer fireworks have caused death, injury, and property damage. The types of fireworks that cause the most injuries (blindness, burns, permanent scarring) are firecrackers, sparklers and bottle rockets.

Last year, MFRS implemented a multimedia public education program in regards to fireworks safety and requirements through our website in addition to media releases at key times of the year. Should Milton institute a ban on consumer fireworks, information will be updated accordingly.

The majority of consumer fireworks being discharged in Milton are in contravention of the clearance requirements outlined in the by-law and therefore individuals not in compliance are at a greater risk for injury, property damage (not just their own) and emergency response.

Enforcement

The current by-law provides safety guidelines and time restrictions to promote respect within the community. 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, however finding the location of ignition and identifying the person responsible in a timely manner is extremely difficult making the by-law inherently tough to enforce.

Similar challenges will exist if the by-law is updated to include a discharge ban on consumer fireworks, however not being able to purchase them in the Town of Milton and other surrounding municipalities that have already implemented bans should help reduce access and prohibited use of them.

MFRS has been proactive in the inspection of firework vendors to ensure they are in compliance with the fireworks by-law and to help reduce the possibility of injury or property damage. Should a ban on consumer firework sales be implemented, enforcement in this area would continue albeit on a complaint basis.

Environmental Review

Numerous municipal by-laws were reviewed to compare allowances and restrictions throughout the Province as part of the 2021 By-law update.

Since that time, many municipalities throughout North America have banned the sale and use of consumer fireworks for various reasons including but not limited to:

- Brampton
- Cornwall

Discussion

- Kapuskasing
- Alexandria
- Hearst
- Wilberforce
- Coquitlam, B.C.
- Vancouver, B.C.
- North Vancouver, B.C.
- North Cowichan, B.C.
- Richmond, B.C.
- North Delta Surrey, B.C.
- Pitt Meadows, B.C.
- Maple Ridge, B.C.
- Langley, B.C.
- Chicago, Ill.
- Eugene, Ore.
- Portland, Ore.
- New York, N.Y.
- Burien, Wa.
- Marysville, Wa.

Conclusion

- Less than 1% of urban Milton properties could potentially meet the clearance requirements to safely discharge consumer fireworks; in essence, fireworks are already 'banned' for the most part in the urban area of Milton as most residential properties do not meet lot size requirements.
- While properties are significantly larger in rural Milton, only two (2) residents in this area of town received discharge permits in 2023 meaning minimal impact if a ban is considered.
- Purchasing fireworks from a vendor in Milton will most likely result in prohibited and unsafe discharge due to the lack of consumer firework discharge permits being issued.
- Due to the limited area where fireworks may be safely discharged a total ban of consumer firework sales and discharge should help reduce the illegal use of fireworks and subsequent complaints.

If the current by-law is followed, banning the discharge of consumer fireworks in Milton would have impacted two (2) residents in 2023; therefore, a ban on consumer fireworks would have minimal impact on Milton residents.

Opportunities for Exhibition fireworks displays during designated holidays would still be permitted provided the requirements as outlined in By-law NO. 037-2009 (Section 10 and 11) are met.



Discussion

Should Council wish to give direction to ban the sale, distribution and setting off of consumer fireworks, the following amendment to the staff recommendation would need to be approved:

- AND THAT staff be directed to bring forward the necessary by-law to ban the sale distribution and setting off of consumer fireworks in Milton at the next regular meeting of Council.

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. The Sales Permit fee for 2023 is \$156. There is no fee for a Consumer Fireworks Discharge Permit however Fire Department approval is required.

Respectfully submitted,

Peter Gatto
Fire Chief

For questions, please contact: Peter Gatto, Fire Chief

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Attachments

Schedule A - By-Law NO. 037-2009

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.