

**REPORT TO:** Community and Infrastructure Services Committee

**DATE OF MEETING:** April 24, 2023

**SUBMITTED BY:** Gloria MacNeil, Director of Enforcement 519-741-2200 ext. 7952

**PREPARED BY:** Tom Ruggle, Chief Fire Prevention Officer 519-741-2200 ext. 5505  
Gloria MacNeil, Director of Enforcement 519-741-2200 ext. 7952  
Helen Fylactou, Manager of Licensing 519-741-2200 ext. 7854

**WARD(S) INVOLVED:** All

**DATE OF REPORT:** March 30, 2023

**REPORT NO.:** CSD-2023-166

**SUBJECT:** Fireworks – By-law Update

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**RECOMMENDATION:**

*That the number of permitted days for firework displays be reduced to only the day of celebration including Victoria Day, Canada Day and Diwali and must cease by 11pm.*

*That Chapter 544 and Chapter 739 of the municipal code be repealed and replaced with the revised Chapter 739 which incorporate a series of administrative changes outlined in CSD-2023-166.*

**REPORT HIGHLIGHTS:**

- The purpose of this report is to recommend that fireworks are only permitted to be set off on the day of celebration;
- Requiring firework displays to cease no later than 11pm;
- To advise Council, the administration of Fireworks sales has been transferred from Licensing to Fire, which will result in efficiencies;
- Community engagement has been conducted with the affected vendors.

**BACKGROUND:**

On August 22, 2022 Council passed a resolution directing staff to undertake a review of Chapter 739 of the City of Kitchener Municipal Code, to determine whether to amend the by-law to restrict the use of fireworks to only the day of Celebration rather than the day before and the day after the noted holiday.

The City's current Fireworks By-law allows fireworks to be displayed on Victoria Day, Canada Day and Diwali and the days immediately preceding or succeeding each of these three celebration days. The by-law is currently silent on the time of day which fireworks can be displayed.

In addition to the review requested by Council, staff felt this would be an appropriate time to review Chapter 544 Fireworks and Vendors, merge the two by-laws into one and advise Council of the transfer of duties to Fire Prevention staff from Licensing.

**REPORT:**

Staff have seen an increase in the number of complaints related to fireworks over the last several years. The increase in complaints began through the pandemic as more people were home and while public fireworks displays were cancelled to conform with provincial regulations. Most complaints received are related to disturbances late in the evening and the noise related to those disturbances. Staff also receive concerns regarding the number of days we allow fireworks, and fireworks being set off without permission in public spaces such as parks, schools, parking lots, etc.

Staff have provided a chart below to show the increased number of calls over the past five years. The total numbers provided in the chart may not be completely reflective of the total complaints as staff and Council will often receive complaints through email or by phone after the fact which would not be captured in these totals.

**Number of complaints related to Fireworks:**

2018	2019	2020	2021	2022
58	65	148	203	170

Complaints involving fireworks are difficult to enforce. While there is an expectation that enforcement staff should address these quickly, people will often disperse once the fireworks are launched, or complaints are described as being in the vicinity within a neighbourhood, without a specific address being provided. In addition, firework displays typically do not last longer than a few minutes, therefore when staff are dispatched and respond to a complaint the display is often over and staff is unable to locate where the concern was occurring.

As part of our review, staff engaged with our neighbouring municipalities and completed a local municipal scan of what they permit:

Municipality	Permitted Timing
Waterloo	1 day before and 1 day after Canada Day and Victoria Day. During the recognized duration of the holidays Lunar New Year and Diwali. Permitted until 11pm on permitted days.
Cambridge	Victoria Day, Canada Day and Diwali. In the event of inclement weather, any day within two days after.
Woolwich	Not permitted without a permit
Wellesley	Victoria Day, Civic Holiday and Labour Day any of the three days during those weekends. Canada Day – day before and day after.

Wilmot	Victoria Day, Canada Day, Diwali, Lunar New Year and the day immediately before and after each of the days observed.
North Dumfries	Permitted the day before and after Victoria Day and Canada Day. Permitted until 10:15pm on permitted days.

The chart demonstrates a variety of different approaches and times for the allowance of fireworks, with the exception of Woolwich which does permit fireworks however residents are required to obtain a permit prior. The recommended changes being proposed will be more restrictive than most of our neighbouring municipalities, for that reason, it is important to note Kitchener residents may still hear fireworks particularly in subdivisions situated close to bordering city's.

Staff are recommending a reduction to the number of permitted days in which fireworks can be set off and allowing them only on the day of Victoria Day, Canada Day and Diwali. Staff are also recommending the addition of a time to the by-law and only permitting fireworks until 11pm on the approved days. Limiting the number of days when fireworks can be used provides a balance to the community which allows for safe family enjoyment while adding some restrictions to address the nuisance concerns.

In addition to this review, staff looked at administrative efficiencies that would streamline processes and inspections by combining both Chapter 739 and Chapter 544 (Vendors Selling Fireworks) into one Chapter.

The licensing of fireworks vendors has historically been administered by Licensing Services which required a secondary licence for the sale of fireworks. However, the inspections have always been done by a Fire Prevention Officer. As all vendors are already required to possess a business licence to operate, this secondary licence was determined to be better administered as a fire safety permit under Fire. This change has a neutral-to-slight increase effect in Fire and would eliminate duplication and confusion for the customer.

Administrative changes to this by-law permit the Fire Chief to implement a ban on fireworks use for fire safety or environmental reasons. This will allow the Fire Chief to address problematic issues seen recently in other municipalities, related to fireworks use.

Staff do not recommend banning the sales of Fireworks, as they are broadly available for sale throughout the year in neighbouring communities. Both Waterloo and Cambridge permit sales the week preceding. Fireworks are available for purchase and delivery year-round. Fireworks are too readily available, and staff do not have enough staff resources to meaningfully enforce an outright ban.

Changes to the permitting of fireworks and pyrotechnic display permits remains largely unchanged from an applicant's perspective, however the requirements are much more clearly stated than in previous by-laws.

The by-law exempts the following classes of fireworks as defined in the Explosives Act:

- Hobbyist's model rocket motors when used in conformance with the by-law,

- Christmas crackers, and
- Sparklers containing less than 2mg of explosive material.

This means these items may be offered for sale by any retailer throughout the year.

**STRATEGIC PLAN ALIGNMENT:**

This report supports Great Customer Service.

**FINANCIAL IMPLICATIONS:**

The implications are neutral. No change to fees are envisioned. The fees will be moved from Licensing to Fire in the User Fee Schedule. Vendors licensed as of Victoria Day 2023 will not see any additional fees upon the transfer of administration from Licensing to Fire.

**COMMUNITY ENGAGEMENT:**

All vendors have had the changes discussed with them and direct administration of fireworks sales is currently being done by Fire.

INFORM – This report has been posted to the City’s website with the agenda in advance of the council / committee meeting.

**PREVIOUS REPORTS/AUTHORITIES:**

- Chapter 739 was brought to Council in September 2016, with minor updates allowing the sale of fireworks during Diwali.
- Chapter 544 was first brought to Council in February 2010.

**APPROVED BY:** MICHAEL MAY, DCAO