

	Report Title	Fireworks By-Law
	Report No.	FRS 19-03
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	Meeting Type	Council Meeting
	Council Date	April 23, 2019
	Attachments	By-Law 4293 red line version

RECOMMENDATION

THAT Council receives Report FRS 19-03 Fireworks By-Law;

AND THAT By-Law 4293, To Regulate the Sale, Display and Discharge of Fireworks within the Town of Tillsonburg, and to repeal By-Law 3510, be brought forward for Council consideration.

EXECUTIVE SUMMARY

The Town of Tillsonburg Fireworks By-Law requires to be updated to align with applicable legislation and best practices, and to help eliminate any potential liability to the corporation.

BACKGROUND

Section 121 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a local municipality may prohibit and regulate the sale of fireworks and the setting off of fireworks, and further that a by-law may prohibit those activities unless a permit is obtained for those activities and may impose conditions for obtaining, continuing to hold and renewing the permit, including requiring the submission of plans. In addition, Section 151 of the Municipal Act, 2001, c. 25, as amended provides that a local municipality may establish a system of licences with respect to a business.

Subsection 7.1 (1) of the Fire Protection and Prevention Act, 1997, c. 4, as amended, provides that a council of a municipality may pass by-laws regulating fire prevention, including the prevention of spreading fires

DISCUSSION

Formatting

A red line version of the Fireworks By-Law has been attached for Council's review. Please note that the formatting has been updated and some sections were reordered to make the by-law more understandable. The red sections are lines struck from the by-law and the blue text has been added.

Definitions

A number of definitions have been added and some existing definitions were revised to provide further clarification.

The definitions of “Display Fireworks,” “Consumer Fireworks,” “Firecracker” and “Pyrotechnic Special Effect” have been updated to more accurately reflect the classifications of each as determined by the Explosives Regulatory Division of Natural Resources Canada.

The Explosives Regulatory Division of Natural Resources Canada from time to time updates the “List of Authorized Explosives” which contains all explosives that can be imported into or manufactured, transported, possessed or used in Canada. A definition has been added for “Prohibited Fireworks,” which means any fireworks that are not included on the most recent “List of Authorized Explosives.”

The definition of “Property” has been amended to include any building, structure mobile buildings, mobile structures, temporary mobile retail outlets and vacant land.

A definition for “Retail Outlet” has been included which indicates what structures, which meet the requirements of the Explosives Act, are permitted for the purposes of the sale of consumer fireworks.

Section 3 – General Provisions

The application section now identifies that the by-law does not apply to recreational low hazard fireworks (i.e. Christmas crackers) or low hazard fireworks having a practical use (i.e. highway safety flares), and does not apply to the sale by wholesale of fireworks, meaning it does not apply to manufacturers which sell fireworks to businesses.

A provision has been removed that had restricted the sale of fireworks out of a vehicle including a booth, stall, tent, and trailer. A “Retail Outlet” includes a building or part of a building, booth, stall, tent, trailer, place or other movable, temporary shelter used for the purposes of the sale of consumer fireworks that meets the requirements of the Explosives Act, but does not include a motorized vehicle.

Section 4 – Consumer Fireworks

In addition to a Municipal Law Enforcement Officer, a Fire Prevention Inspector has been provided the authority to request a holder of a Retail of Consumer Fireworks License to produce such license.

It has been included that a Retail of Consumer Fireworks License is only valid for the duration of the calendar year in which it was issued. In addition, a renewal process has been included to streamline the process for past license holders. A renewal fee will be brought forward for Council consideration in the Rates and Fees By-Law for 2020.

Section 5 – Display Fireworks

The authority to approve a Display Fireworks license has been provided to the Chief Fire Official, or designate.

In addition, the amount of liability insurance coverage for the setting off or holding of a display of Display Fireworks has been increased to a minimum amount of \$5,000,000 which is the new standard requirement.

Section 6 – Pyrotechnics



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Information has been included regarding the responsibilities of a person approved to conduct a Pyrotechnic Special Effects Display.

Section 7 – Enforcement and Inspections

The authority to revoke a license issued under the Fireworks By-Law has been extended to the Chief Fire Official, or designate.

It has been included that in accordance with section 436 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, a municipal law enforcement officer may enter on a property at any reasonable time for the purpose of carrying out an inspection to determine whether or not this By-law, including a condition of a Permit issued under this By-law, or that an order or direction of the Town of Tillsonburg or a law enforcement officer issued in accordance with this By-law is being complied with.

CONSULTATION/COMMUNICATION

The updated Fireworks By-Law was provided to the Chief Building Official (CBO) for comment.

Staff reviewed fireworks by-laws from a number of municipalities including Norfolk County, the Town of Collingwood, the City of London, the City of Woodstock, and the City of Oshawa.

FINANCIAL IMPACT/FUNDING SOURCE

A license fee and renewal fee will be brought forward for Council consideration in the Rates and Fees By-Law for 2020.

COMMUNITY STRATEGIC PLAN (CSP) IMPACT

1. Excellence in Local Government
 - ☐ Demonstrate strong leadership in Town initiatives
 - ☐ Streamline communication and effectively collaborate within local government
 - ☒ Demonstrate accountability
2. Economic Sustainability
 - ☒ Support new and existing businesses and provide a variety of employment opportunities
 - ☐ Provide diverse retail services in the downtown core
 - ☐ Provide appropriate education and training opportunities in line with Tillsonburg's economy
3. Demographic Balance
 - ☐ Make Tillsonburg an attractive place to live for youth and young professionals
 - ☐ Provide opportunities for families to thrive
 - ☐ Support the aging population and an active senior citizenship
4. Culture and Community
 - ☐ Promote Tillsonburg as a unique and welcoming community
 - ☐ Provide a variety of leisure and cultural opportunities to suit all interests
 - ☐ Improve mobility and promote environmentally sustainable living



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Report Approval Details

Document Title:	FRS 19-03 Fireworks By-Law.docx
Attachments:	- By-Law 4293 - Red Line Version.pdf
Final Approval Date:	Apr 15, 2019

This report and all of its attachments were approved and signed as outlined below:



David Calder - Apr 15, 2019 - 3:47 PM