

DECISION/DIRECTION NOTE

Title: New Fireworks By-Law

Date Prepared: May 7, 2021

Report To: Committee of the Whole

Councillor and Role: Councillor Ian Froude, Transportation and Regulatory Services & Sustainability

Ward: N/A

Decision/Direction Required:

To amend the Open Air Fire Regulations and Noise By-Law to exclude fireworks, and approve the new, stand-alone Fireworks By-Law.

Discussion – Background and Current Status:

The Fireworks By-Law is a new by-law that regulates the discharge of fireworks in the City. Initially, the plan was to amend the existing Open Air Fire Regulations to include additional provisions about the discharge of fireworks. The possibility of amending the Noise By-Law, which also references fireworks, was also considered. However, it was decided that a separate by-law would be more clear and user-friendly. Residents will not have to reference separate by-laws relating to fireworks, everything will be in one, easy to navigate place. Therefore, if the new Fireworks By-Law is adopted, the Open Air Fire Regulations and the Noise By-Law will have to be amended to remove references to fireworks. These are very minor amendments (see attached proposed amendments).

The Fireworks By-law distinguishes between three categories of fireworks – family fireworks, aerial fireworks, and pyrotechnics. These are the same 3 categories that are used by the Province in the *Fire Protection Services Regulations*. The By-Law sets out a regime which generally prohibits fireworks, although there are certain exceptions and allowances. This “hybrid approach” attempts to strike a balance, recognizing the different needs/wishes of residents and community groups.

The table below summarizes the By-law’s provisions for the different types of fireworks:



Type of Firework	Regulation	Approval Required?
Family Fireworks	Prohibited except from 7:30PM-12:30AM on Canada Day, New Year's Eve, and any date/time determined by Council	No – unless requesting date outside of stated days (Special Event approval)
Aerial Fireworks	Prohibited – unless approval granted	Yes (Special Event approval)
Pyrotechnics	Prohibited – unless approval granted	Yes (Special Event approval)

The exemption for Canada Day and New Year's Eve was decided as these are the 2 dates when the City puts off its own fireworks displays. These days are consistent with other jurisdictions. Some municipalities include other dates depending on the preferences of their community. For example, Halifax includes Natal Day and recognized religious holidays. Toronto includes Victoria Day and Canada Day, but not New Year's Eve. The Municipality of Northern Bruce Peninsula includes dates like American Independence Day and the Chi-Cheemaun Festival.

The By-Law as currently drafted allows for fireworks to be set off on other days (outside New Year's Eve and Canada Day) by either obtaining Special Event approval, or by Council declaring additional days. This works flexibility into the regime, allowing for needs to be met as they may arise.

In addition, the new By-law sets out several safety parameters that address the manner in which fireworks can be discharged. These parameters were developed by researching other jurisdictions as well as collaborating with the St. John's Regional Fire Department.

The By-Law in no way alters or detracts from the requirements and responsibilities a person has under existing provincial and federal legislation. It will not change the SJRFD's role in regulating the sale of consumer fireworks at the vendor's premises. The current Certification Program will still be implemented by the SJRFD, which places responsibility on the vendor to ensure staff are certified through the SJRFD and to provide educational information to the purchaser.

If approved, the new by-law and amendments would come into effect on December 31, 2021.

Key Considerations/Implications:

1. Budget/Financial Implications:

- There are currently no City fees for approval of a Special Event
- If charges laid at Court for violating the By-Law, fines could be issued

2. Partners or Other Stakeholders:

- SJRFD
- Regulatory Services – Inspection Services
- Community Services – Economic Development, Culture and Partnerships
- General Public

3. Alignment with Strategic Directions/Adopted Plans:

- Connected City - opportunities for residents to connect with each other and the City – the Fireworks By-law enables groups/residents to use fireworks to celebrate together at community events/festivals
- Effective City – ensure accountability and good governance through transparent and open decision making - to discharge fireworks outside of the permitted days a Special Event application will have to be made and reviewed by the Special Events Committee and approved by Council

4. Legal or Policy Implications:

- If approved, the Open Air Fire Regulations and Noise By-Law will need to be amended to remove references to fireworks
- The Fireworks By-Law is not included in the *Violation Notice Regulations*, so charges may only proceed by way of an information laid under the *City of St. John's Act* (not tickets)

5. Privacy Implications: N/A

6. Engagement and Communications Considerations:

- Corporate Communications will work to communicate the new By-Law to residents via the City's website, social media, and other communication channels as appropriate.
- Notice of the amendments to the Open Air Fire Regulations and Noise By-Law will need to be published in the newspaper and Gazette
- Notice of the new Fireworks By-Law will need to be published in the newspaper and Gazette

7. Human Resource Implications:

- The Special Events Committee will review the Special Event applications and make recommendations to Council on approval
- SJRFD and Regulatory Services staff will be responsible for enforcement of the new By-law

8. Procurement Implications: N/A

9. Information Technology Implications:

- Once published in the newspaper and Gazette, the new Fireworks By-Law, the amended Noise By-Law, and the amended Open Air Fire Regulations will have to be updated on the City website.

10. Other Implications: N/A

Recommendation:

That Council amend the Open Air Fire Regulations and Noise By-Law to exclude fireworks, and approve the new, stand-alone Fireworks By-Law coming into effect December 31, 2021.

Prepared by: Katie Philpott

Approved by:

Report Approval Details

Document Title:	New Fireworks By-Law.docx
Attachments:	- Open_Air_Fire_Regs_Amendment.docx - Noise_ByLaw_Amendment.docx - Fireworks_By_Law_FINAL.pdf
Final Approval Date:	May 10, 2021

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

Cheryl Mullett - May 10, 2021 - 3:14 PM