

CITY OF VANCOUVER



POLICY REPORT
PUBLIC SAFETY

Report Date: July 4, 2006
Author: Les Sziklai
Phone No.: 604.873.7562
RTS No.: 06065
VanRIMS No.: 08-4000-11
Meeting Date: September 14, 2006

TO: Standing Committee on City Services and Budgets
FROM: General Manager\Fire Chief, Vancouver Fire & Rescue Services
SUBJECT: Amendments to Vancouver Fire By-law No. 8191 Regarding Fireworks

RECOMMENDATION

- A. *THAT Council approve in principle the proposed amendments to the Fire By-law as summarized in this report, such that the sale and discharge of fireworks in the City be restricted to individuals who hold a valid certification from the Federal Government, Natural Resources Canada - Explosives Regulatory Division as a Fireworks Supervisor, and that the sale and discharge of fireworks otherwise be banned.*
- B. *THAT Council authorize the Director of Legal Services to bring forward the By-law amendments generally as shown in Appendix B to this report, and any consequential amendments required to any other by-laws.*
- C. *THAT Fire Prevention's permit revenue budget be adjusted by \$9,000, without offset, to reflect the estimated reduction to revenue as a result of the By-law amendments.*

GENERAL MANAGER'S COMMENTS

The General Manager of Fire and Rescue Services RECOMMENDS approval of A, B and C.

COUNCIL POLICY

City Council has approved Fire Bylaw No. 8191 and subsequent amendments that govern fire safety standards in the City, and has been supportive of the notion that the Fire By-law contains the minimum standards of life and fire safety. On September 14, 2004, Council supported amendments to the By-law which further restricted the use of family Fireworks.

SUMMARY

The popularity of Consumer (Family) Fireworks has increased over the years, and continues to do so at a rate of about 5% - 10% annually. These fireworks are traditionally used around Halloween, and have resulted in injuries, fires, and complaints from the public.

The misuse of Family Fireworks by untrained and uncertified users is a perennial risk. This report is in response to numerous complaints to the City relating to the use of fireworks before, during, and after Halloween. The report proposes that changes be made to Vancouver Fire Bylaw 8191 to ban the sale and use of family fireworks, and limit the use of fireworks to community display events under the supervision of a certified and permitted professional.

The proposed amendments to the Fire By-law are shown in Appendix B.

PURPOSE

To amend the City of Vancouver's Fire By-law to deter negligent or unlawful use of fireworks by banning the sale and use of "family fireworks", while maintaining provisions to allow organized firework displays by trained and certified professionals.

BACKGROUND

In this report the terms "Consumer" and "Family" fireworks are used interchangeably.

On September 14, 2004, Council approved several amendments to Fire By-law 8191, which modified the allowable types of fireworks and the dates when these could be sold within the City of Vancouver. Those amendments did improve Fire and Rescue and VPD ability to enforce the By-law with respect to fireworks, however, there continues to be misuse of fireworks which result in injuries, fire damage, and complaints from the public.

The City of Vancouver is one of the few jurisdictions in the Lower Mainland that still allows family fireworks to be sold during the week before Halloween and discharged on Halloween. The map contained in Appendix A shows the status of family fireworks legislation within the Lower Mainland. The irresponsible use of consumer fireworks during the week before Halloween has been problematic throughout the City over the years, and makes it difficult in enforcing the Fire Bylaw in the following areas:

- a) Minors in possession of fireworks.
- b) Fireworks discharged other than on October 31st.
- c) Roman Candles being misused or fireworks being modified.
- d) Seizure, and subsequent storage and disposal of fireworks when they do not comply with the Fire Bylaw and are deemed unsafe.

The City receives complaints every year leading up to and during Halloween with respect to property damage, injuries and noise due to irresponsible behaviour associated with fireworks activity in their neighbourhood. The use of Consumer Fireworks has also been cited as the cause of increased calls concerning pets and stray animals. The Manager of the City Pound stated that on Halloween they receive an increase in calls from people looking for their pets that have escaped their homes because of fireworks. The SPCA has also stated that

throughout BC, they see a significant increase in calls during Halloween regarding escaped or injured pets. All of these problems caused by family fireworks places an increased demand on many City departments, specifically our emergency services; Police, Fire and Ambulance.

Many Lower Mainland municipalities have either banned or restricted the use of Consumer Fireworks. The BC Fire Commissioner and the Greater Vancouver Fire Chief's Association have identified the need for consistent regulation across the region, and have recommended a complete ban or restrictions on use of fireworks. The Canadian Fire Chiefs' Association approved a resolution at its annual general meeting in 2005, and brought forward the following recommendation:

"Natural Resources Canada should bring about a complete ban of Consumer Fireworks in Canada."

The Lower Mainland Municipal Association voted on May 11, 2006 to ban fireworks across the region. The National Fire Protection Association (NFPA) has been lobbying the United States Government to ban the use of Consumer Fireworks. The NFPA lobby is based on statistical information citing the high number of injuries and fires, and their position is formally supported by the following prominent professional organization.

- International Association of Fire Chiefs
- International Association of Firefighters
- International Association of Fire Marshals
- American Burn Association
- American Academy of Pediatrics
- American College of Emergency Physicians

DISCUSSION

Fireworks in Canada are regulated through the Explosives Act, which is administered by the Explosives Regulatory Division (ERD) of Natural Resources Canada. The ERD uses a testing protocol to determine the safety of fireworks, and their conformity with the manufacturer's specifications. All legal fireworks are listed by the Explosives Act as authorized explosives under classification F:

- F-1 Consumer Fireworks (formerly 7.2.1)
- F-2 Display Fireworks (formerly 7.2.2)

Federal and Provincial legislation permits local jurisdictions to further regulate the sale and discharge of fireworks. Currently, the City of Vancouver allows the sale of Consumer Fireworks to person(s) 19 years of age and older, during the period of October 25th - October 31st, in each calendar year.

"Display fireworks" (usually much more powerful and spectacular in comparison to family fireworks) are used at supervised venues where an audience is invited, supervised and kept well away from the firing area. These events are allowed under a permit from the local authority having jurisdiction. The sale, purchase and firing of Display fireworks can only be

carried out by a Fireworks Supervisor with a valid certificate issued by the ERD. Any incidents of injury, fires, or complaints from area residences as a result of these displays are minimal and are not documented.

Display fireworks are considered more hazardous than Consumer fireworks, however, this does not mean that Consumer fireworks are without hazard. The ERD public information acknowledges that Consumer fireworks are, in fact, powerful pyrotechnic articles. Even the most benign of Consumer fireworks can burn as hot as 650° C (1200° F).

"Consumer Fireworks" (defined as "Family Fireworks" in our Fire By-law) generally include "fireworks showers, fountains, golden rain, lawn lights, pinwheels, Roman candles, volcanoes and sparklers," and are traditionally used around Halloween. These fireworks result in injuries, fires and complaints, and the majority of Canadians consider the control of fireworks to be an important public health and safety issue. This has prompted most GVRD municipalities to ban the sale of consumer fireworks entirely, consider a ban, or review their current bylaw. The current status of local family fireworks legislation is contained in Appendix A.

In 2002, the Greater Vancouver Fire Chief's Association conducted a survey of fireworks related fires during Halloween. There were a total of 344 fires, causing \$1,882,508.00 worth of damage and fire loss. In 2003, the City of Vancouver experienced 23 fire incidents relating to fireworks and the dollar loss totalled \$56,564.00. The following year in 2004, saw a fire loss of \$25,000.00, due to the use/misuse of fireworks. The decrease was most likely due to the cool, rainy weather that Halloween.

It is acknowledged that a ban of Consumer Fireworks will not completely eliminate problems associated with fireworks. This has been noted by some consumer fireworks wholesalers and manufacturers who would prefer to see greater education, restrictions, enhanced permitting and stricter enforcement to resolve issues involving misuse. Unfortunately, the move to reduce problems in this manner has not been successful in other local municipalities, and the small benefits are being offset by unacceptable numbers of complaints, injuries and fire damage. The banning of Consumer fireworks would allow enforcement of all other firecrackers and fireworks used during the Halloween period, by not allowing this illegal use to be "masked" with currently legal use of fireworks.

Appendix B contains the proposed By-law amendments. These amendments include changes which will make it illegal to buy, sell or use family\consumer fireworks in Vancouver. The changes will allow public displays of fireworks under controlled conditions with a required "Display Permit". Definitions of several terms, including "bottle rocket", "family fireworks", "family pack", "firecracker", and "roman candle" are repealed since they will no longer be mentioned in the By-law.

FINANCIAL IMPLICATIONS

In 2005, there were 120 permits issued by Vancouver Fire & Rescue Services, to sell fireworks at a cost of \$75.00 per permit. The cost of the proposed by-law amendment is estimated to be \$9,000.00 and the permit revenue budget should be adjusted accordingly. The revenue received in previous years has not recovered all the cost of staff time necessary to inspect

these premises, respond to fireworks related emergency calls, and the dollar loss due to fire damage.

PERSONNEL IMPLICATIONS

Prohibiting the purchase, possession, and discharge of Consumer Fireworks would alleviate the need to monitor, seize and store fireworks and reduce the numbers of emergency responses.

ENVIRONMENTAL IMPLICATIONS

Fireworks that are sold in "Family Packs," or pre-packaged firework assortments, also include noise makers which have little pyrotechnic effect, other than producing a loud gun shot sound. Noise makers, when crushed or pounded will explode and are frequently modified by young consumers by wrapping several together in electrical tape, to create a multiple detonation. The noise associated with these types of fireworks contributes to noise pollution, and also air pollution from the emissions given off following the blast.

SOCIAL IMPLICATIONS

Prohibiting residential family fireworks displays will be of concern to some residents as this activity has become a traditional event. However, these concerns must be balanced against the rights of citizens to be undisturbed by the excessive noise and the safety issues that result from misuse of fireworks in their neighbourhoods. These concerns could be offset by facilitating and encouraging larger community event fireworks displays under safe and controlled conditions. The By-law changes in this report would still allow community fireworks displays.

There have been presentations to some municipalities by local fireworks supply companies, that are concerned that a ban would impact their incomes by affecting their business of selling consumer fireworks. However, public safety is a significant consideration in the City's regulatory function.

IMPLEMENTATION PLAN

The recommendation to implement a ban on selling and discharging consumer fireworks would be implemented in time for Halloween 2006. The implementation of these changes would allow sufficient lead time so that community groups could organize community fireworks displays for next Halloween if desired.

COMMUNICATIONS PLAN

All of the fireworks wholesalers that can be identified in the region have been contacted and informed about the contents of this report, and will be given the opportunity to speak to Committee.

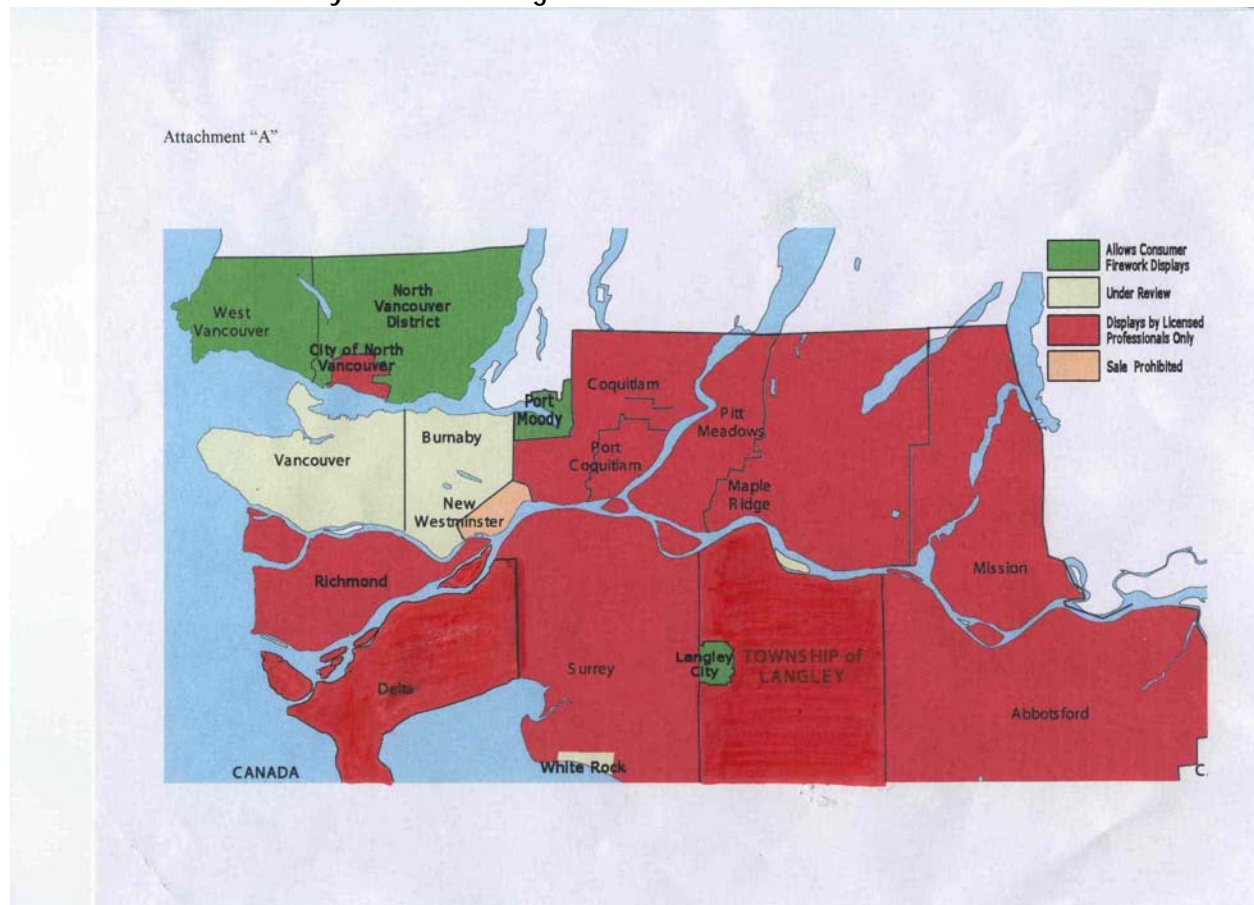
The release of information regarding a fireworks ban could be effectively communicated through the media and public education, stressing public safety and the overall trend by other municipalities and professional groups to ban consumer fireworks.

CONCLUSION

The safest way to enjoy fireworks is to attend organized outdoor displays supervised and operated by properly trained and licensed technicians and permitted by the local jurisdiction. Most residential lots are not large enough to meet the safe clearance requirements recommended by the BC Fire Commissioner, so these community displays would likely only occur in large public spaces. Fireworks can turn a joyful celebration into a hazardous emergency when children or adults are injured while using fireworks or being in close proximity to fireworks used by untrained individuals. Taking dangerous fireworks out of the untrained hands of consumers while permitting safe, approved public displays by certified supervisors would continue to allow for fireworks displays within the city, without subjecting citizens to danger. This proposal is in keeping with the nature of dialogue and action that is occurring in most communities within the Lower Mainland.

* * * *

APPENDIX A:
Current Status of Family Fireworks Legislation in the Lower Mainland



| Municipality | Legislation |
|--------------------------|---|
| Burnaby | Under review |
| City of North Vancouver | Displays by Licensed professionals Only |
| Coquitlam | Displays by Licensed professionals Only |
| Port Coquitlam | Displays by Licensed professionals Only |
| Pit Meadows | Displays by Licensed professionals Only |
| Maple Ridge | Displays by Licensed professionals Only |
| Richmond | Displays by Licensed professionals Only |
| Delta | Displays by Licensed professionals Only |
| Surrey | Displays by Licensed professionals Only |
| Township of Langley | Displays by Licensed professionals Only |
| Mission | Displays by Licensed professionals Only |
| Abbotsford | Displays by Licensed professionals Only |
| New Westminster | Sale Prohibited |
| Langley City | Allows Consumer Fireworks Displays |
| Port Moody | Allows Consumer Fireworks Displays |
| West Vancouver | Allows Consumer Fireworks Displays |
| North Vancouver District | Allows Consumer Fireworks Displays |

APPENDIX B. New Revisions, Additions or Deletions to the Fire By-law

BY-LAW NO. _____

A By-law to amend Fire By-law No. 8191
regarding fireworks

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions and schedules of the Fire By-law.
2. In Article 1.2.1.2., Council:
 - (a) repeals the definition of "Bottle rocket";
 - (b) after the definition of "*Dangerous goods*", adds:

"Discharge fireworks or Discharge of fireworks means to discharge, ignite, explode, set off, or detonate fireworks."
 - (c) after the definition of "Display fireworks", adds:

"Display permit means a permit issued under Sentence 5.8.2.1.(6).

Display permit holder means a person who holds a valid and current display permit."
 - (d) repeals the definition of "*Family fireworks*";
 - (e) repeals the definition of "*Family pack*";
 - (f) repeals the definition of "*Firecracker*";
 - (g) strikes out "*family fireworks* and" from the definition of "*Fireworks*"; and
 - (h) repeals the definition of "*Roman candle*".
3. Council repeals Articles 5.8.2.1., 5.8.2.2., 5.8.2.3., and 5.8.2.4., and substitutes:

"5.8.2.1. General

 - 1) A person must not offer for sale, sell, or dispose of *fireworks* to any person except a *display permit holder*.
 - 2) A person who sells or disposes of *fireworks* to a *display permit holder* must

- a) at the time of the sale or disposition, examine the *display permit holder's display permit* to ensure that it is current,
 - b) require the *display permit holder* to produce two pieces of identification that corroborate the name of the *display permit holder* on the *display permit*, and
 - c) comply with all conditions on the *display permit* that apply to the sale or disposition of *fireworks*.
- 3) A person must not possess or discharge *fireworks* except if that person is a *display permit holder*, and complies with the requirements of this By-law and all conditions on the *display permit*.
- 4) A person who is a *fireworks supervisor* and at least 19 years of age may apply to the *Fire Chief* for a *display permit to discharge fireworks*, and must submit
- a) a completed *display permit* application in the form prescribed by the *Fire Chief*,
 - b) a release and indemnity in the form prescribed by the Director of Legal Services for the city,
 - c) a certificate of insurance showing evidence that the applicant for the *display permit* has comprehensive general liability insurance which
 - (i) has a coverage limit of not less than \$5,000,000.00 per occurrence,
 - (ii) includes the city as an additional named insured, and
 - (iii) has a deductible of not more than \$5,000.00,
 - d) proof that Natural Resources Canada has certified the applicant as a *fireworks supervisor*, and that the certification is current,
 - e) if the discharge of *fireworks* under the *display permit* is to occur on property not owned by the applicant, an authorization signed by the property owner or property owner's agent, and
 - f) such other information or material as this By-law or the *Fire Chief* may require.
- 5) If
- a) the applicant fails to comply with the requirements of Sentence (4),
 - b) the applicant provides false or inaccurate information on the application for the *display permit*,
 - c) the *Fire Chief* does not approve the proposed location for the *discharge of fireworks*, or

- d) this By-law otherwise authorizes the *Fire Chief* to refuse to issue a *permit*, the *Fire Chief* may refuse to issue the *display permit* applied for under Sentence (4).
- 6) The *Fire Chief* may issue a *display permit*, and may impose conditions on that *display permit* including the following
 - a) the location at which the *discharge of fireworks* under the *display permit* may take place,
 - b) the days and times the discharge of fireworks may occur at that location,
 - c) the fire safety precautions the *display permit holder* must take in connection with the *discharge of fireworks* under the *display permit*, and
 - d) safe storage of the *fireworks* that the *display permit holder* intends to *discharge* under the *display permit*.
- 7) If
 - a) a *display permit holder* violates any applicable law or any condition of the *display permit*,
 - b) a *display permit holder* acts in such a manner as to endanger property or public safety,
 - c) environmental or weather conditions are such that the *discharge of fireworks* under the *display permit* would endanger property or public safety, or
 - d) this By-law otherwise authorizes the *Fire Chief* to revoke a *permit*,the *Fire Chief* may revoke the *display permit*.
- 8) A *display permit* is
 - a) valid only for the *discharge of fireworks* at the location and during the days and times specified in the *display permit*, and
 - b) not transferable.
- 9) Without limiting the generality of this Article 5.8.2.1., a person must not
 - a) point or direct *fireworks* at any person, animal, *building*, or motor vehicle where such *fireworks* are in the process of projecting or discharging a charge or pyrotechnical effect more than 1 m, or

b) *discharge fireworks* in such a manner as may endanger any person or property or cause a nuisance to any person or property.

10) If a person is holding *fireworks* in violation of this By-law, any member of the Fire Department or Police Department may seize and dispose of such *fireworks*, and the city is not liable to pay any compensation to such person for such *fireworks*."

4. From Schedule A-1, Council repeals:

| | | | |
|------------------------------------|-------|--|-------|
| Selling Fireworks (Annual Permit) | 75.00 | | 75.00 |
|------------------------------------|-------|--|-------|

5. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this day of ,
2006

Mayor

City Clerk