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FIRE AND RESCUE SERVICES
Fire Prevention Division

VanRIMS No. 14-1000-01

MEMORANDUM

February 19, 2008

TO: Vancouver City Council

CC: Syd Baxter, City Clerk
Ray Holdgate, General Manager, Fire & Rescue Services
Margaret Fairweather, Legal Services
Inspector Scott Thompson, VPD

FROM: Les Sziklai, AGM/Deputy Chief, Vancouver Fire and Rescue Services

SUBJECT: Fireworks Permitting and Other Cities

This memorandum provides further information about several specific topics that Council discussed during the submission of the report "Amendments to Vancouver Fire By-law No. 8191 Regarding Fireworks" (RTS # 07039), on February 14, 2008.

Response to the question of permitting purchasers and users of *consumer fireworks* in the District of North Vancouver.

A discussion on the District of North Vancouver's use of this process was included in the "Report Back on Halloween Consumer Fireworks," RTS # 6243 (dated January 19, 2007), under Alternatives/Options. In brief, the District of North Vancouver requires that fireworks retailers require an adult to apply for a permit from them (the vendor) at a permit fee of \$1.00. This allows the purchaser to discharge the *consumer fireworks* they purchased. Approximately 2400 permits were issued in 2006 in North Vancouver.

Response to the question of requiring *consumer fireworks* retailers to post a "performance bond."

Legal Services has informed us that the application of a performance bond is not currently permissible under our Charter. The Vancouver Charter gives Council the tool of imposing penalties or obtaining injunctions for breaches of by-laws, and they are exclusive. Enforcement would be applied through the Vancouver Fire By-law, charging the business owner for an offence against this By-law. If prosecuted successfully, a Judge or Justice of the Peace could levy a fine of \$500 to \$2000 in court for each offence.

Selected cities in Canada and discussion of their By-laws relating to *consumer fireworks*.

Calgary - *consumer fireworks* may not be purchased or discharged at any time.

Edmonton - *consumer fireworks* may be purchased year round from a permitted retailer (approx - 30 retailers). A permit to discharge *consumer fireworks* must be obtained from the Fire Prevention Office or a local Fire Hall. There is no charge for the permit, and numbers are not tracked. There is no educational information supplied with the permit.

Winnipeg - *consumer fireworks* may be purchased and discharged year round. The permit may be obtained free of charge from a local Fire Hall, but there are restrictions on the discharge of the *consumer fireworks* on private property. Requirements for clearances of 20 meters from the nearest building when discharging "fountains" and other ground based fireworks; 30 meters clearance from the nearest building when discharging "roman candles" without any overhead obstructions, such as wires or branches.

Ottawa - *consumer fireworks* are permitted to be sold seven business days prior to, and including Victoria Day and Canada Day. The discharge of *consumer fireworks* can only take place on Victoria Day and Canada Day, and the day before and after those days without permit.

Toronto - starting January 1, 2008, *consumer fireworks* may be sold year round. This was implemented to address the 1998 amalgamation of the municipalities in the Greater Toronto area, creating a uniformed by-law for the City of Toronto. Retailers of *consumer fireworks* require a permit to sell. The purchasers of *consumer fireworks* do not require a permit and may discharge *consumer fireworks* on Canada Day and Victoria Day. At any other times during the year they must obtain a permit from a local Fire Hall for \$25. Included with that permit is a handout with educational information on the safe use of *consumer fireworks*. Due to the recent nature of the changes to their fireworks permit system; they have no experience on the success of the program or the numbers of permits which will be issued.

Some Considerations if a Consumer Fireworks Permit is Contemplated in Vancouver:

If a consumer fireworks user permit process is preferred for Vancouver, further study on how best to implement this course of action would be required. According to Legal Services, the North Vancouver method which requires fireworks retailers to issue permits and collect fees would not be allowed under the terms of our Charter.

By comparing our population with North Vancouver, and assuming a similar ratio of permits, we could expect an annual demand for up to 16,000 permits. Permits may be issued from the Broadway Fire Prevention Office, Fire Headquarters and Fire Halls.

Issues related to including an effective educational component, enforcement concerns, as well as the type of information required on the permit would require further investigation.

Pros:

- Educational information could be distributed to each permit applicant.
- Tracking of the number of permits issued could give the City a better idea of the numbers of fireworks users for planning future initiatives. E.g. educational materials, enforcement, fee adjustments, public fireworks use trends, etc.

- May create a more responsible user of *consumer fireworks*, due to the application process.

Cons:

- Enforcement of use on Halloween evening would be an issue due to the lack of available staff to enforce compliance.
- Creating a permitting system requires additional staff (and system) resources to administer.
- A higher fee than the \$1 used in North Vancouver might be required in order to recover the costs of the system (our current fee for fireworks permits for non-profit groups is \$20). If the costs to effectively enforce the permits during Halloween Week are included (additional staff time), the cost recovery requirements may be significantly higher.
- Distributed educational materials may not be referenced by the consumer, and the issuance of a permit does not ensure responsible use.
- Issuing a large volume of user permits just prior to Halloween may pose logistical problems.
- Law advises that Council likely can compel fireworks retailers to require evidence of a valid consumer fireworks user permit (and proof of identity). However, the effectiveness of enforcing this requirement in practice is questionable.
- A permit system will likely not deter purchase and use of illegal fireworks, nor reduce the illegal or inappropriate use of legal fireworks. It may be that only the currently responsible fireworks users would be inclined to obtain a permit.

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