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APPROVED BY COUNCIL

MARCH 1, 2007

EXTRACT FROM THE MINUTES
STANDING COMMITTEE ON CITY SERVICES AND BUDGETS
MARCH 1, 2007

4. Report Back on Halloween Consumer Fireworks (VanRIMS No. 08-4000-11)

The Committee had before it an Administrative Report dated January 19, 2007, in which the General Manager/Fire Chief, Vancouver Fire & Rescue Services, provided Council with a proposed public awareness and education effort, in cooperation with representatives of the consumer Fireworks industry, beginning in September of 2007. The Fire Chief supported the approach proposed in this report in that it provides sufficient time to implement additional public education and awareness efforts and to fairly evaluate the effectiveness of the recent By-law changes.

Ray Holdgate, Fire Chief, Fire and Rescue Services, briefly review the report and responded to a question regarding the statistics on firework-related damage.

John Rielly, BEM Fireworks, suggested Council review the permit system for fireworks and, with regard to the Fire By-law, include a section referencing sufficient fines for those who misuse fireworks, and add nuisance fireworks and noise makers. He also distributed a brochure on Family Fireworks Safety (*on file*).

Mr. Holdgate, together with Piet Rutgers, Director of Planning & Operations, Park Board, responded to questions concerning firework-related injuries and feedback, and the process involved for holding public fireworks displays. Staff agreed to provide a memorandum on the permitting process for public fireworks displays, including the circumstances, limitations and insurance requirements.

MOVED by Councillor Deal
THAT the Committee recommend to Council

THAT Council receive the Administrative Report dated January 19, 2007,
entitled "Report Back on Halloween Consumer Fireworks" for information.

CARRIED UNANIMOUSLY



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Report Date: January 19, 2007
Author: L. Sziklai \ W. Oudijn
Phone No.: 604.873.7562
RTS No.: 6243
VanRIMS No.: 08-4000-11
Meeting Date: March 1, 2007

TO: Standing Committee on City Services and Budgets

FROM: General Manager\Fire Chief, Vancouver Fire & Rescue Services

SUBJECT: Report Back on Halloween Consumer Fireworks

RECOMMENDATION

THAT Council receive this report for information.

GENERAL MANAGER'S COMMENTS

An amendment to the Fire By-law aimed at restricting the sale and use of fireworks that produce noise (without a significant light display) was implemented just prior to Halloween last year. The short time frame between the By-law change and Halloween limited the ability of the fireworks distribution industry and the City to provide supporting education and public information about the amendment. As a result, this may have reduced the potential effectiveness of the By-law change.

The Fire Chief supports the approach proposed in this report in that it provides sufficient time to implement additional public education and awareness efforts and to fairly evaluate the effectiveness of the recent By-law changes.

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, and again on September 14, 2006, Council directed staff to amend the By-law to place increased restrictions on the sale and use of consumer fireworks (also called family fireworks) with the objectives of improving safety, reducing damage, and minimizing associated nuisance noise levels.

SUMMARY

This report provides an update on the affects on the inappropriate or illegal use of consumer fireworks during Halloween of 2006 which may have resulted from a change to the Fire By-law. The changes to the By-law resulted from Council direction to review regulations while, "sales of fireworks that produce loud noises without a light display be prohibited".

This report also proposes a cooperative approach between City staff and representatives of the Fireworks Distribution industry to increase public awareness regarding the safe and courteous use of consumer fireworks. The combined effectiveness of the By-law changes and the public awareness campaign will be evaluated next Halloween, with a subsequent report back to Council.

PURPOSE

The purpose of this report is to propose a public awareness and education effort, in cooperation with representatives of the consumer Fireworks industry, beginning in September of 2007. Various approaches will be used to increase public awareness of the safe and respectful use of consumer fireworks, which may include media releases, newspaper inserts, product inserts, and point-of-sale displays. Discussions will continue to be held with the industry which has offered to participate and share in any associated costs of the educational initiatives.

BACKGROUND

On September 14, 2006, Vancouver Fire & Rescue Services submitted a report to Council recommending amendments to the Vancouver Fire Bylaw #8191. The proposed amendments stated "that the sale, purchase and firing of fireworks within the City of Vancouver be restricted to only those who hold a valid certificate from the Federal Government, Natural Resources Canada - Explosives Regulatory Division, as a Fireworks Supervisor."

Upon deliberating the proposed Fire By-law amendments, City Council chose not to support a comprehensive consumer fireworks ban at that time, and to amend the report.

Council directed:

- A. "THAT Vancouver City Council direct staff to work with representatives of the Fire Department, Police Department, fireworks industry, SPCA and the health care industry to examine options for addressing issues of fireworks noise and safety, and report back to Council by February 15, 2006, with recommendations which may include tracking of sales, consumer training, increased fines and limiting sales of some fireworks such as noisemakers, with the goal of allowing consumer fireworks while minimizing the illegal and/or unsafe use of fireworks in Vancouver.

- B. THAT sales of fireworks that produce loud noises without a light display be prohibited while the regulations are being reviewed.
- C. THAT Council authorize the Director of Legal Services to bring forward the necessary By-law amendments, and,
- D. THAT the recommendations to be put forward by staff as noted in A above are cost neutral."

DISCUSSION

Recently, fireworks distributors have cooperated with our efforts to improve fireworks safety. In early October, 2006, Vancouver Fire and Rescue was provided with a broad selection of currently available consumer fireworks. An industry representative assisted City staff in demonstrating the pyrotechnic effects of various fireworks. The sample fireworks were ignited in a large vacant lot under controlled conditions and a number of City staff attended to provide subjective evaluations. A noise level meter was used to compare the relative sound levels which resulted from the detonations of the various items.

Some of the fireworks that were demonstrated were clearly noise-making devices, with trade names such as Hummeroos, Screecheroos, and Screaming Banshees. However, almost all of the fireworks demonstrated were inherently noisy, even when they exhibited a 'significant light show' in conjunction with the detonations. As a result of the demonstration, a number of fireworks were determined to provide little entertainment value aside from a loud explosion. A number of fireworks were specifically identified (by trade name) and included in the By-law amendment. As a result, these types of fireworks cannot now be legally sold or used within Vancouver.

As a result of Council's direction on September 14, 2006, Fire Bylaw #9365 was enacted. The Bylaw was amended by adding the following:

After Sentence 5.8.2.2.(4), Council added:

- 5) Despite anything to the contrary in this By-law, a person must not offer for sale, sell, dispose of, possess, or discharge fireworks, including air bombs, cracking bombs, hummers, screamers, screech owls, sonic bangers, butterfly thunder, bangers plus, hummeroos, screaming demons super sonic bangs, sky rockets, bangers, cherry bombs, screecheroos, screaming banshees and thunderflashes, that produce noise without an accompanying light display, and such light display must consist of more than a single flash of light.

Fireworks distributors removed the listed types of fireworks from pre-packaged "family packs" sold in Vancouver. Based on the spot checks conducted by Fire Prevention Inspectors, fireworks sold by the 120 permitted vendors within the City generally complied with the requirement to produce a light display. However, it is noted that on the street it was difficult to determine whether the fireworks noise heard during Halloween by the public, our Inspectors, and VPD members within Vancouver was from legally purchased fireworks, or from illegal fireworks brought in from elsewhere. Noise produced by legal fireworks tends to

“mask” noise produced by illegal fireworks. Unless fireworks were individually checked by knowledgeable inspectors prior to use, or the explosive effect (without significant light effect) was witnessed first-hand, it was not possible to determine the legality of the firework.

To prepare for this report to Council, the Fire Prevention Division assigned ten Fire Inspectors to work on Halloween evening, 2006. Five pairs of inspectors, plus the Chief Fire Prevention Officer, were situated throughout the City of Vancouver, inspecting and observing various areas from 5 p.m. until after midnight. The teams were also instructed to drive into Richmond and the District of North Vancouver (DNV) municipalities, to observe the level of consumer (family) fireworks in use. Those two municipalities were chosen since the District of North Vancouver had enacted some restrictions (allowing sales to the public with a permit), while Richmond had banned the sale and use of Consumer Fireworks.

After reviewing the reports from the Fire Inspectors, it appears that some areas in Vancouver were relatively quiet, with little fireworks activity. For example, the West Side and the West End of the City both appeared to have minimal fireworks use, while the area between 41st Avenue and 49th Avenue from Main Street to Boundary Road had a high level of fireworks activity. The area covered several square blocks near Fraser Street and 49th Avenue, and was shrouded in heavy smoke from Consumer Fireworks by 8:30 pm. Another area observed with high fireworks usage was west of 1st Avenue and Boundary Road, covering a few square blocks. Overall, although this is a subjective evaluation, there did not seem to be a significant reduction of fireworks noise observed by our inspectors as compared to previous years.

We examined incident statistics for all fireworks related fires which resulted in a dollar loss during the week before and the week after Halloween for the past several years. It should be noted that a single large loss fire can significantly distort short-term trends in a one day snapshot of statistics. For example, the data for 2006 included a single fire which may have been fireworks related, and resulted in \$410,000 in damage to a school. This incident is not included in the statistics in the following table since it could misrepresent the underlying trend. Although it is difficult to be definitive, it does appear that there may be a downward trend in fireworks related fires in Vancouver. We were unable to obtain statistics on fireworks related injuries which may have occurred in Vancouver.

Oct. 25 - Nov.6	Fires with \$ loss	Damage
2003	19	\$31,400
2004	17	\$36,300
2005	11	\$11,800
2006	12	\$9,850**

** one large loss fire (\$410,000) was not included

The Fire Prevention office also carried out an informal telephone survey of the Fire Prevention Officers throughout the Lower Mainland, to inquire about their fire department's observations on Halloween 2006. The departments of Surrey, Delta, New Westminster, Township of Langley and Richmond (all have banned consumer fireworks sales) reported very few fireworks related calls on Halloween 2006, and a reduced number from previous years when there were no restrictions in these areas. Richmond was observed by our Inspectors on Halloween night, and they confirmed very little visible light effects or noise related to fireworks.

Since the report to Council in September 2006, which listed organizations recommending restricting the use of Consumer Fireworks, the BC Association of Chiefs of Police have called for a province wide ban on the sale of fireworks.

The VPD believes the current situation is not just a fire safety issue, it is part of the disorder and public safety issues we face during the week of Halloween. Like the VFRS and other stakeholders, the VPD has serious concerns about the injuries suffered by people, particularly children, in relation to fireworks. The VPD supports the BC Association of Chiefs of Police (BCACP) position calling for a Province-wide ban of fireworks in the long run. In the short run the VPD will continue to support any steps to have more restrictive bylaws and/or Provincial laws enacted with to regulate fireworks.

The Office of the Fire Commissioner also clarified their position on Consumer fireworks, in conjunction with the Greater Vancouver Fire Chiefs Association and the Lower Mainland Municipal Association, in their goal to enact consistent By-Laws in the Lower Mainland to ban Consumer Fireworks.

VFRS staff have met with a representative from Children's Hospital "Safestart", who supports the awareness program proposed in this report. "Safestart" looks forward to evaluating the effects of the awareness program, and plans to attend the Council meeting after next Halloween to discuss further potential measures to improve safety.

A letter from the BC Society for Prevention of Cruelty to Animals has been included in Appendix A.

ALTERNATIVES/OPTIONS

Consumer Fireworks Permit

The District of North Vancouver has implemented a system that permits the sale and use of Consumer Fireworks. Fireworks vendors require an adult to apply for a permit from them for \$1.00, to be able to use Consumer Fireworks that they purchase. Almost 2400 of these permits were issued. They also provide a permit for "Cul-de-Sac" displays. This type of display is typically put on by a group of parents in a neighbourhood who combine their resources to buy and ignite a number of fireworks, usually in the middle of the street. The District of North Vancouver did not issue any of these types of permits. The District of North Vancouver is considering increasing the cost of the permit to \$5.00 in the future since the current cost does not cover the administrative cost of the permit. The District of West Vancouver has a similar permit system.

In our judgement, the value of a consumer fireworks permit system is minimal unless it is supported with appropriate enforcement activity. This type of system does little to directly improve the safety of the use of the fireworks. Fire and Rescue staff feel that there are significant potential safety and personal security issues involved with seizing fireworks. In order to monitor the City safely, inspectors work in teams of two members. In many incidents, there are large numbers of individuals involved in the unsafe or illegal use of fireworks, and alcohol use may be involved. Members are concerned about their personal safety and as a result there were no fireworks seizures by VFRS staff. Due to the large number of higher priority calls on Halloween, the VPD also seized very few illegal fireworks (perhaps

one box). Many of the fireworks complaints received by the VPD were anonymous and general in nature and response was often superseded by requirements to attend more serious incidents. The VPD is making a commitment to partner with the VFRS during the week of Halloween and provide assigned police personnel for a joint VFRS/VPD team to conduct fireworks enforcement.

If the City were to adopt a similar type of program as the District of North Vancouver, (taking into account the differences in population) Vancouver could issue over 16,000 permits for Consumer Fireworks. This would require a significant administrative overhead and enforcement effort.

We are not recommending implementing a permit system for consumer fireworks at this time.

Increased Fireworks Retailer Permit Fee

Vancouver Fire and Rescue members have met with representatives of the Fireworks Industry who have suggested that an increase to the existing permit fee for fireworks retailers in Vancouver would result in reducing the number of retailers who are less than committed to ensuring that fireworks are legally sold. In their view, the current \$75 permit fee could reasonably be increased to \$250. They also suggested that a requirement for a \$2,000 bond would contribute to ensuring that retailers comply with legal requirements.

Vancouver Fire staff will consult with Legal Services to determine if this approach is reasonable and achievable within our By-law, and will report back to Council with potential By-law amendments if required.

Consumer Training

An issue that was explored was the opportunity to educate people on the safe handling of fireworks. The District of North Vancouver provided a safety message on the back of each of the 2400 Consumer Permits issued.

Vancouver Fire and Rescue has provided some public education regarding safe use of fireworks in the past. These efforts are primarily aimed at school aged children in conjunction with our other established public fire safety education programs.

The recent changes to the Fire By-law, which further limited the acceptable types of consumer fireworks in Vancouver, were not publicised or promoted to the general public. In addition, inserts in local print media which provide information on the safe and legal use of fireworks have not been used.

VFRS members have met with representatives from the fireworks retailing and distributing industry to discuss potential cooperative approaches that can be taken to educate the public. These educational approaches could include media releases, newspaper inserts, product inserts, and point-of-sale displays. There would be a cost of approximately \$4,000 associated with some of these initiatives (such as newspaper inserts). The fireworks industry (through The Canadian Pyrotechnics Council) has offered to provide the funding for this initiative. The industry will also provide safe use instructions with all fireworks sold in Vancouver. In addition, the industry has offered to provide training to our Fire Inspectors on recognizing illegal fireworks.

Fireworks awareness initiatives will begin in early Fall of 2007.

Increased Fines

At the present time, individuals can be charged with an offense under the By-law, however, fines must be levied by a judge. Possible fines range from \$500 to \$2000 if found guilty. The Municipal Ticketing Information (MTI) system may in the future allow tickets to be issued directly, similar to parking infractions.

FINANCIAL IMPLICATIONS

There will be no financial implications for the City. The estimated cost for public information and education inserts in local newspapers is \$4,000, and will be funded by the fireworks distribution industry. The fireworks industry will also provide safety information with all fireworks sold, as well as point-of-sale displays.

VFRS staff will increase the fireworks safety educational component within our current school programs at no additional cost.

ENVIRONMENTAL IMPLICATIONS

There should be a reduction in nuisance noise due to the use of illegal fireworks.

SOCIAL IMPLICATIONS

As a result of the increased educational initiatives and improved awareness, over time the public perception about the acceptable use of consumer fireworks will continue to result in safer use of these products.

IMPLEMENTATION PLAN

Ongoing discussions between the fireworks industry, police, health care and fire departments will continue. Expanded public information and education programs will be implemented beginning in September of 2007.

COMMUNICATIONS PLAN

Vancouver Fire and Rescue will report back to Council in December, 2007, with the results of the public information and education program, as well as any further By-law amendments that may be recommended.

CONCLUSION

The most recent changes to the Fire By-law regarding fireworks may ultimately have a demonstrable positive impact on the safety of fireworks use in Vancouver. However, the greatest impact of these changes will likely be a reduction in the overall level of noise resulting from the use of certain types of fireworks. The allowed types of fireworks have been progressively restricted, and in general, public recognition that fireworks use should be restricted has also increased.

With continuing education of school aged children and the public in general, it is hoped that there will be a reduction in fireworks related noise complaints, as well as a continued reduction in fire incidents and damage resulting from misuse of fireworks.

* * * * *

APPENDIX A

BCSPCA

February 6, 2007

To: Fire Prevention Programs
City of Vancouver

I am writing on behalf of the BC SPCA to express our support for initiatives the City of Vancouver may be considering to address the dangers of fireworks in the community. As BC's largest animal welfare organization we see first-hand the negative impact of fireworks on both domestic and farm animals throughout the province.

During the times of year when fireworks are used, our shelters and emergency response officers experience an increase in the number of community animals who require rescue and emergency care. The noise from fireworks is often terrifying for pets and can result in animals bolting from their homes in panic, only to become lost or seriously injured in traffic accidents or other hazards. We also receive calls to rescue farm animals who have bolted in fear as a result of fireworks.

Each year we receive numerous calls from the public urging us to advocate for a ban on fireworks because of the dangers they create for animals in the community. We appreciate this opportunity to echo their concerns and to add our voice to any initiatives the City of Vancouver may be considering to reduce the widespread use of fireworks.

Sincerely,



Craig Daniell,
CEO, BC SPCA