



CITY OF VANCOUVER

POLICY REPORT PUBLIC SAFETY

Report Date: July 8, 2008
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VanRIMS No.: 08-2000-20
Meeting Date: July 24, 2008

TO: Standing Committee on City Services and Budgets
FROM: General Manager\Fire Chief, Vancouver Fire & Rescue Services
SUBJECT: Report on Consumer Fireworks Permitting During Halloween

RECOMMENDATION

- A. THAT Council approve in principle the proposed amendments to the Fire By-law as summarized in this report, such that the purchase and discharge of fireworks in the City be restricted to individuals who hold a permit issued by the Fire Chief.
- B. THAT Council approve in principle the proposed amendments to the Fire By-law to increase the permit fee to retail vendors of Consumer Fireworks to \$250 annually; as offset to increased costs of inspection and system support, with the 2009 operating budget to be adjusted for increased costs of \$18,500 and increased revenues of \$28,000, subject to the annual budget review process.
- C. THAT Council authorize the Director of Legal Services to bring forward the By-law amendments generally as shown in Appendix A to this report.

GENERAL MANAGER'S COMMENTS

The General Manager of Fire and Rescue Services RECOMMENDS approval of A, B and C. Council has approved the Fire By-law that governs fire safety standards, and has supported the notion that the Fire By-law contains the minimum standards of life and fire safety. On April 18, 2000, (RTS # 01373), September 14, 2004 (RTS # 04412), and again on October 17, 2006, Council supported amendments to the Fire By-law which further restricted the use of consumer/family fireworks. Council has also expressed its desire, during discussions of

previous reports on this topic, to continue supporting the tradition of family use of consumer fireworks.

SUMMARY

This report is an update to a Council report on fireworks dated January 29, 2008, (RTS # 07039), that recommended banning sales and discharge of consumer fireworks. At a regular Council meeting on March 11, 2008, Council discussed the report recommendations and voted to continue to allow the sale and use of consumer fireworks. Council also passed a motion stating *“That Council direct staff to report back on potential family and public fireworks licensing systems, including limitations and insurance requirements.”*

This report submits recommendations to address Council’s March 11th motion that includes a proposed permitting system. It is noted that the majority of Metro Vancouver municipalities have banned consumer fireworks and comparable Canadian cities (such as Toronto and Ottawa) sell consumer fireworks without a requirement for a consumer permit.

The proposed amendments to the Fire By-law are outlined in Appendix A.

PURPOSE

This report submits recommendations to amend the Fire By-law, to enable a consumer fireworks permit system to deter negligent or unlawful use of fireworks, and to increase safety and awareness. This report also recommends an increase in the fireworks retail permit fee to reflect the cost of planned increased enforcement at the retail and consumer levels.

BACKGROUND

In this report, the terms “consumer” and “family” fireworks are used interchangeably.

On September 14, 2004, Council approved several amendments to the Fire By-law, which modified the allowable types of fireworks and the dates when these could be sold. Those amendments did marginally improve both Vancouver Fire & Rescue Services (VF&RS), and Vancouver Police Department’s (VPD) ability to enforce the By-law with respect to fireworks, however, there continued to be misuse of fireworks which resulted in injuries, fire damage, and complaints from the public.

On September 14, 2006, VF&RS submitted a Policy Report entitled, “Amendment to Vancouver Fire By-law No. 8191 Regarding Fireworks” (RTS No.: 06065), recommending the banning of sales and discharge of consumer fireworks. After considering that report, Council requested that VF&RS investigate methods of eliminating fireworks that produce noise without a significant light show. In addition, Council suggested that VF&RS work with VPD, the fireworks industry, SPCA, and health care providers to minimize illegal and unsafe fireworks use.

Subsequent reports to Council followed, including January 19, 2007, “Report Back on Halloween Consumer Fireworks” (RTS No.: 6243). This report was an update on the outcome of Halloween 2006, when the By-law was amended to support the “elimination of fireworks

that produce noise without a significant light show" was implemented. Due to the short time period prior to Halloween 2006, VF&RS requested another year to fully analyse the effectiveness of the changes, and again in January 29, 2008, "Amendments to Vancouver Fire By-law No. 8191 Regarding Fireworks" (RTS No.: 07039) when VF&RS recommended that the purchase 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 Display Fireworks Supervisor.

Following the most recent report, Council directed VF&RS to investigate and report back on possible permitting systems for the discharge of consumer fireworks, including limitations and insurance requirements.

DISCUSSION

As the estimated number of permits for consumer fireworks that would be issued could exceed ten thousand (based on a comparable ratio of City population to fireworks permits issued in North Vancouver), a program to implement a consumer fireworks permit system will require resources from various divisions from our department. To allow accessible, far reaching and cost effective permit distribution, we have consulted with our Information Technology Manager who believes that the VF&RS web site could be used for on-line application and issuance of such permits. Through the web site, most adults will be conveniently able to access the consumer fireworks link, enter basic identification information, complete a knowledge test (based on on-line educational resources provided), and print a permit. For adults requiring a permit but not able to access a computer, we propose providing selected Fire Halls and VF&RS offices with the ability to issue consumer fireworks permits.

VF&RS recognizes the importance of an educational component in this process, and will be implementing a short quiz on consumer fireworks safety, that must be successfully completed during the permit application process.

In an attempt to create a permitting system that encourages as many people to receive the educational information and apply for a permit, VF&RS is proposing that consumer fireworks permits be offered at no cost to the public at this time, whether web based or issued from VF&RS offices and Fire Halls. By ensuring only identified adults are able to access the permit, after successfully completing the educational component, we will have ensured reasonable limitations and controls.

We have consulted with Legal Services for the City of Vancouver and they will work with VF&RS to ensure that the permit questionnaire has appropriate composition plus an approved indemnity clause on the permit.

In past years, VF&RS has committed \$5000 to educational information on fireworks safety through the printed media. We will continue to dedicate money in the future for similar types of educational programs, and may be able to expend greater amounts if our revenues increase due to retail vendor permit fee changes.

City staff will be able to more effectively enforce the use of consumer fireworks with the requirements of a valid consumer permit. We will also focus on the retailers of consumer fireworks, and prosecute retailers who sell non-approved fireworks, have inappropriate displays, sell fireworks outside of the allowed time period, or sell to minors.

Two other alternate permitting processes were explored but not pursued:

1. An all paper version that could be accessed through VF&RS Fire Halls and offices was not considered, due to the many thousands of potential applicants who would be required to personally visit a Fire Hall or office during a relatively short period of time. This probable volume for permit requests would also make the application of any educational component very difficult to implement. In addition, personnel in Fire Halls can be called away to emergencies at short notice.
2. Also considered was a system where the retail vendors of consumer fireworks would issue permits to the purchaser. This proposal was reviewed by Legal Services and determined that City permits could not be issued by non-City staff.

FINANCIAL IMPLICATIONS

In 2007, there were 111 retailer permits issued by VF&RS, to sell fireworks at a cost of \$75 per permit. If the fee to sell fireworks is increased to \$250, the total revenue would increase from \$8,325 in 2007, to \$28,000 in 2008, assuming that last year's retail sales numbers are maintained. There may be a decrease in retail sales permit numbers, as the fee cost could discourage some smaller vendors from applying. It is not recommended that the revenue and expenditure budgets be adjusted until 2009 when there is more experience on actual activity and costs. Furthermore, while there may be increased revenue, VF&RS expects that those revenues will be largely offset by increased enforcement costs.

Since retail sellers of Consumer Fireworks currently pay \$75 for a permit, a fee increase to \$250 annually will be used to fund the enhanced enforcement during the Halloween period for staff working overtime on evenings and weekends. It will also help to fund Information Technology (IT) development, ongoing support costs for the online permitting system, and educational and advertising costs.

During the evening on October 31, 2007, Fire Prevention staff incurred overtime costs of approximately \$6,750. As VF&RS is committed to increased enforcement during future Halloween periods, overtime costs are estimated to approximately double. This additional use of overtime would enable Fire Inspectors to monitor and control illegal consumer fireworks use and sales during the timeframe leading up to Halloween, and not just on Halloween night.

Total ongoing annual costs and revenues are projected to be \$18,500 and \$28,000 respectively in the future, starting in 2009. By adjusting overtime for enforcement, educational costs, and IT support, VF&RS will be able to maintain costs below projected revenues in the future.

Additionally, one-time costs to develop the online, web based permitting system were estimated by VF&RS IT Division Manager to be approximately \$10,000; however, as this is a one time cost, it will be funded from the existing 2008 VF&RS budget.

PERSONNEL IMPLICATIONS

A consumer permitting system, with an educational component, should create a greater awareness of fireworks safety and allow City staff to better enforce illegal fireworks use. The increase in permit fees may discourage some of the marginal retailers, and reduce the number of sales, which would allow City staff to concentrate on enforcing a more manageable number of retail stores. As with previous years, VF&RS will continue to consult with VPD on enforcement of illegal fireworks use.

ENVIRONMENTAL IMPLICATIONS

The environmental impact should be similar to previous years as the numbers of consumer users of fireworks should not significantly change.

SOCIAL IMPLICATIONS

Every year the City receives complaints over the use of fireworks during and around Halloween, for noise and at times dangerous behaviour. With a permitting system and increased retail sales fees, City staff can be more able to enforce and reduce the illegal use of fireworks. The sales to minors should also be reduced through this initiative, and could reduce the number of complaints generated.

IMPLEMENTATION PLAN

The implementation of the web based permitting system may be the most difficult to establish, due to staff commitment to other projects. There are options to fast track the project by contracting out portions of the work, and VF&RS would endeavour to have this permit system in place in time for Halloween 2008.

Enforcement could be enhanced whether a permitting system is in place for Halloween 2008 or not. Increased numbers of staff working evenings and weekends leading up to Halloween, and on Halloween evening, could be scheduled. The focus on illegal fireworks use and also ensuring retail vendor compliance could be a staff priority.

COMMUNICATIONS PLAN

The release of information regarding a fireworks permitting system could be effectively communicated through the media and public education, stressing public safety and the enforcement component, which includes fines, fireworks seizure and prosecution.

CONCLUSION

The safest way to enjoy fireworks is to attend organized outdoor displays, supervised and operated by properly trained and licensed technicians, and permitted and monitored by the local jurisdiction. However, as consumer fireworks will continue to be sold, we are committed to make the use of those fireworks as safe as possible, through permitting and enforcement.

APPENDIX A. 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) repeals the definition of "*Family fireworks*";
 - (d) repeals the definition of "*Family pack*";
 - (e) repeals the definition of "*Firecracker*";
 - (f) strikes out "*family fireworks and*" from the definition of "*Fireworks*";
 - (g) after the definition of "*Fireworks*", adds:

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

Fireworks discharge permit holder means a person who holds a current fireworks discharge permit."; 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 *fireworks discharge permit holder*.

- 2) A person who sells or disposes of *fireworks* to a *fireworks discharge permit holder* must
 - a) at the time of the sale or disposition, examine the *fireworks discharge permit holder's fireworks discharge permit* to ensure that it is current,
 - b) require the *fireworks discharge permit holder* to produce two pieces of identification that corroborate the name of the *fireworks discharge permit holder* on the *fireworks discharge permit*, and examine such identification to corroborate such name, and
 - c) comply with all conditions on the *fireworks discharge 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 *fireworks discharge permit holder*, and complies with the requirements of this By-law and all conditions on the *fireworks discharge permit*.
- 4) A person who is at least 19 years of age may apply to the *Fire Chief* for a *fireworks discharge permit* to *discharge fireworks*, and must
 - a) submit to the *Fire Chief* a completed *fireworks discharge permit* application in the form prescribed by the *Fire Chief* which includes details of the two pieces of identification referred to in Clause 5.8.2.1.(2)(b),
 - b) answer correctly all the questions posed on a quiz, prepared by the *Fire Chief*, about the safe handling of fireworks,
 - c) if the discharge of *fireworks* under the *fireworks discharge permit* is to occur on property not owned by the applicant, an authorization signed by the property owner or property owner's agent, and
 - d) 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 *fireworks discharge permit*,
 - c) the applicant fails the quiz referred to in Clause 4(b),
 - d) the *Fire Chief* does not approve the proposed location for the *discharge of fireworks*, or
 - e) this By-law otherwise authorizes the *Fire Chief* to refuse to issue a *permit*,

the *Fire Chief* may refuse to issue the *fireworks discharge permit* applied for under Sentence (4).

6) The *Fire Chief* may issue a *fireworks discharge permit*, and may impose conditions on that *fireworks discharge permit* including the following

- a) the location at which the *discharge of fireworks* under the *fireworks discharge permit* may take place,
- b) the days and times the discharge of fireworks may occur at that location,
- c) the fire safety precautions the *fireworks discharge permit holder* must take in connection with the *discharge of fireworks* under the *fireworks discharge permit*, and
- d) safe storage of the *fireworks* that the *fireworks discharge permit holder* intends to *discharge* under the *fireworks discharge permit*.

7) If

- a) a *fireworks discharge permit holder* violates any applicable law or any condition of the *fireworks discharge permit*,
- b) a *fireworks discharge 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 *fireworks discharge 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 *fireworks discharge permit*.

8) A *fireworks discharge permit* is

- a) valid only for the *discharge of fireworks* at the location and during the days and times specified in the *fireworks discharge 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*.

11) The Fire Chief may establish an Internet site for use by applicants for a fireworks discharge permit which may include submission of the application, taking of the test, and issuance of the permit."

4. In the third column of section 4 of Schedule A-1, Council strikes out the existing fee, and substitutes a fee of \$250.

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

ENACTED by Council this day of , 2008

Mayor

City Clerk

EXPLANATION**Fire By-law amending by-law re fireworks**

The attached by-law will implement Council's resolution of _____, 2008 to amend the Fire By-law to regulate fireworks and restrict their use to display fireworks.

Director of Legal Services
_____, 2008