

PROPOSED AMENDMENTS TO BYLAW 15309 - FIRE RESCUE SERVICES BYLAW (FIREWORKS)

Barrier Reduction Strategies and Regulatory Requirements - Further Engagement

RECOMMENDATION

That the September 9, 2022, Office of the City Manager report OCM01281 rev, be received for information.

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| Requested Council Action | Information only | | |
| ConnectEdmonton's Guiding Principle | ConnectEdmonton Strategic Goals | | |
| CONNECTED This unifies our work to achieve our strategic goals. | Urban Places | | |
| City Plan Values | BELONG | | |
| City Plan Big City Move(s) | N/A | Relationship to Council's Strategic Priorities | Arts and culture |
| Corporate Business Plan | Serving Edmontonians | | |
| Council Policy, Program or Project Relationships | <ul style="list-style-type: none"> Bylaw 15309 - Fire Rescue Services Bylaw Public Spaces Bylaws Review | | |
| Related Council Discussions | <ul style="list-style-type: none"> OCM01281, May 20, 2022 Community & Public Services Committee CS00153 - Bylaw 19580- Amendments to the Fire Rescue Services Bylaw, March 24, 2021 Community & Public Services Committee | | |

Previous Council/Committee Action

At the May 30, 2022, Community and Public Services Committee meeting, the following motion was passed:

That the May 30, 2022, Office of the City Manager report OCM01281 be referred back to Administration for further engagement with faith and community stakeholders and return with updates and/or changes to Bylaw 19985 - Amendment to Fire Rescue Services Bylaw 15309 (Fireworks).

Proposed Amendments to Bylaw 15309 - Fire Rescue Services Bylaw (Fireworks) - Barrier Reduction Strategies and Regulatory Requirements - Further Engagement

Executive Summary

- The National Fire Code - 2019 Alberta Edition was declared in force on December 1, 2019. Since January 2020, Edmonton has been issuing Tier I (Non-Professional Use), Tier II (Professional Use), Display and Pyrotechnic Fireworks Permits.
- Fireworks use by someone who does not hold a valid Fireworks Operator Certificate compromises public safety and poses fire and injury risk to the individual discharging the fireworks, as well as to the environment and surrounding properties. Professional fireworks discharge mitigates many of these risks through federally-mandated training.
- Administration works closely with community organizations to support professional fireworks shows by guiding them through the permitting process, reviewing mitigation strategies and offering pre-approval of site plans. The Neighbourhood(s) Micro Grant and Neighbourhood Connections Grant programs provide up to \$2,500 in funding for community events such as fireworks.
- Administration conducted a jurisdictional scan and an insight survey, facilitated workshops and engaged with faith, cultural and community groups to provide feedback, insights and input on non-professional firework usage, how proposed public safety regulations might affect celebrations involving fireworks and how can the City of Edmonton help organizations understand and enable the safe and legal use of fireworks.
- Administration is considering amendments to fireworks permitting, which would align Edmonton with major municipalities across Canada. Bylaw amendments required to implement new regulations will be advanced as part of the public spaces bylaws review.

REPORT

Background

Prior to the December 1, 2019 implementation of National Fire Code - 2019 Alberta Edition, the sale and discharge of fireworks was governed by the Alberta Fire Code 2014 (AFC). Fireworks use was generally prohibited in Alberta unless specific requirements were met by the vendor and the purchaser/user. A short history of fireworks regulations and fees in place before 2020 is outlined below:

- Prior to 2011: Edmonton Fire Rescue Services (EFRS) met the requirements by issuing a vendor's permit by a Fire Prevention Officer to anyone selling fireworks. EFRS provided permits to anyone who wanted to buy, possess or discharge fireworks at each fire station. These permits were free of charge.
- 2011: The issuing of permits was centralized to the Fire Prevention Office.
- 2017: Low Hazard Permits (consumer fireworks classified as 7.2/1.4G) were added to the Fire Rescue Services Bylaw 15309. This permit had a fee of \$130.00. High Hazard Permits (now referred to as display fireworks permits classified as 7.1/1.3G) increased to \$163.00.

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Fireworks are classified as explosives by the Government of Canada, as per the *Explosives Act*. This includes three categories/types of firework devices including Consumer Fireworks, Special Effect Pyrotechnics and Display Fireworks. The three types of fireworks vary by the type and size of devices, and the certifications and licenses required to purchase, store, sell and use them.

As outlined in Attachment 1, on December 1, 2019, the National Fire Code, Alberta Edition (NFC(AE)) was declared in force which removed requirements for storage, sale and discharge of consumer fireworks.

Regulations about the sale, storage and use of fireworks continue to be governed by federal legislation, however additional regulations can be created by local authorities.

Attachment 2 provides a Glossary of Terms found within this report.

Current Firework Regulations in Edmonton

Firework use in Edmonton is currently regulated by:

- The Public Places Bylaw 14614, section 9.1, which states that the discharge of fireworks requires a permit; and
- Fire Rescue Services Bylaw 15309, Schedule B - Permits, which contains the schedule of fees for fireworks permits and safety inspections.

In response to the changes to the NFC(AE), Administration facilitated a stakeholder workshop to gather input around firework regulation and in November 2019, Administration implemented a two-tiered permitting process for fireworks permits:

- Tier I (Non-Professional Use) Fireworks Permit
 - No operator certification required
 - No permit fee
 - Permit allows for consumer fireworks devices (using product label for safety zones)
 - Allows for fireworks on residential land only
- Tier II (Professional Use) Fireworks Permits
 - Applicant must be certified by the Explosives Regulatory Division, Department of Natural Resources
 - Permit allows for Consumer Fireworks (using product label for safety zones)
 - Intended for community leagues, faith, or festival-type shows
 - Permit fee required
 - Mandatory notification of show to nearby institutions when occupied
 - Permits required for displays on residential and/or public land

Compliance

Compliance with the current permitting process varies. Enforcement of Tier I (Non-Professional Use) permits, although regulated in the Public Spaces Bylaw, is difficult to enforce due to the transient nature of non-professional fireworks displays.

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Compliance with Tier II (Professional Use) permits is relatively high because Administration works closely with community organizations to support these shows by guiding them through the permitting process and reviewing mitigation strategies that would allow the show to occur while maintaining fire safety. Professionals are required to apply for a Tier II (Professional Use) permit on behalf of the event organizer and are accountable to the certification they receive from federal authorities, such as Firework Operator Certificates. A pre-approval process is available to all potential applicants, identifying the site, safety zone and appropriate product size to facilitate an efficient approval process. An online checklist has been developed and published on edmonton.ca to streamline the fireworks permitting process.

In 2021, 83 per cent of Tier I (Non-Professional Use) applications were denied for failing to meet mandatory requirements, such as required safety zones. Over the same period, 21 per cent of Tier II (Professional Use) applications were unsuccessful, of which only 11 per cent (two permits) were denied for failing to meet safety zone requirements.

In 2022, there has been one Tier I (Non-Professional Use) permit issued to date. Eighty-three per cent of Tier I (Non-Professional Use) applications were denied for failing to meet safety application requirements, such as required safety zones. Twenty-two per cent of shows were canceled by applicants. There have been ten Tier II (Professional Use) permit applications. Seventy-five per cent were approved and 25 per cent were denied due to insufficient processing time and missing documentation. Attachment 3 provides more details on permit applications.

Public Safety

Non-professional and non-certified fireworks use compromises public safety and poses fire and injury risk to the individual discharging the fireworks, as well as to the environment and surrounding properties.

Consumer fireworks have been attributed to causing fires in urban and wildland areas and pose a direct risk to the safety of both those discharging them and those nearby. The following safety factors were considered in developing regulations for fireworks discharge in Edmonton:

- physical injuries
- anxiety or fear for people with sensitivity issues, such as autism and post traumatic stress disorder (PTSD)
- distress to pets and local wildlife, more information on the ecological impacts of fireworks can be found in Attachment 4
- unintended fires

Consumer Fireworks, as regulated by the federal *Explosives Act* and Regulations, are viable sources of ignition and pose specific fire safety risks to urban and wildland urban areas. As outlined within Attachment 5, Ignition Potential of Consumer Fireworks, there is sufficient evidence to support the likelihood of consumer fireworks use initiating unintentional fires which can have significant consequences.

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Between 2010 and 2021, Alberta Health Services (AHS) recorded 44 fireworks-related emergency room visits, including eight visits in 2021. A year by year breakdown of injury-related Emergency Room visits due to “Discharge of Fireworks” and “Explosives of other types” can be found in Attachment 3. The number of visits does not include non-reported injuries. Since 2018, EFRS has recorded 17 fires directly attributed to fireworks . This number does not include post-fire scene investigations where fireworks were suspected, but could not be unequivocally proven as the cause of the fire.

Jurisdictional Scan

The safe use of fireworks requires significant expertise, planning, attention and diligence for each and every event. This complexity has led many large municipalities to limit fireworks displays to certified professionals, with some exceptions for specific days of major cultural celebrations like Diwali and Canada Day. Other municipalities have specific regulations such as strict size limits for non-professional fireworks displays to reduce the risk of fires and injuries.

As detailed in Attachment 3, most Alberta municipalities have banned the non-professional use of fireworks allowing only permitted, professionally-run public shows. Of all the Canadian municipalities that were surveyed, Edmonton has the fewest regulatory controls related to non-professional use and access to fireworks. Of the eight largest municipalities in Alberta, only Edmonton allows non-professional use of fireworks through the Tier I (Non-Professional Use) permitting process. Non-professional firework use is banned in many municipalities in Alberta including Calgary, Red Deer, St. Albert, Strathcona County, Spruce Grove, Leduc, and Beaumont.

Faith, Cultural and Community Groups

Administration invited over 80 representatives from faith, cultural and community organizations to attend one of five virtual engagement sessions on the proposed amendments to the fireworks permitting process. Administration sought feedback from these stakeholders on two key questions:

- How might these new public safety regulations affect the ability of your organization to celebrate with fireworks?
- What could the City of Edmonton do to help your organization understand and enable the safe and legal use of fireworks?

Attendance at these virtual sessions was very low, comments received centered on the need for educating community members on the permitting process via:

- The City’s social media feeds, Edmonton Public Libraries, community partners and community leagues using materials translated to multiple pertinent languages; and
- Newcomer supporting organizations.

Should Council approve changes to fireworks regulations in the future, Administration will develop a multi-language educational campaign targeted to faith/cultural communities that celebrate with fireworks.

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The Edmonton Federation of Community Leagues (EFCL) was engaged on the impacts of the proposed changes on two occasions. EFCL indicated support for the proposal to limit fireworks use in Edmonton to professionals only, emphasizing the opportunity for communities to come together in public spaces for celebrations involving fireworks in a safe and inclusive manner.

Public Spaces Bylaws Review

As outlined within the Office of the City Manager report, OCM01402, Public Spaces Bylaws Review, presented to Community and Public Services Committee on August 22, 2022, Administration has initiated a public spaces bylaws review project to conduct a wholesale review and revision of existing bylaws that address enforcement of behaviours in public spaces such as parks, transit, sidewalks and other open areas. While most of these public spaces are publicly owned, privately-owned spaces that permit public access are in-scope for this work and this would include fireworks on private property that is publicly accessible.

Through the review of public spaces bylaws, Administration will consider how best to preserve public safety and mitigate the risks associated with the use of fireworks, while continuing to support safe and vibrant communities through the use of fireworks to be enjoyed as part celebrations and events. This will include consideration that permits for the display of fireworks be limited to those holding valid Fireworks Operator Certificates and licenses as per the federal legislation, for the following reasons:

- Most residential lots in Edmonton are not large enough to meet the safe discharge requirements for fireworks, and would not be eligible to obtain permits under the current Tier I (Non-Professional Use) process.
- Fireworks are directly linked to fire and injury risk which can be mitigated through professional use only.

Support for Communities

There are two grants available to support residents, businesses owners and operators and non-profit organizations with community events: the Neighbourhood(s) Micro Grant and Neighbourhood Connections Grant programs provide up to \$2,500 in funding for projects that demonstrate that they will:

- Increase community connections to build a sense of community and community ownership
- Create opportunities for people to work with others beyond their circle to create new working relationships and potential partnerships
- Inspire community volunteers to make their neighbourhoods the place they want them to be
- Engage assets already in the community and build community capacity
- Offer practical applications and valuable lessons for caring neighbours who want to make a difference

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Projects can include fireworks displays through block parties, community arts and neighbourhood social or recreation activities. Additionally, Administration intends to recommend the reduction of the professional Fireworks Display permit fee from \$147 to \$100 as part of the bylaw revisions coming forward.

Next Steps

As the work of public spaces bylaws review progresses, Administration will determine what policy decisions will be required and develop internal and external engagement strategies to support that decision-making process. Any bylaw amendments required to implement new regulations regarding fireworks will be advanced as part of this project.

All of the City's current bylaws will remain in effect until a new bylaw is developed and approved by Council. Any person intending to discharge fireworks in the City will continue to require a permit until Council considers any recommended changes as part of the Public Spaces Bylaws review.

Budget/Financial Implications

Should the Tier I (Non-Professional Use) permit be eliminated and Tier II (Professional Use) permit fees reduced, Administration forecasts a decrease in permit revenue of less than \$1,500. This would result in an efficiency of reallocating 0.5 of a Full Time Equivalent position to other priority public safety initiatives such as the Fire Rescue Services Community Property Safety Team, and the Vulnerable Persons Fire Safety initiative addressing encampments and fire issues in marginalized populations.

COMMUNITY INSIGHT

Community perspectives were gathered via multiple channels, including:

- An Insight survey
- Survey of Edmonton community leagues
- Phone conversations with the Edmonton Federation of Community Leagues
- Email consultation with local stakeholders
- Workshops with all local firework show providers
- Jurisdictional survey of Fire Marshals in Alberta and jurisdictional review of major Canadian cities.
- Engagement sessions with faith, community and cultural groups.

Insight Survey

An Insight survey conducted in 2019 indicated that 55 per cent of survey respondents had concerns with fireworks, or did have concerns depending on the situation, while 43 per cent did not have concerns. There was very little concern with professional displays, but respondents voiced concerns regarding non-professional fireworks used without a permit. Concerns were mainly related to noise, anxiety to pets, the potential for fire and other reasons.

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A majority (51 per cent) of the respondents indicated that fireworks should not be allowed on residential property even when permit requirements are met while 40 per cent thought they should. The full list of community input gathering is included within Attachment 6.

GBA+

Fireworks are not a religiously prescribed activity but do hold celebratory value for several faith and cultural traditions for many Edmontonians. Introducing regulation may create additional steps for those specific cultural groups. However the recommended fee reduction for professional fireworks permits and translated educational materials will make community and cultural events more affordable and accessible to more people.

Administration approached cultural associations and religious organizations to determine the best way to provide information about firework regulations. As a result of these conversations, public service announcements and social media messaging will be broadcast ahead of key festivals and events. Administration will also translate information to Edmontonians regarding fireworks and other fire safety information (public safety tip sheets, edmonton.ca, etc).

People who have sensory issues such as autism or post-traumatic stress disorder, as well as reactive animals, can be triggered by hearing loud explosions caused by fireworks, especially if they are not prepared for them. Professional shows are typically advertised in advance by the show organizers and can be more widely communicated by Administration through an approved-permit registry.

The non-professional use of fireworks can be exclusionary toward those without residential land ownership or private property large enough to allow for safe use. The elimination of non-professional permits may also encourage community residents to work more collaboratively to host professional shows in safe areas that would be inclusive and accessible to all residents.

ATTACHMENTS

1. Alberta Municipal Affairs, Standata
2. Glossary of Terms
3. Jurisdictional Scan and Statistics
4. Ecological Impact of Fireworks
5. Ignition Potential of Consumer Fireworks
6. Community Insights