



The Corporation of the Town of Tecumseh

Legislative & Clerk Services

To: Policies and Priorities Committee

From: Robert Auger, Director Legislative Services & Clerk

Date to Council: April 11, 2023

Report Number: LCS-2023-13

Subject: Town of Tecumseh Fireworks By-Law Review

Recommendations

It is recommended:

That Report LCS-2023-13 entitled “Town of Tecumseh Fireworks By-Law Review” **be received;**

And that proposed By-Law 2023-045 attached hereto and being a by-law to prohibit and regulate the sale and setting off of fireworks in the Town of Tecumseh **be read** a first, second and third time and be finally adopted at the April 25, 2023 regular meeting of Council;

And further that Council direct Administration **to review** the feasibility of an appropriate fee relating to the processing of an Application for Fireworks Display.

Background

In accordance with the Town’s Strategic Priority to integrate the principles of health and wellness into all of Tecumseh’s plans and priorities, Administration reviewed [By-Law 2013-50](#) being a By-law to regulate the sale and use of fireworks in the Town of Tecumseh with the intent to update the By-law to provide for a safer and more effective approach to the regulations relating to the sale and use of fireworks in the Town. The purpose of this report is therefore to summarize, as a result of that review, the key

aspects of the new proposed fireworks By-Law that is recommended for adoption by Council.

Comments

The current fireworks By-Law 2013-50 was passed in 2013 but it now appears to be outdated as it does not address all the contemporary health and safety concerns regarding fireworks. Additionally, the current By-law appears to be impractical in its application for both residents and Town By-law enforcement.

Specifically, when reviewing the current By-Law and drafting the new proposed By-Law (see Attachment 1), Administration identified the following major concerns:

1. The By-Law only allows for fireworks to be sold for limited days before and on Victoria Day, Canada Day (July 1), Fourth of July and New Year's Eve. Many establishments wish to sell and already do sell fireworks around other commonly celebrated holidays and for longer periods of time; the new by-law does not restrict when such Fireworks may be sold so long as the requirements on the permit to sell fireworks have been complied with.
2. The current By-Law has no restrictions as to when Consumer Fireworks could be set off. The proposed new By-law now identifies those days in which consumer fireworks may be set off and includes such other days as may be approved by the Fire Chief in writing.
3. The current By-Law does not make a distinction between and define Consumer Fireworks, Display/High Powered Fireworks, and Pyrotechnic Special Effect Fireworks nor explain the specific requirements for each type of firework. The proposed new Fireworks By-law now makes these distinctions.
4. The current By-Law did not have detailed safety requirements when storing, selling, displaying for sale, or setting off fireworks, which are vital to protecting residents. The proposed new Fireworks By-law now makes these distinctions.
5. The current By-Law does not include a formal process for residents to make an Application for Fireworks Display and receive a permit to have such a display. The proposed new Fireworks By-law now provides for this.
6. The By-law does not provide for Short Form wording ("Set fines") making current enforcement difficult and cumbersome. The proposed new Fireworks By-law will provide for this.

Other key aspects of the new proposed By-Law 2023-045 are outlined hereafter:

1. **Firecrackers and Flying Lanterns** – The proposed By-Law prohibits the displaying, offering for sale, selling, or setting off of firecrackers or flying lanterns

(sky lanterns), as defined within the By-Law, at all times in the Town. These are currently prohibited within the Town but is not a formalized provision.

2. **Types of Fireworks** – The proposed By-Law makes a distinction between three (3) types of fireworks, each with their own definitions, restrictions, and regulations providing safety precautions for each of them.
 - a. Consumer Family Fireworks
 - b. Display / High Powered Fireworks
 - c. Pyrotechnic Special Effects Fireworks
3. **Setting Off Consumer (a.k.a. “family fireworks”)** – The proposed By-Law defines the dates and times that Consumer Fireworks can be set off without a permit. Additionally, the proposed By-Law restricts Consumer Fireworks to only be permitted to be set off between dusk and 11:00 p.m. on the designated dates, and between dusk on New Year’s Eve and 12:30 a.m. the following day.
4. **Permits for Setting off Display / High Powered Fireworks** – The proposed By-Law prohibits the setting off of Display Fireworks unless a permit has been applied for and granted with the approval of the Fire Chief. A permit may be granted for the purposes of celebrating the holidays on the dates designated and/or for another event and/or day and time approved by the Fire Chief, subject to the additional requirements outlined in the proposed By-Law. Display Fireworks must be set off under the supervision of a person qualified for such purpose to the satisfaction of the Fire Chief.
5. **Pyrotechnic Special Effect Fireworks** – The proposed By-Law requires those who wish to set off Pyrotechnic Special Effect Fireworks to follow the same permit application process as outlined for Display Fireworks. However, Pyrotechnic Special Effect Fireworks must be set off under the supervision of a certified pyrotechnician.
6. **Release and Indemnity/Insurance** -The proposed By-Law requires applicants to sign and provide with the permit an indemnification/liability agreement in the form and manner required by the Town Solicitor and signed by the applicant or an individual having legal authority to bind the applicant.

In summary the proposed By-Law will address the health and safety concerns expressed by Administration to make the Fireworks By-Law more practical for residents and enforcement. This By-Law will be primarily administered by the Fire Chief or designates as it relates to permit applications. It will be enforced by the Town’s By-Law Enforcement Officers and the Ontario Provincial Police. In order to assist with the enforcement thereof, the proposed new By-law will also contain proposed set-fines as a schedule to the By-law, said short-form wording to be sent for review and approval by the Attorney General upon the passing of this by-law.

Consultations

Community Safety

Financial Implications

For every application processed, the Fire Chief or designates must process the application, ensuring all the requirements are attached which may include a site visit, when and if required. It is therefore recommended that Council consider the imposition of a standard fee to be charged for the processing of Applications for Fireworks Display.

Current By-law 2013-50 provides that Permit applications are at the fee of \$50.00 but it is recommended that, given the updated by-law and the enhanced regulations required therein that the current fee be reviewed and if necessary amended.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input checked="" type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Robert Auger, LL.B.
Director Legislative Services & Clerk

Reviewed by:

Wade Bondy
Director Community Safety & Fire Chief

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Proposed Tecumseh Fireworks By-Law