

HALIFAX


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Item No. 1

Halifax Regional Council
June 29, 2021

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed
Ken Stuebing, Halifax Regional Fire & Emergency

Original Signed by 
Jacques Dubé, Chief Administrative Officer

DATE: May 18, 2021

SUBJECT: Report and jurisdictional scan on the regulation and safe use of "Display" and "Consumer/Family" Fireworks in HRM

INFORMATION REPORT

ORIGIN

Regional Council September 22, 2020

11.4.3 Councillor Nicoll – Display and Consumer/Family Fireworks in HRM

The following was before Council:

A request for Council's consideration from Councillor Nicoll

MOVED by Councillor Nicoll, seconded by Councillor Russell THAT Halifax Regional Council request that the Chief Administrative Officer prepare a report and jurisdictional scan on the regulation and safe use of "Display" and "Consumer/Family" Fireworks in HRM.

LEGISLATIVE AUTHORITY

Explosives Act, R.S.C., 1985, c. E-17

s. 4 Subject to section 3, this Act is binding on Her Majesty in right of Canada or a province.

s. 29 Nothing in this Act relieves any person

(a) of the obligation to comply with the requirements of any Act of Parliament relating to explosives or components of explosives or the requirements of any licence law, or other law or by-law of any province or municipality, lawfully enacted in relation to explosives, especially requirements in relation to the acquisition, possession, storage, handling, sale, transportation or delivery of explosives or components of explosives; or

(b) of any liability or punishment imposed for any contravention of an Act, law or by-law referred to in paragraph (a).

Explosive Regulations, 2013 (SOR/2013-211)
Division 1
Rules for Sellers

S338(2) A retailer may acquire, store and sell consumer fireworks, whether or not they hold a licence. A retailer who acquires consumer fireworks must comply with this Division.

Halifax Regional Municipality Charter, 2008, c. 39

S.186(2) A by-law must not be inconsistent with an enactment of the Province or of Canada.

BACKGROUND

The Nova Scotia *Fireworks Act* contained the rules for the sale, purchase, and use of fireworks, but it was repealed in 2002. In 2009, a recommendation report was presented to Halifax Regional Council that considered a By-law banning the sale of fireworks

<http://legacycontent.halifax.ca/council/agendasc/documents/090106ca1013.pdf>.

This report contains many points that are still relevant today. The 2009 report noted that the *Halifax Regional Municipality Charter* does not include the authority to adopt a by-law to ban the sale of fireworks, and recommended HRM write to the Province to resume its role as regulator of fireworks in Nova Scotia.

Provincially, there is no specific legislation regarding fireworks. However, on the Department of Lands and Forestry’s frequently asked questions page for burning restrictions it states:

Q:” When the map is red (designated “no burn”), am I allowed to set off consumer fireworks?”

A: “Fireworks restrictions are set by the Office of the Fire Marshall. The Office of the Fire Marshall is placing a ban on consumer fireworks when the burnsafe map is red (“no burn”).”

In Halifax Regional Municipality, fireworks are identified in By-law N-200 Respecting Noise. The By-law states that “No person shall engage in any activity that unreasonably disturbs or tends to disturb the peace and tranquility of a neighbourhood.” The By-law includes a specific mention of “The detonation of fireworks or explosive devices not used in construction or quarrying” as being prohibited at all times, but also includes a general noise exemption for this activity on Canada Day, Natal Day, New Year’s Eve, and recognized religious holidays.

Recent local fireworks incidents include:

- A family from Lower Sackville whose dog was struck and killed after hearing fireworks and ran into the road.
- A person from Kentville suffered serious injuries to their face while fireworks were being used at a birthday celebration.
Ref: Chronicle Herald article <https://www.thechronicleherald.ca/communities/annapolis-valley/kentville-man-seriously-injured-by-firework-553131/>

- A professional fireworks display at the annual Light the Night fundraiser for the Leukemia and Lymphoma Society of Canada resulted in a fire when a loose firework ignited a nearby roof.
Ref: CTV News article <https://atlantic.ctvnews.ca/fireworks-spark-blaze-at-halifax-s-historic-citadel-hill-1.3643698>

DISCUSSION

Regulation and safe use of “Display” and “Consumer/Family” Fireworks in HRM

The sale, storage, and use of all fireworks is regulated by the Government of Canada’s *Explosives Act* and *Explosives Regulations*. Under this regulation, fireworks are broken into three categories:

| | |
|-----------------------------|--|
| Consumer fireworks | low-hazard and designed for recreational use. They include items like Roman candles, sparklers, fountains, volcanoes, mines, and snakes. |
| Display fireworks | high-hazard and designed for professional use. They include items like aerial shells, cakes, Roman candles, waterfalls, lances, and wheels. |
| Special effect pyrotechnics | high-hazard and designed for professional use. They include items like gerbs, mines, comets, and cassettes, as well as special-purpose pyrotechnics made for live stage performances and the film and television industry. |

Display and pyrotechnic fireworks are limited to authorized, trained persons and are mainly reserved for large scale professional firework events. Consumer fireworks are less restrictive in the federal regulation, but sale, storage and use are still covered. The most notable difference between consumer and display fireworks is the minimum credential of the person who uses consumer fireworks. For consumer grade, the Explosives Regulations states at subsection 354(1) that “A user who is at least 18 years old may acquire, store and use consumer fireworks, whether or not they hold a licence.”

The federal legislation appears to provide a reasonable minimum safety standard that, when followed, limit fireworks related incidents. Between 2008 and 2021, Halifax Regional Fire & Emergency (HRFE) responded to 27 consumer fireworks related incidents. All 27 incidents violated at least one (but often multiple) sections of the Regulations. For example, 23/27 fireworks incidents happened during a time not permitted under the Noise By-law, and 15/27 were classified as vandalism.

HRFE’s incident data was reviewed over a 10-year period and did not uncover any personal injuries related to fireworks. National fireworks related injuries were recently posted on a data blog (<https://health-infobase.canada.ca/datalab/firework-blog.html>), which uses the “Canadian Hospitals Injury Reporting and Prevention Program (CHIRPP)” statistics drawing from 11 pediatric and 8 general hospitals across Canada. This national level data states that:

“Between April 1, 2011 and May 24, 2019, there were 122 reported cases of unintentional injuries related to fireworks and other similar products, representing 11 cases/100,000 eCHIRPP records.”

And:

“Teenagers between the ages of 15 and 19 represented the largest proportion at 12 cases/100,000 eCHIRPP records but were closely followed by adolescents between the ages of 10 and 14, who represented 11 cases/100,000 eCHIRPP records.”

This indicates that the majority of injury related incidents in this data report involve youth. This is supported by an earlier report using the same style of data (<https://www.canada.ca/en/public-health/services/injury->

[prevention/canadian-hospitals-injury-reporting-prevention-program/injury-reports/injuries-associated-fireworks.html](#)) which indicates 95% of the injuries recorded were by persons under the age of 20 and almost 80% of injuries were by persons under the age of 15. In many cases these incidents would be illegal under *Explosives Act* and *Explosives Regulations*. Either the individuals are using them under the age of 18, or they are not a safe distance away from the fireworks, or both. As the incidents appear to be largely attributed to illegal use, it is not clear what impact further restrictions on use and storage would have on reducing fireworks related incidents when they remain abundantly available to purchase in stores.

In many areas, including Halifax, numerous retail outlets now sell fireworks. In recent years, this has included the sale of a so called ‘cake firework’, which is a sealed box containing many different types of fireworks inside that are all connected by one fuse. The user only has to light the main fuse to initiate the fireworks show. This type of “easy to use” firework, combined with the increased retail availability, may have some responsibility for the increase in fireworks popularity and mainstream use.

Jurisdictional Scan

A jurisdictional scan (Appendix “A”) was prepared that checked key areas of fireworks regulation across Canada. The following questions were considered:

- Do they allow the use of consumer fireworks?
- Do they require a permit to use fireworks?
- Is the use of fireworks limited to specific days?
- Is the sale of fireworks banned?
- Do they have a fireworks specific By-law

The jurisdictional scan results are broken into two tables, one for the Atlantic provinces and the other for central and western provinces.

The scan shows that all provinces appear to allow the use of fireworks, with the exception of Prince Edward Island, which states on their fire prevention website (<https://www.princeedwardisland.ca/en/information/justice-and-public-safety/fire-prevention-resources>):

“The display, sale, and possession of fireworks is prohibited everywhere in Prince Edward Island at all times, except by special permit.
Fireworks may be set off only by a person who is licensed through Natural Resources Canada and has a permit to hold and display fireworks.”

For the provinces that allow consumer fireworks, none require permits, restrict dates or sale except British Columbia, which is likely due to the tradition of fireworks abuse on Halloween.

The restrictions in British Columbia are set out in the *Fireworks Act*, R.S.B.C. 1996, c. 146, s.3:

” Except between October 24 and November 1 in any year a person must not sell, give, fire or set off fireworks”

When looking at municipal government, it appears that the restrictions are more varied. For the municipalities that do allow consumer fireworks, very few require a permit to use them, or limit the sale. Some municipalities like Moncton ban the use of fireworks, but do not ban or limit the sale of them.

The underlying reason for municipal regulation is not always clear. In addition to fire and life safety, some restrictions on consumer fireworks appear to be attributed to the noise and nuisance they generate as well as their impact on people, animals, and the environment. The approach to municipal legislation varies. Some municipal jurisdictions have opted to enact fireworks specific by-laws. This is the case with all

jurisdictions examined in Ontario, which may be attributed to the language in the Ontario Municipal Act of 2001, which states:

“Fireworks

121 Without limiting sections 9, 10 and 11, a local municipality may,

(a) prohibit and regulate the sale of fireworks and the setting off of fireworks;

(b) prohibit the activities described in clause (a) unless a permit is obtained from the municipality for those activities and may impose conditions for obtaining, continuing to hold and renewing the permit, including requiring the submission of plans. 2006, c. 32, Sched. A, s. 62.”

Other jurisdictions have opted to insert their fireworks rules into existing legislation and appear to do so under their municipal legislation to create by-laws for the health, safety and welfare of citizens. Edmonton for example has added fireworks rules to their Public Places By-law. Winnipeg and Moncton included fireworks rules in fire prevention and fire protection By-laws. Halifax and Cape Breton restrict fireworks in Noise By-laws.

For the jurisdictions that restrict fireworks, it is not clear how effective those rules are or how many people are charged for using fireworks when they are not allowed. As mentioned in the previous report, the difficulty with laying charges under any fireworks regulation is identifying the individuals to be charged. Often by the time enforcement officers arrive on scene, which is often the police service due to the time of day, the individuals have departed. An article by CBC noted a recent fireworks injury of a 12 year old person in Moncton, (<https://www.cbc.ca/news/canada/new-brunswick/fireworks-accident-moncton-canada-day-1.5634856>) where fireworks use is completely banned but the sale is still allowed.

When examining limitations on the use of fireworks, Halifax appears to be in the middle of the Atlantic jurisdictions included in the scan. Halifax does not have a complete ban on fireworks or a specific fireworks by-law but does limit the dates where they can be used. Halifax is consistent with almost all other jurisdictions with regard to restrictions on the sale and permit requirements. Halifax does not restrict the sale and does not require any permits for consumer use.

Public Education is a primary line of defence for fire and life safety. HRFE is in the process of updating the website to include more detailed information on consumer fireworks. The website will include information on:

- What are Consumer Fireworks
- What Rules Apply
- Fireworks Safety
- Fireworks Disposal
- Community Impact
 - Pets
 - Wildlife
 - Environment
 - Litter
 - Mental Health

The website improvement is intended to take an educational approach to fireworks and help citizens learn about safe use, while also increasing awareness of the full impact fireworks have on the community as described above.

FINANCIAL IMPLICATIONS

No financial implications at this time.

COMMUNITY ENGAGEMENT

No community engagement was required.

ATTACHMENTS

Appendix A - Jurisdictional analysis

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Matt Covey, Division Chief, Fire Prevention 902.490.7145

Table 1 - Consumer Fireworks Regulation in Atlantic Provinces

| | Nova Scotia | | | Cape Breton | | | New Brunswick | | Prince Edward Island | | Newfoundland ² | |
|------------------------------|----------------|-------|----------------|-------------|---------|----------|---------------|--|----------------------|--|---------------------------|--|
| | Halifax | Truro | | | Moncton | St. John | | | St. John's | | Stephenville | |
| Bans the Use | | | | | ✓ | ✓ | ✓ | | | | | |
| Restricts Dates | ✓ ¹ | | ✓ ¹ | | | | | | | | | |
| Requires Permit | | | | | | | | | | | | |
| Bans the Sale | | | | | | ✓ | ✓ | | | | | |
| Has Fireworks Specific Bylaw | | | | | | | | | | | | |

1 noise bylaws in HRM/CBRM restrict fireworks use to specific holidays

2 vendors selling fireworks in St John's require certification

Table 2 - Consumer Fireworks Regulation in Central and Western Canada

| | Quebec | Montreal | Laval | Ontario | London ¹ | Chatham-Kent ¹ | Branford ¹ | Alberta | Calgary | Edmonton | Saskatchewan | Saskatoon | Manitoba | Winnipeg | British Columbia ¹ | Victoria |
|------------------------------|--------|----------|-------|---------|---------------------|---------------------------|-----------------------|---------|---------|----------|--------------|-----------|----------|----------|-------------------------------|----------|
| Bans the Use | | | | | | | | ✓ | | | | | | | | ✓ |
| Restricts the Date | | | | ✓ | ✓ | ✓ | | | | | ✓ | | | ✓ | | |
| Requires Permit | ✓ | ✓ | | | | | | | ✓ | | | | ✓ | | | |
| Bans the Sale | | | | | | | | ✓ | | | | | | | | |
| Has Fireworks Specific Bylaw | | | | ✓ | ✓ | ✓ | | | | | | | | | | ✓ |

¹ Restricts dates of use and sale