REFERRED REPORT

Amendment to Fire Operations and Fees Bylaw 55M2014 – Referral and Update, CPS2019-1435

Memo:

At the 21 October 2019 Combined Meeting of Council, Report CPS2019-11311– regarding an Amendment to the Fire Operations and Fees Bylaw 55M2014 to prohibit the sale and use of consumer fireworks in Calgary – was referred to Administration to engage with stakeholders to consider options other than a ban on consumer fireworks and report back to the 13 November 2019 meeting of the SPC on Community and Protective Services.

In response, please find attached, the following additional materials for Council's information:

- Attachment 1 – Amendment to Fire Operations and Fees Bylaw 55M2014 Cover Report (21 October 2019)
- Attachment 2 – Proposed Bylaw
- Attachment 3 – Municipal Bylaws for Fireworks – Alberta Summary
- Attachment 4 – Canadian National Fireworks Association Recommendations to Calgary Fire Department
- Attachment 5 – Internal Engagement Summary: Consumer Fireworks in the City of Calgary
- Attachment 6 – Correspondence from Calgary School Boards

Result of Council Direction

The Calgary Fire Department (CFD) expanded their existing engagement with key internal stakeholders and the Canadian National Fireworks Association (CNFA) to understand how fireworks use and sale could work in the Calgary context, if not fully prohibited. The findings from the engagements before and since the Combined Meeting of Council on 21 October 2019 can be found in the attachments.

Administration's Recommendation

After consulting with stakeholders, Administration's recommendation remains the same.

CFD invited the CNFA to discuss the use of consumer fireworks in Calgary and has reviewed the CNFA's information and recommendation, as outlined in Attachment 4. CFD had a productive discussion with representatives from the CNFA on 5 November 2019, and recognizes that unregulated sales of fireworks currently exist in Alberta and that Calgarians are buying fireworks from online vendors or those not subject to Provincial or City regulations, and that this practice is unlikely to stop, whether or not a ban is put in place in Calgary. CFD also appreciates the position of the CNFA which is encouraging safe use of consumer fireworks and education for those who choose to use them.

Still, Administration holds the position that a bylaw allowing more use of fireworks than is currently permitted in Alberta will not make those who currently use consumer fireworks safer or more likely to abide legislation governing fireworks use. The CFD also has not seen evidence that those fireworks currently being purchased by Calgarians are being used in a manner that puts the general public or property in Calgary at risk. Adopting a bylaw to allow use would legitimize the sale and use of fireworks, but would also increase use in the Calgary setting, therefore increasing risk in our city.

The CFD does not oppose the use of consumer fireworks in a safe and regulated manner in rural settings where there is enough space for spectators, buildings, and other obstacles to be a safe distance away from any combustible or flammable materials, and recognizes that in several rural areas, there already exists a permitting process for use and sale of consumer fireworks.

After consultation, CFD still remains concerned about the risk to people, property, and environment posed by consumer fireworks use within Calgary's urban landscape. Calgary Parks and Calgary Recreation are responsible for stewardship of some of the only public spaces in Calgary which could conceivably have enough space to set off consumer fireworks safely. Both these business units were not in favour of the use of consumer fireworks in these spaces, though there is already a permitting process in place for setting off fireworks in Calgary parks, which will remain in place. Calgary Community Standards was not concerned about the need to enforce a bylaw as long as there was a permit process in place, and the OPEN4Business team stated that they had not heard from any businesses who were looking for the opportunity to sell consumer fireworks in Calgary – however, it should be noted that there was not sufficient time for a full engagement with the business community.

Additionally, both school boards in Calgary do not support pyrotechnics use on their properties, which would also conceivably have enough space for safe use of consumer fireworks, as seen in Attachment 6.

It is also important to note that comparable jurisdictions within Alberta have similar restrictions in place as are being proposed by Administration, and that the City Council of Vancouver recently approved a ban on use of consumer fireworks by 2021 after a 12-year pilot project allowing their use and sale in Vancouver.

With these findings in mind, the Calgary Fire Department continues to recommend prohibiting the use and sale of consumer fireworks in Calgary.