

THE CORPORATION OF THE TOWNSHIP OF HORTON

Noise and Fireworks By-laws Sub Committee Meeting
January 16, 2014

There was a Meeting of the Noise and Fireworks By-laws Sub-Committee held in the Municipal Council Chamber on Thursday January 16, 2014. Present was Chair Bob Kingsbury, Councillor Jamey Larone and David Brown. Absent was Jim Ferguson. Staff present was Randy Corbin, Fire Chief, Jim McBain, Municipal Law Enforcement Officer and Mackie McLaren, CAO/Clerk.

Also present was Dwayne Johnston, Keith Arbuthnot, owner of Stereo Automotive who retails fireworks in Horton Township and Bob Cassidy.

1. CALL TO ORDER

Chair Kingsbury called the meeting to order at 2:00 p.m.

2. DECLARATION OF PECUNIARY INTEREST

There was no declaration of pecuniary interest by Members of the Sub-Committee or Staff.

3. MINUTES FROM DECEMBER 19, 2013 COMMITTEE MEETING

Chair Kingsbury asked the Members and the Public to review the December 19th Meeting Minutes.

4. BUSINESS ARISING:

- Guidelines for storage of fireworks

The CAO/Clerk presented a report on information he found on the internet about safe handling and storage of fireworks in your house or garage. He said he was not able to find a regulation on the amount of fireworks that can be stored.

Keith Arbuthnot informed the Members that he has a handout sheet he gives to customers when they purchase fireworks. This handout includes pictures on how to safely set off fireworks, when they can be discharged i.e. in good weather, and crowd control. He will supply the Committee with a copy.

The Members agreed to individually review the information presented in the CAO/Clerk's report before the next meeting.

- OPP Marine Unit – can fireworks be set off in water and where does Horton's jurisdiction end.

The CAO/Clerk read an email response from the OPP to his question about where Horton's jurisdiction ends. The OPP Inspector for the Renfrew-Arnprior Detachment suggested that our jurisdiction ended at the edge of the Ottawa River. He did ask another officer to provide further information.

Fire Chief Corbin noted that Hydro Power Generation may have rights on the shore because of the flooding easements they have along the river. Bob Cassidy noted that there are commercials on television which show fireworks discharged from cruise ships.

Councillor Larone said he would like the CAO/Clerk to investigate further to get a definite response on where Horton's jurisdiction ends and who monitors the shoreline and on the river.

5. DRAFT BY-LAW PREPARED BY MUNICIPAL LAW ENFORCEMENT OFFICER

Jim McBain reviewed his comments and suggested fines that he noted on the draft Fireworks By-law.

Section 3.1 Jim noted that fireworks can be sold any time during the year but can only be set off on certain days and times. Should this section be changed to match the times when fireworks can be set off? Chair Kingsbury said it would be unfair to limit the retailer in Horton who has markets in other municipalities that do not have the restrictions we propose. The Committee Members agreed not to change the section.

Short Form Wording and Set Fines Jim asked if the Committee Members wanted to look at his suggested fine amounts. He noted that the Chief Justice will have to approve the wording. Fire Chief Corbin said that \$250 per incident is not much of a deterrent. He asked about subsequent fines. Mr. McBain said the subsequent fines would fall under Part 3 of the Provincial Offences Act which could be a fine up to \$5,000.

David Brown asked if the Town of Renfrew had a fireworks by-law. Bob Cassidy said they do not control vendors under their fireworks by-law. Jim McBain noted that the town has a new Transient Traders Licence which could cover mobile vendors. Chair Kingsbury asked Keith Arbuthnot if Horton was going too far with the proposed rules. Mr. Arbuthnot said the fireworks have to be stored in a secure area which he does. He keeps them in a separate trailer on his property. He informed the Members that there is a large amount of waste/filler in with each firework to ensure safe transportation. It remains after the fireworks are shot.

Councillor Larone said the concern from the Members is not the retail storage, it is residential storage. He suggested that a better way to describe this would be to have a residential storage in a separate building/container. He added it may require zoning approval for storage in a subdivision area.

Jim McBain suggested there may be the need to review section 6.2.ii and change the wording. The Members reviewed this section and made the following changes: *remove the words "fire proof" and add the words "detached building or container"*.

Section 7.3 g Councillor Larone asked what weight of the fireworks that can be stored at any one time. Keith Arbuthnot said the "cakes" are heavy because they have all the filler. Chair Kingsbury said our concern is the Fire Dept. will not know they are approaching a house on fire that had fireworks stored. Keith said it is not uncommon for people to purchase 300 pounds of fireworks at one time. Jim McBain asked if we should limit the storage of the left over fireworks after an event to 50 or 100 kgs (100 or 200 lbs.). Fire Chief Corbin said he would remind the firefighters to be aware in the summer time to ask an owner if there are fireworks stored in the building on fire.

Bob Cassidy said that the fireworks left over should be stored in a cool dry place, in a lockable metal cabinet. Jim McBain said the cabinet should be marked with fireworks stickers to identify it.

Section 8 Jim McBain discussed the dates that fireworks are permitted. The CAO/Clerk said there will have to be an advertising campaign developed to inform our ratepayers of the dates fireworks can be set off and safe handling practices. Mr. McBain explained his warning process before he issues a violation. Bob Cassidy asked where the burden of proof lay if someone complains about fireworks that never happened just to get a property owner in trouble. Jim suggested pictures and he would make a phone call first to the party complained about.

Bob Cassidy said the draft calls for an alternate date if the permit date does not happen as a result of bad weather etc. under Section 8.2. How can we only permit 1 day on a holiday weekend? He suggested we keep the original plan of permitting 2 days before the holiday as well.

Dwayne Johnston asked if New Year's Eve had the same hours as any other holiday – dusk to 10 pm. The Committee agreed that that was the timing and then at 12 midnight to 12:30 am on New Year's Day. Dwayne suggested that fireworks could be set off from dusk on New Year's Eve to 12:30 am on New Year's Day. The Committee considered this and agreed to make this change.

Dwayne said at an earlier Meeting the Committee agreed that part of the 30m x 30m required in Section 8.4 ii and iii could include part of the river providing the fireworks are set off from land. If we don't permit this some property owners will not have enough land to set off fireworks. He asked for the Committee's direction.

Councillor Larone said we have no control what goes on in the water. What if there was a boat in the water. Mr. Johnston said it would have to be a cleared area in the water – boats would have to be gone. The Committee agreed that they had no issue with this suggestion.

David Brown said there was a fireworks accident in California last July where some people in the crowd were severely injured or were killed. How could that happen? Keith Arbuthnot explained a scenario where this could happen if the fireworks were not properly placed in the firing tubes. He noted that these types of fireworks are not available to the public.

6. COMMENTS FROM KEITH ARBUTHNOT

Chair Kingsbury asked for comments from Mr. Arbuthnot.

Section 7 Keith said he asks where people plan to fire them when he sells the fireworks. He gives them guidelines. Most of the people set them off over water. He asks them if they have shot before and will explain the proper way to discharge. He gives them an instruction sheet on safety measures.

Chair Kingsbury asked for his comments about the draft by-law. Keith said the draft looks OK to him concerning the licence regulations that he would have to acquire. Councillor Larone asked if Keith as a retailer believes a by-law is necessary – are you comfortable with it. Keith said yes.

7. COMMENTS FROM BOB CASSIDY

Bob passed out a sheet on information that he gathered from the other municipalities in the County and the City of Ottawa. He suggested these were better examples to base a by-law on than from the City of Vaughan and Town of Milton fireworks by-laws. He thanked the Committee for the opportunity to discuss the draft wording. He said the by-law should be based on common sense. He reviewed the information. No other municipality has regulations except McNab-Braeside which has rules for Exhibition fireworks. He said the issue will be how do people know about the rules and permit system. He suggested that 30% of our property owners set off fireworks which would take an estimated 60 hours of staff time to process the permit applications.

Mr. Cassidy said that \$5,000,000 insurance for residential property was too high. The Members reviewed this requirement in Section 14.1 and agreed that that amount only related to Commercial fireworks from municipal property. All we ask the residential home owner is to have some liability insurance.

Section 7 g Mr. Cassidy discussed the amount of fireworks that can be stored. He said he is more concerned about the proper storage of gasoline, fire arms,

ammunition and black powder etc. than how many fireworks could be stored after an event. He said it was bordering on his personal information. Chair Kingsbury said we wanted to know and limit the weight so our Fire Department would know. Fire Chief Corbin said the Fire Department is concerned about fireworks. Bob Cassidy said he doesn't see our reason for concern when there could be more dangerous products in a garage.

Councillor Larone said things like propane tanks are the accepted norm. Fireworks are not the accepted norm on all properties. The Township has to make sure the firefighters are not in harm's way. He suggested that in the future if other products become a problem Council will look after them. We are trying to put information in place to become guidelines for this situation.

David Brown said if he was a person who set off fireworks he would be happy to give the Township the information on the type of hazard in the house. He explained a situation where reloading ammunition supplies was in a house that was on fire and he knew of this and was the only one who informed the Fire Department.

Bob Cassidy said he hopes that by the Township issuing a licence it doesn't make the Township liable for fireworks.

Section 7 3 f Dwayne Johnston pointed out that there is no minimum liability insurance for family under this section.

Section 8 Bob Cassidy said that the 4 holidays of Victoria, Canada Day, Labour Day and New Year's Eve and Day is too limited. The township needs to permit other opportunities. Dwayne Johnston said that 10 years ago there were very little fireworks set off but that has changed and it is more plentiful. It is a nuisance to people who chose not to set them off.

Bob Cassidy suggested that a Special Occasion Permit opportunity should be available for people to set off on one other day.

Chair Kingsbury thanked Bob and Keith for their input.

Fire Chief Corbin said he likes that the township is establishing rules. The new noise by-law and the need for the fireworks permit will make people more responsible.

Jim McBain suggested that the need for 3rd party liability should be noted on the back of the permit form with a suggestion they call their insurance company.

8. FINAL SUB-COMMITTEE REVIEW OF THE DRAFT

Chair Kingsbury suggested that the Members set a date and time to come back and finish the review. He also asked the Members to consider the Special Occasion Permit suggested by Bob Cassidy.

The Committee agreed to meet on Wednesday January 22 at 3:00 p.m.

9. ADJOURNMENT

Moved by David Brown, Seconded by Jamey Larone that this Sub-Committee Meeting be adjourned at 3:50 p.m.

Carried