

1.0 Recommendation

It is recommended that Council Direct staff to prepare amendments to the Noise By-law that would;

- a) ban the use of consumer fireworks within the Town of Yarmouth, except on Canada Day and New Year's Eve.
- b) Require signage be displayed at retail displays of fireworks informing consumers of the ban

2.0 CAO Comments

If the recommendation is accepted, first reading could occur at the May Town Council meeting.

In the meantime, education and awareness can commence with retailers and the public, advising of the new amendments under consideration, and informing that the current Noise By-law could result in a \$237.50 fine for use of consumer fireworks within the Town of Yarmouth.

3.0 Key Concept/Issue Defined

Yarmouth Town Council has expressed concern about the use of consumer fireworks in the Town of Yarmouth, and the nuisance complaint that they generate. Concerns raised by complainants have included loud noise after dark, animals being scared, and seniors being upset by the unexpected and loud noise

Consumer fireworks are one of four classes of fireworks available for sale in Canada. Consumer Fireworks are federally regulated under the Explosives Regulations, Part 16. The federal regulations do not provide limits on the use of the consumer fireworks that are sufficient to address the concerns of Town Council.

The Province of Nova Scotia regulates the Use of Display Fireworks and Special Effects and Pyrotechnic Fireworks through the Fire Code Act. These fireworks are the type used for community celebrations and special effects for events and movies. The Province of Nova Scotia has no regulations in place limiting the use of consumer fireworks beyond what is in place, federally, except that they may not be used on days where domestic outdoor burning is prohibited.

The nature of the complaints received from Council are not fire safety concerns.

A scan of Towns and cities has shown that Fireworks of all kinds are restricted due to the upset and complaints that they generate. Halifax has a comprehensive page on their website (<https://www.halifax.ca/fire-police/fire/fire-prevention-safety/fireworks>) describing when fireworks are permitted to be used in HRM. Moncton does not allow the use of fireworks under their Fire Protection By-law, without the written permission of the City's Fire Chief, but there is much less information on their webpage.

4.0 Relevant Policy

Noise Bylaw

5.0 Strategic Relevance

Complaints generated from consumer fireworks center around peaceful enjoyment of citizens home and property.

6.0 Desired Outcomes

An appropriate response to the complaints arising from increased use of consumer fireworks in Town.

7.0 Response

Town Council has several options. Option 2 is recommended.

1. Outright Ban on Fireworks
2. Restrict fireworks to specific times/dates
3. Status quo

- 1) An outright ban on the use of fireworks would resolve all of the complaints from persons who are negatively affected by the noise and disruption caused to people and animals.

An outright ban will also be met with complaints from those who enjoy a backyard celebration with consumer fireworks. The complaints arising from those wanting the ability to use fireworks at their pleasure will be based on a desire to do something as opposed to a physical or mental upset created by someone else in the community.

An outright ban is the easiest to enforce, as any use reported, could be investigated and a ticket issued.

Because fireworks are generally used after dark, the Town does not have by-law enforcement staff on duty. RCMP would have to be relied upon to enforce the by-law, and it can be expected that the enforcement would be a lower priority at times, depending on the other calls at the time.

Subject to the judgement of the RCMP, our current Noise by-law could be used as the by-law to penalize persons using consumer fireworks, as the provisions are currently registered under the Summary Offence Proceedings Act Regulations.

An explicit provision for fireworks could be added to the by-law, similar to HRM, to remove any ambiguity.

Part 2 Activities that unreasonably disturb the peace and tranquility of a residential area, at the specified times, where the sound resulting therefrom is audible at a point of reception.

1. The detonation of fireworks or explosive devices not used in construction or quarrying; At All Times

The process for registering the amendment under the regulations is many months long. In the interim, current provisions may be sufficient.

Additionally, The Town could pass a by-law requiring display of consumer fireworks to be accompanied by signage indicating that their use within Town Limits is prohibited under the Town of Yarmouth Noise By-law.

- 2) Restricting Fireworks to specific dates, such as Canada Day, provides an opportunity for town residents to incorporate fireworks into personal celebration of specific occasions. Halifax Noise By-law has the following section:

(2) Notwithstanding any other provisions of this By-law, this By-law shall not apply to:

(a) the days listed in Schedule "B", the emission of sound in connection with any of the traditional, festive, religious or other activities listed therein; or

Their Schedule "B" includes Canada Day, Natal Day, New Year's Eve and Recognized Religious Holidays

This approach balances citizen desire to use consumer fireworks, with the issues that arise from the noise with other citizens and animals. As far as the citizens are concerned, with specific dates exempted from a ban, the sound of fireworks could be anticipated and some planning go into caring for animals and persons negatively affected by the noise. There is no doubt that there would be cases where planning for the noise would create considerable inconvenience and imposition on some citizens quiet enjoyment of their home.

- 3) Status Quo option has led to the complaints and concern of council about consumer fireworks in the community. Council often has a role in managing activities where the activities of one citizen has the potential to impact on their neighbors. Noise from fireworks may have risen to that level in our community, and it may be necessary for council to Act.

8.0 Organizational Implications

Bylaw amendments will be drafted in time for the May Town Council meeting. A significant communications effort will be needed to educate the public and retailers of by-law amendments under consideration, as well as the limitations and penalties already in place.

8.1 Financial Implications

Minimal

9.0 Communication

Communications will include direct contact, creation of a web page and use of traditional and social media.

Submitted By: CAO