

Town of Oakville Memorandum

To: Mayor and Members of Council

From: Selena Campbell, Director – Municipal Enforcement
Municipal Enforcement Services

Date: June 26, 2024

Subject: **Illegal fireworks use in Bronte Village**

Purpose

This memo is in response to the May 27, 2024 Council request that staff explore additional steps that may be taken by the Town to help proactively mitigate the ongoing issue of excessively large groups of youth congregating and being attracted to Bronte Village on holiday weekends, especially Victoria Day and Canada Day, to set off fireworks in the streets and parks that are often targeted at people, vehicles, buildings, and sensitive uses such as gas stations, a seniors building, athletic fields, playgrounds and a school. Also to explore the potential for additional youth programming during these times through our Special Events Strategy and/or further restrictions through our exploration of a fireworks ban to help mitigate this issue in Bronte Village.

Key Facts

- In advance of the Canada Day weekend, town staff and Halton Region Police Services (HRPS) have worked together to ensure a coordinated response that is aligned with each organization's authority.
- Town staff and HRPS have identified several tactics to manage potential issues related to the illegal use of fireworks, including a dedicated team of HRPS officers to patrol Lakeshore Road, separate of the resources already assigned to the park on Canada Day.
- Large crowds can be difficult to control and risk assessments can change quickly. Municipal Enforcement Services (MES) staff are not equipped to assist HRPS with crowd control or riotous behaviour. Officer safety is paramount.
- If criminal activity is observed, HRPS will respond accordingly.

Background

Legislative Overview

Consumer fireworks are designed for outdoor recreational use by members of the public and include Roman candles, fountains, wheels, volcanoes, and mines. Natural

Resources Canada administers the *Explosives Act* and Regulations, with the goal to keep Canadians safe and secure. This includes regulating activities related to fireworks and pyrotechnics, which covers consumer and display fireworks, special effect pyrotechnics and fireworks accessories.

Under the *Municipal Act*, a 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.

The Town of Oakville regulates the sale of fireworks under Licensing By-law 2015-075, as amended, and the discharge of fireworks is regulated under Discharge of Fireworks By-law 2009-056, as amended. In particular:

- Consumer fireworks may not be discharged by a person under the age of 18.
- Consumer fireworks may not be discharged on streets or in a park unless a permit has been issued for such purposes.
- Consumer fireworks may not be discharged in a manner that creates or may create:
 - a nuisance
 - an unsafe condition
 - danger from fire
 - risk from accident, injury; or
 - damage at or in respect of any place, location or site, or to or in respect of any person, property or thing.
- An administrative penalty of \$300 may be issued to persons who fail to comply with the Discharge of Fireworks By-law. The by-law may also be enforced under the *Provincial Offences Act* (POA).

Other Town by-laws that offer additional control over the use of fireworks include:

- Parks By-law 2013-013,
- Noise By-law 2008-098, and
- Municipal Right-of-Way By-law 2009-072

Bronte Incident

On Monday May 20th, a large group of teenagers were observed setting off fireworks at a crowd and throwing fireworks at police within Bronte Village. As reported, HRPS arrested and charged 4 youths with causing a disturbance.

Municipal Enforcement Services (MES) staff are not equipped to assist HRPS with crowd control or riotous behaviour and the *Provincial Offences Act* regulates how a young person (under 16 years) is to be dealt with when issuing charges:

- MES cannot issue charges to minors.
- If MES is responding to a call involving young persons, Halton Regional Police (HRPS) are required to be in attendance and any enforcement action will be taken by the HRPS.

Planned Response and Additional Options Considered

Enforcement

Requests for service, related to fireworks violations of the municipal right of way, discharge to fireworks, parks, business licensing and noise by-laws, may be addressed by MES, HRPS, or the Town of Oakville Fire Department.

However, the recent incident in Bronte Village, which involved large crowds of youth where fireworks were discharged at people or property, is criminal in nature and enforcement support is provided by HRPS.

MES and Fire staff are not equipped to manage large crowds acting in a riotous manner. The behavior of the crowd in Bronte Village demonstrated a flagrant disregard for the safety of both the public and police, presenting an unacceptably high risk to Town staff.

Under the *Provincial Offences Act* (POA), MES and Fire staff are required to ascertain whether an individual qualifies as a young person. Given the number and behavior of individuals involved in such events, this task becomes exceedingly difficult. Moreover, the actions that occurred in Bronte are criminal offences, which can only be enforced by HRPS. HRPS advised that individuals observed using fireworks in a non-compliant manner could face charges or arrest for “causing a disturbance” or “mischief” if property damage is involved.

Halton Regional Police Response

During the Bronte incident, HRPS shut down a large area of Lakeshore Road within Bronte, enabling police officers to address crowd control.

HRPS have indicated that they will have a dedicated team of officers to patrol Lakeshore Road separate of the resources already assigned to the park on Canada Day.

HRPS is working with the Town of Oakville Traffic Operations to explore ways to leverage support and manage road and lane closures to reduce risk related to these gatherings.

Other Municipal Action

Parks and Open Space

Staff explored options including the closure of parks or washrooms during an event or in the day(s) leading up an event such as Victoria Day or Canada Day.

While it may be a tactic that could be used to better manage the risk related to these gatherings. Closure of a park, especially a park such as Coronation Park, Bronte Heritage Waterfront Park is expensive, and time consuming due to the significant linear frontage of these locations and various points of access. Closing off the park through temporary fencing/barricades would allow security staff to monitor access and check individuals who may be entering the park with illegal fireworks. A number of fixed entry points could be established and monitored.

However, this would impact all attendees, and most will wish to exit the park at the conclusion of the event i.e. following fireworks. This may create risk of injury to patrons all trying to leave at the same time. To mitigate that risk, fencing or barriers would need to be quickly dismantled or removed to allow crowds to exit the park quickly and safely.

Washrooms may be closed at specific times during events when there is an increased risk of damage due to inappropriate conduct. All park washroom doors are wired on electric timers that would accommodate this measure with minimal staff impact. While this would protect the interior of the washroom from damage, exterior vandalism is still possible. Closing washrooms also presents a concern for the general public as park patrons who attend park or special events would no longer have access to the washroom facilities. Further, this may increase cases of public urination.

Recreation and Culture

Recreation & Culture staff also considered youth programs and have indicated that planning recreation activities for youth, as a deterrent to illegal fireworks activities (on holiday weekend evenings), would be costly and not likely to be successful with engaging the individuals that have historically participated in these types of negative behaviour. For that reason, it is not recommended as a deterrent tactic.

Municipal Enforcement Services

Prior to the Victoria Day long weekend MES staff participated in joint fireworks sales enforcement in coordination with Fire and HRPS and will continue this proactive enforcement in advance of the Canada Day long weekend.

In addition to the Canada Day efforts, MES staff are partnering with HRPS to run the Police on Park Patrol (POPP) program on various weekends throughout the summer months. The POPP program will include the weekend preceding Canada Day. Staff are also proposing a longer season for the POPP program in the 2025 budget.

MES has noted that some cities have opted to ban the use of fireworks within their city limits. This is a relatively new approach, and there is currently insufficient data to determine its effectiveness. Although such bans are aimed at mitigating the risk of fires, injury and property damage, reducing air pollution, debris and excessive noise, as well as protection of animals and their habitat, consideration must also be given to the impact of such bans on religious and cultural celebrations where fireworks are integral. Staff will be examining these models and incorporating the findings into Fireworks By-law review report expected in Q1 2025. However, it would remain a challenge to control access to fireworks originating from outside Oakville's jurisdiction.

Summary

Town staff and HRPS will continue to work together on a coordinated response to public safety concerns related to the illegal discharge of fireworks. Tactics include:

- For Canada Day, a dedicated team of HRPS officers will patrol Lakeshore Road. This is in addition to HRPS resources already assigned to the park on Canada Day.
- HRPS is responsible and prepared to manage crowds and to address any criminal activity that may arise during events.
- MES staff will be onsite to respond to any by-law violations during the event. If any situation involves youth under the age of 16, HRPS must take the lead.
- HRPS is working with Town Traffic Operations to explore ways to leverage support and manage road and lane closures to reduce risk related to these gatherings.

Over the longer-term:

- Expanding the Park Enforcement program for a longer duration is included for consideration in the 2025 budget.
- MES is currently reviewing the fireworks by-law, conducting public consultation, and will be bringing forward a report with options for Council consideration in Q1 2025.
- An intergovernmental brief has been prepared requesting the Province pass new regulations to ban the sale of Consumer Fireworks (known as Family Fireworks) within the Province of Ontario.