REPORT TO:	**Community and Infrastructure Services Committee**
DATE OF MEETING:	**April 14, 2025**
SUBMITTED BY:	**Gloria MacNeil, Director, Bylaw Enforcement, 519-783-8516**
PREPARED BY:	**Helen Fylactou, Manager, Enforcement, 519-783-8511**
WARD(S) INVOLVED:	**All**
DATE OF REPORT:	**February 5, 2025**
REPORT NO.:	**CSD-2025-052**
SUBJECT:	**Fireworks Review**

RECOMMENDATION:

That the Fireworks and Firecrackers By-law be amended to prohibit the sale of Fireworks within the city of Kitchener starting January 2026, as outlined in Community Services Department report CSD-2025-052; and,

That the increased regulations governing the permitted times for setting off fireworks, be approved, as proposed in Report CSD-2025-052; and,

That the proposed by-law attached to Report CSD-2025-052, to repeal and replace the existing Fireworks and Firecrackers By-law (Chapter 739), as noted in Appendix A, be approved, and that the Clerk be authorized to update Chapter 739 (Fireworks and Firecrackers) of the City of Kitchener Municipal Code to reflect the proposed changes; and further,

That the Administrative Penalty By-law Fines for Firework attached to Report CSD-2025-052, be approved.

REPORT HIGHLIGHTS:

- The purpose of this report is to provide Council with findings from the Fireworks and Firecracker By-law review, as directed by Council in September 2024, and to recommend amendments to further regulate the sale and use of fireworks.
- Input was gathered from 18 municipalities and through a public survey across the Region
- Public survey showed strong support for stricter regulations
- Limit the sales of fireworks to begin January 2026
- Reduce the hours permitted to set-off fireworks

*** This information is available in accessible formats upon request. ***
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

BACKGROUND:

In 2023, Council amended the Fireworks and Firecrackers By-law to improve enforcement by consolidating multiple regulations and updating provisions, including reducing the number of days fireworks could be set off from 3 days surrounding the holiday, to just on the actual holiday. Currently, Kitchener permits fireworks on 3 holidays of the year: Victoria Day, Canada Day, and Diwali. Kitchener's existing regulations on the use of fireworks are the most restrictive of any of the municipalities or townships in Waterloo region.

Despite these changes, complaints have persisted, and safety concerns for both community members and staff have increased, prompting this further review. In September 2024, Council passed a motion directing staff to conduct a comprehensive review of fireworks regulations in response to significant safety, environmental, and noise concerns raised by residents. The motion called for:

- Research into cities that have banned or strictly regulated fireworks, including Vancouver, West Vancouver, Woodstock, Brampton, and Milton, to assess the effectiveness of their by-laws.
- Collaboration with the other municipalities and townships in the Region of Waterloo to explore a unified regional approach.
- Recommendations on making Kitchener's fireworks regulations more stringent.
- An examination of alternative celebration methods, such as drone or light shows, for City-run events.

This report presents the findings from that review and provides recommendations to enhance fireworks regulations in Kitchener.

REPORT:

As a result of the motion passed, staff formed a regional working group to discuss aligning fireworks regulations across the three municipalities (Kitchener, Waterloo, and Cambridge) and the four townships (North Dumfries, Wellesley, Woolwich, and Wilmot). The group has met monthly to explore best practices, share insights, and evaluate municipal comparators. Discussions focused on enforcement challenges, public safety concerns, officer safety concerns, noise and nuisance concerns, impact on resources, environmental impacts, and potential amendments to current regulations.

In addition to these meetings, staff conducted outreach with 18 other municipalities that have implemented fireworks bans, engaged with industry representatives, such as the Canadian National Fireworks Association, and analyzed the effectiveness of different regulatory approaches. A public survey was also conducted, receiving approximately 1900 responses from Kitchener residents. This result showed strong support for stricter regulations, with key concerns related to safety, misuse, noise, environmental, and nuisance.

Option 1: Status Quo

Under this option, no changes would be made to the current bylaw or restrictions. Fireworks would continue to be permitted on designated days with existing regulations in place. While

this approach maintains consistency and does not impose new restrictions on residents, it does not address ongoing concerns related to enforcement, safety, and community complaints.

Option 2 (Recommended): Amend By-law to Set Time Limits & Ban the Sales
This option is a phased in approach, where additional restrictions would take effect immediately, and the ban of sales would come into effect in 2026. This option would prohibit the sale of consumer fireworks while still allowing their use on designated days. By limiting access, it encourages residents to plan ahead if they wish to set-off fireworks while also reducing the likelihood of impulse purchases that contribute to unregulated use. Additionally, this option includes the introduction of a defined start and end time for fireworks use on permitted days. This approach aligns with the consensus across the Region.

Option 3: Full Ban
This option would prohibit both the sale and setting-off of consumer fireworks within the municipality. With time, a complete ban may eliminate risks and disturbances associated with fireworks; however, it is not in line with neighbouring townships and municipalities who are not looking for a full ban at the staff level. Additionally, enforcement would still be required and challenging, as residents may still purchase fireworks from other areas that do not have a ban.

Each option presents different considerations, and staff have evaluated their potential impacts in determining the best path forward.

Recommend Approach:

Based on research, municipal consultations, and public feedback, **staff recommend "Option 2 – More Restrictive and Ban on Sales"** with the following measures to enhance fireworks regulations in Kitchener:

1. Changes to Fireworks Timing

The Firework and Firecracker By-law does not specify a start time for setting off fireworks. It only regulates the permitted days and the time by which fireworks must end. Staff recommend further restricting the timeframe by adding a designated start time that permit fireworks only within a two-hour window on the specific holiday. The current regulation states:

"Fireworks are permitted to be set off during the following days and times:
- Victoria Day until 11pm
- Canada Day until 11pm
- Diwali until 11pm"

And the proposed change would state:

"Fireworks are permitted to be set off during the following days and times:
- Victoria Day **from 9:00pm to 11:00pm**
- Canada Day **from 9:00pm to 11:00pm**
- Diwali from **8:00pm to 10:00pm**"

This change aims to reduce calls, enhance enforcement efforts, add clarity to the rules, and address ongoing community concerns.

2. Prohibiting the Sale of Fireworks

Under the authority of the *Municipal Act, 2001*, Section 121, which states that "a local municipality may prohibit and regulate the sale of fireworks and the setting off of fireworks," staff recommend prohibiting the sale of fireworks within Kitchener. This measure is intended to reduce access to fireworks, requiring individuals to plan ahead rather than purchasing them impulsively.

Currently, 20 businesses in Kitchener are licensed to sell fireworks, and they are permitted to do so for only 18 days per year. To ease the transition, staff are recommending the ban on sales to take effect starting in 2026, allowing businesses to sell off existing stock and ensuring adequate time for public education on the change. While it is acknowledged that some residents may still obtain fireworks online, may purchase from municipalities that still offer the sales, or from reserves, requiring advance planning and proof of age for online purchases is expected to gradually decrease local usage over time.

3. Increasing Administrative Penalties

To enhance enforcement, staff propose increasing administrative penalties for firework-related infractions. Currently, fines range from $300 - $400 per violation. Under the proposed changes, these fines would increase to range from $1000 to $1500, aligning Kitchener’s penalties with those of municipalities that have stricter firework regulations.

In addition to the higher fines, staff would also have the authority to issue a summons requiring an individual to appear in court. In such cases, fines could reach up to $100,000 though this measure would be reserved for severe or repeat violations and other extenuating circumstances. These changes aim to approve compliance and deter unauthorized firework use.

Regional Alignment

Achieving better alignment across municipalities will improve clarity, compliance, and enforcement for both residents and enforcement staff. While full uniformity is challenging, staff believe that 90% alignment is significantly better than the current inconsistencies and will provide:

- Clearer messaging for public education and enforcement.
- More effective compliance, as residents will know what to expect across the Region.
- Reduced complaints, as confusion over differing rules often leads to non-compliance.
- Improved enforcement, making it easier for bylaw officers and first responders to manage violations.

To achieve this, staff recommend aligning key restrictions while allowing flexibility where full alignment is not currently feasible.

Proposed Alignment & Areas of Difference

Category	Staff Recommendation	Alignment	Not Aligned
Number of Days permitted for Setting-off	Day of the holiday	Most	North Dumfries to keep day before, of, and after
Permitted Times for Setting-off	9pm – 11pm – Victoria Day & Canada Day 8pm – 10pm – Diwali	Yes	Some municipalities have more holidays permitted and some have less
Holidays Permitted	No changes	No Changes	**Kitchener** – Victoria Day, Canada Day, Diwali **Cambridge** - Victoria Day, Canada Day, Diwali **Waterloo -** Lunar New Year, Victoria Day, Canada Day, Diwali **Wilmot -** Lunar New Year, Victoria Day, Canada Day, Diwali **Wellesley** - Victoria Day, Canda Day, Civic Holiday, Labour Day **Woolwich** – Victoria Day, Canada Day **North Dumfries** - Victoria Day, Canada Day
Fines for Violations	Increase AMPS penalty or set fines	Yes	N/A
Sale of Fireworks	Ban on Sales	Yes	NA

Staff recommend moving forward with a phased alignment approach, ensuring that core restrictions—such as limiting to one day, standardizing permitted times, increasing fines, and banning sales—are consistent across the Region. While differences in the number of permitted holidays remain, aligning on 90% of key regulations will provide significant benefits without requiring immediate full uniformity.

Outreach and Consultation

To help inform the aforementioned recommendations, staff conducted outreach to other municipalities and industry representatives, including:

- Consulting with Vancouver, West Vancouver, Brampton, Woodstock, Milton, and Caledon to assess the effectiveness of their fireworks bans, challenges faced, and lessons learned;
- Comparing Kitchener's bylaw and regulations with 18 other municipalities (Appendix C);

- Meeting with Aleem Kanji, Chief Advocacy Officer of the Canadian National Fireworks Association (CNFA), who expressed opposition to a ban and emphasized education over prohibition.
- Conducted a public survey on Fireworks that was available to everyone in the Region.

Based on the motion and to gain insights into the effectiveness of firework regulations in other municipalities, staff engaged in discussion with various cities that have implemented bans. Below is a summary of the key finding from these conversations.

Municipality	Comments	Ban Success	Year in Effect
Brampton	• Ban includes sales and display • **Reason:** nuisance and safety • 1st year the complaints increased, but year 2 complaints decreased by 22% • Lesson Learned: increasing fines, expand education, & host City-lead, cultural events	Yes	**2022**
Caledon	• Ban includes sales and display • **Reason:** nuisance and safety • Complaints have been decreasing. They overestimated how many issues they thought they would continue to have. • Lessons learned: continue with education and find alternative events for cultural groups	Yes	**2022**
Milton	• Ban includes sales and display • **Reason**: complaints • Big reduction in number of calls for fireworks this year – only received 17 calls • Lesson Learned: build strong relationship with partners in police and fire	Yes	**2023**
Vancouver	• Ban includes sales and display • **Reason**: nuisance to people and animals, safety risks, fires, and costs over 1.5 million to the municipality • Year 1 there was little decrease in calls, but in 2024 there were only 40. • No illegal sales, reserves nearby decided to also not sell • Lesson learned: year 1 will still be bad, but continue with heavy education	Yes	**2020**

West Vancouver	• Ban includes sales and display • **Reason:** wanted to address environment concerns (fire risks, dry weather), PTSD, and animals. • Year 1 there wasn't a large decrease but there has been enough of a decrease that it is going in the right direction • No illegal sales, reserves stop selling them • Lesson Learned: safety element is the most important piece for education	Yes	**2023**
Woodstock	• Ban includes sales and display • **Reason:** Public Safety & Noise complaints • Year 1 went from typical 50 complaints to 1 complaint • Lesson Learn: education and ban of sales is key to limit ability for customers to easily obtain.	Yes	**2024**

Public Survey

An online survey was conducted over a three-week period across the Region—excluding Cambridge, which had completed its own survey the previous year. The survey was promoted to 11,000 subscribers to EngageWR and advertised through posters with QR codes linking to the survey in all community centres, arenas, and Kitchener Public Library branches.

Below is a summary of key findings from the survey, which had 3,739 participants across the Region, including 1,897 Kitchener residents. The data below is only based on Kitchener residents; however, the results are similar throughout the Region.

- **Attendance to Firework Displays:**
  - Over 65% never attend public firework displays.
  - 72% never participate in private fireworks events.

- **Preferences:**
  - 51% agree or strongly agree that they enjoy public fireworks.
  - 23% agree or strongly agree that they enjoy private fireworks.

- **Safety Perceptions:**
  - 74% believe public displays are safe.
  - 15% believe private displays are safe.

- **Top 3 Reported Benefits (multi-pick option):**
  - Celebrating important occasions (686 responses).
  - Making people happy (657 responses).
  - Bringing the community together (567 responses).

    - 834 respondents indicated there are no benefits.

- **Top 3 Reported Concerns:**
    - Misuse of fireworks (1562 responses).
    - Risk of fire or property damage (1421 responses).
    - Distress to animals (1415 responses).
    - 139 respondents reported having no concerns.

- **Complaints:**
    - 73% have never made a complaint, mainly because they didn't believe it would lead to action.

- **Current Regulations:**
    - 66% believe there are too few regulations.
    - 21% feel the current level is appropriate.
    - 10% think there are too many regulations.
    - 79% support or strongly support additional restrictions.

- **Views on Bans:**
    - 65% support a ban on fireworks sales.
    - 72% support banning the use of private/consumer fireworks entirely.

While the survey provided valuable insight, staff acknowledge that it is not statistically representative, as it was conducted through EngageWR to balance time and cost considerations. The data collected is used alongside other sources, including municipal outreach and consultations, to inform decision-making.

Industry Perspective

As part of the regional working group's efforts, members met with Aleem Kanji, Chief Advocacy Officer of the Canadian National Fireworks Association (CNFA), to gain insight into industry perspectives. Kanji emphasized that education is the most effective approach to managing fireworks use, as many residents are unaware of existing regulations. He expressed concerns that bans may not be effective, citing examples like Caledon, Vancouver, and Brampton, where restrictions have not eliminated issues and are being reconsidered. He also highlighted risks such as increased use of illegal or homemade fireworks and the ease of purchasing fireworks from neighboring municipalities or online. Kanji recommended expanding public education efforts through billboards, radio ads, and mandatory vendor training, similar to the City of London's approach.

Following these discussions, staff reviewed ways to enhance education efforts, including incorporating social media videos, as done in London. Staff also re-engaged municipalities with existing bans, none of which indicated plans to reverse their decisions. While they acknowledged that enforcement takes time, they reported no significant issues with illegal fireworks and noted a gradual decline in complaints as public awareness improves.

Firework Bans

Staff considered a full ban on fireworks but, at this time, are not recommending a complete ban. Outreach with other municipalities that have implemented bans demonstrated that these measures can be effective in reducing complaints and improving compliance. Additionally, the survey results showed strong public support for a ban. However, staff recommend first introducing more restrictive regulations and prohibiting the sale of fireworks before pursuing a full ban.

Several factors contributed to this decision. While the survey provided valuable insight, it was not statistically representative, meaning that some voices may not have been fully captured. Implementing stricter regulations and banning sales first allows the City to assess the impact of these measures before considering a broader approach. Finally, staff recognize the importance of aligning Kitchener's approach with recommendations from other municipalities and townships within the Region to ensure consistency and effectiveness in enforcement as a ban only in Kitchener would likely not result in positive changes. If Kitchener were to proceed with a full ban and other area municipalities and townships did not, we would not be successful.

Education

We heard from all municipalities, residents, and industry representatives that enhanced education is essential to improving fireworks compliance. In 2024, the City of Kitchener conducted the most extensive public education campaign on fireworks to date, including:

- Social media outreach, news releases, and website updates.
- Posters placed in all community centres, arenas, and Kitchener Public Library branches.
- Portable signs at parks.
- Direct engagement with businesses, vendors of fireworks, sports leagues, and high schools
- Partnering with Conestoga College (Students Inc and International Department), cultural groups, temples, Kitchener-Waterloo Multicultural Centre, organized cricket groups, community association, City of Kitchener Fire Division, and Waterloo Regional Police Services on communicating the rules around fireworks in Kitchener
- All by-law enforcement staff were outfitted with postcards to proactively engage with groups and provide information the rules around setting-off fireworks and how to use them safely.

In addition, all our posters had QR codes that translated our information into multiple languages based on the top-languages spoken in the community. Despite these efforts, the City received the highest number of fireworks-related complaints to date, reinforcing the need for stronger regulatory measures. Staff will continue to look at how to expand public awareness which may include partnering with other divisions or agencies.

Impact and Complaints

The concentrated volume of firework-related complaints is atypical compared to other high-volume noise complaints. For example, an average number of noise calls over a weekend is 40,

and a typical “high volume” night of noise complaint, for example – during a music festival – it is still uncommon to receive more than a regular weekend, but have received approximately an additional 20 complaints on occasion for a music festival. The difference between noise from a music festival and fireworks is that music festivals have sound engineers, staff we can work with, and conditions we can enforce in future years—whereas fireworks complaints lack the same controls and response measures. Below details the year-over-year, firework related calls. It reflects the growing trend in complaints and concerns:

YEAR	TOTAL NUMBER
2022	**170**
2023	**186**
2024	**314**

In 2024, staff responded to 314 fireworks-related calls, the highest number to date, with an estimated 200 additional calls going unaddressed. This represents 10 – 20 more calls than we typically receive on a busy night for noise complaints. The impacts include:

- Overwhelming Waterloo Regional Police Dispatch with having to receive and dispatch firework-related calls therefore increasing the wait time for the police non-emergency line
- Public perception of inadequate enforcement, as response capacity is limited by call volume
- Significant safety concerns, including:
    - Increase risk of injury because of improper setting-off of fireworks, fireworks being used as a weapon and shot at a community member, police, and bylaw staff
    - Increase risk to city property – set off in parks, roadways, sidewalks, etc.
    - Fire hazard due to improper fireworks use – especially with dry leaves/grass
    - Distress to pets, wildlife, and people with PTSD, or auditory sensitivity

Public Firework Events

Kitchener hosts a fireworks display for the Canada Day celebration, with the 2024 event drawing over 25,000 attendees. These events have consistently received positive feedback, with little to no concerns reported. Any minor concerns that arise are monitored and addressed through the City’s annual planning process to ensure safe and enjoyable celebrations.

Staff have reviewed municipal approaches to fireworks and alternative displays, including drone shows. Many municipalities that have banned the private use of fireworks, continue to host public firework displays. Municipalities that now host drone shows include:

- Waterloo (Canada Day): 200 drones
- Caledon (Diwali): 200 drones
- Burlington (Canada Day): 70 drones
- Mississauga/Streetsville BIA (Canada Day): Drone and fireworks show.
- Timmins (Canada Day): 100 drones

Special event staff discussions identified safety concerns, including drone malfunctions, regulatory compliance, and cost. A 100-drone show was quoted at $22,000, with larger shows

costing more. Costs for drone shows and fireworks are comparable, especially for major events like Canada Day. However, smaller drone shows may not provide the small visual impact. Special event staff have looked at various options, but currently only scheduled fireworks-related event is Canada Day. Fireworks are typically a finale to an entire event. For example, a concert on Canada Day plus a fireworks finale. The cost for the Special Events team to expand their events to include hosting events on each of the 3 holidays would be approximately $200,000 for each holiday, just the fireworks/drones, and the cost of entertainment which could be up to $600,000. This does not include the additional staff time and potential need for additional FTEs. In addition, permit process supports private businesses and cultural groups in hosting their own firework celebrations.

Permits:
Kitchener has a permit process through the Fire Department for organized, large-scale community events involving fireworks. These events go through an application process that includes inspections to ensure safety and compliance with regulations. Typically, permitted displays operate without issue. For example, in 2024, a local temple obtained a permit for a Diwali celebration, and no complaints were received from the surrounding neighborhood during the event. The same applies to other events that don't coincide with holidays, where permitted displays have been conducted safely and without concerns.

Sanctioned Locations:
Designating specific locations where residents could set off fireworks is not a recommended approach. Such areas would not address the core safety risks associated with improper use, including individuals shooting fireworks at others, at officers, or misusing them in ways that could cause injury to themselves, or property. The public survey also identified key concerns such as noise disturbances, distress to animals, property damage, and the impact on individuals with PTSD. These issues would persist even if fireworks were confined to a permitted location.

In addition, having a designated area would require heavy oversight and would concentrate much of the by-law enforcement's effort to one area. This would strain resources, potentially leaving the other areas of the city unmonitored for unauthorized fireworks use.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – There will be an impact to the operational budget resulting from the proposed changes to the Fireworks and Firecrackers By-law. In Year 1, additional costs will be incurred for educating businesses that currently sell fireworks and for extending the duration of public education and advertising campaigns leading up to permitted holidays. Enhanced enforcement efforts will continue, with an increased number of staff deployed on designated holidays, with the goal of reducing enforcement costs over time as compliance improves.

In 2024, By-law Enforcement spent $3,500 on education, media and advertising, along with approximately $18,000 in staffing costs to support enforcement on the three designated firework holidays. Staff are projecting a similar impact to the operating budget in 2025 due to the continued need for dedicated staff for firework response.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City's website with the agenda in advance of the council / committee meeting.

CONSULT – A public survey was conducted through EngageWR, reaching approximately 11,000 subscribers. To ensure broad participation, posters with QR codes linking to the survey were placed in all community centers, arenas, and Kitchener Public Library branches. This initiative was mirrored across the Region of Waterloo, except in Cambridge, which had conducted a similar survey earlier in the year and therefore did not participate in this current survey.

COLLABORATE – Staff worked closely with Regional counterparts at City of Waterloo, City of Cambridge, Townships of North Dumfries, Wellesley, Woolwich, and Wilmot, to take a coordinated regional approach to fireworks regulations. Outreach was conducted with municipalities outside of the region that have implemented fireworks bans or stricter regulations, including Vancouver, West Vancouver, Brampton, Woodstock, Milton, Caledon, and London, to gather insights on best practices, challenges, and enforcement strategies. A comparative review was also completed, analyzing Kitchener's fireworks regulations against those of 17 other municipalities. Additionally, staff met with Aleem Kanji, Chief Advocacy Officer of the Canadian National Fireworks Association (CNFA), to gain industry perspectives on trends, safety, what municipalities they see as working well, stricter regulations and bans.

PREVIOUS REPORTS/AUTHORITIES:

- CSD-2023-166 – Fireworks – By-law Update
- *Municipal Act, 2001*

APPROVED BY: Michael May, General Manager – Community Services Department

ATTACHMENTS:

Attachment A – Fireworks and Firecrackers By-law
Attachment B – Administrative Penalty Fines
Attachment C - Municipal Comparator Scan

ATTACHMENT "A"
Fireworks and Firecracker By-law

BY-LAW NUMBER

OF THE

CORPORATION OF THE CITY OF KITCHENER

(Being a by-law to regulate the use of Fireworks and to prohibit the sales of Fireworks and to prohibit the sale and use of Firecrackers).

WHEREAS it is deemed expedient to exercise the powers conferred on Council by the *Municipal Act, 2001*, S.O. 2001, c.25;

AND WHEREAS section 391 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, enables a municipality to pass by-laws imposing fees or charges on persons;

AND WHEREAS section 23.1 and 23.2 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, authorizes a municipality to delegate certain powers and duties;

AND WHEREAS Council has determined that the unregulated sale and discharge of Fireworks and Firecrackers could cause a public nuisance;

AND WHEREAS Council has determined that regulating the sale and setting off of Fireworks and Firecrackers within the City decreases both safety and nuisance concerns;

AND WHEREAS section 120 of the Municipal Act, 2001, c.25, as amended, provides that a local municipality may,

(a) prohibit and regulate the manufacture of explosives in the municipality;
(b) prohibit and regulate the storage of explosives and dangerous substances in the municipality;
(c) regulate the keeping and transportation of explosives and dangerous substances in the municipality;
(d) prohibit the manufacture or storage of explosives unless a permit is obtained from the municipal for those activities and may impose conditions for obtaining continue to hold and renewing the permit, including requiring the submission of plans;

AND WHEREAS section 121 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a local municipality may prohibit and regulate the sale of fireworks and the setting of fireworks, and further that a by-law may prohibit those activities unless a permit is obtained from the municipality who may impost conditions for obtaining, continuing to hold and renewing the permit, including requiring the submission of plans;

AND WHEREAS the Council for the Corporation of the City of Kitchener deems it expedient to enact a by-law to regulate and prohibit sales of fireworks, and repeal By-law 2024-015;

NOW THEREFORE the Council of the Corporation of the City of Kitchener enacts as follows:

1. Definitions

“Act” means the *Explosives Act*, R.S.C 1985, Chapter E-17, and any Regulations enacted thereunder as amended from time to time or any Act and Regulations enacted in substitution therefore.

“Administrative Penalty By-law” means the Administrative Penalty By-law of the City, as amended from time to time, or any successor thereof.

“Canada Day” shall mean the day of July 1st.

"City” means The Corporation of the City of Kitchener.

“Consumer Firework” means low hazard Fireworks generally used for recreation, which may be classified as type F.1 explosives under the *Act*, including but not limited to: showers, golden rain, lawn lights, pinwheels, roman candles, and volcanoes, but does not include Christmas crackers or sparklers containing less than 2 mg of explosive substance.

“Chief Fire Official” means the Chief Fire Official of the City of Kitchener or their designate;

“Corporation” means The Corporation of the City of Kitchener.

“Display Firework” means high hazard Fireworks generally used for a public display, which may be classified as type F.2 explosives under the *Act*, including but not limited to: rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, bombardos, waterfalls, fountains, batteries, illumination, set pieces and pigeons, but does not include firecrackers.

"Diwali" shall mean the third day of the South Asian Diwali Festival on which the main Diwali celebrations, including Fireworks, normally take place.

“Fire Chief” means the Chief of the Kitchener Fire Department, or any officer appointed under him, who holds the position of Assistant to the Fire Marshal as defined in the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4.

"Firecracker" includes any article containing a combustible or explosive substance, or combination of substances, prepared for, capable of, or discharged for, the purposes of producing solely an explosion or audible sound and includes cherry bombs, cannon crackers, Firecrackers, mines, squibs and torpedoes but does not include a Christmas cracker or similar device.

“Fireworks” shall mean:

(i). any article containing a combustible or explosive composition or any substance or combination of substances, prepared for, capable of, or discharged for the purpose of, producing a visual show or effect which may or may not be preceded by, accompanied with, or followed by, an explosion or audible sound and shall include Consumer Fireworks, Display Fireworks, Flame Effects and Pyrotechnics; or,

(ii). those devices that are regulated under the authority of the *Act* and any regulations thereunder.

(iii) Christmas crackers and sparklers containing less than 2mg of explosive substance are not considered to be “fireworks” for the purposes of this by-law.

“Fireworks Display” means the setting off of Fireworks but shall not include the setting off of Consumer Fireworks when done on land belonging to a private residence by the owner or tenant of such residence or a person authorized by him/her to do so; provided it is done on the following days:

i. Victoria Day;
ii. Canada Day; and
iii. Diwali.

“Fireworks Permit” shall mean a permit issued by the Fire Chief authorizing a Fireworks Display of any class of Firework and shall include Pyrotechnics and Flame Effects.

“Fireworks Supervisor” shall mean a person authorized under the *Act*, to utilize certain classes of Fireworks or pyrotechnics, and for the purposes of this by-law may be used interchangeably with pyrotechnician as defined under the *Act.*

“Flame Effects” mean the combustion of flammable or combustible solids, liquids, or gases to produce thermal, physical, visual, or audible phenomena where the effect is intended to be viewed by an audience.

“Municipal Act” means the *Municipal Act,* 2001, S.O. 2001, c. 25.

“Officer” means City of Kitchener Municipal Enforcement Law Officers, members of Kitchener Fire department, and any member of Waterloo Regional Police Services.

“Person” means an individual, association, firm, partnership, corporation, trust, incorporated company, organization, and includes the director and officers of a corporation.

“Provincial Offences Act” means the Provincial Offences Act, R.S.O, 1990, c. P33.

“Pyrotechnics” means special effect pyrotechnics classified as F3 under the Act, but may include other devices or effects where they are intended to produce a special effect in a film or television production or performance before a live audience.

“Sky Lantern” means any small hot air balloon or device designed to carry an open flame as an airborne light, and may include, but not limited to, Kongming Lantern, Chinese Lantern, Sky Candle, Fire Balloon, or Sky Balloon.

“Victoria Day” means the Monday preceding May 25th.

“Woodlands” means land with at least:

i. 1,000 trees of any size per hectare
ii. 750 trees measuring over 5 centimetres in diameter per hectare;
iii. 500 trees measuring over 12 centimetres in diameter per hectare; or
iv. 250 trees measuring over 20 centimetres in diameter per hectare. For the purposes of this definition, all measurements of threes are to be taken at 1.37 metres from the ground.

2. Prohibitions

2.1 No person shall offer for sale or sell any Firecracker or Sky Lantern in the City.

2.2 No person shall set off or launch any Firecracker or Sky Lantern in the City.

2.3 No Person, or groups of Persons, shall sell, offer to sell, display, purchase, distribute, or cause or permit to be sold, offered for sale, purchased, or distributed, any fireworks or explosives not authorized by the Explosives Regulatory Division of the Government of Canada in any temporary or permanent vendor location.

2.4 No Person, or group of Persons, shall sell or offer to sell, purchase, display, distribute, possess, or cause or permit to be sold, offered for sale, purchased, distributed, or possessed, any Consumer Fireworks, Display Fireworks or Pyrotechnics in any temporary or permanent vendor location.

2.5 No Person shall sell online, offer for sale, or supply any Fireworks in the City to anyone under eighteen (18) years of age, and if purchased or ordered online shall only be delivered to anyone nineteen years of age or older.

2.6 No Person under the age of 18 may possess any fireworks.

3. Use of Fireworks

3.1 Consumer fireworks may only be set off on private property provided all the setbacks and other requirements of the bylaw are met, on the following days and between the permitted hours:
i. Victoria Day until 9:00pm – 11:00pm,
ii. Canada Day until 9:00pm – 11:00 pm, and
iii. Diwali until 8:00pm – 10:00pm.

3.2 No person shall set off any Fireworks on any street, highway, sidewalk or land under the jurisdiction of the Corporation, or on any property of the Corporation including public parks, except with the consent of the Corporation.

3.3 No person shall set off any Fireworks in the City within 150 meters of;

i. any woodlands;
ii. any place where explosives, gasoline, or other flammable or combustible substances are manufactured, sold or stored;
iii. any hospital, nursing home, retirement home or home for the aged;

iv. any church, childcare facility, or public, separate, secondary or other school;
v. Despite 9(d), Pyrotechnics may be used in a church, or a separate, secondary or other school where a permit for their use has been issued by the Fire Chief.

3.4 No person shall set off any Fireworks within 10 meters of any other person or within such greater distance of any other person as is recommended by the manufacturer.

3.5 No person shall set off any Fireworks within 10 meters or such greater distance as recommended by the manufacturer of any building, tent, canvas shelter, or motor home.

3.6 No person shall set off any Fireworks in an area containing dead undergrowth or dry grass, or dry leaves.

3.7 The provisions of this Chapter do not limit the use of model rocket motors regulated by the *Act* where the motors are being used by hobbyists in a safe and responsible manner on private lands, where the hobbyist has obtained the consent of the landowner to use the land for this purpose.

3.8 No person shall set off any Firework or class of Fireworks, where the Fire Chief has declared that the use of Fireworks in the City or part thereof, would present an undue risk of fire or environmental harm to the community.

4. Fireworks Displays by Permit

4.1 No person shall hold a Fireworks Display in the City except under a permit issued by the Fire Chief under authority of this Chapter.

4.2 Every person holding a Fireworks Display in the City shall do so in accordance with the applicable conditions set out in this Chapter.

4.3 A permit issued under this Chapter may include consent to hold the Fireworks Display in a public park.

4.4 The following conditions shall apply to the holding of a Fireworks Display under a permit issued by the Fire Chief pursuant to this Chapter:

(a) The Fireworks Display shall be held by or under the auspices of a club, association, or group of Persons;
(b) The Fireworks Display shall be held at the place and on the date set forth in the permit;
(c) The Fireworks Display shall be under the supervision of a Fireworks Supervisor holding a valid certificate;
(d) The Fire Chief or their designate may request additional information or impose conditions other than those, required by the *Act* in order to ensure a fire safe community; and

(e) A Fireworks Permit may not be issued, where the permit application is incomplete or the application does not otherwise meet the requirements of this Chapter or the *Act*.

4.5 The Fire Chief may issue a Fireworks Permit on the conditions set forth in this Chapter, the regulations made under the *Act*, and other conditions deemed necessary for fire and public safety; and each Fireworks Permit shall include:

(a) The date and time of the proposed Fireworks Display;
(b) The name of the club, association or group to whom the same shall be issued;
(c) The name, address and phone number of an executive officer or other responsible person;
(d) The name, address and phone number of the Fireworks Supervisor;
(e) The address in the City where the Fireworks Display is to be held;
(f) A site plan providing a description of the discharge site to be used for the Fireworks Display;
(g) The emergency procedures;
(h) The manner in which spent Fireworks shall be cleaned from the fireworks display site;
(i) The manner in which unused Display Fireworks are to be disposed of;
(j) The number of authorized persons on site during the event to handle and discharge the Display Fireworks;
(k) Proof of certification of the applicant as a Fireworks Supervisor;
(l) A permit fee as set out in the applicable by-law;
(m) Proof of insurance and indemnification in accordance with this Chapter; and
(n) Such other information as may be required by the Fire Chief.

4.6 The applicant for a Fireworks Permit under this Chapter shall provide and maintain commercial general liability insurance subject to limits of not less than five million dollars ($5,000,000) inclusive per occurrence for bodily injury, death and damage to property including loss of use thereof. Such insurance shall be in the name of the applicant and shall name The Corporation of the City of Kitchener as an additional insured thereunder. Such insurance shall include coverage for Fireworks Displays of Pyrotechnics special effects, Fireworks, Consumer Fireworks, or Display Fireworks as applicable. Said insurance policy shall contain an endorsement to provide The Corporation of the City of Kitchener with ten (10) days' prior written notice of cancellation or of a material change that would diminish coverage, and a standard City of Kitchener certificate of insurance evidencing such insurance coverage shall be provided to the City prior to the issuance of a permit.

4.7 The applicant for a Fireworks Permit shall indemnify and save harmless The Corporation of the City of Kitchener from any and all claims, demands, causes of action, loss, costs or damages that the Corporation may suffer, incur or be liable for resulting from the performance of the applicant as set out in this Chapter whether with or without negligence on the part of the applicant, the applicant's employees, directors, contractors, volunteers, and agents

4.8 Section 2 and 3 of this Chapter are hereby designated as parts of this Chapter to which the Administrative Penalty By-law applies.

4.9 Any person shall be liable to pay an administrative penalty and any administrative fee in accordance with the Administrative Penalty By-law, upon the issuance of a penalty notice for a contravention of this Chapter.

4.10 The *Provincial Offences Act* continues to apply to the provisions of this by-law in addition to the designated provisions of this bylaw.

4.11 Where a person has not paid the administrative penalty within 30 days in accordance with the Administrative Penalty By-law, the City may add the administrative penalty to the tax roll for any property for which the owner or owners are responsible for paying the administrative penalty under Section 739.4.9.

5. Enforcement

5.1 Any Officer may be responsible for the enforcement of this by-law.

5.2 Any Officer may inspect without prior notice at any reasonable time a location from which Fireworks are being stored, sold, displayed, or otherwise used or held.

5.3 Any permit issued under this Chapter may be revoked by the Fire Chief where the Fire Chief believes said revocation would be in the interest of public safety.

5.4 An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether this Chapter is being complied with. Entry to any place being used as a dwelling may be subject to the requirements of the *Municipal Act, 2001*. However, this right of entry shall in no way restrict any right of entry authorized under the *Fire Protection and Prevention Act, 1997*.

5.5 For the purposes of an inspection pursuant to this Chapter, an Officer may:
(a) Require the production for inspection of documents or things relevant to the inspection:
(b) Inspect and remove document or things relevant to the inspection for the purpose of making copies or extracts;
(c) Require information from any person concerning a matter related to the inspection; and
(d) Alone or in conjunction with a person possessing special or expert knowledge, make examinations or take test, samples or photographs necessary for the purpose of the inspection.

6. Offence

6.1 Every person other than a corporation who contravenes any provision of this Chapter is guilty of an offence and is liable upon conviction, to a fine not exceeding $50,000 exclusive of costs, for each offence, recoverable under the *Provincial Offences Act.*

6.2 Every corporation that contravenes any provision of this Chapter is guilty of an offence and is liable upon conviction, to a fine not exceeding $100,000 exclusive of costs, for each offence, recoverable under the *Provincial Offences Act*.

7. Enactment

7.1 It is hereby declared that each of the foregoing sections of this Chapter is severable and that, if any provisions of this Chapter should for any reason be declared invalid by any Court, it is intention and desire of Council that each and every of the then remaining provisions hereof shall remain in full force and effect.

8. Schedule

8.1 That the Schedules attached to this By-law shall form part of the By-law.

9. Repeal and Replace

9.1 By-law 2024-015 and the contents of Chapter 739 of the Municipal code, as may have been amended, is repealed and replaced on the day this By-law comes into force and effect.

10. Severability

10.1 It is hereby declared that each of the foregoing sections of this Chapter is severable and that, if any provisions of this Chapter should for any reason be declared invalid by any Court, it is the intention and desire of Council that each and every of the then remaining provisions hereof shall remain in full force and effect.

11. Enactment

11.1 This by-law may be referred to as the “Fireworks By-law”.

11.2 This By-law shall come into force and effect on April 28, 2025.

11.3 The Clerk of the City is hereby directed to make this by-law a part of The City of Kitchener Municipal Code by adding it to the Concordance and arranging and numbering it as Chapter 739 so as to fit within the scheme of the Code.

PASSED at the Council Chambers in the City of Kitchener this X day

of , CE. 20 .

_____
Mayor

_____
Clerk

ATTACHMENT "B"
Administrative Penalty Fines

Chapter 739 (Fireworks and Fire Crackers), as amended, of the City of Kitchener Municipal Code				
COLUMN 1 ITEM	**COLUMN 2** DESIGNATED PROVISION	**COLUMN 3** SHORT FORM WORDING	**COLUMN 4** SET PENALTY AMOUNT	**COLUMN 5** PENALTY AMOUNT FOR SECOND AND SUBSEQUENT CONTRAVENTIONS
1.	739.2.1	(permit/offer) for sale or sell any Firecrackers or Sky Lantern	$1000	$1500
2.	739.2.2	(set off/launch) any Firecracker or Sky Lantern	$1000	$1500
3.	739.2.4	Permit the sale, offer to sell, display or purchase any fireworks or explosives	$1500	$2250
	739.2.5	Permit the sale of fireworks online to persons under eighteen years of age	$1500	$2250
4.	739.3.1	Fireworks set off on private property outside of the permitted days (Victoria Day, Canada Day, Diwali)	$1500	$2250
5.	739.3.1	Fireworks set off on private property outside the permitted times	$1500	$2250
6.	739.3.2	Fireworks were set off on any street, highway or land under the jurisdiction of the Corporation without consent of the Corporation	$1500	$2250
7.	739.3.3	Fireworks set off within 150 meters of (woodlands/place were explosives, gasoline, or other flammable or combustible substances/hospital, nursing home retirement home or home for aged; any church, childcare facility or public separate or secondary school)	$1500	$2250
8.	739.3.4	Fireworks set off within 10 metres of any other person	$1500	$2250
9.	739.3.5	Fireworks set off within 10 meters of any building, tent, canvas shelter, or motor home	$1500	$2250
10.	739.3.6	Fireworks set off in an area containing dead undergrowth or dry grass	$1500	$2250
11.	739.4.1	Failed to obtain a permit to hold a Firework Display	$1000	$1500

ATTACHMENT "C"
Municipal Comparator Scan

Municipality	Ban on Fireworks?	What holidays permit?	Number of Days Permitted to set off?	Can they be sold?	Number of Day for sale
Kitchener	No	Victoria Day, Canada Day, Diwali	1	Yes	6 proceeding
Waterloo	No	Lunar New Year OR Chinese New Year, Victoria Day, Canada Day and Diwali	3	Yes	7 proceeding
Cambridge	No	Victoria Day, Canada Day, Diwali	1	Yes	10 proceeding
Wilmot	No	Victoria Day, Canada Day	3	Yes	10 proceeding
Woolwich	No	Victoria Day, Canada Day	Not regulated	Yes	6 proceeding
Wellesley	No	Victoria Day, Canada Day, Civic Holiday, Labour Day	VD, CH, LD – 3 days, CD – day before, of, after	Yes	10 proceeding
North Dumfries	No	Victoria Day, Canada Day	3	Yes	10 proceeding
Hamilton	No	Victoria Day, Canada Day	1	Yes	7 proceeding
Vaughan	No	Victoria Day, Canada Day (other days by permit)	1	Yes	7 proceeding
London	No	Victoria Day, Canada Day, Diwali, Lunar New Year, any other approved date	1	Yes	5 proceeding
Oakville	No	Victoria Day, Canada Day, New Years, any religious/cultural event where fireworks are used	3 (day before, of, after)	Yes	7 proceeding
Toronto	No	Victoria Day & Canada	1 day (plus rain date)	Yes	7 proceeding

BAN ON FIREWORKS					
Brampton	Yes	None	None	No	N/A
Woodstock	Yes	None	None	No	N/A
Milton	Ye	None	None	No	N/A
Vancouver	Yes	None	N/A	No	N/A
West Vancouver	Yes	None	N/A	No	N/A
Caledon	Yes (since 2022)	None	N/A	No	N/A
Stouffville** (starting in 2025)	Yes	None	No	No	N/A