

THE CORPORATION OF THE TOWNSHIP OF PUSLINCH PUBLIC MEETING MINUTES

DATE: Wednesday, November 6, 2013

TIME: 3:30 p.m.

PLACE: Puslinch Municipal Complex
7404 Wellington Rd. 34

FILE NUMBER: CO1-FIR

MEMBERS: Mayor Dennis Lever – Chair
Councillor Susan Fielding
Councillor Ken Roth
Councillor Jerry Schmidt
Councillor Wayne Stokley

The Chair reminded attendees to ensure that they have signed in and provided their contact information.

The Chair advised the attendees that those who wished to make comments should stand, state their name for the record and address their comments to those in attendance.

Presentations

The Chair introduced Fire Chief, Robert Gordon and Deputy Fire Chief, Steve Goode.

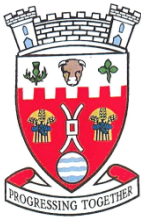
Deputy Fire Chief Goode advised that the Township passed the current By-law 20/2003 on May 7, 2003 to prohibit and regulate the setting off of fireworks.

Deputy Fire Chief Goode advised that at the May 15, 2013, Fire and Rescue Committee meeting it was discussed that there was a need to review the existing Fireworks By-law, as the by-law was in need of an update regarding the requirements related to the discharge and setting off of Fireworks and to establish a framework and permit process for the sale of Fireworks.

Deputy Fire Chief Goode advised that the Fire and Rescue Committee reviewed the proposed by-law at its meeting held on August 14, 2013, and passed a recommendation requesting Council to direct staff to hold a public meeting for the purpose of seeking input on the proposed by-law.

Deputy Fire Chief Goode made a presentation which outlined the proposed changes to the by-law relating to the Sale of Fireworks which included the following:

- A requirement to apply for and obtain a permit – minimum 30 days prior to event
- Fireworks can be offered for sale on the day being observed as Victoria Day and Canada Day and eight (8) days prior to
- Criteria established for obtaining a permit
- Complete application form
- A Permit Fee of \$100.00
- A requirement of Commercial General Liability Coverage - \$5,000,000
- If the sale is authorized on Township land – insurance shall name the Township as an additional insured
- Written permission of property owner
- Inspection
- Lands must be zoned as Commercial, Industrial, Institutional or Open Space



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Deputy Fire Chief Goode, outlined the proposed changes with respect to Storage and Display of fireworks which included:

- Within any building display fireworks that exceed 25kg within a “lot”, “bin” or “bundle”
- Wholesaler licensed by the Department of Energy, Mines and Resources when exceeding 1,000kg
- Stored in a cool dry place, away from any sources of heat and any substance that could cause ignition
- Possess any substance that can cause ignition within 6m of Fireworks
- Permit access to fireworks stored in a building unless the building has 2 operative doors
- Post applicable signage
- Fireworks must be in an enclosed, non-combustible display unit, locked and accessible only to employees
- Only have a display board that has inert articles that is obtained from the distributor or the product manufacturer
- Only an employee may handle fireworks that are not in consumer packs until the articles have been purchased

Deputy Fire Chief Goode, outlined the proposed changes with respect to Setting Off/Discharge of Fireworks which included:

- Requirement to apply for and obtain a permit – minimum 30 days prior to event
- Permit issued by staff except for events not taking place on the day being observed as Victoria Day, Canada Day or on the day immediately preceding
- Fire Chief may impose conditions
- Criteria established for obtaining a permit
- Complete application form
- Fee - \$100.00
- Commercial General Liability Coverage - \$5,000,000
- If the setting off/discharge of fireworks is authorized on Township land – insurance shall name the Township as an additional insured
- Written permission of property owner
- Inspection
- Proof valid Fireworks Supervisors Card
- Procedures for setting off High Hazard Fireworks and Emergency Response
- Site Plan
- Any other documents that may be required by staff to satisfy any concerns

Deputy Fire Chief Goode concluded his presentation by advising that the next steps included reporting back to Council in February 2014 on results of this Public Meeting and recommending adoption of the Proposed By-Law to regulate the Use and Sale of Fireworks.

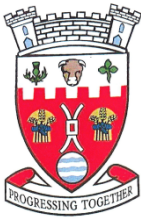
Questions/Comments

The Chair asked if there were any members of the public who wished to voice a comment or question.

Mr. Brian McFalome advised that he had been selling fireworks for the past 21 years. He requested clarification as to the venue of this meeting.

The Chair advised that the purpose of this meeting was to seek the public's comments and questions regarding the proposed by-law.

Mr. McFalome advised that he believed the proposed by-law was a good idea.



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Mr. McFalome advised that the proposed by-law states that when selling fireworks the display requires dummies or empty fireworks.

Mr. McFalome advised that he has done some research of the 5 major providers of the fireworks and advised that one of the companies, Vulcan, can provide dummies, but he was unable to purchase dummies from many of the other suppliers. He suggested that the proposed requirements for dummies in a display posed a challenge as it is illegal to alter or tamper with fireworks in order to make them into dummies for the display and he was unsure as to how to comply with proposed by-law.

Deputy Fire Chief Goode advised that in previous years inspections had been performed at Mr. McFalome's business, Holy Smokes, and they were in compliance with respect to their displays.

Deputy Fire Chief Goode commented that there is no value in consumers picking up the fireworks to inspect before purchasing and commented on the Optimist Club's use of a glass display case for their fireworks.

Ms. Camilla Leach commented that she has fireworks in a glass case but the fireworks are not inert and she is concerned that she will not be complying with the proposed by-law.

The Chair commented that he believed the by-law read that either the fireworks were to be displayed in a locked case or on a display board with inert articles.

Deputy Fire Chief Goode clarified that paragraph 6(11) of the proposed by-law made reference to a display board where fireworks were to be inert and that paragraph 6(10) of the proposed by-law made reference to a locked display case where the fireworks could be active.

The Chair asked if the proposed by-law could be made clearer in defining the wording between display board and display case.

Mr. McFalome commented that it would be of assistance if the definition of low hazard and high hazard fireworks in the by-law could include the classification to add low hazard classification of 1.4 g – consumer fireworks or Class C- backyard fireworks or 1.3 g commercial fireworks – high hazard.

Mr. McFalome suggested that if an individual could look at a list and be able to distinguish high or low hazard, if it had 1.3 g or 1.4 g designation in the by-law that this would make it much easier.

Deputy Fire Chief Goode advised that with respect to high hazard fireworks, there was a requirement of a supervisor card and these individuals would be trained and would recognize and know the different classifications and added that Holy Smokes was unable to sell high hazard fireworks.

Mr. McFalome commented that to purchase 1.3 g high hazard fireworks was not easy and did require certification but thought that the 1.4 g designation for low hazard fireworks would provide clarity for the common resident with respect to the requirements for a permit.

The Chair suggested that staff consider clarification of the definitions of low and high hazard fireworks when reporting back to Council.

Mr. Robert McFarlane questioned as to whether the Puslinch Optimist Club sold low hazard fireworks.



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Deputy Fire Chief Goode responded that the Club sold low hazard fireworks.

Mr. Don McKay questioned as to what the timing was for the fee structure and questioned as to whether it was necessary to obtain two permits for the May 24th sale of fireworks and July 1st sales.

Deputy Fire Chief Goode responded that it would be necessary to obtain 2 permits. He explained that each of the events used different trailers and required separate inspection processes each time the sale took place.

Mr. McFalome asked for clarification regarding the permit process for residents and if they were using low hazard fireworks did they require a permit.

Deputy Fire Chief Goode advised that residents did not require a permit to discharge fireworks on the two dates specified in the by-law and if they were discharging low hazard fireworks other than the two dates specified that the resident would need to contact the Township and receive approval.

Mr. McFalome questioned as to whether this was a final by-law.

The Chair advised that the proposed by-law was under consideration and the purpose of the Public Meeting is to obtain public input.

Mr. McFalome asked if there was a different way to acquire approval where a class C situation had something small.

Deputy Fire Chief Goode advised that the problem existed on how the definition of how big or how small.

Mr. McFalome questioned as to how are the individuals on Council better equipped to provide approval. Mr. McFalome, suggested that the fire department would be better to determine and make decisions for all permits.

Ms. Camilla Leach questioned as to whether there was anything in the by-law for low hazard fireworks displays.

Deputy Fire Chief Goode advised that this information was contained in section 5 of the proposed by-law.

The Chair asked if there were any members of Council who wished to voice a comment or concern regarding the proposed by-law.

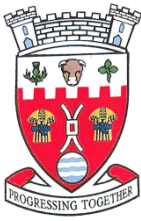
Councillor Schmidt advised that the by-law seems to address Victoria Day and Canada Day, but would like to see a final by-law where it is spelled out easily where request do not have to go to Council for approval.

Councillor Roth advised that the proposed by-law needs clarification to easily understand what is a high and low hazard firework.

Councillor Roth questioned what the restrictions under the present by-law are for setting off fireworks on November 20th.

Deputy Fire Chief Goode advised that under the present by-law there are no restrictions.

Councillor Roth questioned as to what the requirements are under the proposed by-law?



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Deputy Fire Chief Goode advised that the parameters if not on Canada Day or Victoria Day would need to obtain approval.

Deputy Fire Chief Goode stated staff will consider the suggestion to eliminate obtaining approval from Council where the discharge of fireworks was not on the specified dates contained in the proposed by-law.

Councillor Roth asked if he would be required to purchase a permit for low hazard fireworks display.

Deputy Fire Chief Goode advised that the intent of the by-law was not to restrict the setting off of low hazard fireworks by families.

Councillor Stokley advised that he agreed that there needed to be clarification on the definition of low and high hazard fireworks.

Councillor Stokley questioned as to whether there was a definition regarding what a building is.

Deputy Fire Chief Goode responded that yes a building includes a structure which includes tent, trailer and building.

Councillor Stokley asked as to where is the definition found.

Deputy Fire Chief Goode advised that the definition is contained in the Fire Code.

Councillor Stokley suggested that the Fire Code definition of structure should be included in the proposed by-law.

Councillor Fielding advised that she believed it was better for staff to be making the decisions regarding approval for discharge of fireworks and not Council.

The Chair questioned under the Storage and Display section does the reference to 25kg relates to the entire building.

Deputy Fire Chief Goode advised that this was in reference to a box of fireworks and not the entire building.

The Chair advised that he would like to see New Year's Day added to the permitted discharge days in the by-law.

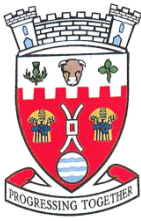
Deputy Fire Chief Goode advised that there are two other discharge dates to consider these being Chinese New Year and Diwali.

The Chair advised that the proposed by-law is technical and a facts sheet would be helpful.

The Chair advised that he was in favor of delegating fireworks approval to the Fire Department.

The Chair inquired if there were any further comments or questions.

Ms. Camilla Leach advised that a number of municipalities including the City of Guelph who recently amended their Fireworks By-Law to include Diwali; the City of Waterloo who recently amended their Fireworks By-law to include Diwali and Chinese New Year and the City of Brampton amended their by-law to include New Year's Eve.



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Ms. Camilla Leach advised that the Township may want to look at these by-laws.

Mr. Robert McFarlane advised that when considering the permit fee structure that it be considered that the Puslinch Optimist Club is a service club.

Deputy Fire Chief Goode advised that the Optimist Club would not require a high hazard permit.

Ms. Camilla Leach advised that she was concerned about the restrictions around Canada Day and that this holiday can be celebrated when people have 2 days off. Ms. Leach suggested that the times for discharge of fireworks be modified to include 2 days before and 2 days after the holiday.

Ms. Leach advised that the Town of Milton allows 2 days before Canada Day; City of Waterloo 7 days before and after; City of Cambridge 2 days before and after and Hamilton 2 days before and after the Canada Day holiday.

The Chair thanked those in attendance for their comments and questions and advised that written comments can be submitted to the Township.

The Chair reminded those in attendance to sign in and advised that those who have signed in will be notified when the by-law returns for consideration.

The Chair inquired as to whether there were any additional comments or questions.

There were no further comments or questions.

ADJOURNMENT:

The meeting adjourned at 4:11 p.m.