

TO:	CHAIR AND MEMBERS PUBLIC SAFETY COMMITTEE MEETING ON JUNE 19, 2012
FROM:	JOHN KOBARDA FIRE CHIEF
SUBJECT:	AMENDMENT TO FEES AND CHARGES BY-LAW WAIVING FIREWORKS DISPLAY PERMIT FEES

RECOMMENDATION

That, on the recommendation of the Fire Chief the following actions be taken with respect to the Fees and Charges By-law as it relates to Firework Displays:

- a) the attached by-law (Appendix "A") BE INTRODUCED at the June 26, 2012 Municipal Council Meeting to amend the Fees and Charges By-law A-42 to provide for the waiving or reduction of fees for Fire Work Display inspection/permit where Council, by resolution has agreed to the waiving or reduction; and,
- b) that the permit fees for the Canada Day Firework Display held by the West Park Baptist Church and the Optimist Club of Summerside be waived.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

None

BACKGROUND

At its May 9, 2011 meeting, Council passed the following resolution with respect to fees associated with the issuance of permits and the accompanying inspections related to display fireworks:

That the following actions be taken with respect to Victoria Day and Canada Day fireworks displays:

- (a) *The Civic Administration **BE AUTHORIZED** to waive the fee for the display fireworks permit/inspection for the major fireworks celebrations held by the Fanshawe Optimist Club on Victoria Day, at the Fanshawe Conservation Area, and London Celebrates Canada on Canada Day, at the Forks of the Thames; and*
- (b) *The Civic Administration **BE REQUESTED** to report back on the feasibility of waiving the fee for display fireworks permit/inspection for other groups in future years.*

Furthermore, on March 20, 2012 Council requested that the London Fire Department (LFD) provide a report on Display Fireworks and that West Park Baptist Church be added to the list of exempted Display Firework events, which currently includes:

Victoria Day

Fanshawe Optimists

Canada Day

East London and River East London Optimist Clubs

Byron Optimists

City of London – Celebrate Canada Committee

Community Council of White Oaks



Lambeth Harvestfest

Lambeth Harvestfest Committee

New Year's Eve

City of London – Victoria Park.

INSPECTION FEES:

Currently, the LFD charges a Display Fireworks Permit Fee of \$281 to recover costs associated with the inspection and permit process that includes processing of the request, documentation review, follow up with event organizers, travel costs to/from the event by the Inspector, inspection time on site, noting that a portion of the costs include the Chief Fire Prevention Officer's review of the site plan and approval process. Because of concerns for public safety, the Department requires an Inspector to conduct an inspection on the date of event for the purposes of reviewing fireworks storage, confirming site plan details, verifying the products used, as well as observing disposal of spent fireworks. Primarily, inspections occur on a weekend or holiday so cost recovery for the latter is calculated at time and a half, as required by the Collective Agreement.

The LFD supports waiving permit/inspection fees for specific Display Fireworks events, particularly those commemorating statutory holidays, are open to the public and benefit the community, and are held by the City or not-for-profit groups. Such events significantly contribute to the City's vibrance and, in some instances, build upon the vibrance, pride and sense of community within a neighbourhood. Toward that goal, the proposed amendment to the By-law enables the Department to protect the public's safety, while at the same time ensure that the number of events remain manageable. If Permit Fees are waived for all Display Fireworks events, the number of requests for Display Firework at birthday parties, weddings, picnics, grand openings and other non-community-based events may escalate dramatically, thereby drawing Inspectors away from their primary duty of inspecting buildings for Fire Code conformance.

The Department recognizes that the list of exemptions provided earlier, with the inclusion of West Park Baptist Church and Optimist Club of Summerside, places limitations on other not-for-profit groups that may wish to hold Display Fireworks in the future; however, in response to the concern, the proposed amendment to the Fees and Charges By-law adds a provision whereby Council can waive the Permit Fee for other such groups by way of resolution.

Total fees charged in 2010 for Display Fireworks and Pyrotechnics was \$3,751, with \$1,967 attributable to Display Fireworks permits. In 2011, fees attributable to Display Fireworks and Pyrotechnics totaled \$4,384 with approximately \$2,810 attributed to Display Fireworks, noting that the lost revenues in 2012 associated with the waiving of the permit fees for the events hereby recommended is approximately \$1,967, which will be absorbed within the operating budget.

On the matter of adding the West Park Baptist Church event to the list of Display Fireworks exempted from the Permit Fee, the LFD is supportive and, accordingly, that specific event is included within the recommendation contained herein. Furthermore, the Department also recommends adding Optimist Club of Summerside to the afore noted list.

Further to the above, it should also be noted that Pyrotechnic displays are generally associated with revenue-generating concerts and sporting events and therefore we recommend the fees associated with Pyrotechnics not be waived.

SUMMARY

At its May 9, 2011 meeting, Council requested that Civic Administration to report on the feasibility of waiving the fee for display fireworks permit/inspection for certain groups in future years and, at its March 20, 2012 meeting, requested that West Park Baptist Church be added to the exemption list.

Based on its review, Fire Administration supports waiving permit/inspection fees for specific Display Firework events, more specifically, those commemorating statutory holidays, are open to the public and benefit the community, and are held by the City or not-for-profit groups. Such events significantly contribute to the City's vibrancy and, in some instances, build upon the vibrancy, pride and sense of community within a neighbourhood. That said; the LFD

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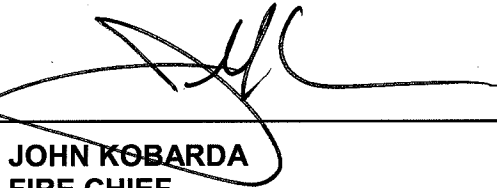
recommends limiting the number of Display Firework events using the aforementioned criteria as it enables the Department to protect public safety while at the same time keeping the number manageable. In the future, should other not-for-profit groups seek the Permit Fee for Display Fireworks be waived, the proposed amendment to the Fees and Charges By-law provides a mechanism by which Council can consider such requests and, by way of a resolution, may waive the applicable Permit Fee.

Based on a proposed change to the Fees and Charges By-Law, at its March 20, 2012 meeting Council requested that West Park Baptist Church be added to the list of exemptions. The LFD concurs, as well as also recommends adding the Optimist Club of Summerside.

Based on 2010 and 2011 data, the recommendation would decrease revenues by approximately \$1,967, which will be absorbed within the Department operating budget.

Further to the above, it should also be noted that Pyrotechnic displays are generally associated with revenue-generating concerts and sporting events and therefore we recommend the fees associated with Pyrotechnics not be waived.

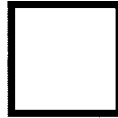
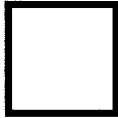
RECOMMENDED BY:



**JOHN KOBARDA
FIRE CHIEF**

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APPENDIX A

Bill No.
2012

By-law No.

A By-law to amend By-law No. A-42, entitled
"A by-law to provide for
Various Fees and Charges"

WHEREAS section 5(3) of the *Municipal Act, 2001* S.O. 2001, c.25, as amended, provides that a municipal power shall be exercised by by-law;

NOW THEREFORE the Council of The Corporation of the City of London enacts as follows:

1. Schedule 1, Protective Services (cont'd), Service Grouping: Fire Services (cont'd), Fire Prevention and Education, Fire Prevention, of By-law A-42 is amended by adding the phrase "unless the fee is waived or reduced by Council resolution" after the phrase "Display Fire Works inspection / permit".
2. Schedule 1, Protective Services (cont'd), Service Grouping: Fire Services (cont'd), Fire Prevention and Education, Fire Prevention, of By-law 42 is amended by deleting the phrase "(Part 4)" after the words "Open Air Burn Permit" and inserting the phrase "(Part 3)".
3. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council , 2012

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First reading -
Second reading -
Third reading -