

# THE CORPORATION OF THE TOWN OF GEORGINA

## COUNCIL AGENDA ADDENDUM

Wednesday, February 5, 2014  
9:00 AM

### 12.2 CONSIDERATION OF REPORTS ON THE CONSENT AGENDA REQUIRING SEPARATE DISCUSSION

12.2.4 Report from the Administrative Services Department:

Pages 1-4

12.2.4.2 Fireworks Licencing By-law

Report No. DAS-2014-0009

#### Recommendation(s):

1. That Council receive Report No. DAS-2014-0009 prepared by the Administrative Services Department, Clerks Division dated February 5, 2014 respecting the Fireworks Licencing By-law 2014-0002 and the request from the Kinette Club of Sutton for an exemption.
2. That Council maintain the provisions of the Fireworks Licencing By-law as adopted with regards to the public safety standards and the Vulnerable Sector Screening requirements.
3. That Council consider implementing a reduced Fireworks By-law licencing fee of \$25 for not-for-profit organizations that are based in Georgina.

(Advisement: Addendum report requested at the January 29<sup>th</sup> Council meeting following a delegation made at that meeting by Sutton Kinette representative Mrs. Margaret Quirk)

### 18. OTHER BUSINESS

18.1 Canada Post

WHEREAS local governments in Canada have a direct financial interest in the security and stability of Canada's postal system, to ensure reliable communications with ratepayers and certainty in the timely payment of taxes and other fees;

18. OTHER BUSINESS cont'd

AND WHEREAS Canada Post, has announced its intention to eliminate residential door-to-door mail delivery in Canada, calling into question the stability of Canada's postal system, the certainty of communications and payments, and the reliability of business transactions;

AND WHEREAS the proposed change to eliminate residential door-to-door mail delivery would entail the installation of community mail box sites, resulting in the downloading of responsibilities, costs, and liabilities to local governments, including requirements for municipal land and rights-of-way, infrastructure such as paving and lighting, and policing related to vandalism, graffiti and mail theft;

AND WHEREAS this fundamental change to Canada's communications system has been announced in the absence of any meaningful consultation with local governments;

THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Georgina requests that the Federal Government direct Canada Post to maintain the current system of residential door-to-door postal delivery in Canada.

BE IT FURTHER RESOLVED that this motion be forwarded to the Federation of Canadian Municipalities and Association of Municipalities of Ontario (AMO).

(Advisement: At the January 29<sup>th</sup> Council meeting following a delegation by a member of the Canadian Union of Postal Workers, Newmarket Local 573, staff was requested to draft a motion for Council's consideration at the February 5, meeting)

**THE CORPORATION OF THE TOWN OF GEORGINA****REPORT NO. DAS-2014-0009****FOR THE CONSIDERATION OF  
COUNCIL****FEBRUARY 5, 2014****SUBJECT: FIREWORKS LICENCING BY-LAW**

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**1. RECOMMENDATION:**

1. That Council receive Report No. DAS-2014-0009 prepared by the Administrative Services Department, Clerks Division dated February 5, 2014 respecting the Fireworks Licencing By-law 2014-0002 and the request from the Kinette Club of Sutton for an exemption.
2. That Council maintain the provisions of the Fireworks Licencing By-law as adopted with regards to the public safety standards and the Vulnerable Sector Screening requirements.
3. That Council consider implementing a reduced Fireworks By-law licencing fee of \$25 for not-for-profit organizations that are based in Georgina.

**2. PURPOSE:**

The purpose of this report is to recommend that Council maintain the provisions of the Fireworks Licencing By-law 2014-0002 (LI-3) as adopted with regards to the public safety standards and the Vulnerable Sector Screening requirements.

**3. BACKGROUND:**

In May and July 2013 during fireworks inspections the need to update the former fireworks by-law was identified for public safety, consumer protection and general health and welfare of the community.

On Thursday November 28, 2013, a public consultation meeting was held for all agencies and companies wishing to sell fireworks. The Kinsmen were the only group in attendance at the public consultation meeting. The Kinsmen advised they had no objections to the draft Fireworks Licencing by-law as long as all vendors / groups were treated equally.

On Wednesday December 11, 2013, Council held a public meeting. Members from the Sutton Kinettes were present and raised their concerns regarding the cost and

negative impact on the community should the group have to pay for training and Vulnerable Sector Screening for all their members. At this meeting, Council waived the cost for two (2) training sessions for all fireworks vendors.

On January 8, 2014, Council passed By-Law #2014-0002 (LI-3) a By-law to Regulate the Sale, Storage, Safe Handling and Discharge of Fireworks.

On January 29, 2014, Margaret Quirk of the Sutton Kinettes addressed Council requesting an exemption from the Vulnerable Sector Screening and safety processes due to the financial burden it will cause the not-for-profit organization. Council directed staff to obtain a legal opinion and try to find a solution that would assist the not-for-profit sector with their concerns.

#### **4. ANALYSIS:**

Staff, prior to passage of the by-law, consulted with Federal agencies and all York Region municipalities that regulate fireworks within their jurisdiction and made necessary changes to the former fireworks licencing by-law for health and safety of the community, fireworks retailers and the general public.

Staff contacted York Regional Police (YRP) and requested a reduced rate or a waived fee for the not-for-profit organizations with regards to the Vulnerable Sector Screening, however, YRP advised they were not able to provide such a service.

The Sutton Kinettes expressed their organization will experience financial hardship due to some of the new safety measures which will in turn take away from the assistance they give the community as a whole.

The Kinette trailer sits on the parking lot of Shoberry's Daycare at Park Rd and Hwy 48. Across the street is Community Living Georgina. Both organizations deal with all aspects of the vulnerable sector therefore the Kinette trailer has a higher chance of coming in contact with and dealing with the vulnerable sector.

There are currently 29 fireworks vendors within the Town of Georgina of which 5 are mobile trailer sales, 4 of the trailers are owned and operated by local businesses or not-for-profit organizations, 1 trailer is owned by an outside corporation.

Staff obtained a written legal opinion from Ritchie Ketcheson Hart & Biggart LLP. It is the opinion of John R. Hart that it would not be in the Town of Georgina's best interest to create a two tiered system when it comes to public safety as the actions on the ground are just as dangerous for a not-for-profit agency as it is for a for-profit agency. It is in Mr. Hart's opinion either amending the by-law or providing exemptions with regards to the safety aspects exposes the Town to greater risk should anything happen at the site of the fireworks sales. Instead Mr. Hart suggests the Town could create a two tier system at the administrative level by lowering the licencing fee.

To further assist the not-for-profit organizations selling fireworks, staff recommend that Town staff offer a third training session at no cost closer to the May holiday weekend for the not-for-profit agencies with the understanding that a licence to operate will not be provided until all parties have been properly trained and obtained their Vulnerable Sector Screening and persons not meeting the requirements will not be permitted at the trailer during the sales period.

Council could also waive the licencing fee in its entirety for not-for-profit organizations. This option is NOT recommended by staff as the exchange of money makes the licencing contract legal and binding.

Council could give a partial exemption to the not-for-profit organizations, allowing them to have some of their members trained and obtain their Vulnerable Sector Screening checks. This option is NOT recommended by staff. Creating a two tier system with regards to public safety compromises the health and safety of the community, the members of the group at the trailer and the general public. The two tiered system also increases the Town's risk of exposure should something happen at the trailer site.

The not-for-profit organizations could sign an affidavit stating that only the members with training and Vulnerable Sector Screening would be permitted to handle and sell the fireworks while the other members assist outside the trailer and have no access to the fireworks or the sales. This option is NOT recommended by staff. Creating a two tier system with regards to public safety compromises the health and safety of the community, the members of the group at the trailer and the general public. The two tiered system also increases the Town's risk exposure should something happen at the trailer site.

#### **5. FINANCIAL AND BUDGETARY IMPACT:**

If lowering the licence fee is approved:

Cost of Licence to Sell Fireworks = \$150

Cost of Licence to Sell Fireworks for Not for Profit Organizations = \$25

Net Loss = \$150 x 2 not-for-profit organizations = \$300 - \$50 (licencing fee) = \$250

Cost of running third free training session (normally \$50/person) = \$1800

Cost of Staff Hours and Training Supplies = approx. \$1000

#### **6. PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:**

N/A

**7. CONCLUSION:**

In order to maintain health and safety standards for the sale, safe handling, storage and discharge of consumer fireworks within the Town of Georgina, staff are recommending Council maintain the provisions of By-Law #2014-0002 (LI-3) as adopted with regards to the safety standards and Vulnerable Sector Screening and consider reducing the licencing fee for not-for-profit organizations as well as adding a third training session closer to the May holiday weekend at no cost for the not-for-profit sector.

An amendment to By-Law #2014-0002(LI-3) would be implemented.

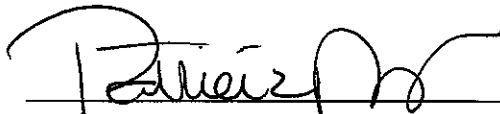
Prepared by:

Reviewed by:



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Jacqueline Roy  
Licencing Coordinator

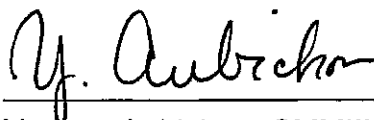


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Patricia Nash, AMCT, CMMIII  
Deputy Clerk

Reviewed by:

Recommended by:



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Yvonne Aubichon, CMMIII, CMO, CEMC  
Municipal Clerk



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Rebecca Mathewson, CGA  
Director of Administrative Services  
and Treasurer

Approved by:

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Winanne Grant, B.A., AMCT, CEMC  
Chief Administrative Officer