



Council

Thornhill Couples Lodge # 2994

October 26, 2007

Ms. Sheila Birrell, Town Clerk
Town of Markham Anthony Roman Centre
101 Town Centre Boulevard
Markham, Ontario
L3R 9W3

Dear Mayor and Members of Markham Council,

I am the Chairman of the fundraising committee for the Thornhill Lodge of B'nai Brith Canada and would like to bring an important issue to your attention.

Every year, B'nai Brith organizes several fundraising events that benefit our organization and our community. One of the fundraising initiatives that we have participated in is the sale of family fireworks during the Canada Day and Victoria Day holiday. We always apply for and receive an appropriate mobile vendor's permit from the Town for our trailer and comply with all of the regulations as set out in the municipal by-law. We also adhere to all of the provisions in the Federal Explosives Act. As a result, we have always maintained a safe site for the sale of fireworks to families in the community.

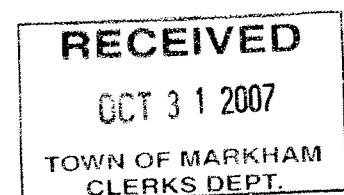
The biggest obstacle that we have encountered in our fundraising efforts is finding a suitable location in which to sell fireworks. The current by-law includes distance separation requirements that are very restrictive and make it difficult if not impossible to sell fireworks from a trailer.

We have recently been informed that the Town of Markham has revisited their Fireworks By-law and have made some significant revisions. We have reviewed these changes and agree with the recommendations, including the requirement for \$2 Million insurance, the training program and the fee waiver for charitable organizations. However, we were surprised and concerned to discover that the distance separation requirements that were recommended by town staff were rejected by the General Committee on October 22nd.

We were encouraged when we reviewed the new By-law and found that town staff recognized the restrictive nature of the existing separation distances and recommended a more suitable separation requirement for a mobile vendor of 10 metres from any road or occupied parking space and 20 metres from an occupied building.

The distance separation recommended by staff is reasonable and practical. It allows for mobile vendors to place their trailers in areas that comply with federal regulations and maintain safety. The recommended 20 metre separation of a trailer to an occupied building exceeds the minimum separation requirements pursuant to the Natural Resources Canada Quantity Distance Tables.

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The General Committee's decision to reject staffs recommendations leads us to believe that the basis for this position is to reduce competition and eliminate the sale of fireworks from mobile facilities. If this is true, town legal staff have commented that this may be subject to challenge. By maintaining the previous separation distance of 40 metres from an occupied building, and 20 metres from any road or parking space, B'nai Brith may be forced to abandon this important fundraising activity.

We respectfully ask that you and your Council colleagues revisit this aspect of the By-law at your next Council meeting on November 13th and support the town staff recommendations to reduce the distance separation for a mobile vendor to 10 metres from any road or occupied parking space and 20 metres from an occupied building.

Please feel free to contact our office if you have any questions or comments regarding this important request.

Yours truly,

Darryl Goldstein