

Town of Mayerthorpe
Province of Alberta
Canada.

BYLAW NO. 955

BEING A BYLAW OF THE TOWN TO AUTHORIZE THE MUNICIPAL COUNCIL OF THE TOWN TO PROVIDE FOR THE SAFE POSSESSION, SALE, GIVING AWAY, STORAGE, PURCHASE AND DISCHARGE OF HIGH AND LOW HAZARD FIREWORKS, AND PENALTIES IN COMPLIANCE WITH MUNICIPAL POLICY, THE ALBERTA FIRE CODE AS AMENDED, THE SAFETY CODES ACT AND AMENDMENTS THERETO (R.S.A. 2000, C. S-1), AND THE EXPLOSIVES ACT (R.S.C. 1985, C. E-17).

WHEREAS Section 7(a) of the *Municipal Government Act*, being Chapter M-26 of the Statutes of Alberta 2000, and amendments thereto, provides that a Council may pass bylaws for the safety, health and welfare of people and protection of people and property, imposition of penalties for offences, as well as services provided by or on behalf of the municipality as may be considered proper by Council;

WHEREAS Section 8(a) of the *Municipal Government Act*, being Chapter M-26 of the Statutes of Alberta 2000, and amendments thereto, provides that a Council may pass bylaws to regulate or prohibit;

WHEREAS Section 8(c) of the *Municipal Government Act*, being Chapter M-26 of the Statutes of Alberta 2000, and amendments thereto, provides that a Council may pass bylaws to establish a system of licenses, permits or approvals;

WHEREAS the *Forest and Prairie Protection Act*, R.S.A. 2000, with amendments thereto, grants certain additional powers and responsibilities to the Town, Council may pass bylaws for the prevention of prairie or running fires and the enforcement of the provisions of the *Forest and Prairie Protection Act* in that behalf;

NOW THEREFORE, the Council of the Town, in Council duly assembled, enacts as follows:

PART I – NAME OF BYLAW

1.1 This Bylaw may be cited as the “Fireworks Bylaw”.

PART II – DEFINITIONS

2.1 In this Bylaw:

- (a) “Alberta Fire Code” means the most current version of fire safety regulations adopted by the Province of Alberta and legislated under the *Safety Codes Act*;
- (b) “Chief Administrative Officer or CAO” means the Chief Administrative Officer of the Town, or his designate;
- (c) “Consumer Fireworks” are commonly referred to as Low Hazard Fireworks;
- (d) “Town” means the Town;
- (e) “Council” means the Council of the Town;
- (f) “Display Fireworks” are commonly referred as High Hazard Fireworks;
- (g) “Explosives Act” means the *Explosives Act (Canada)* and all regulations passed pursuant to that Act;
- (h) “Fire Ban” means a provincial ministerial order, an order by the Town CAO, or an order by the Town’s Fire Chief that may, at their discretion, cancel any or all fire permits, prohibit the lighting or require the extinguishment of a fire;
- (i) “Fire Guardian” means a person named or appointed as Fire Guardian pursuant to the *Forest and Prairie Protection Act* or the Town Fire Bylaw or both;
- (j) “Fire Chief” means the person appointed as head of the Town’s Fire Services or designate;
- (k) “Fire Permit” means a permit issued by a Fire Guardian pursuant to the *Forest and Prairie Protection Act* or the Town Fire Bylaw or both allowing for the setting of an outdoor fire, a structure fire, an incinerator fire, or discharging fireworks within the Town;

- (l) “FireSmart Manual” means the FireSmart Home Owners manual produced by Alberta Sustainable Resource Development;
- (m) “Fireworks” means the Fireworks listed in Class 7, Division 1, and Class 7, Division 2, Subdivision 1 and 2 in Section 14 of the *Explosives Act (Canada)* and regulations under the Act;
- (n) “High Hazard Fireworks” means those types of Fireworks that only persons certified under the *Explosives Act (Canada)*, may store, transport and discharge. These Fireworks are also referred to as Display Fireworks typically used a large events at fairs, exhibitions, Canada Day displays, etc.;
- (o) “Incinerator Fire” means a fire that is confined within a non-combustible structure, container or barrel with openings covered with a heavy gauge metal screen having a mesh size not larger than 8 to 16mm (as per FireSmart Manual) and which is used for the purpose of burning burnable debris, protecting stock from insects or for protecting garden plots from frost;
- (p) “Low Hazard Fireworks” means those types of Fireworks which are regulated for storage, sale and discharge under the *Alberta Fire Code*, but do not require certification for handling, transporting or discharge. These Fireworks are also referred to as “Consumer Fireworks” or “Family Fireworks”.
- (q) “Owner” means:
 - i. The person as registered on title at the Land Titles Offices;
 - ii. A person who is recorded as the owner of the property on the assessment roll of the Town;
 - iii. A person who has purchased or otherwise acquired the property, whether purchased or otherwise acquired from the owner or from another purchase, and has not become the registered owner thereof;
 - iv. A person controlling the property under construction; or
 - v. A person who is the occupant of the property under a lease, license, or permit.
- (r) “Peace Officer” means a person appointed as a Peace Officer under the *Peace Officer Act*;
- (s) “Person” means an individual and includes a firm, partnership, joint venture, proprietorship, corporate, association, society and any other legal entity;
- (t) “Property” means any lands, buildings, structures or premises, or any personal property located thereupon, within the municipal boundaries of the Town;
- (u) “Specified Penalty” means a penalty specified in Schedule “A” which may be paid in response to a Violations Ticket, for an alleged offence of a section of this Bylaw;
- (v) “Violation Ticket” means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedure Act*, R.S.A. 2000, Chapter P-34 for a breach of any of the provisions of this Bylaw.

PART III – PURPOSES AND PREAMBLE

- 3.1 The Council of the Town recognizes that Fireworks are explosive devices which are classified as Dangerous Goods under the *Alberta Fire Code* and which, when not managed, handled and used properly, can cause injury, damage, fire and death.
- 3.2 The Council of the Town has determined that the controlled and managed sale, storage, purchase and discharge of Fireworks by persons under 18 years of age creates a manageable level of risk to life, health, safety and property.
- 3.3 The Council of the Town wishes to limit the hours of sale of Fireworks in order to effectively manage the risk.
- 3.4 All persons purchasing, possessing, handling, distributing, offering for sale, storing, selling, giving away, discharging, firing or setting off Fireworks shall conform to all requirements of the *Alberta Fire Code* and this Bylaw.

PART IV – FIRE PERMITS (HIGH HAZARD or DISPLAY FIREWORKS)

- 4.1 In addition to any fire permit required under the Town’s Fire Bylaw, Fire Permits shall be required under this Bylaw at all times.
- 4.2 Council from time to time by resolution may establish a fee for issuing a Fire Permit.
- 4.3 Where an emergency or a potential emergency exists, the Fire Chief or designate shall be empowered to suspend all structural fires, incinerator fires, outdoor fires, any outdoor camping fire lit for cooking or warming purpose, or the discharging of Fireworks within all or portions of the Town for such a period of time and on such conditions as may be determined by the Fire Chief or designate.

- 4.4 A High Hazard Fireworks or Display Fireworks pyro-technician or display supervisor shall apply for a permit in writing to the Fire Chief or designate at least 28 days before the intended date of the Fireworks display, and the Fire Chief or designate will receive and consider the application and may refuse issuance of a Permit on reasonable and probable grounds that a public interest risk exists for the proposed Fireworks.
- 4.5 The permit application shall include all of the following information:
- i. The name, address, and signature of the person(s) sponsoring the Fireworks display;
 - ii. The name, certification number, and signature of the Fireworks pyro-technician or display supervisor, and any assistants participating in the show;
 - iii. The name of the person(s) that is conducting the Fireworks display if different from the person(s) sponsoring the Fireworks display,
 - iv. The date and time of the proposed Fireworks display;
 - v. A detailed description of the proposed Fireworks display;
 - vi. The exact location planned for the Fireworks display including a diagram of the grounds on which it will be held, showing the point from where the Fireworks will be discharged, the location of all highways, railroads, overhead wires and obstructions, buildings and other structures, and the lines behind which the audience will be restrained;
 - vii. Written consent from the owner of the property on which the Fireworks display will be held;
 - viii. Written consent from the owners of adjacent properties on which debris might reasonably be expected to fall;
 - ix. The emergency plan for the event;
 - x. The manner and place of storage of all Fireworks prior to, during and after the display;
 - xi. The name and address of the vendor(s) that supplied all the Fireworks used in the Fireworks display;
 - xii. Proof of General Liability Insurance from the pyro-technician or display supervisor with coverage of at least \$5,000,000.00 per occurrence in a form acceptable to the Fire Chief;
 - xiii. Payment of the designated application fee, if any;
 - xiv. Any other information requested by the Fire Chief's office.
- 4.6 The Fire Chief or designate may attach any terms and conditions in a written permission that he or she deems appropriate for the specific event and location.
- 4.7 A Fire Permit for High Hazard or Display Fireworks shall not be transferable.
- 4.8 The Fire Chief or designate may choose to revoke any previously issued written letter of permission (Fire Permit) for reasons of non-compliance with:
- (a) *The Alberta Fire Code,*
 - (b) *The Explosives Act (Canada),*
 - (c) The letter of permission (Fire Permit), including any terms and conditions,
 - (d) Changes in environmental conditions, and/or,
 - (e) For any reasons of safety to life, limb, or property.

PART V – FIRE PERMITS (LOW HAZARD or CONSUMER (FAMILY) FIREWORKS

- 5.1 In addition to any Fire Permit required under the Town's Fire Bylaw, Fire Permits shall be required under this Bylaw at all times.
- 5.2 Council from time to time by resolution may establish a fee for issuing a Fire Permit.
- 5.3 Where an emergency or a potential emergency exists, the Fire Chief or designate shall be empowered to suspend all structural fires, incinerator fires, outdoor fires, any outdoor camping fire lit for cooking or warming purpose, or the discharging of Fireworks within all or portions of the Town for such a period of time and on such conditions as may be determined by the Fire Chief or designate.
- 5.4 An application for a Fire Permit to discharge Low Hazard or Consumer Fireworks shall be made to Town Fire Chief verbally or in writing. The Fire Chief shall receive and consider the application and may refuse issuance of permit on reasonable and probable grounds that a public interest risk exists for the proposed Fireworks.
- 5.5 Permitting for Low Hazard or Consumer Fireworks will be allowed year-round.
- 5.6 The permit application shall include all of the following information:
- i. The name, address, and signature of the person(s) sponsoring the Fireworks display;

- ii. The name, address, and signature of the person(s) conducting the Fireworks display, if different from the person(s) sponsoring the Fireworks display;
 - iii. The name, address, and signature of the person(s) purchasing the Low Hazard or Consumer Fireworks if different from the person sponsoring the Fireworks display;
 - iv. The date and time of the proposed Fireworks display;
 - v. A detailed description of the proposed Fireworks display;
 - vi. The exact location planned for the proposed Fireworks display;
 - vii. Written consent from the owner of the property on which the Fireworks display will be held, if different from the person sponsoring the display;
 - viii. Written consent from the owners of adjacent properties on which debris might reasonably be expected to fall;
 - ix. The emergency plan for the event;
 - x. The manner and place of storage of all Fireworks prior to, during and after the Fireworks display;
 - xi. The name and address of the vendor(s) that supplied all the Fireworks used in the Fireworks display;
 - xii. Payment of the designated application fee, if any;
 - xiii. Any other information requested by the Fire Chief's office.
- 5.7 A person wishing to purchase Low Hazard or Consumer Fireworks must first obtain a Fire Permit to discharge Fireworks from the Fire Chief prior to purchase of same.
- 5.8 The Fire Chief or designate may attach any terms and conditions in a written permission that he or she deems appropriate for the specific event and location.
- 5.9 A Fire Permit for Low Hazard or Consumer Fireworks shall not be transferable.
- 5.10 The Fire Chief or designate may choose to revoke any previously issued written letter of permission (Fire Permit) for reasons of non-compliance with:
- (a) *The Alberta Fire Code*,
 - (f) *The Explosives Act (Canada)*,
 - (g) The letter of permission (Fire Permit), including any terms and conditions,
 - (h) Changes in environmental conditions, and/or,
 - (i) For any reasons of safety to life, limb, or property.

PART VI – SALE OR PURCHASE OF FIREWORKS

- 6.1 No person shall wholesale, display for sale, offer for sale, sell, give away, possess or store any Fireworks within the Town without the written permission of the Fire Chief.
- 6.2 No person may obtain, purchase, set off, discharge or otherwise handle Fireworks within the Town without the written permission of the Fire Chief.
- 6.3 No person shall sell Fireworks to any person without seeing that person's Driver's License or other photo identification issued by the Government's of Canada or Alberta.
- 6.4 No person shall sell Fireworks to anyone under the age of 18 years.
- 6.5 No person under the age of 18 years shall purchase Fireworks.
- 6.6 No person shall bring Fireworks into the Town without the written permission of the Fire Chief.
- 6.7 No person shall set up, set off, fire, discharge or energize a pyrotechnics display in the Town without the written permission of the Fire Chief.
- 6.8 Fireworks may be sold, purchased, and discharged within the Town year-round.
- 6.9 Fireworks may only be sold and purchased between the hours of 8:00 a.m. and 8:00 p.m. Mountain Standard Time.
- 6.10 A wholesaler or distributor of Fireworks wishing to provide Fireworks to a retail vendor in the Town must first apply and obtain the written permission of the Fire Chief or designate.
- 6.11 A retail vendor wishing to sell Fireworks to persons in the Town must first apply and obtain the written permission of the Fire Chief or designate. This permission must include approval and acceptance of the storage area and the required Fire Safety Plan as outlined in the *Alberta Fire Code*.
- 6.12 A retail vendor wishing to sell Fireworks to persons in the Town must retain all the information required from every purchaser by the *Alberta Fire Code* for a period of not less than two years as outlined in the *Alberta Fire Code*. This information will include:
- i. The date of sale;
 - ii. The name, address, and phone number of the purchaser;
 - iii. A description of the Fireworks sold;
 - iv. The date and time the Fireworks will be discharged;

- v. The location and description of the site where the Fireworks will be discharged;
 - vi. A copy of the written permission to discharge, issued by the Fire Chief's office of the municipality where the Fireworks will be discharged, and;
 - vii. A copy of the written permission to purchase Fireworks issued by the Fire Chief of the Town.
- 6.13 Low Hazard (Consumer / Family) or High Hazard (Display) Fireworks shall not be sold, given away, or discharged during times of Fire Advisory or Fire Bans.
- 6.14 Possessing, transporting, giving away, storing or discharging of Low Hazard (Consumer / Family) Fireworks purchased outside of Town boundaries, must comply with the regulations as stated in the most current version of the *Alberta Fire Code* and the permit requirements under this Bylaw.

PART VII – OFFENSES

- 7.1 Breach of this Bylaw is an offence and upon conviction shall be subject to the penalties for contravening this Bylaw shall be identified in Schedule "A" and in the absence of a specified penalty, to a fine not less than \$250.00 and not more than \$10,000.00.
- 7.2 No person(s) shall discharge Fireworks without a Fire Permit as is required under this Bylaw.
- 7.3 No person(s) shall sell, offer for sale, store, give away, distribute, discharge, or set off Fireworks without a permit.
- 7.4 No person(s) shall sell Low Hazard (Consumer / Family) Fireworks within the Town to any person under the age of 18 years.
- 7.5 Any person who discharges Fireworks for the purposes described in this Bylaw is responsible to ensure that it is conducted in a safe manner.
- 7.6 No person(s) shall discharge Low Hazard (Consumer / Family) Fireworks within the Town, except during the hours of 8:00 p.m. to 11:59 p.m..
- 7.7 Where an Enforcement Officer (Community Peace Officer, Bylaw Enforcement Officer or Police Officer with authority to enforce the bylaws of the Town) has reasonable grounds to believe that a person has violated any provision of this Bylaw, the Enforcement Officer may commence Court proceedings against such person by issuing the person a Violation Ticket pursuant to the provisions of *the Provincial Offences Procedure Act*.
- 7.8 The issuance of a Violation Ticket as noted in 7.7 may require a Court appearance by the person pursuant to Part 2 of the *Provincial Offences Procedure Act*.
- 7.9 Where a Safety Codes Officer in the Fire Discipline, holding a Designation of Powers to the Town, or an Enforcement Officer noted in 7.7 above, has reasonable grounds to believe that a person has violated any provision of the *Alberta Fire Code*, they may commence Court proceedings under the *Safety Codes Act* against such person by filing information pursuant to the provisions of the *Provincial Offences Procedure Act*.
- 7.10 In respect to any costs or fees levied or charged under this Bylaw:
- (a) the Town may recover such costs or fees as an amount due and owing to the Town pursuant to Section 552 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26; and,
 - (b) In default of payment, where permitted by the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, Section 553(1) (c), add the amounts due to the Tax Roll of the property in question.

PART VIII – SEVERABILITY

- 8.1 Should any part of this Bylaw be found to have been improperly enacted, for any reason, then such Section or Part shall be regarded as severable from the rest of this Bylaw and this Bylaw remaining after such severance shall be effective and enforceable as if the Part found to be improperly enacted had not been enacted as part of this Bylaw.

EFFECTIVE DATE

That this Bylaw shall come into force and take effect on January 2nd, 2011.

Read a first time this 27th day of September, A.D. 2010.

Read a second time this 27th day of September, A.D. 2010.

Read a third time and duly passed this 27th day of September, A.D. 2010.

Doug McDermid, Mayor

Karen St. Martin, CAO

Schedule “A”

WHEREAS, under the provisions of Section 44 of the *Provincial Offences Procedure Act*, and under the provisions of Section 7 of the *Municipal Government Act*, Council may by Bylaw provide for the payment of Violation Tickets or summons out of Court.

A notice of form (commonly called a Violation Ticket) may be issued by an Enforcement officer to any person charged with a breach of any of the provisions of this Bylaw and the hereto-mentioned Acts shall apply in regards to the payment.

		<u>First Offence</u>	<u>Second Offence</u>	<u>Subsequent Offence</u>
(NO TIME LIMITS BETWEEN OFFENCES)				
Section 6.13	Sell, give away, or discharge Fireworks during times of a Fire Advisory or Fire Ban.	\$1,000.00	\$5,000.00	\$10,000.00
Section 7.2	Discharge Fireworks without a subsisting Fireworks Permit if required under this Bylaw.	\$250.00	\$750.00	\$2,000.00
Section 7.3	Sell, offer for sale, store, give away, distribute, discharge, or set off Fireworks without a Fireworks Permit.	\$500.00	\$2,000.00	\$10,000.00
Section 7.4	Sell Low Hazard Fireworks within Mayerthorpe to any person under the age of 18 years.	\$500.00	\$2,000.00	\$10,000.00
Section 7.5	Fail to burn or discharge Fireworks in a safe manner.	\$500.00	\$2,000.00	\$10,000.00
Section 7.1	Breach of any other section of Bylaw.	\$250.00		