

ALBERTA BEACH

Bylaw # 232-11 "Fireworks Bylaw"

BEING A BYLAW OF ALBERTA BEACH, IN THE PROVINCE OF ALBERTA TO PROHIBIT THE POSSESSION, SALE, STORAGE, PURCHASE AND DISCHARGE OF FIREWORKS BY ANY PERSON OTHER THEN A PERSON IN POSSESSION OF A VALID FIREWORKS OPERATORS CERTIFICATE ISSUED BY THE GOVERNMENT OF CANADA, PURSUANT TO THE EXPLOSIVES ACT OF CANADA, AND ITS REGULATIONS AND AUTHORIZED BY THE VILLAGE OF ALBERTA BEACH.

WHEREAS, Section 7 (a) of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 2000, as amended, provides for municipalities to enact bylaws for the safety, health and welfare of people and the protection of people and property.

AND WHEREAS, Section 8 (a) of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 2000, as amended, provides for municipalities to enact bylaws to regulate or prohibit.

AND WHEREAS, Section 8 (c) of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 2000, as amended, provides for municipalities to enact bylaws to provide for a system of licences, permits or approvals.

AND WHEREAS The Council of Alberta Beach recognizes that fireworks are explosive devices which are classified as Dangerous Goods under the Alberta Fire Code and which, when used improperly by untrained persons, can cause injury, damage, fire and death.

NOW THEREFORE The Council of Alberta Beach has determined that the sale, storage, purchase, possession, and discharge of fireworks not authorized by the Village and by persons not in possession of a Fireworks Operator Certificate creates an unacceptable level of risk to life, health, safety and property.

1. Citation

- 1.1 This Bylaw may be cited as the "**Fireworks Bylaw**".

2. Definitions

- 2.1 In this Bylaw,

- a. "**Chief Administrative Officer**" means the Chief Administrative Officer of Alberta Beach or, his or her designate,
- b. "**Enforcement Officer**" means a Community Peace Officer, Bylaw Enforcement Officer or Police Officer with authority to enforce the bylaws of Alberta Beach,
- c. "**Fireworks**" means and includes one single item of explosive device, listed under the Explosives Act (R.S.C. 1985, c. E-17) as Class 7 Division 1, or Class 7 Division 2, Subdivision 1, or 2 of the Explosives Regulations C.R.C., c. 599, excluding the items commonly referred to as sparklers or toy pistol caps.
- d. "**Fireworks Operator Certificate**" means a certificate issued by the Government of Canada under the Explosives Act (R.S.C. 1985, c. E-17) and its Regulations to discharge fireworks. This includes both levels of the FOC (Fireworks Operator Certificate) – Assistant and Supervisor.
- e. "**Fireworks Permit**" means an approved administrative application form issued by the Village of Alberta Beach allowing the use of fireworks within the Village.
- f. "**Owner**" means:
 - i. a person as who is 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 Alberta Beach;
 - 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, rental, license, or permit.

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- g. **"Person"** means an individual and includes a firm, partnership, joint venture, proprietorship, corporation, association, society and any other legal entity.
- h. **"Property"** means any lands, buildings, structures or premises, or any personal property located thereupon, within the municipal boundaries of Alberta Beach;
- i. **"Pyrotechnic Display"** means 25 units or more of fireworks placed in an area to be discharged to present a show;
- j. **"Village"** means the Municipality of Alberta Beach.

2.2 For words not defined in this enactment the definitions in the following enactments, as amended, in order of precedence shall be used, Municipal Government Act (R.S.A. 2000, c M-26), Safety Codes Act (R.S.A. 2000, c. S-1), Alberta Fire Code, Explosives Act (R.S.C. 1985, c. E-17), for words not defined above reference should be made to Canadian Oxford Dictionary (Second Edition), published by Oxford University Press.

3. Prohibitions

- 3.1 No person shall:
 - (a) display for sale,
 - (b) offer for sale,
 - (c) sell,
 - (d) purchase; or
 - (e) possess to sell,any fireworks within the Village.
- 3.2 No person shall store fireworks within the Village.
- 3.3 No person shall without authorization pursuant to section 4.4:
 - (a) obtain,
 - (b) give,
 - (c) discharge, or
 - (d) otherwise possess,fireworks within the Village.
- 3.4 No person, other than an individual who has a valid Fireworks Operator Certificate and with authorization under section 4.4, shall set up, operate or discharge a pyrotechnic display within the Village.
- 3.5 No person shall transport fireworks within the Village without a permit from another municipality to possess fireworks. Permits issued in any other municipality may be used to transport any fireworks through the Village directly out of the Village without stopping only.

4. Permissions

- 4.1 A person holding a valid Fireworks Operator Certificate may conduct a show after receiving an approved Fireworks Permit in writing from the Chief Administrative Officer.
- 4.2 A person with a valid Fireworks Operator Certificate will apply in writing, a minimum of 28 Calendar days prior to an event, to the Chief Administrative Officer for a Fireworks Permit to conduct a display or show. The application in writing will cover all the information required by the Explosives Act and the Alberta Fire Code. It will include, but not be limited to:
 - a. Date, time and location of the proposed event,
 - b. Names, addresses and certification numbers of all display supervisors or pyrotechnicians and assistants participating in the show,
 - c. The name of the sponsor or purchaser of the event, including names and contact phone numbers of sponsors,
 - d. A full description of the planned event and a list of all materials to be fired, detonated, burnt or energized during the event,
 - e. The location including a drawing of the area including safety zones
 - f. The emergency plan for the event,
 - g. Verification of liability insurance, in an amount of Five (5) Million Dollars listing the Village of Alberta Beach as an additional insured,
 - h. Payment of the designated application fee, and

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- i. Any other information deemed necessary by the Chief Administrative Officer.
- 4.3 Fireworks Permit's will only be issued for the following:
- a. New Years December 31:
20:00 hours (8:00 PM) – 01:00 hours (1:00 AM) January 1
 - b. Canada Day July 1:
20:00 hours (8:00 PM) – 23:59 hours (11:59 pm)
 - c. Labour Day: first Monday of September
20:00 hours (8:00 PM) – 23:59 hours (11:59 pm)
 - d. Special Events specifically approved by a motion of Council
- 4.4 The Chief Administrative Officer may choose to issue to a person with a valid Fireworks Operator Certificate, in the form of a signed approved Fireworks Permit giving permission for a show or display to take place. The Fireworks Permit must be present at the event to be valid.
- 4.5 The Chief Administrative Officer may choose not to issue a Fireworks Permit to anyone for a display or show if, in their opinion, such a display or show may create a risk to life, safety or property or the Display is not in the best interest of the Community.
- 4.6 The Chief Administrative Officer may attach any terms and conditions in a Fireworks Permit that he or she deems appropriate for the individual event.
- 4.7 The Chief Administrative Officer may choose to revoke any previously issued Fireworks Permit for reasons of non-compliance with:
- a. The Alberta Fire Code,
 - b. The Explosives Act,
 - c. The letter of permission, including any terms and conditions,
 - d. Changes in environmental conditions, and/or
 - e. for any reasons of safety to life, limb or property.
- 4.8 A copy of the Fireworks Permit issued under section 4.4 with conditions must be present at the time of the display and provided to an Enforcement Officer when requested.
- 4.9 No Fireworks Permit issued in any other municipality shall be valid in the Village to discharge fireworks in the Village.
- 4.10 Council from time to time by resolution may establish a fee for a Fireworks Permit authorizing a pyrotechnic display.
- 5. Enforcement**
- 5.1 An Enforcement Officer with reasonable and probable grounds may seize, take, remove or cause to be seized, taken or removed any fireworks offered or exposed for sale, or being held, or possessed, or used in contravention of this Bylaw.
- 5.2 Any costs incurred as a result of the seizure or disposal of the fireworks by an Enforcement Officer, in accordance with Section 5.1 shall be borne by the person in possession of the fireworks at the time of the seizure or property owner at the time of seizure.
- 5.3 On reasonable and probable grounds an Enforcement Officer may enter and inspect any place, other than a dwelling, in which fireworks are stored, transported or used and may open and inspect any room, container, vehicle, or package that the Enforcement Officer has reasonable and probable grounds to believe contains fireworks in contravention of this bylaw. Entering a dwelling must only be done under the authority of a warrant.
- 5.4 Authority to issue a warrant where on *ex parte* application to a justice is satisfied by information on oath that:
- (a) the conditions for entry described in subsection (5.3) exist in relation to a dwelling-house,
 - (b) entry to the dwelling-house is necessary for any purpose relating to the administration of this Bylaw, and

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(c) entry to the dwelling-house has been refused or there are reasonable grounds to believe that entry will be refused, the justice may issue a warrant authorizing the Enforcement Officer named in the warrant to enter the dwelling-house, subject to any conditions that may be specified in the warrant.

- 5.5 Any person who obstructs, interferes with, or hinders, an Enforcement Officer in the performance of the Enforcement Officer's duties pursuant to this Bylaw is guilty of an Offence pursuant to this bylaw.
- 5.6 Nothing in this Bylaw shall be read as intending to replace any provision under the Safety Codes Act or regulations, Federal or Provincial Acts or Regulations.

6. Penalties

- 6.1 A breach of this bylaw is an offence.
- 6.2 An individual who is convicted of an offence pursuant to this bylaw for which no specific penalty has been provided is liable to a fine of not less than \$250.00 and not more than \$10,000.00 or imprisonment for a period not exceeding Sixty (60) Days unless such fine and cost including the cost of committal are sooner paid.
- 6.3 Where an Enforcement Officer 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 Part 2 violation ticket pursuant to the provisions of the Provincial Offences Procedure Act.
- 6.4 When a conviction under this bylaw becomes final any fireworks and containers in respect of which the offence was committed that were seized as part of the penalty for the conviction, shall be forfeited to the Village.
- 6.5 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
- a) specify the fine amount established by this Bylaw in Schedule "A" for the offence; or
 - b) require a person to appear in Court without the alternative of making a voluntary payment.
- 6.6 This Bylaw will come into force and effect on the date of successful third reading and signing in accordance with Section 213 of the Municipal Government Act (R. S.A. 2000, c. M-26) as amended.

READ A FIRST TIME THIS 18TH DAY OF JANUARY, 2011.

READ A SECOND TIME THIS 15TH DAY OF FEBRUARY, 2011.

READ A THIRD AND FINAL TIME THIS 15TH DAY OF MARCH, 2011.

SIGNED BY THE MAYOR AND CHIEF ADMINISTRATIVE OFFICER THIS 15TH DAY OF MARCH, 2011



Mayor, Lou Hudon



Chief Administrative Officer, Kathy Skwarchuk

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SCHEDULE "A"

3.1(a)	display fireworks for sale	\$ 500.00
3.1(b)	offer fireworks for sale	\$ 500.00
3.1(c)	sells fireworks	\$1000.00
3.1(d)	purchase fireworks	\$ 500.00
3.1(e)	or possess fireworks to sell	\$ 500.00
3.2	store fireworks	\$ 250.00
3.3(a)	obtain fireworks	\$ 250.00
3.3(b)	gives fireworks	\$ 250.00
3.3(c)	discharge fireworks	\$ 250.00
3.3(d)	possess fireworks	\$ 250.00
3.4	set up, operate or discharge a pyrotechnic display	\$ 500.00
3.5	transport fireworks	\$ 250.00
5.5	obstructs, interferes with, hinders, an Enforcement Officer	\$ 500.00