

BYLAW 978, 2017

A BYLAW OF THE MUNICIPALITY OF CROWNSNEST PASS, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING THE SAFE POSSESSION, USE, SALE, AND STORAGE OF FIREWORKS

WHEREAS Section 7 of the *Municipal Government Act* grants the Municipality of Crowsnest Pass the authority to pass bylaws for the health, safety and welfare of people and the protection of people and property;

AND WHEREAS Section 8 of the *Municipal Government Act* grants the Municipality of Crowsnest Pass the authority to enact bylaws to regulate, prohibit, and provide for a system of licenses, permits or approvals;

AND WHEREAS the *Alberta Fire Code* contemplates that municipalities will regulate the use, sale and storage of fireworks within their jurisdiction;

AND WHEREAS the Council of the Municipality of Crowsnest Pass recognizes that fireworks 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/or death;

AND WHEREAS the Council of the Municipality of Crowsnest Pass has determined that the controlled and managed handling and discharge of fireworks results in a manageable level of risk to life, health, safety and property;

NOW THEREFORE, the Council of the Municipality of Crowsnest Pass, in the Province of Alberta, duly assembled, enacts as follows:

PART I – INTERPRETATION

Bylaw Title

1 This Bylaw may be cited as the "Fireworks Bylaw".

Definitions

2 In this Bylaw:

- (1) "*Alberta Fire Code*" means the *Alberta Fire Code 2014*, passed pursuant to Alberta Regulation 32/2015, as amended;
- (2) "Consumer Fireworks" means fireworks listed as Class F.1, in Part 16 of the *Explosives Act* and refers to fireworks intended for use by the general public for recreational purposes (also known as "low-hazard fireworks");
- (3) "*Dangerous Goods Transportation and Handling Act*" means the *Dangerous Goods Transportation and Handling Act*, RSA 2000, c D-4, as amended and any regulations thereunder;

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- (4) "Display Fireworks" means fireworks listed as Class F.2, in Part 18 of the *Explosives Act* and refers to fireworks which only professionals licensed under the *Explosives Act* may use (also known as "high-hazard fireworks");
- (5) "*Explosives Act*" means the *Explosives Act*, RSC 1985, c E-17, as amended and any regulations thereunder;
- (6) "Fire Ban" means any fire ban, whether municipally or provincially declared, that prohibits the ignition of fires in all or part of the Municipality;
- (7) "Fire Chief" means the individual appointed as Fire Chief for the Municipality, or their delegate;
- (8) "Firecracker" means any device that explodes instantaneously when ignited and does not produce any subsequent display or visible effect after the explosion and, without restricting the generality of the foregoing, includes those devices commonly known as Chinese firecrackers, but does not include paper caps containing not more than 16.2 mg (1/4 grain) of explosive per cap or devices to be used with the paper caps, such as Christmas crackers and caps used in cap pistols;
- (9) "Fireworks" includes Consumer Fireworks, Display Fireworks and Pyrotechnic Special Effects, but does not include distress flares, model rockets or any other explosive devices;
- (10) "Fireworks Permit" means a permit issued by the Fire Chief pursuant to this Bylaw authorizing a Person to purchase, possess, handle, discharge, fire or set off Fireworks in the Municipality, and constitutes written permission for purposes of the *Alberta Fire Code*;
- (11) "*Forest and Prairie Protection Act*" means the *Forest and Prairie Protection Act*, RSA 2000, c F-19, as amended and any regulations thereunder;
- (12) "Municipality" means the municipal corporation of the Municipality of Crowsnest Pass, or the geographical area of the Municipality, as applicable;
- (13) "*Municipal Government Act*" means the *Municipal Government Act*, RSA 2000, c M-26, as amended and any regulations thereunder;
- (14) "Municipal Tag" means a notice issued by the Municipality pursuant to the *Municipal Government Act* for the purpose of providing a Person with an opportunity to acknowledge a contravention of this Bylaw and to pay a penalty directly to the Municipality, in order to avoid prosecution for the contravention;
- (15) "Peace Officer" means a member of the Royal Canadian Mounted Police, a Community Peace Officer appointed by the Municipality, or a Bylaw Enforcement Officer appointed to enforce the Municipality's Bylaws;
- (16) "Permit" includes a Fireworks Permit and a Sales Permit;

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- (17) "Person" includes any individual, firm, partnership or body corporate;
- (18) "*Public Lands Act*" means the *Public Lands Act*, RSA 2000,c P-40 as amended and any regulations thereunder;
- (19) "Sales Permit" means a permit, issued by the Fire Chief, authorizing a Person to distribute, sell, possess, handle or store for the purpose of selling Fireworks in the Municipality, and constitutes written permission for purposes of the *Alberta Fire Code*.
- (20) "Special Effect Pyrotechnics" means fireworks listed as Class F.3, in Part 17 of the *Explosives Act* and refers to fireworks which only professionals licensed under the *Explosives Act* may use (also known as "theatrical effects");
- (21) "Chief Administrative Officer" (CAO) means the individual appointed as chief administrative officer of the Municipality, or their delegate;
- (22) "Violation Ticket" means a ticket issued pursuant to the *Provincial Offences Procedure Act*, RSA 2000, c P-34, as amended.

PART II – FIREWORKS PERMITS

General Prohibitions

3

- (1) No Person shall purchase, possess, handle, discharge, fire or set off Fireworks within the Municipality unless they hold a valid and subsisting Fireworks Permit.
- (2) No Person shall distribute, sell, offer for sale, handle or store for the purpose of selling Fireworks within the Municipality unless they hold a valid and subsisting Sales Permit.
- (3) No Person shall advertise or otherwise represent to the public that a Fireworks event or display is to be held in the Municipality unless they hold a valid and subsisting Fireworks Permit.
- (4) No Person to whom a Permit has been issued shall contravene any term or condition forming part of the Permit.
- (5) No Person shall sell Fireworks to any Person who fails to provide a valid government issued picture identification and a valid and subsisting copy of the Possess and Discharge permit.
- (6) No Person selling Fireworks shall within the Municipality display in any store window any type of Fireworks.

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Minors

4

No Person under eighteen (18) years of age shall purchase, possess, handle, discharge, fire or set off Fireworks within the Municipality.

Consumer Fireworks

5

A Fireworks Permit is required for Consumer Fireworks.

Display Fireworks

6

(1) No Fireworks Permit shall be issued in respect to Display Fireworks unless the applicant is duly certified as a Fireworks display supervisor under the *Explosives Act*.

(2) No Person shall display for sale, offer for sale, sell, any Display Fireworks within the Municipality.

(3) No Person shall transport Display Fireworks within the Municipality unless they are in accordance with the *Dangerous Goods Transportation and Handling Act*.

Pyrotechnic Special Effects

7 A Fireworks Permit shall not be issued in respect to Special Effect Pyrotechnics unless the applicant is duly certified as a pyro-technician under the *Explosives Act*.

Firecrackers

8 No Person shall have in their possession, sell, offer for sale, give away or otherwise distribute, discharge, fire or set off Firecrackers in the Municipality, in accordance with Alberta Fire Code 5.7.1.4, unless by special application.

Application for Fireworks Permit

9

(1) An application for a Fireworks Permit in relation to Consumer Fireworks must be made to the Fire Chief prior to the date of the proposed discharge of the Fireworks and include:

(a) a completed application in a form approved by the CAO

(2) An application for a Fireworks Permit in relation to Display Fireworks or Pyrotechnic Special Effects must be made to the Fire Chief at least 14 days prior to the date of the proposed event and include:

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- (a) a completed application in a form approved by the CAO;
- (b) the applicable fee set out in Schedule "A" of this Bylaw;
- (c) proof, in a form satisfactory to the CAO, that the applicant has liability insurance coverage issued by a licensed Alberta insurer in an amount acceptable to the Municipality which names the Municipality as an additional insured;
- (d) the name of the sponsor or purchaser of the event;
- (e) the name, addresses and certification numbers of all display supervisors or pyrotechnicians and assistants participating in the event;
- (f) a full description of the planned event and a list of all materials to be fired, detonated, burnt or energized during the event;
- (g) if the event is to be held on property owned or controlled by the Municipality, a copy of the written permission issued to the applicant by the Municipality's facility booking branch to hold the event on municipal property;
- (h) the emergency plan for the event.

Fireworks Permits

10

(1) A Fireworks Permit shall include:

- (a) the full name and contact information of the permit holder;
- (b) the time(s) and date(s) for which the Fireworks Permit is valid; and
- (c) the location(s) where the Fireworks will be discharged;

all of which shall constitute terms and conditions of the Fireworks Permit.

(2) All requirements for the storage, handling and discharge of Fireworks found in the *Alberta Fire Code* are deemed to constitute terms and conditions of any Fireworks Permit issued.

Application for Sales Permit

11 An application for a Sales Permit must be made to the Fire Chief at least 14 calendar days prior to the proposed date the applicant intends to begin offering Fireworks for sale and include:

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- (a) a completed application in a form approved by the CAO;
- (b) a copy of the applicant's current business licence issued by the Municipality;
- (c) proof, in a form satisfactory to the CAO, that the applicant holds all of the necessary permits and approvals for the premises in which the applicant proposes to sell and store Fireworks, including but not limited to those required by the Municipality's Land Use Bylaw;
- (d) the fire safety plan, in accordance with Alberta Fire Code 2.8.2.

Sales Permits

12

(1) Prior to issuing a Sales Permit, the Fire Chief must:

- (a) inspect and approve the Fireworks storage area;
- (b) review and approve the fire safety plan, in accordance with Alberta Fire Code.

(2) A Sales Permit shall include:

- (a) the full name and contact information of the permit holder;
- (b) any trade name(s) used in relation to the business selling the Fireworks;
- (c) the municipal address and legal description of the premises where the Fireworks may be stored and offered for sale;

all of which shall constitute terms and conditions of the Sales Permit.

(3) All requirements relating to the sale of Fireworks found in the *Alberta Fire Code* are deemed to constitute terms and conditions of any Sales Permit issued.

Fireworks Sales and Distribution

13 A Person who sells Fireworks or offers them for sale shall ensure that:

- (a) a record of each sale is kept on the premises where the sale occurs for a period of not less than two (2) years following the date of sale;
- (b) a record referred to in sub-section (a) above details the following information:
 - (i) the date of sale;

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- (ii) the name and address of the purchaser as it appears on valid government issued picture identification;
- (iii) the telephone number of the purchaser;
- (iv) the quantity and type of the Fireworks sold;
- (v) the date and time the Fireworks are expected to be discharged;
- (vi) the location and description of the site where the Fireworks will be discharged.
- (vii) A valid and subsisting copy of the Possess and Discharge permit.

14 A Person who sells Fireworks or offers them for sale shall make available the record referred to in Section 13(b) in accordance with the requirements of the *Alberta Fire Code*.

Production of Permit

15 Any Person to whom a Permit has been issued shall keep the Permit available for immediate production to the Fire Chief or a Peace Officer upon demand.

Annual Inspection

16 Any person who sells Fireworks or offers them for sale shall make their facility available for inspection annually by the Fire Chief, on or within 2 weeks of the anniversary of their sales permit approval.

Revocability of Permit

17 The Fire Chief or a Peace Officer may revoke any Permit:

- (a) for reasons of non-compliance with the *Alberta Fire Code*, the *Explosives Act*, this Bylaw or any terms or condition of the Permit;
- (b) due to changes in environmental conditions;
- (c) for any reasons of safety to life, limb or property.

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PART III – DISCHARGE OF FIREWORKS

Prohibited Locations

18 No Person shall discharge, fire or set off Fireworks:

- (a) in a place or in a manner that creates a danger or constitutes a nuisance to any Person or property;
- (b) on public lands or within a forest protection area as defined by the *Public Lands Act* or the *Forest Prairie Protection Act*.
- (c) on land owned or controlled by the Municipality, unless written consent has been obtained from the Municipality's facility booking branch;
- (d) within ten (10) meters of a building, tent, trailer, canvas shelter, or motor vehicle;
- (e) within two-hundred (200) meters of any place where explosives, flammable liquids, or combustible liquids or substances are manufactured or stored;
- (f) as otherwise prohibited by the *Alberta Fire Code* or the Fire Chief.

Prohibited Discharge

19 No Person shall discharge, fire, or set off Fireworks:

- (a) when a Fire Ban is in effect;
- (b) when wind velocity exceeds 45 km/hr;
- (c) upon being directed by a Peace Officer or the Fire Chief to discontinue, or refrain from, the discharging of Fireworks.

Permit Holder Responsibilities

20 The Person to whom a Fireworks Permit is issued shall:

- (a) ensure that no fire or other damage occurs as a result of Fireworks or Fireworks debris;
- (b) in the event that a fire occurs, extinguish the fire immediately or contact the Municipality's Fire Department without delay;
- (c) ensure that no Fireworks debris or other waste is left behind after the Fireworks are discharged;

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- (d) ensure that all *Alberta Fire Code, Explosives Act,* and Fireworks Permit requirements regarding handling and discharge of Fireworks are complied with.

Discharge without a Permit

- 21 In the event that Fireworks are discharged by a Person who does not hold a valid and subsisting Fireworks Permit, the Person who causes a Firework to be ignited shall, in addition to any penalty that may be imposed under this Bylaw, be accountable for those responsibilities listed in Section 17 above.

PART IV – ENFORCEMENT

Offence

- 22 A Person who contravenes this Bylaw is guilty of an offence.

Fines and Penalties

23

The fine amounts set out in Schedule "B" of this Bylaw are established for use on Municipal Tags and Violation Tickets if a voluntary payment option is offered.

Municipal Tag

24

- (1) A Peace Officer is hereby authorized and empowered to issue a Municipal Tag to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- (2) A Municipal Tag may be issued to such Person:
- (a) either personally; or
 - (b) by mailing a copy to such Person at his or her last known post office address.
- (3) The Municipal Tag shall be in a form approved by the CAO and shall state:
- (a) the name of the Person;
 - (b) the offence;
 - (c) the specified penalty established by this Bylaw for the offence;

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- (d) that the penalty shall be paid within 14 days of the issuance of the Municipal Tag;
- (e) any other information as may be required by the CAO.

Payment in Lieu of Prosecution

25 Where a Municipal Tag is issued pursuant to this Bylaw, the Person to whom the Municipal Tag is issued may, in lieu of being prosecuted for the offence, pay to the Municipality the penalty specified within the time period indicated on the Municipal Tag.

Violation Ticket

26

- (1) If a Municipal Tag has been issued and if the specified penalty has not been paid within the prescribed time, then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*.
- (2) Notwithstanding subsection (1), a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act* to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- (3) If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
 - (a) specify the fine amount established by this Bylaw for the offence; or
 - (b) require a Person to appear in court without the alternative of making a voluntary payment.

Voluntary Payment

27 A Person who commits an offence may:

- (a) if a Violation Ticket is issued in respect of the offence; and
- (b) if the Violation Ticket specifies the fine amount established by this Bylaw for the offence;

make a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the Violation Ticket, the specified penalty set out on the Violation Ticket.

Obstruction

28 A Person shall not obstruct or hinder any Person in the exercise or performance of the Person's powers pursuant to this Bylaw.

PART V – GENERAL

Permits

29

- (1) A Permit is not transferrable from one Person to another or from one location to another.
- (2) A Person to whom a Permit has been issued and any Person carrying out an activity otherwise regulated, restricted or prohibited by this Bylaw pursuant to such Permit, shall comply with any terms or conditions forming part of the Permit.
- (3) A Person shall not make any false or misleading statement or provide any false or misleading information to obtain a Permit.
- (4) If any term or condition of a Permit is contravened or if a false or misleading statement or false or misleading information was provided to obtain the Permit, the Fire Chief may immediately cancel the Permit.

Proof of Permit

- 30** The onus of proving a Permit has been issued in relation to any activity otherwise regulated, restricted or prohibited by this Bylaw is on the Person alleging the existence of such a Permit.

Severability

- 31** Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

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Repeal

32 Fireworks Bylaw 850, 2012, as amended is repealed.

Enactment

33 This Bylaw shall come into force and effect when it has received third reading and has been duly signed.

READ a first time this 4th day of April 2017.

READ a second time this 25th day of April 2017.

READ a third and finally passed this 25th day of April 2017.

MUNICIPALITY OF CROWSNEST PASS

PER: *David Laute*
MAYOR

MUNICIPALITY OF CROWSNEST PASS

PER: *Jessica P. O'Brien*
CHIEF ADMINISTRATIVE OFFICER

SCHEDULE "B"

SPECIFIED PENALTIES

SECTION	OFFENCE	FINE
3(1)	Possess/discharge Fireworks without a Fireworks Permit	\$500.00
3(2)	Selling Fireworks without a Sales Permit	\$500.00
3(3)	Advertise Fireworks display without Permit	\$500.00
3(4)	Contravene Permit conditions	\$500.00
6(2)	sell, offer for sale, Display Fireworks	\$500.00
8	possess/sell/discharge Firecrackers	\$500.00
18(a)	Discharge Fireworks during Fire Ban	\$1,000.00
	Any other offence under this Bylaw	\$500.00
	Any subsequent offence	Double the specified penalty

SCHEDULE "A"

FEES

(1) Fireworks Permit (Low-Hazard) Application Fee	N/A
(2) Fireworks Permit (High-Hazard/Pyrotechnics) Application Fee	\$150.00
(3) Sales Permit Application Fee	N/A