

BYLAW 935

BEING A BYLAW OF THE TOWN OF SPIRIT RIVER, IN THE PROVINCE OF ALBERTA, FOR THE SAFE POSSESSION, SALE, STORAGE, PURCHASE AND DISCHARGE OF FIREWORKS WITHIN THE TOWN OF SPIRIT RIVER

WHEREAS the Town of Spirit River wishes to enact a Bylaw for the purpose of providing for the safe possession; sale; storage; purchase and discharge of fireworks in compliance with municipal policy; the Alberta Fire Code as amended, the Safety Codes Act (R.S.A. 2000, c. S-1) and the Explosives Act (R.S.C. 1985, c. E-17).

AND WHEREAS, the Municipal Government Act, (R.S.A. 2000, c. M-26) 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, the Municipal Government Act, (R.S.A. 2000, c. M-26) as amended, provides for municipalities to enact Bylaws to regulate or prohibit;

AND WHEREAS, the Municipal Government Act, (R.S.A. 2000, c. M-26) as amended, provides for municipalities to enact Bylaws to provide for a system of licenses, permits or approvals;

AND WHEREAS, The Council of the Town of Spirit River 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;

AND WHEREAS The Council of the Town of Spirit River has determined that the controlled and managed sale, storage, purchase and discharge of fireworks by persons 18 years of age or older creates a manageable level of risk to life, health, safety and property;

AND WHEREAS The Council of the Town of Spirit River wishes to limit the hours of sale of fireworks in order to effectively manage the risk.

NOW THEREFORE the Council of the Town of Spirit River, in the Province of Alberta, duly assembled, enacts as follows:

SECTION 1 Definition:

1.1 The definitions in the following enactments, as amended, in order of precedence, shall be used for the purposes of interpreting this Bylaw and its application:

- a) Municipal Government Act (R.S.A. 2000, c. M-26)
- b) Safety Codes Act (R.S.A. 2000, c. S-1)
- c) Alberta Fire Code
- d) Explosives Act (R.S.C. 1985, c. E-17)
- e) The Town of Spirit River Fire Services Bylaw No. 876

1.2 ***“Regional Fire/Disaster Services Manager”*** means the person appointed by Council as the head of Fire and Disaster Services and who is Safety Codes Officer in the Fire Discipline. He is also responsible for Emergency Preparedness planning.

1.3 ***“Fire Chief”*** means the person appointed by Council as Head of Fire Protection resources in the municipality.

1.4 ***“Fire Department”*** for purposes of granting written permission pursuant to this bylaw shall mean the Fire/Disaster Services Manager or his/her designate.

1.5 ***“Pyrotechnics Display”*** means any chemical effects used during the performance to give special effects.

1.6 ***“A Display Supervisor or a Pyro-Technician”*** means those persons holding a valid Fireworks Supervisor or Pyro-Technicians Certificate from Explosives Regulatory Division (Canada).

1.7 ***“Show or Display”*** means the intentional and controlled discharge of Fireworks or other Pyrotechnics devices.

1.8 ***“Wholesaler or Distributor”*** means a licensed company that sells low hazard fireworks to retail vendors

1.9 ***“Fireworks”*** means those fireworks listed Class 7, Division 1, and Class 7, Division 2, Subdivisions 1 and 2 in Section 14 of the Explosives Act (Canada) and regulations under the Act.

1.10 ***“Retail Vendor”*** means retail business in a fixed location within the Town of Spirit River.

1.11 ***“Information”*** means a legal document filed under the Provincial Offences Procedures Act.

1.12 ***“Enforcement Officer”*** means a Community Peace Officer, Bylaw Enforcement Officer or Police Officer with authority to enforce the bylaws of the Town of Spirit River.

1.13 ***“Forest Officer” – (or fire guardian)*** means an employee of Alberta Sustainable Resource Development (as per the Forest and Prairie Protection Act).

SECTION 2 Prohibitions:

2.1 No person shall wholesale, display for sale, offer for sale, sell, possess or store any fireworks within the Town of Spirit River without the written permission of the Fire/Disaster Services Manager or, in the absence of the Fire/Disaster Services Manager, his/her designate.

2.2 No person may obtain, purchase, set off, discharge or otherwise handle fireworks within the Town of Spirit River without the written permission of the Fire Department.

2.3 No person shall sell fireworks to anyone without first seeing that person's Government of Canada or Alberta issued photo identification.

2.4 No person shall sell fireworks to anyone under the age of 18 years.

2.5 No person under the age of 18 years shall be permitted to purchase fireworks.

2.6 No person shall bring fireworks into the Town of Spirit River without the written permission of the Fire Department.

2.7 No person shall set up, set off, fire, discharge or energise a pyrotechnics display in the Town of Spirit River without the written permission of the Fire Department.

SECTION 3 Permissions:

3.1 Any person purchasing, possessing, handling, distributing, offering for sale, storing, selling, discharging, firing or setting off fireworks or pyrotechnics displays shall conform to all requirements of the Alberta Fire Code.

3.2 A Display Supervisor or a Pyro-Technician, holding a valid authorization under the Explosives Act of Canada, may conduct a show after receiving permission to do so in writing from the Fire/Disaster Services Manager or, in the absence of the Fire/Disaster Services Manager, his/her designate.

3.3 A Display Supervisor or Pyro-Technician will apply in writing, a minimum of 28 Calendar days prior to an event, to the Fire Department for a written letter of permission to conduct a display or show. The written application will cover all the application details 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 show or display
- b) Names, addresses and certification numbers of all Display Supervisors or Pyro-Technicians and assistants participating in the show or display
- c) The name of the sponsor or purchaser of the event
- d) A full description of the planned show or display and a list of all materials to be fired, detonated, burnt or energized during the show or display
- e) The emergency plan for the show or display
- f) Verification of liability insurance, in an amount acceptable to the Town of Spirit River
- g) Any additional details deemed necessary by the Town of Spirit River, Fire/Disaster Services Manager or the Fire Chief

3.4 The Fire/Disaster Services Manager or his or her designate may choose to issue written permission to a Display Supervisor or Pyro-Technician, for a show or display to take place.

3.5 The Fire/Disaster Services Manager or his or her designate may choose not to issue written permission 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.

3.6 Fireworks may only be sold and purchased between the hours of 8:00 A.M. and 8:00 P.M. Mountain Time.

3.7 A wholesaler or distributor of fireworks wishing to provide fireworks to a retail vendor in the Town of Spirit River must first apply in writing and obtain the written permission of the Fire/Disaster Services Manager or his/her designate.

3.8 A retail vendor wishing to sell fireworks to persons in the Town of Spirit River must apply in writing and obtain the written permission of the Fire/Disaster Services Manager or his/her designate. The application shall include a description of the details on the storage area and the required Fire Safety Plan as outline in the Alberta Fire Code. Permission, if granted, must include approval and acceptance of the storage area and the required Fire Safety Plan as outlined in the Alberta Fire Code.

3.9 A retail vendor wishing to sell fireworks the Town of Spirit River must retain the following records as required by the Alberta Fire Code from every purchaser for a period of not less than two years, specifically:

- a) The date of the sale
- b) The name, address and phone number of the purchaser
- c) A description of the fireworks sold
- d) The date and time the fireworks will be discharged
- e) The location and description of the site where the fireworks will be discharged
- f) A copy of the written permission to discharge, issued by the Fire Department of the municipality where the fireworks will be discharged, or if the discharge is to take place within a forest protection area, the endorsement from a Forest Officer for the forest protection area
- g) A copy of the written permission to purchase fireworks issued by the Fire Department of the Town of Spirit River

3.10 A person wishing to discharge fireworks in a municipality other than the Town of Spirit River and wishing to purchase fireworks in the Town of Spirit River must first obtain written permission to discharge, issued by the Fire Department of the municipality where the fireworks will be discharged, or in the event that the place of discharge is within the forest protection area, from a Forest Officer where the discharge is to take place.

3.11 A person in possession of written permission to discharge fireworks as noted in 3.10 may apply to the Fire Department of the Town of Spirit River for written permission to purchase fireworks from a retail vendor within the Town of Spirit River.

3.12 The Fire/Disaster Services Manager or his/her designate may require any terms and or conditions that he/she deems appropriate for the specific show or display to be included in the written permission.

3.13 The Fire/Disaster Services Manager or his/her designate may revoke any previously issued written letter of permission or permit for reasons of non-compliance with:

- a) The Alberta Fire Code

- b) The Explosives Act
- c) The letter of permission or permit, including any terms and/or conditions
- d) Changes in environmental conditions, and/or
- e) For any reasons of safety to life, limb or property

SECTION 4 Penalties:

4.1 Breach of this bylaw is an offence and upon conviction shall be subject to a penalty and fine of not less than \$100.00 and not more than \$5,000.00.

4.2 Where an Enforcement Officer (Community Peace Officer, Bylaw Enforcement Officer or Police Officer with authority to enforce the bylaws of the Town of Spirit River) 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.

4.3 The issuance of a violation ticket as noted in 4.2 shall require a Court appearance by the person pursuant to Part 2 of the Provincial Offences Procedure Act.

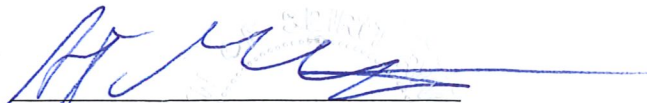
4.4 Where a Safety Codes Officer in the Fire Discipline, holding a Designation of Powers to the Town of Spirit River, or an Enforcement Officer noted in 4.2 above, has reasonable grounds to believe that a person has violated any provision of the Alberta Fire Code, they may commence Court proceedings under the Safety Codes Act against such person by filing an Information pursuant to the provisions of the Provincial Offences Procedure Act.

This Bylaw will come into force and effect on the date of third and final reading.

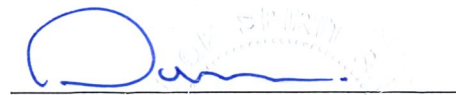
Read a first time this 10th day of February, 2014.

Read a second time this 17th day of March, 2014.

Read a third time this 17th day of March, 2014.



Mayor



CAO