

**TOWN OF HIGH RIVER
IN THE PROVINCE OF ALBERTA
BYLAW 4280/2010**

Being a Bylaw of the Town of High River in the Province of Alberta for the purpose of regulating and restricting the possession, sale, purchase and discharge of Fireworks.

WHEREAS Section 7(a) of **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 Section 7(e) of the **Municipal Government Act** R.S.A. 2000, c. M-26, as amended, provides for municipalities to enact Bylaws for businesses, business activities and persons engaged in businesses.

AND

WHEREAS Section 8(a) of 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 Section 8(c) of 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 licences, permits or approvals.

AND

WHEREAS The **Alberta Fire Code 2006** assumes that municipalities will establish regulations regarding the sale, purchase, possession, handling, discharge, firing or setting off of low-hazard fireworks;

AND

WHEREAS The Council of the Town of High River recognizes that Fireworks are explosive devices which are classified as Dangerous Goods under the **Alberta Fire Code 2006** and which, when used improperly by untrained persons, can cause injury, damage, fire and death.

AND

WHEREAS The Council of the Town of High River has determined that the sale, storage, purchase and discharge of fireworks by Persons who are not Fireworks display supervisors or professional pyro-technicians creates an unacceptable level of risk to life, health, safety and property.

NOW

THEREFORE Council of the Town of High River duly assembled enacts as follows:

1) NAME

- a) This Bylaw may be cited as the “Fireworks Bylaw”.

2) DEFINITIONS

- a) In this Bylaw, including this section, unless the context otherwise requires:
- i. “**Application**” means an application submitted in accordance with Section 4 of this Bylaw for a Permit;
 - ii. “**Authorized Person**” means a display supervisor, pyro-technician or any other individual accredited under the **Explosives Act**, R.S.C. 1995, c. E-17 and regulations enacted there under, to sell, purchase, possess, store, handle, discharge or set off Fireworks;
 - iii. “**Bylaw**” means this Fireworks Bylaw 4280/2010;

- iv. **“Council”** means Council of the Town of High River;
 - v. **“Enforcement Officer”** means a Bylaw Enforcement Officer, Community Peace Officer, or member of the RCMP with authority to enforce the bylaws of the Town of High River;
 - vi. **“Explosives Act”** means the **Explosives Act**, S.C. 1995, c. E-17, as amended and regulations enacted there under;
 - vii. **“Fire Chief”** means the individual who is appointed as Fire Chief of the Town or his/her designate;
 - viii. **“Fireworks”** means low-hazard Fireworks as defined under the **Alberta Fire Code 2006**.
 - ix. **“Fireworks Display”** means a display or show of Fireworks whether for recreational, professional or other purposes;
 - x. **“Fireworks Operation”** means a building where Fireworks are stored, sold or manufactured;
 - xi. **“Municipal Government Act”** means the **Municipal Government Act**, c. M-26, as amended, and regulations enacted there under;
 - xii. **“Permit”** means a written permission issued by the Fire Chief pursuant to Section 4 of this Bylaw, authorizing the use of Fireworks;
 - xiii. **“Permit Holder”** means a Person who has been issued a valid Permit pursuant to this Bylaw;
 - xiv. **“Person”** means an individual, a firm, partnership, joint venture, proprietorship, corporation, association, society and any other legal entity;
 - xv. **“Town”** means the Town of High River and all areas within the Town’s jurisdictional boundaries;
 - xvi. **“Town Manager”** means the individual appointed by Council for the Town as the Chief Administrative Officer in accordance with the **Municipal Government Act**;
 - xvii. **“Violation Tag”** means a tag or similar document issued pursuant to the **Municipal Government Act**, and
 - xviii. **“Violation Ticket”** means a ticket issued pursuant to Part 2 of the **Provincial Offences Procedure Act**, R.S.A. 2000, Chapter P-34, as amended, or repealed and replaced from time to time, and any Regulations there under.
- b) Where a term has not been defined by this Bylaw, the definitions in the following enactments, as amended, as required by the context, shall be used for the purposes of interpreting the term:
- i. **Municipal Government Act**;
 - ii. **Safety Codes Act**, R.S.A. 2000, c. S-1;
 - iii. **Alberta Fire Code 2006**; and
 - iv. **Explosives Act** R.S.C. 1985, c. E-17.

3) PROHIBITIONS

- a) No Person shall sell, purchase, possess, store, handle, discharge or set off Fireworks in the Town except in accordance with this Bylaw and a Permit issued pursuant to this Bylaw.
- b) Only Authorized Persons who have been issued and hold a valid Permit pursuant to this Bylaw are permitted to sell, purchase, possess, store, handle, discharge or set off Fireworks within the Town.
- c) During a Fire Ban imposed under the Town’s Fire Services Bylaw 4280/2010, all Permits issued under this Bylaw for the discharge or setting off of Fireworks shall be suspended until such time as the Fire Chief, in his/her sole discretion, deems it appropriate to reinstate the Permits.

- d) All Permit Holders are responsible for ensuring that the conditions and provisions of all Permits are adhered to.

4) **PERMITS**

- a) The Fire Chief is hereby authorized to issue Permits to Authorized Persons in accordance with this Bylaw for any or all of the following purposes:
 - i. Selling Fireworks;
 - ii. Purchasing Fireworks;
 - iii. Possessing Fireworks;
 - iv. Storing Fireworks;
 - v. Handling Fireworks;
 - vi. Discharging Fireworks;
 - vii. Setting off Fireworks; or
 - viii. Conducting a Fireworks Displaywithin the Town.
- b) All Applications for a Permit under this Bylaw must be in writing and must be in the form approved by the Town Manager;
- c) All Permits issued under this Bylaw must be in writing and must be in the form approved by the Town Manager;
- d) Permits issued pursuant to this Bylaw are valid for such period of time as shall be determined and set by the Fire Chief, in his/her sole discretion. Upon request by the Permit Holder, the Fire Chief may extend the period of time that a Permit is valid, provided that the Permit has not expired.
- e) An Application for a Permit under this Bylaw must be submitted to the Fire Chief at least 28 calendar days prior to the event which the Application relates to.
- f) An Application for a Permit under this Bylaw must include:
 - i. Date, time, location and duration of the proposed Fireworks Display or Fireworks Operation;
 - ii. Names, addresses and fireworks certification numbers of all Authorized Persons participating in the Fireworks Display or Fireworks Operation;
 - iii. The name of the sponsor or purchaser of the Fireworks Display;
 - iv. A full description of the planned Fireworks Display and list of all materials to be fired, detonated, burnt or energized during the Fireworks Display;
 - v. The emergency plan for the Fireworks Display or Fireworks Operation;
 - vi. Written consent for Fireworks discharge from landowner and any neighbouring affected landowners;
 - vii. Proof of liability insurance, in the amount and upon the terms to be determined by the Town Manager with consideration to the specific Application; and
 - viii. Any other information deemed necessary by the Town Manager or Fire Chief.
- g) An Application for a Permit authorizing the sale of Fireworks in the Town must also include a copy of the licence issued in accordance with the ***Explosives Regulations*** C.R.C. c. 599, as amended;
- h) After receiving the Application, the Fire Chief, may:
 - i. Refuse the Application;

- ii. Grant the Application and issue a Permit; or
 - iii. Grant the Application and issue a Permit subject to conditions.
- i) The Fire Chief shall not issue a Permit under this Bylaw if,
- i. in his or her opinion, the Fireworks Display or Fireworks Operation may create a risk to life, public safety or property; or
 - ii. proof of insurance as required under Section 4(e)(vii) has not been provided.
- j) The Fire Chief may revoke any previously issued Permit for:
- i. Failure to comply with the terms of the Permit; or
 - ii. Where in the opinion of the Fire Chief, there is a risk to the public health or safety and/or property.
- k) A Permit issued under this Bylaw is not transferable from one Person to another Person. A Permit issued under this Bylaw is not transferable from one location to another.

5) **OFFENCES**

- a) Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable, upon summary conviction, to a penalty as set out in the current Rate Bylaw.
- b) Any Person who provides false information to the Town, the Town Manager, the Fire Chief, a Designated Officer or to any other person empowered to enforce the terms of this Bylaw, is guilty of an offence and, upon summary conviction, shall be liable to the applicable penalties set out in the current Rate Bylaw and the ***Provincial Offences Procedure Act***, R.S.A. 2000, c. P-34, and any amendments and regulations thereto.

6) **PENALTIES**

- a) An Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any Person whom the Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw or the terms and conditions of any Permit issued under this Bylaw.
- b) A Violation Tag shall be served upon such Person personally, or in the case of a corporation, by serving the Violation Tag personally upon the Manager, Secretary or other Officer of the corporation, or a person apparently in charge of a branch office, or by mailing a copy to such Person by registered mail.
- c) Where personal service cannot be affected upon a Person, the Enforcement Officer may serve the Violation Tag by leaving the Tag with a Person on the Premises who has the appearance of being at least eighteen (18) years of age.
- d) The Violation Tag shall be in a form approved by the Town Manager and shall state:
- i. the name of the Person to whom the Violation Tag is issued;
 - ii. a description of the offence and the applicable Bylaw Section;
 - iii. the appropriate penalty for the offence as specified in the current Rate Bylaw;
 - iv. that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag in order to avoid prosecution; and
 - v. any other information as may be required by the Town Manager.

- e) Where a Violation Tag has been issued pursuant to this Bylaw, the Person to whom a Violation Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Town Office the penalty specified on the Violation Tag.
- f) In the event that a Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid within the prescribed time, an Enforcement Officer may issue a Violation Ticket, pursuant to Part 2 of the **Provincial Offences Procedure Act**, to the Person to whom the Violation Tag was issued.
- g) Notwithstanding Section 6(f) of this Bylaw, an Enforcement Officer may immediately issue a Violation Ticket to any Person whom the Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- h) A Violation Ticket issued with respect to a violation of this Bylaw shall be served upon the Person responsible for the contravention in accordance with the **Provincial Offences Procedure Act**.
- i) The Person to whom the Violation Ticket has been issued may plead guilty by making a voluntary payment in respect of the summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together with an amount equal to the specified penalty for the offence as provided within the current Rate Bylaw.
- j) When a clerk records in the Court records the receipt of a voluntary payment pursuant to Section 6(i) of this Bylaw and the **Provincial Offences Procedure Act**, the act of recording receipt of that payment constitutes acceptance of the guilty plea and also constitutes the conviction and the imposition of a fine in the amount of the specified penalty.

7) **ENFORCEMENT**

- a) Enforcement Officers are Designated Officers for the purposes of inspection and enforcement under this Bylaw.
- b) An Enforcement Officer may, for the purpose of ensuring the provisions of this Bylaw are being complied with, enter in or upon any property in accordance with Section 542 of the **Municipal Government Act** to carry out an inspection, enforcement or other action required or authorized by this Bylaw, the **Municipal Government Act**, or any other enactment the Town is authorized to enforce.
- c) When exercising his or her authority to enter onto private property under Section 7(b) of the Bylaw, the Enforcement Officer shall provide the owner or occupant of the property with reasonable notice as required under Section 542 of the **Municipal Government Act**.
- d) No Person shall interfere with or obstruct an Enforcement Officer or a Person authorized to perform inspection or enforcement duties pursuant to this Bylaw on behalf of the Town from performing his or her duties under this Bylaw.

8) **GENERAL MATTERS**

- a) Should any provision of this Bylaw become invalid, void, illegal or otherwise not enforceable, it shall be considered separate and severable from the Bylaw and the remainder shall remain in force and be binding as though such provision had not been included.
- b) Nothing in this Bylaw relieves a Person from compliance with any and all applicable Federal and Provincial laws and/or regulations, and/or other Bylaws and/or regulations of the Town.
- c) The Town is not liable for exercising its discretion to not take action pursuant to

this Bylaw if that decision is made in good faith.

- d) Nothing in this Bylaw shall restrict the Town's rights at common law or under the ***Municipal Government Act*** to enforce its rights and obligations.
- e) This Bylaw comes into full force and effect upon Third and Final Reading.

READ A FIRST TIME THIS ____ DAY OF _____ A.D. 2010.

MAYOR/DEPUTY MAYOR

TOWN MANAGER/
DIRECTOR OF LEGISLATIVE & ADMINISTRATIVE SERVICES

READ A SECOND TIME AS AMENDED
THIS ____ DAY OF _____ A.D. 2010.

MAYOR/DEPUTY MAYOR

TOWN MANAGER/
DIRECTOR OF LEGISLATIVE & ADMINISTRATIVE SERVICES

READ A THIRD AND FINAL TIME AS AMENDED
THIS ____ DAY OF _____ A.D. 2010.

MAYOR/DEPUTY MAYOR

TOWN MANAGER/
DIRECTOR OF LEGISLATIVE & ADMINISTRATIVE SERVICES