

BYLAW 766/17
TOWN OF ELK POINT #043

THE TOWN OF ELK POINT 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)

1.0 Purpose & Preamble:

- 1.1 Section 7(a) of 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.
- 1.2 Section 8(a) of the Municipal Government Act, (RS.A. 2000, c. M-26) as amended, provides for municipalities to enact Bylaws to regulate or prohibit.
- 1.3 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.
- 1.1 The Council of the Town of Elk Point 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.
- 1.2 The Council of the Town of Elk Point of has determined that the controlled and managed sale, storage, purchase and discharge of fireworks by persons 18 years of age creates a manageable level of risk to life, health, safety and property.
- 1.3 The Council of the Town of Elk Point wishes to limit the sale and use of fireworks to specific periods of the year in order to effectively manage the risk.
- 1.4 The Council of the Town of Elk Point wishes to limit the hours of sale of fireworks in order to effectively manage the risk.

2.0 Definitions:

- 2.1 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 Codes



d) Explosives Act (R.S.A. 1985, c. E-17)

- 2.2 For words not defined in the above noted enactments reference should be made to the Canadian Oxford Dictionary (Second Edition), published by Oxford University Press.
- 2.3 Written Permission noted in this bylaw shall take the form(s) outlined in Schedule A of this bylaw.
- 2.4 Fire Chief shall mean the Chief Officer of the Fire Department who is appointed by council to manage and administer the Fire Department.

3.0 Prohibitions

- 3.1 No person shall wholesale, display for sale, offer for sale, sell, possess or store any fireworks within the Town of Elk Point without the written permission of the Fire Department.
- 3.2 No person, may obtain, purchase, set off, discharge or otherwise handle fireworks within the Town of Elk Point without the written permission of the Fire Department.
- 3.3 No person shall sell fireworks to any person without seeing that person's Driver's License or other photo identification issued by the Governments of Canada or Alberta.
- 3.4 No person shall sell fireworks to anyone under the age of 18 years.
- 3.5 No person under the age of 18 years shall purchase fireworks.
- 3.6 No person shall display, store, or sell Fireworks in the Town of Elk Point without the written permission of the Fire Department.
- 3.7 No person shall set up, set off, fire, discharge or energise a pyrotechnics display in the Town of Elk Point without the written permission of the Fire Department.

4.0 Permissions

- 4.1 All persons 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.
- 4.2 A Display Supervisor of 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 Chief or, in the absence of the Fire Chief, his or her designate.

- 4.3 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 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 number of all display supervisors or pyro-technicians and assistants participating in the show,
 - c. The name of the sponsor or purchaser if the event,
 - 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 emergency plan for the event,
 - f. Verification of liability insurance, in an amount of \$2 Million acceptable to the Town of Elk Point,
 - g. Payment of designated application fee, and
 - h. Any other information deemed necessary by the Town of Elk Point or the Fire Chief.
- 4.4 The Fire Chief or his or her designated may choose to issue to a Display Supervisor or Pyro-Technician, written permission for a show or display to take place.
- 4.5 The Fire Chief 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.
- 4.6 Fireworks may only be sold, purchased and discharged within the following annual timeframes:
- a. Ten calendar days prior to and inclusive of the Sunday following the Canada Day holiday.
 - b. Other timeframes of ten calendar days or less which may be allowed for on a one time basis by resolution of council.
- 4.7 Fireworks may only be sold and purchased between the hours of 8:00 AM and 8:00PM Mountain Time



- 4.8 A wholesaler or distributor of fireworks wishing to provide fireworks to a retail vendor in the Town of Elk Point must first apply and obtain the written permission of the Fire Chief or his/her designate.
- 4.9 A retail vendor wishing to sell fireworks to persons in the Town of Elk Point must first apply and obtain the written permission of the Fire Chief or his/her 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.
- 4.10 A retail vendor wishing to sell fireworks to persons in the Town of Elk Point 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:
- a. The date of the sale,
 - b. The name, address and phone number of the purchaser,
 - c. A description of the fireworks sold following manufacturer's instructions,
 - 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 from a Forest Officer where the discharge is to take place within a forest protection area, and
 - g. A copy of the written permission to purchase fireworks issued by the Fire Department of the Town of Elk Point.
- 4.11 A person wishing to purchase fireworks in the Town of Elk Point must first obtain written permission to discharge, issue by the Fire Department of the municipality where the fireworks will be discharged, or from a Forest Officer where the discharge is to take place within a forest protection area.
- 4.12 A person in possession of written permission to discharge fireworks as noted in 410 above may apply to the Fire Department of the Town of Elk Point for written permission to purchase fireworks from a vendor with the Town of Elk Point.
- 4.13 The Fire Chief or his or her designate may attach any terms and conditions in a written permission that he or she deems appropriate for the specific event and location.

- 4.14 The Fire Chief of his or her designate may choose to revoke any previously issued written letter of permission for reasons of non-compliance with:
- a. The Alberta Fire Code,
 - c. The Explosive Act,
 - d. The letter of permission, including any terms and conditions,
 - e. Changes in environmental conditions, and/or
 - f. For any reason of safety to life, limb or property.

5.0 Penalties

- 5.1 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.
- 5.2 Where an Enforcement Officer (Community Peace Officer, Bylaw Enforcement Officer or Policy Officer with authority to enforce the bylaws of the Town of Elk Point) 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.
- 5.3 The issuance of a violation tickets as noted in 5.1 shall require a Court appearance by the person pursuant to Part 2 of the Provincial Offences Procedure Act.
- 5.4 Where a Safety Codes Officer in the Fire Discipline, holding a designation of powers to the Town of Elk Point, or an Enforcement Officer noted in 5.1 above, has reasonable grounds to believe that a person has violated any provision of the Alberta Fire Code, they may commence Court proceedings under 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 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 27th day of November, A.D., 2017

Read a SECOND time this 27th day of November, A.D., 2017

Read a THIRD and FINAL time this 27th day of November, A.D., 2017



Mayor



Chief Administrative Officer