

Summer Village of Golden Days

FIREWORKS BYLAW NO. 239

A BYLAW REGARDING THE USE OF FIREWORKS WITHIN THE SUMMER VILLAGE OF GOLDEN DAYS, IN THE PROVINCE OF ALBERTA.

WHEREAS Section 7 of the Municipal Government Act, R.S.A. 2000, c. M-26 as amended, of the Province of Alberta provides that a Municipal Council may pass bylaws to provide for the safety, health and welfare of people and the protection of people and property;

AND WHEREAS the Council of the Summer Village of Golden Days deems it expedient and in the public's interest to pass a bylaw to regulate and enforce fireworks within the Summer Village of Golden Days;

NOW THEREFORE, the Council of the Summer Village of Golden Days in the province of Alberta, duly assembled, hereby enacts as follows:

Section 1 **TITLE**

This Bylaw shall be cited as the "Fireworks Bylaw".

Section 2 **DEFINITIONS**

In this Bylaw, including this section, unless the context otherwise requires:

- a) "Act" means the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 2000 as amended, and any amendment or substitutions thereof;
- b) "Bylaw Enforcement Officer" means whoever has been contracted, hired or authorized to enforce the Summer Village of Golden Days Bylaws, and includes, but is not restricted to, a member of the Royal Canadian Mounted Police, a duly appointed Bylaw Enforcement Officer or a Peace Officer employed by the Pigeon Lake Protective Services.
- c) "Council" means the Municipal Council of the Summer Village of Golden Days
- d) "Firecrackers" can fall under both categories of Fireworks defined below, but this bylaw's definition is as small fireworks with entwined fuses used as noisemakers.
- e) "Fireworks" – High Hazard are as defined in the Alberta Fire Code, Part 5 and are often also defined in the (Explosives Act (Canada) and regulations under the Act).
- f) "Fireworks" – Low Hazard are as defined in the Alberta Fire Code, Part 5.
- g) "Specified areas" – means all Summer Village municipal property, and the front half of Lakefront lots (as defined in Section 2 of the Land Use Bylaw).
- h) "Summer Village" means the Summer Village of Golden Days.

- i) "Violation Ticket" means a form approved by the Summer Village, or a form prescribed by the Provincial Offences Procedure Act, R.S.A. 2000, Chapter P-34.

Section 3 RESTRICTIONS

- 3.1 Where an emergency or a potential emergency exists, the Designate of the Summer Village shall be empowered to suspend the use of all firecrackers within all or a portion or portions of the Summer Village for such a period of time and on such conditions as may be determined by the Designate.
- 3.2 No person shall purchase, possess, handle, discharge, fire or set off fireworks within the Summer Village of Golden Days unless he or she holds a permit signed by the Fire Chief, or delegate of the Summer Village for that purpose;
- 3.3 No person who is the possessor of a fireworks permit, or who is engaged in the use of fireworks pursuant to a permit issued to another, shall fail to comply with the term and conditions of use provided for under that permit;
- 3.4 In the event that a fire ban is issued either by the Province of Alberta or the Summer Village of Golden Days, all active firework permits shall be cancelled, and anyone using fireworks while a fire ban is in effect, regardless of whether a fireworks permit is in place, shall be guilty of an offence.
- 3.5 A person who uses or causes fireworks to be used shall cleanup all debris, rubbish, litter, remains and by-products created by or resulting from the use of fireworks.
- 3.6 The owner of any real property, as registered on title at the Land Titles Office, is ultimately responsible for all activities on the property which may constitute prohibitions of this Bylaw.

Section 4 PERMITS

- 4.1 Annual permits are available at no charge, and are available to anybody 18 and over.
- 4.2 Permits are available at the Summer Village Office. A copy of both the permit and the application will be sent to the local Fire Chief and the local Bylaw or Peace Officers.
- 4.3 Permits will indicate locations where you can't set off fireworks, which includes, but is not restricted to, anywhere within the Summer Village unless you get written permission from the property owner, and the specified areas listed in this Bylaw.
- 4.4 Please note that "**Permits are revocable**".

Section 5 PENALTIES

- 5.1 The Bylaw Officer may enforce the provisions of this Bylaw and may issue a Violation Ticket to any person who violates any provision of this Bylaw.

- 5.2 The Violation Ticket shall be in a form normally used by a Bylaw Officer in the issuance of notices of offence, which form will conform with the Provincial Offences Procedure Act, S.A. 1988, cP-21.5, as amended, or repealed and replaced from time to time.
- 5.3 Any person who violates any provision of this Bylaw is guilty of an offence and is liable on summary conviction to:
- (a) For a first offence, to a fine of not more than five hundred (\$500.00) dollars or in in default of payment of the fine **and costs**, to imprisonment for time as set by the courts.
 - (b) For a second or subsequent offence within twelve (12) months, to a fine of not less than five hundred (\$500.00) dollars and not more than fifteen hundred (\$1,500.00) dollars or in default of payment of the fine **and costs**, to imprisonment for time as set by the courts.
- 5.4 Confiscation of the fireworks shall also apply if deemed necessary.

Section 6. SEVERABILITY

Should any section or part of this Bylaw be found to have been improperly enacted, and become invalid, void, illegal or otherwise not enforceable, then such section or part shall be regarded as being severable from the rest of this Bylaw and the Bylaw remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been included as part of this Bylaw.

Section 7. REPEAL OF EXISTING BYLAW

Any previous Fireworks bylaws, and amendments thereto, are hereby repealed.


Section 8. EFFECTIVE DATE

This bylaw shall take effect on the date of the third and final reading.

Read the first time this 20th day of February, 2013.

Read a second time this 20th day of March, 2013.

Read a third time and passed this 22nd day of April, 2013.


Randal Kay, Mayor
Summer Village of Golden Days


Sylvia Roy, Chief Administrative Officer
Summer Village of Golden Days