

MUNICIPAL DISTRICT OF BIGHORN NO. 8

BYLAW #17/15

A BYLAW TO PROHIBIT THE POSSESSION, SALE, STORAGE, PURCHASE AND DISCHARGE OF FIREWORKS WITHIN THE MUNICIPAL DISTRICT OF BIGHORN, IN ACCORDANCE WITH THE MUNICIPAL GOVERNMENT ACT.

WHEREAS the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 2000 as amended, provides that a Council of a Municipality may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS the aforesaid Municipal Government Act also provides for municipalities to enact Bylaws to regulate or prohibit;

AND WHEREAS the Council of the Municipal District of Bighorn (hereinafter referred to as "the M.D.") wishes to enact a Bylaw for the purpose of prohibiting the possession, sale, storage, purchase and discharge of fireworks by any person not in possession of a valid fireworks Display Supervisor card issued pursuant to the Explosives Act of Canada, and its Regulations, by the Government of Canada;

AND WHEREAS the Council of the M.D. recognizes that fireworks are explosive devices which are classified as Dangerous Goods under the Alberta Fire Code and which, when used improperly by untrained persons, can cause injury, damage, fire and death;

AND WHEREAS the Council of the M.D. has determined that the sale, storage, purchase and discharge of fireworks by a person or persons not in possession of a fireworks Display Supervisors card creates an unacceptable level of risk to life, health, safety and property;

NOW THEREFORE the Council of the Municipal District of Bighorn of the Province of Alberta, duly assembled enacts as follows:

Section 1. Title

This Bylaw shall be known as the Municipal District of Bighorn Fireworks Prohibition Bylaw.

Section 2. Definitions

(a) 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:

- i) Municipal Government Act (R.S.A. 2000, c. M-26)
- ii) Safety Codes Act (R.S.A. 2000, c. S-1)

- iii) Alberta Fire Code
 - iv) Explosives Act (R.S.C. 1985, c. E-17)
- (b) 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.

Section 3. Prohibitions

- (a) No person shall display for sale, offer for sale, sell, possess or store any fireworks within the Municipal District of Bighorn.
- (b) No person, other than a fireworks Display Supervisor, may obtain, purchase, handle, set off, discharge or otherwise fireworks within the Municipal District of Bighorn.
- (c) No person, other than an individual who has a valid pyro-technician's card issued pursuant to the Explosives Act of Canada, shall set up, set off, operate or discharge a pyrotechnic display within the Municipal District of Bighorn No. 8.

Section 4. Permissions

- (a) A Display Supervisor or Pyro-Technician, holding a valid authorization under the Explosive 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.
- (b) 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:
 - i) Date, time and location of the proposed event,
 - ii) Names, addresses and certification numbers of all Display Supervisors or pyro-technicians and assistants participating in the show,
 - iii) The name of the sponsor or purchaser of the event,
 - iv) A full description of the planned event and a list of all materials to be fired, detonated, burnt or energized during the event,
 - v) The emergency plan for the event,
 - vi) Verification of liability insurance, in an amount acceptable to the Municipal District of Bighorn,
 - vii) Payment of the designated application fee, and
 - viii) Any other information deemed necessary by the Municipal District of Bighorn or the Fire Chief.



- (c) The Fire Chief or his or her designate may choose to issue to a Display Supervisor or Pyro-Technician, in the form of a signed letter on official letterhead, written permission for a show or display to take place.
- (d) 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.
- (e) The Fire Chief or his or her designate may attach any terms and conditions in a written letter of permission that he or she deems appropriate for the individual event.
- (f) The Fire Chief or his or her designate may choose to revoke any previously issued written letter of permission for reasons of non-compliance with:
 - i) The Alberta Fire Code,
 - ii) The Explosive Act,
 - iii) The letter of permission, including any terms and conditions,
 - iv) Changes in the environmental conditions, and/or
 - v) For any reasons of safety to life, limb or property.

Section 5. Penalties

- (a) Breach of this Bylaw is an offence and upon conviction shall be subject to a penalty and fine not less than \$100.00 and not more than \$5,000.00.
- (b) Where an Enforcement Officer with authority to enforce the bylaws of the Municipal District of Bighorn has reasonable grounds to believe that a person has violated any provisions 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.
- (c) The issuance of a violation ticket as noted in Section 5(b) of this Bylaw shall require a Court appearance by the person pursuant to Part 2 of the Provincial Offences Procedure Act.
- (d) Where a Safety Codes Officer in the Fire Discipline, holding a Designation of Powers to the Municipal District of Bighorn, or an Enforcement Officer noted in Section 5(b) above, has reasonable grounds to believe that a person has violated any provisions 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.

Section 6. Enactment

This Bylaw will come into force and effect on the date of third reading and signing in accordance with Section 213 of the Municipal Government Act (R.S.A. 2000, c. M-26) as amended.

FIRST READING THIS 13th DAY OF October, 2015.

SECOND READING THIS 13th DAY OF October, 2015.

THIRD READING THIS 13th DAY OF October, 2015.



Reeve



Executive Assistant