

BYLAW NO. 1042

FIREWORKS BYLAW

A BYLAW OF THE TOWN OF CASTOR ENACTED FOR THE PURPOSE OF PROVIDING FOR THE SAFE POSSESSION, SALE, GIVING AWAY, STORAGE, PURCHASE AND DISCHARGE OF HIGH AND LOW HAZARD FIREWORKS, AND PENALTIES IN COMPLIANCE WITH MUNICIPAL POLICY, THE ALBERTA FIRE CODE AS AMENDED, THE SAFETY CODES ACT AND AMENDMENTS THERETO (R.S.A. 2000, c. S-1), AND THE EXPLOSIVES ACT (R.S.C. 1985, c. E-17).

Whereas Section 7(a) of the Municipal Government Act, being Chapter M-26 of the Statutes of Alberta 2000, and amendments thereto, provides that a Council may pass bylaws for the safety, health and welfare of people and protection of people and property, imposition of penalties for offences, as well as services provided by or on behalf of the municipality as may be considered proper by Council;

AND WHEREAS Section 8(a) of the Municipal Government Act, being Chapter M-26 of the Statutes of Alberta 2000, and amendments thereto, provides that a Council may pass bylaws to regulate or prohibit;

AND WHEREAS Section 8(c) of the Municipal Government Act, being Chapter M-26 of the Statutes of Alberta 2000, and amendments thereto, provides that a Council may pass bylaws to establish a system of licenses, permits or approvals;

AND WHEREAS the Forest and Prairie Protection Act, R.S.A. 2000, with amendments thereto, grants certain additional powers and responsibilities to the Town of Castor, Council may pass bylaws for the prevention of prairie or running fires and the enforcement of the provisions of the Forest and Prairie Protection Act in that behalf;

NOW THEREFORE, the Council of the Town of Castor, in Council duly assembled, enacts as follows:

PART I – NAME OF BYLAW

1.1 This Bylaw may be cited as the “Fireworks Bylaw”.

PART II – DEFINITIONS

2.1 In this Bylaw:

- (a) “Alberta Fire Code” means the most current version of fire safety regulations adopted by the Province of Alberta and legislated under the Safety Codes Act;
- (b) “Chief Administrative Officer” means the Chief Administrative Officer of the Town of Castor.
- (c) “Consumer Fireworks” are commonly referred to as Low Hazard Fireworks;
- (d) “Council” means the Council of the Town of Castor;
- (e) “Display Fireworks” are commonly referred as High Hazard Fireworks;
- (f) “Explosives Act” means the Explosives Act (Canada) and all regulations passed pursuant to that Act;
- (g) “Fire Ban” means a provincial ministerial order, an order by the Town of Castor CAO, or Fire Chief that may, at their discretion, cancel any or all fire permits, prohibit the lighting or require the extinguishment of a fire;
- (h) “Fire Permit” means a permit issued by the Town of Castor pursuant to the Forest and Prairie Protection Act or the Town Fire Bylaw or both allowing for the setting of an outdoor fire, structure fire, or discharging fireworks within the Town of Castor;
- (i) “Fireworks” means the Fireworks listed in Class 7, Division 1, and Class 7, Division 2, Subdivision 1 and 2 in Section 14 of the Explosives Act (Canada) and regulations under the Act;

- (j) “High Hazard Fireworks” means those types of Fireworks that only persons certified under the Explosives Act (Canada), may store, transport and discharge. These Fireworks are also referred to as Display Fireworks typically used at large events at fairs, exhibitions, Canada Day displays, etc.;
- (j) “Low Hazard Fireworks” means those types of Fireworks which are regulated for storage, sale and discharge under the Alberta Fire Code, but do not require certification for handling, transporting or discharge. These Fireworks are also referred to as “Consumer Fireworks” or “Family Fireworks”.
- (k) “owner” means:
 - i. The person as registered on title at Land Titles Offices;
 - ii. A person who is recorded as the owner of the property on the assessment roll of the Town of Castor;
 - iii. A person who has purchased or otherwise acquired the property, whether purchased or otherwise acquired from the owner or from another purchase, and has not become the registered owner thereof;
 - iv. A person controlling the property under construction; or
 - v. A person who is the occupant of the property under a lease, license, or permit.
- (l) "Municipal Tag" means a tag or similar document issued by the Town pursuant the Municipal Government Act that alleges a bylaw offence and provides a Person with the opportunity to pay an amount to the Town in lieu of prosecution for the offence;
- (m) “Peace Officer” means a person appointed as a Peace Officer under the Peace Officer Act;
- (n) “Person” means an individual and includes a firm, partnership, joint venture, proprietorship, corporate, association, society and any other legal entity;
- (o) “Property” means any lands, buildings, structures or premises, or any personal property located thereupon, within the municipal boundaries of the Town of Castor.
- (p) “Specified Penalty” means a penalty specified in Schedule “A” which may be paid in response to a Municipal Tag or a Violation Ticket, for an alleged offence of a section of this Bylaw;
- (q) “Town” means the Town of Castor;
- (r) "Violation Ticket" means a ticket issued pursuant to Part 2 of the Provincial Offences Procedure Act, R.S.A. 2000, Chapter P-34 for a breach of any of the provisions of this Bylaw.

PART III – PURPOSES AND PREAMBLE

- 3.1 The Council of the Town of Castor 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.
- 3.2 The Council of the Town of Castor has determined that the controlled and managed sale, storage, purchase and discharge of Fireworks by persons under 18 years of age creates a manageable level of risk to life, health, safety and property.
- 3.3 The Council of the Town of Castor wishes to limit the hours of sale of Fireworks in order to effectively manage the risk.
- 3.4 All persons purchasing, possessing, handling, distributing, offering for sale, storing, selling, giving away, discharging, firing or setting off Fireworks shall conform to all requirements of the Alberta Fire Code and this Bylaw.

PART IV – FIRE PERMITS (HIGH HAZARD OR DISPLAY FIREWORKS)

- 4.1 In addition to any fire permit required under the Town of Castor's Fire Bylaw, a Fireworks Permit shall be required under this Bylaw at all times.
- 4.2 A fee for Fireworks permits will be required as set out in Schedule A of this Bylaw.
- 4.3 Where an emergency or a potential emergency exists, the Fire Chief or his/her designate shall be empowered to suspend the discharging of fireworks within the Town of Castor for such period of time and on such conditions as may be determined by the Fire Chief or designate.
- 4.4 A High Hazard Fireworks or Display Fireworks pyro-technician or display supervisor shall apply for a permit in writing to the Fire Services Manager or designate at least 28 days before the intended date of the Fireworks display, and the Fire Chief or designate will receive and consider the application and may refuse issuance of a Permit on reasonable and probable grounds that a public interest risk exists for the proposed Fireworks.
- 4.5 The permit application shall include all of the following information:
- i. The name, address, and signature of the person(s) sponsoring the Fireworks display;
 - ii. The name, certification number, and signature of the Fireworks pyro-technician or display supervisor, and any assistants participating in the show.
 - iii. The name of the person(s) that is conducting the Fireworks display if different from the person(s) sponsoring the Fireworks display,
 - iv. The date and time of the proposed Fireworks display;
 - v. A detailed description of the proposed Fireworks display;
 - vi. The exact location planned for the Fireworks display including a diagram of the grounds on which it will be held, showing the point from where the Fireworks will be discharged, the location of all highways, railroads, overhead wires and obstructions, buildings and other structures, and the lines behind which the audience will be restrained;
 - vii. Written consent from the owner of the property on which the Fireworks display will be held;
 - viii. Written consent from the owners of adjacent properties on which debris might reasonably be expected to fall;
 - ix. The emergency plan for the event;
 - x. The manner and place of storage of all Fireworks prior to, during and after the display;
 - xi. The name and address of the vendor(s) that supplied all the Fireworks used in the Fireworks display;
 - xii. Proof of General Liability Insurance from the pyro-technician or display supervisor with coverage of at least \$5,000,000.00 per occurrence in a form acceptable to the Fire Chief;
 - xiii. Payment of the designated application fee, if any;
 - xiv. Any other information requested by the Fire Chief.
- 4.6 The Fire Chief or designate may attach any terms and conditions in a written permission (Fireworks Permit) that he or she deems appropriate for the specific event and location.
- 4.7 A Fireworks Permit for High Hazard or Display Fireworks shall not be transferable.
- 4.8 The Fire Chief or designate may choose to revoke any previously issued written letter of permission (Fireworks Permit) for any reasons of non-compliance with:
- (a) The Alberta Fire Code
 - (b) The Explosives Act (Canada)
 - (c) The letter of permission (Fireworks Permit), including any terms and conditions,
 - (d) Changes in environmental conditions, and/or;
 - (e) For any reasons of safety to life, limb, or property.

PART V – FIREWORKS PERMITS (LOW HAZARD OR CONSUMER (FAMILY) FIREWORKS)

- 5.1 In addition to any Fire Permits required by the Town of Castor's Fire Bylaw, Fireworks Permits shall be required under this Bylaw at all times.

- 5.2 Council from time to time by resolution may establish a fee for issuing a Fire Permit.
- 5.3 Where an emergency or a potential emergency exists, the Fire Chief or designate shall be empowered to suspend all Fireworks Permits or the discharging of fireworks within the Town of Castor for such a period of time and on such conditions as may be determined by the Fire Chief.
- 5.4 An application for a Fireworks Permit to discharge Low Hazard or Consumer Fireworks shall be made to the C.A.O. of the Town of Castor, the Fire Chief, or their designates in writing as per Schedule "C" of this Bylaw.
- 5.5 Permitting for Low Hazard or Consumer Fireworks will be allowed year-round.
- 5.6 The permit application shall include all of the following information:
- i. The name, address, and signature of the person(s) sponsoring the Fireworks display;
 - ii. The name of the person(s) that is conducting the Fireworks display if different from the person(s) sponsoring the Fireworks display,
 - iii. The date and time of the proposed Fireworks display;
 - iv. A detailed description of the proposed Fireworks display;
 - v. The exact location planned for the Fireworks display;
 - vi. Written consent from the owner of the property on which the Fireworks display will be held;
 - vii. Written consent from the owners of adjacent properties on which debris might reasonably be expected to fall;
 - viii. The emergency plan for the event;
 - ix. The manner and place of storage of all Fireworks prior to, during and after the display;
 - x. The name and address of the vendor(s) that supplied all the Fireworks used in the Fireworks display;
 - xi. Payment of the designated application fee, if any;
 - xii. Any other information requested by the Fire Chief.
- 5.7 A person wishing to purchase Low Hazard or Consumer Fireworks must first obtain a Fireworks Permit to discharge Fireworks from the C.A.O., Fire Chief or their designate prior to purchase of same.
- 5.8 The C.A.O., Fire Chief or their designate may attach any terms and conditions in a written permission (Fireworks Permit) that her or she deems appropriate for the specific event and location.
- 5.9 A Fireworks Permit for Low Hazard or Consumer Fireworks shall not be transferable.
- 5.10 The Fire Chief or designate may choose to revoke any previously issued written letter of permission (Fireworks Permit) for reasons of non-compliance with:
- (a) The Alberta Fire Code,
 - (b) The Explosives Act (Canada)
 - (c) The letter of permission (Fireworks Permit), including any terms and conditions,
 - (d) Changes in environmental conditions, and/or;
 - (e) For any reasons of safety to life, limb, or property.

PART VI – SALE OR PURCHASE OF FIREWORKS

- 6.1 No person shall wholesale, display for sale, offer for sale, sell, give away, possess or store any Fireworks within the Town of Castor without the written permission (Fireworks Permit) of the C.A.O., Fire Chief, or their designates.
- 6.2 No person may obtain, purchase, set off, discharge or otherwise handle Fireworks within the Town of Castor without the written permission (Fireworks Permit) of the C.A.O., Fire Chief, or their designates.
- 6.3 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.

- 6.4 No person shall sell Fireworks to anyone under the age of 18 years.
- 6.5 No person under the age of 18 years shall purchase Fireworks.
- 6.6 No person shall bring Fireworks into the Town of Castor without the written permission (Fireworks Permit) of the C.A.O., Fire Chief, or their designates.
- 6.7 No person shall set up, set off, fire discharge or energize a pyrotechnics display in the Town of Castor without the written permission (Fireworks Permit) from the C.A.O., Fire Chief, or their designates.
- 6.8 Fireworks may be sold, purchased, and discharged within the Town of Castor year-round.
- 6.9 A wholesaler or distributor of Fireworks wishing to provide Fireworks to a retail vendor in the Town of Castor must first apply and obtain the written permission (Fireworks Permit) of the C.A.O., Fire Chief, or their designates.
- 6.10 A retail vendor wishing to sell Fireworks to persons in the Town of Castor must first apply and obtain the written permission (Fireworks Permit) of the C.A.O. or 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.
- 6.11 A retail vendor wishing to sell Fireworks to persons in the Town of Castor 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:
- i. The Date of Sale;
 - ii. The name, address, and phone number of the purchaser;
 - iii. A description of the Fireworks sold;
 - iv. The date and time the Fireworks will be discharged;
 - v. The location and description of the site where the Fireworks will be discharged;
 - vi. A copy of the written permission to discharge, issued by the C.A.O. or designate where the fireworks will be discharged, and;
 - vii. A copy of the written permission (Fireworks Permit) to purchase Fireworks issued by the C.A.O. or designate of the Town of Castor.

PART VII – OFFENSES

- 7.1 Breach of this Bylaw is an offence and upon conviction shall be subject to the penalties for contravening this Bylaw shall be identified in Schedule “A” and in the absence of a specified penalty, to a fine not less than \$100.00 and not more than \$2,500.00.
- 7.2 No person(s) shall discharge Fireworks without a Fireworks Permit as is required under this Bylaw.
- 7.3 No person(s) shall sell, offer for sale, store, give away, distribute, discharge, or set off Fireworks without a permit.
- 7.4 No person(s) shall sell, offer for sale, store, give away, distribute, discharge, or set off Fireworks without a permit.
- 7.5 Any person who discharges Fireworks for the purposes described in this Bylaw is responsible to ensure that it is conducted in a safe manner.
- 7.6 Where an Enforcement Officer 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.
- 7.7 The issuance of a Violation Ticket as noted in 7.7 shall require a Court appearance by the person pursuant to Part 2 of the Provincial Offences Procedure Act.

- 7.8 Where a Safety Codes Officer in the Fire Discipline, holding a Designation of Powers to the Town of Castor, or an Enforcement Officer noted in 7.7 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 information pursuant to the provisions of the Provincial Offences Procedure Act.
- 7.9 In respect to any costs or fees levied or charged under this Bylaw:
- (a) The Town of Castor may recover such costs or fees as an amount due and owing to the Town of Castor pursuant to Section 552 of the Municipal Government Act, R.S.A. 2000, Chapter M-26; and
 - (b) In default of payment, where permitted by the Municipal Government Act, R.S.A. 2000, Chapter M-26, Section 553(1) (c), add the amounts due to the Tax Roll of the property in question.

PART VIII – SEVERABILITY

- 8.1 Should any part of this Bylaw be found to have been improperly enacted, for any reason, then such Section or Part shall be regarded as severable from the rest of this Bylaw and this Bylaw remaining after such severance shall be effective and enforceable as if the Part found to improperly enacted had not been enacted as part of this Bylaw.

EFFECTIVE DATE

This Bylaw shall come into force and take effect upon the date of the third reading and signing in accordance with Section 213 of the Municipal Government Act, R.S.A. 2000, Chapter M-26, and amendments thereto.

FIRST READING this 25th day of January, 2016.

SECOND READING this 25th day of January, 2016.

PASSED AT THIRD READING the 25th day of January, 2016

Mayor

Chief Administrative Officer

SCHEDULE "A"

Fireworks Permits

Wholesaler or distributor of Fireworks	\$25.00 per year
Retailer within Town limits	\$25.00 per year
Permit to discharge fireworks	\$25.00 per event

Fireworks Violations

Failure to secure a high hazard fireworks permit, or follow the conditions of the permit	\$100.00
Failure to secure a low hazard fireworks permit, or follow the conditions of the permit	\$100.00
Failure to secure a fireworks Vendor's permit, or follow the conditions of the permit	\$100.00