

TOWN OF BASHAW

BY-LAW NO. 734-2011

BY-LAW 734-2011 BEING A BY-LAW OF THE TOWN OF BASHAW IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE PURPOSE OF PROHIBITING THE POSSESSION, SALE, STORAGE, PURCHASE AND DISCHARGE OF LOW-HAZARD 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.

PURSUANT TO THE PROVISIONS OF THE MUNICIPAL GOVERNMENT ACT, CHAPTER M-26, RSA 2000, AS AMMENDED OR REPEALED AND REPLACED FROM TIME TO TIME:

WHEREAS Section 7 (a) of the Municipal Government Act allows a Council to pass By-Laws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS Section 8 (a) of the Municipal Government Act provides for municipalities to enact By-Laws to regulate or prohibit;

AND WHEREAS Section 8 (c) of the Municipal Government Act provides for municipalities to enact By-Laws to provide for a system of licences, permits or approvals;

AND WHEREAS The Council of the Town of Bashaw 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 Town of Bashaw has determined that the sale, storage, purchase and discharge of fireworks by persons not in possession of a fireworks display supervisors card as noted above creates an unacceptable level of risk to life, health, safety and property;

NOW THEREFORE The Council of the Town of Bashaw, in the Province of Alberta, duly assembled, HEREBY ENACTS AS FOLLOWS:

TITLE

This By-Law may be cited as the "Low-Hazard Fireworks By-Law".

100

DEFINTIONS

101 *Fireworks* means the fireworks listed in Class 7, Division 1, and Class 7, Division 2, Subdivisions 1 and 2 in Section 14 of the Explosives Act (Canada) and regulations under the Act.

102 *High-hazard fireworks* means fireworks listed in Class 7, Division 2, Subdivision 2 in Section 14 of the Explosives Act (Canada) and its Regulations.

103 *Low-hazard fireworks* means fireworks listed in Class 7, Division 2, Subdivision 1 in Section 14 of the Explosives Act (Canada) and regulations under the Act.

104 *Firecracker* means any device that explodes instantaneously when ignited and does not produce any subsequent display or visible effect after the explosion and, without restricting the generality of the foregoing, includes those devices commonly known as Chinese firecrackers, but does not

include paper caps containing not more than 16.2 mg (1/4 grain) of explosive per cap or devices to be used with the paper caps.

105 Any other interpretations shall be governed by the definitions in the following enactments, as amended or repealed and replaced from time to time, in order of precedence, and be used for the purposes of interpreting this By-Law and its application:

- 1) Municipal Government Act (R.S.A. 2000, c. M-26)
- 2) Safety Codes Act (R.S.A. 2000, c. S-1)
- 3) Alberta Fire Code FCI-10-01 Page 9 of 16
- 4) Explosives Act (R.S.C. 1985, c. E-17)

106 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.

200 PROHIBITIONS

201 It is strictly prohibited to display for sale, offer for sale, sell, possess or store any low-hazard fireworks, firecrackers, fire balls, squibs or any other such Chinese firecrackers within the jurisdictional boundaries of the Town of Bashaw.

202 It is strictly prohibited to obtain, purchase, handle, set off, discharge or otherwise any low-hazard fireworks, firecrackers, fire balls, squibs or any other such Chinese firecrackers within the jurisdictional boundaries of the Town of Bashaw.

203 No person (*other than a display supervisor or wholesaler as authorized under the Explosives Act by the Explosives Regulatory Division of Natural Resources Canada*) shall display for sale, offer for sale, sell, possess or store any fireworks within the jurisdictional boundaries of the Town of Bashaw.

204 No person, other than a fireworks display supervisor, may obtain, purchase, handle, set off, discharge or otherwise any fireworks within the jurisdictional boundaries of the Town of Bashaw.

205 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 jurisdictional boundaries of the Town of Bashaw.

300 PERMISSIONS

301 A Display Supervisor or 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 Chief Administrative Officer or his or her designate.

302 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:

- 1) Date, time and location of the proposed event,
- 2) Names, addresses and certification numbers of all display supervisors or pyro-technicians and assistants participating in the show,

- 3) The name of the sponsor or purchaser of the event,
- 4) A full description of the planned event and a list of all materials to be fired, detonated, burnt or energized during the event,
- 5) The emergency plan for the event,
- 6) Verification of liability insurance, in an amount acceptable to the Town of Bashaw,
- 7) Payment of the designated application fee, and
- 8) Any other information deemed necessary by the Town of Bashaw or the Chief Administrative Officer or his or her designate.

- 303 The Chief Administrative Officer 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.
- 304 The Chief Administrative Officer 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.
- 305 The Chief Administrative Officer 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.
- 306 The Chief Administrative Officer or his or her designate may choose to revoke any previously issued written letter of permission for reasons of non-compliance with:
- 1) The Alberta Fire Code,
 - 2) The Explosives Act,
 - 3) The letter of permission, including any terms and conditions,
 - 4) Changes in environmental conditions, and/or
 - 5) For any reasons of safety to life, limb or property.

400 PENALTIES

- 401 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.
- 402 Where an Enforcement Officer (By-Law Enforcement Officer or Police Officer with authority to enforce the By-Laws of the Town of Bashaw) has reasonable grounds to believe that a person has violated any provision of this By-Law, 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.
- 403 The issuance of a violation ticket as noted in 402 shall require a Court appearance by the person pursuant to Part 2 of the Provincial Offences Procedure Act.
- 404 Where a Safety Codes Officer in the Fire Discipline, holding a Designation of Powers to Town of Bashaw or an Enforcement Officer noted in 402 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 an Information pursuant to the provisions of the Provincial Offences Procedure Act.

500 SEVERABILITY

501 If any portion of this By-Law is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the By-Law is deemed valid.

600 AUTHENTICATION

601 This by-law shall come into full force and effect on the day that it is finally passed by Council by giving it third and final reading and it is signed in accordance with the Municipal Government Act.

READ a First time this 17 th day of May, A.D. 2011	<u>Robert Cammidge</u> MAYOR <u>Rosemary Wittevrongel</u> TOWN MANAGER
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READ a Second time this 7 th day of June, A.D. 2011	<u>Robert Cammidge</u> MAYOR <u>Rosemary Wittevrongel</u> TOWN MANAGER
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READ a Third time and finally passed this 7 th day of June , A.D. 2011	<u>Robert Cammidge</u> MAYOR <u>Rosemary Wittevrongel</u> TOWN MANAGER
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