

**BYLAW NO. 2015-11
FIREWORKS BYLAW**

A BYLAW OF THE TOWN OF TROCHU IN THE PROVINCE OF ALBERTA TO REGULATE, CLASSIFY AND CONTROL THE SALE AND USE OF FIREWORKS.

WHEREAS, pursuant to Section 7 of the Municipal Government Act, R.S.A., 2000, a municipal Council may pass bylaws, for municipal purposes respecting the safety, health and welfare of people and protection of property;

WHEREAS, the Municipal Government Act, R.S.A. empowers a municipal Council to impose a fine for infractions of a bylaw;

NOW THEREFORE, the Municipal Council of the Town of Trochu, in the Province of Alberta, duly assembled in a regular meeting, hereby enacts as follows:

BYLAW TITLE – This Bylaw shall be referred to as the **“FIREWORKS BYLAW”**.

PURPOSE & PREAMBLE

- a) The Town of Trochu wishes to enact a bylaw for the purpose of providing for the safe possession, storage, sale and discharge of fireworks in compliance with municipal policy, the Alberta Fire Code, the Alberta Safety Codes Act (R.S.A. 2000, c. S-1) and the Explosives Act (R.S.C. 1985, c. E-17) as amended from time to time;
- b) Section 8(a) of the MGA as amended provides for municipalities to enact bylaws to regulate or prohibit.
- c) Section 8 (c) of the MGA as amended, provided municipalities to enact bylaws to provide for a system of licenses, permits or approvals.
- d) The Council of the Town of Trochu recognizes that fireworks are explosive devices which are classified as Dangerous goods under the Alberta Fire Code and when not managed, handled or used properly can cause injury, damage, fire and death.

1. DEFINITIONS

The definitions in this bylaw shall be used for the purposes of interpreting the bylaw and its application. Unless otherwise specified, fireworks shall include all Class 7 explosives as defined by the Explosives Act, R.S.C. E-15 and Explosive Regulations C.R.C. c599 or any amendments thereto.

Council means the Municipal Council of the Town of Trochu.

CAO means the Municipal Administrative Officer of designate of the Town of Trochu.

Enforcement Officer means a Peace Officer, Bylaw Enforcement officer, RCMP, or any other person authorized by the Council of the Town of Trochu to enforce the provisions of the bylaw.

Fire Authority means the Fire Chief of the Trochu Fire Services and/or his designate, who is appointed by Council to manage and administer the Fire Service.

Fire Service means the Trochu Fire Services and includes all equipment, apparatus, materials, and supplies including administration duties.

Fireworks mean those fireworks listed in Class 7, Division 1 and 2, Subdivisions 1 and 2, in Section 14 as defined by The Explosives Act, R.S.C. E-15 and Explosive Regulations C.R.C. c599.

High Hazard Fireworks means those Division 2 fireworks that, present a special hazard to persons.

Low Hazard Fireworks or Family Fireworks means those Division 2 fireworks that are relatively innocuous and are not liable to explode violently or all at once.

Municipal Tag means a ticket alleging an offence issued pursuant to the authority of a bylaw of the Town of Trochu.

MGA means the Municipal Government Act and amendments thereto.

Pyrotechnic Special Effects means those items that are used in the entertainment industry designed specifically for indoor and/or outdoor use; i.e. black powder bombs, bullet effects, flash powder, smoke composition, gerbs, lances and wheels.

Violation ticket has the same meaning as in the Provincial Offence Procedures Act.

2. PROHIBITIONS

- a) No person shall wholesale, display for sale, offer for sale, see, possess or store any fireworks within the Town of Trochu without written permission of the Fire Authority, acting as an agent of the municipality and subject to direction of the municipal Council through bylaw.
- b) No person, may obtain, purchase, setoff, discharge or otherwise handle fireworks, except for low level fireworks, within the Town of Trochu without written permission of the Fire Authority, acting as an agent of the municipality and subject to direction of the municipal Council through bylaw.
- c) No person shall knowingly sell any fireworks to a person who in under the age of 18 years.
- d) No person under the age of 18 years shall purchase, possess, handle, discharge, fire or set off fireworks.
- e) For the purpose of this bylaw, fireworks do not include; caps for toy guns, sparklers, or model rocket engines.

3. PERMISSIONS

- a) All persons purchasing, possessing, handling distribution, offering for sale, storing, selling, discharging, firing or setting off fireworks or pyrotechnic displays shall conform to all requirements of the Alberta Fire Code.
- b) All retail vendors selling fireworks within the Town of Trochu must retain all information for a period of not less than two (2) years as outlined in the Alberta Fire Codes. This information shall include:
 - i. the date of sale
 - ii. the name, address and phone number of the purchaser;
 - iii. the description of 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;

The record of sale of fireworks shall be kept by the vendor in the manner as indicated and shall be open for inspection by the Fire Chief or Enforcement Officer as defined in this Bylaw.

4. DISPLAYS

- a) A supervisor, holding valid authorization under the Explosives Act of Canada may conduct a show after receiving permission to do so from the Fire Authority.
- b) When applying for event approval to use pyrotechnic special effects, you must present to the Fire Authority at least fire (5) working days prior to the event, a:

- i. complete event approval application, identified as Schedule "A" attached hereto and forming part of this bylaw;
- ii. valid Pyrotechnics Special Event Certification card of a class appropriate to the planned special effects;
- iii. pyro effects plan or letter of Intent;
- iv. the company or agent hired to perform the Pyrotechnics Special Effects events must carry a minimum of two million dollars (\$2,000,000.00) liability insurance. Valid policy must be supplied with application;
- v. must be conducted in accordance with the pyrotechnics special effects manual approved by the Fire Authority

c) A pyrotechnic special effects display shall be held only in the locations approved by the Fire Authority, and subject to obtaining a pyrotechnic special effects events approval in accordance with this bylaw to include but not be limited to:

- i. the name and address of the group and its officer in charge of the display;
- ii. the date and place of the proposed display;
- iii. the name and qualifications of the person supervising the display

Such display shall be held at the time and place set out in the notice and under the direct supervision of the person named therein.

d) A fireworks display shall be conducted in a manner consistent with all safety procedures and be held and continued only while all proper precautions are being observed to keep spectators at a safe distance, including having suitable fire extinguishers or other suitable means of extinguishing fires at hand.

- i. All unused fireworks and all debris shall be removed by the group holding the display immediately after the display and safely disposed of.
- ii. Should the Fire Authority, consider it necessary for event approval to have a pyro effects plan. The contents of the plan must include:
 - a sketch of the facility and stage;
 - the location of all pyrotechnic special effects;
 - the nature of the pyrotechnic articles as functioned, describing their height, diameter of effect or fallout and duration;
 - sequence of firing;
 - audience location;
 - exit locations (clearly marked);
 - pyrotechnic storage area;
 - emergency plan for the event

iii. In the case of special effects shows, it may be unrealistic to submit a pyro effects plan. With the consent and approval of the Fire Authority, a letter of intent containing the following information may be accepted:

- location and date(s) of show;
- the special effects to be used and their fabrications;
- the anticipated results;
- safety measures to be taken;
- method of determining safety distances.

e) Repeat performances without significant change from one show to the next, during the dates indicated on the event approval; do not require a second event approval.

f) All shows or events must have written approval granting permission for the show(s) to take place from the owner of the facility or the owner designated agent, prior to receiving approval from the Fire Authority.

- g) Written event approval must be in the special effects coordinator's possession and available for inspection upon request by the Fire Authority.

5. PENALTY

- a) Breach of the bylaw is an offence and upon conviction shall be subject to a penalty and a fine not less than \$75.00 and not more than \$1,000.00.
- b) Where an Enforcement Officer with authority to enforce the bylaws of the Town of Trochu has reasonable grounds to believe that a person has violated any provision of the bylaw, the enforcement officer may issue either a Municipal Tag, or a Violation Ticket, for the purposes of enforcing this Bylaw.
- c) Where a Safety Codes Officer in the Fire Discipline, holding Designate Powers within the Town of Trochu, has reasonable grounds to believe that a person has violated any provisions of the Alberta Fire Codes, may commence Court proceedings under the Safety Codes Act against the person pursuant to the provisions of the Provincial Procedures Act and amendments thereto.

6. SEVERABILITY

- a) If any section, subsection, sentence, clause, phrase or other portion of this bylaw is for any reason held invalid or unconstitutional by any Court of Law, that portion shall be deemed a separate, distinct and dependent provision and the holding of the Court shall not affect the validity of the remaining portions of the bylaw.

This bylaw will come into force and effect on the date of the successful third reading and signing in accordance with the Municipal Government Act RSA 2000, c.M-26 and amendments thereto.

Read a first time this 20 day of July 2015.

Read a second time this 20 day of July 2015.

Read a third time and passed this 20 day of July 2015.

X



Barry Kletke
Mayor

X



Carl Peterson
CAO

Schedule "A"

SPECIAL EFFECTS EVENT APPROVAL

PURCHASER:

Company: _____

Printed Name of Applicant: _____

Mailing Address: _____

Phone Number: _____ Email: _____

Signature: _____

Sponsoring Organization: _____

Address: _____

Location of Event: _____

Date(s): _____

Certificate of Insurance (Minimum of \$2,000,000.00): _____

Special Effects Coordinator: _____ Expiry Date: _____

Class: _____

PERMISSION OF LOCAL AUTHORITY

Printed Name: _____

Title: _____

Organization: _____

Address: _____

Phone Number: _____ Cell Number: _____

"Pyro Plan" or "Letter of Intent": Yes _____ No _____

Signature: _____ Date: _____

Description of Fireworks: _____
