

TOWN OF THREE HILLS

BYLAW 1455-20

FIREWORKS BYLAW

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

WHEREAS pursuant to the *Municipal Government Act*, RSA 2000, Chapter M-26, Council may enact bylaws for municipal purposes, respecting the safety, health and welfare of people and protection of property; and

WHEREAS pursuant to the *Municipal Government Act*, Council may enact bylaws for municipal purposes to regulate or prohibit; and

WHEREAS pursuant to the *Municipal Government Act*, Council may enact bylaws, for municipal purposes, to provide for a system of licenses, permits and approvals;

NOW THEREFORE the Council of the Town of Three Hills, duly assembled, hereby enacts as follows:

1. SHORT TITLE

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

2. DEFINITIONS

2.1. In this Bylaw, unless the context otherwise requires:

2.1.1. "CAO" shall mean the Chief Administrative Officer for the Town of Three Hills or his designate.

2.1.2. "Council" shall mean the body of elected officials who govern the Town.

2.1.3. "Enforcement Officer" shall refer to a Bylaw Enforcement Officer appointed by the Town pursuant to the *Municipal Government Act* to enforce Town Bylaws, a member of the Royal Canadian Mounted Police or, when authorized, a Community Enforcement appointed under the *Peace Officer Act*, SA 2006, c. P-3.5, as amended.

2.1.4. "*Explosives Act*" shall refer to the *Explosives Act*, RSC 1985, C. E-17, as amended.


2.1.5. "*Explosives Regulations*" shall refer to the *Explosives Regulations*, 2013, SOR/2013-211, as amended.

2.1.6. "Fire Chief" shall mean the member of the Three Hills Fire Department appointed as head of the Fire Department by the CAO, or his designate.

2.1.7. "Fire Department" shall mean the fire department as established by Council and organized by the Town consisting of, among other things, all persons appointed or recruited to the various positions within the Fire Department and all buildings, equipment, apparatus, materials and supplies used in the operation, maintenance and administration of the Fire Department.

- 2.1.8. “Fireworks” shall mean those Fireworks defined by the *Explosives Act* and *Explosives Regulations*, including Consumer Fireworks, Display Fireworks and Special Effect Pyrotechnics but does not include firecrackers, explosive devices, caps for toy guns, sparklers or model rocket engines.
- 2.1.9.
- 2.1.10. “Fireworks Permit” shall mean a permit issued by the Fire Chief, pursuant to this Bylaw, authorizing a person to purchase, possess, handle, discharge, fire or set off High Hazard Fireworks and/or Special Effects Pyrotechnics in the Town, and constitutes written permission for purposes of the *National Fire Code – 2019 Alberta Edition*.
- 2.1.11. “Firework Sales Permit” shall mean a permit, issued by the Fire Chief, pursuant to this Bylaw, authorizing a person to distribute, sell, possess, handle or store for the purpose of selling Fireworks in the Town, and constitutes written permission for purposes of the *National Fire Code – 2019 Alberta Edition*.
- 2.1.12. “High Hazard Fireworks” or “Display Fireworks” shall mean those Fireworks listed as Class F.2 in Part 18 of the *Explosives Regulations*.
- 2.1.13. “Low Hazard Fireworks” or “Consumer Fireworks” shall mean those Fireworks listed as Class F.1 in Part 16 of the *Explosives Regulations*.
- 2.1.14. “Municipal Ticket” shall mean a written notice, on a form approved by the CAO, issued by any Enforcement Officer, to advise a person that a violation of this Bylaw has occurred and that, by payment of a specified amount for the offence within a set period, that person will avoid prosecution for the offence.
- 2.1.15. “Special Effect Pyrotechnics” shall mean those Fireworks listed as Class F.3 in Part 17 of the *Explosives Regulations*.
- 2.1.16. “Town” shall mean the Town of Three Hills.
- 2.1.17. “Violation Ticket” shall mean a ticket issued pursuant to the *Provincial Offences Procedure Act*, RSA 2000, C. P-34, as amended and any regulations thereunder.

3. PURPOSE

- 3.1. The Town wishes to enact a bylaw for the purpose of providing for the sale possession, storage, sale and discharge of Fireworks in compliance with:
- 3.1.1. Any applicable municipal bylaws, policies, procedures and guidelines;
- 3.1.2. The *National Fire Code – 2019 Alberta Edition*, as amended;
- 3.1.3. The *Safety Codes Act*, RSA 2000, C. S-1, as amended; and
- 3.1.4. The *Explosive Act* and *Explosives Regulations*.
- 3.2. Council recognizes that Fireworks are explosive devices which are classified as dangerous goods under the *National Fire Code – 2019 Alberta Edition* and that when not managed, handled or used properly can cause injury, damage, fire and death.
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4. PROHIBITIONS

- 4.1. No person shall wholesale, display for sale, offer for sale, sell, possess for the purpose of selling, or store with the intent to sell any Fireworks within the Town without written permission of the Fire Chief, acting as an agent of the Town and subject to direction of Council through bylaw.
- 4.2. No person may obtain, purchase, set off, discharge or otherwise handle Fireworks, except for Low Hazard Fireworks, within the Town without written permission of the Fire Chief, acting as an agent of the Town and subject to direction of Council through bylaw.
- 4.3. No person shall knowingly sell any Fireworks to a person who is under the age of 18 years.
- 4.4. No person under the age of 18 years shall purchase, possess, handle, discharge, fire or set off Fireworks.


5. FIREWORKS PERMIT

- 5.1. All persons purchasing, possessing, handling, discharging, firing or setting off High Hazard Fireworks or Special Effects Pyrotechnic displays shall conform to all requirements of the *National Fire Code – 2019 Alberta Edition*, the *Explosives Regulations* and the provisions of this Bylaw.
- 5.2. No person shall purchase, possess, handle, discharge, fire or set off High Hazard Fireworks or Special Effects Pyrotechnics within the Town unless they hold a valid Fireworks Permit.
- 5.3. An application for a Fireworks Permit shall be submitted to the Fire Chief, in writing, in the form approved by the Town, no less than five (5) business days prior to the date on which the High Hazard Fireworks and/or Special Effects Pyrotechnics are to be discharged.
- 5.4. Upon receipt of a completed application for a Fireworks Permit the Fire Chief may, in his discretion:
 - 5.4.1. refuse to issue a Fireworks Permit; or
 - 5.4.2. issue a Fireworks Permit, with or without conditions.
- 5.5. No person shall apply for a Fireworks Permit, and no Fireworks Permit shall be issued:
 - 5.5.1. with respect to High Hazard Fireworks, unless the applicant holds a display supervisor fireworks operator certificate issued pursuant to the *Explosives Act* and the regulations thereunder; or
 - 5.5.2. with respect to Special Effect Pyrotechnics, unless the applicant holds the required fireworks operator certificate for the use of Special Effect Pyrotechnics, issued pursuant to the *Explosives Act* and the regulations thereunder.
- 5.6. A Fireworks Permit shall include:
 - 5.6.1. the time(s) and date(s) for which the Fireworks Permit is valid; and
 - 5.6.2. the location(s) where the High Hazard Fireworks and/or Special Effects Pyrotechnics may be discharged;

which shall constitute terms and conditions of the Fireworks Permit.

- 5.7. No person shall purchase, possess, handle, discharge, fire or set off High Hazard Fireworks or Special Effects Pyrotechnics in a manner that is contrary to the terms and conditions of a Fireworks Permit, or otherwise contravene any term or condition of a Fireworks Permit.
- 5.8. Any person purchasing, possessing, handling, discharging, firing or setting off High Hazard Fireworks and/or Special Effects Pyrotechnics shall keep the Fireworks Permit available for immediate production to the Fire Chief or Enforcement Officer upon demand.
- 5.9. The Fire Chief may suspend or revoke a Fireworks Permit if, in the opinion of the Fire Chief, acting reasonably:
 - 5.9.1. the holder of the Fireworks Permit has contravened this Bylaw, the *National Fire Code – 2019 Alberta Edition*, any applicable legislation or the terms and conditions of the Fireworks Permit; or
 - 5.9.2. the suspension or revocation of the Fireworks Permit is necessary or desirable for the protection of persons or Property.
- 5.10. The person to whom a Fireworks Permit is issued shall:
 - 5.10.1. ensure that no fire or other damage occurs as a result of Fireworks or Fireworks debris;
 - 5.10.2. in the event that a fire occurs, extinguish the fire immediately or contact the Fire Department without delay;
 - 5.10.3. ensure that no Fireworks debris or other waste is left behind after the Fireworks are discharged; and
 - 5.10.4. ensure that:
 - i. where High Hazard Fireworks are to be discharged, all requirements of the most recent version of the Display Fireworks Manual published by Natural Resources Canada, are complied with;
 - ii. where Special Effect Pyrotechnics are to be discharged, all requirements of the most recent version of the Special Effect Pyrotechnics Manual, published by Natural Resources Canada, are complied with; and
 - iii. all *National Fire Code - 2019 Alberta Edition* and Fireworks Permit requirements regarding the discharge of Fireworks are complied with.
- 5.11. In the event that High Hazard Fireworks and/or Special Effects Pyrotechnics are discharged without a valid Fireworks Permit, the person who causes a Firework to be ignited shall be accountable for those responsibilities listed in subsection 5.10 above and shall be subject to fines as outlined in the Town's Master Rates, Fees and Charges Bylaw, as amended

6. FIREWORKS SALES PERMITS

- 6.1. All persons distributing, offering for sale, storing for the purpose of selling, or selling, Fireworks or Special Effects Pyrotechnic displays shall conform to all requirements of the *National Fire Code – 2019 Alberta Edition* and the *Explosives Regulations*.
 - 6.2. No person shall sell, offer for sale or store for the purpose of sale, Fireworks within the Town
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- unless they hold a valid Fireworks Sales Permit.
- 6.3. An application for a Fireworks Sales Permit shall be submitted to the Fire Chief, in writing, in the form approved by the Town.
 - 6.4. Upon receipt of a completed application for a Fireworks Sales Permit, the Fire Chief may, in his sole discretion:
 - 6.4.1. refuse to issue a Fireworks Sales Permit; or
 - 6.4.2. issue a Fireworks Sales Permit, with or without conditions.
 - 6.5. Fireworks Sales Permit shall expire one (1) year after the date on which the Firework Sales Permit was issued unless the Fireworks Sales Permit establishes a shorter time period.
 - 6.6. All requirements for Fireworks sales found in the *National Fire Code – 2019 Alberta Edition*, *Explosives Act*, and *Explosives Regulations* are deemed to constitute terms and conditions of any Fireworks Sales Permit.
 - 6.7. No person shall sell, offer for sale or store for the purposes of sale, Fireworks in a manner that is contrary to the terms and conditions of a Fireworks Sales Permit, or otherwise contravene any term of condition of a Fireworks Sales Permit.
 - 6.8. A person that has been issued a Fireworks Sales Permit shall post the Fireworks Sales Permit in a manner clearly visible to the public at the premises where the Fireworks are sold, offered for sale, or stored for the purpose of sale.
 - 6.9. The Fire Chief may suspend or revoke a Fireworks Sales Permit if, in the opinion of the Fire Chief, acting reasonably:
 - 6.9.1. the holder of the Fireworks Sales Permit has contravened this Bylaw, the *National Fire Code – 2019 Alberta Edition*, applicable legislation or the terms and conditions of the Fireworks Sales Permit; or
 - 6.9.2. the suspension or revocation of the Fireworks Sales Permit is necessary or desirable for the protection of persons or Property.
 - 6.10. All retail vendors selling Fireworks within the Town must retain all information for a period of not less than two (2) years as outlined in the *National Fire Code – 2019 Alberta Edition* and the *Explosives Regulations*.
 - 6.11. The record of sale of Fireworks shall be kept by the vendor in a manner as indicated and shall be open for inspection by the Fire Chief or Enforcement Officer as defined in this Bylaw.

7. EVENTS

7.1. General Provisions

- 7.1.1. A person or individual, holding a valid authorization under the *Explosives Act* may conduct an event consisting of Fireworks displays and/or Special Effect Pyrotechnics after receiving permission to do so from the Fire Chief.
- 7.1.2. A Fireworks display and/or Special Effect Pyrotechnics 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.

- 7.1.3. All unused Fireworks, Special Effect Pyrotechnics and accompanying debris shall be removed by the group holding the display immediately after the display and safely disposed of.
- 7.1.4. 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.
- 7.1.5. 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 Chief.
- 7.1.6. Written event approval must be in the special effects coordinator's possession and available for inspection upon request by the Fire Chief.

7.2. Special Effect Pyrotechnics Event Conditions

- 7.2.1. When applying for event approval to use Special Effect Pyrotechnics, you must present to the Fire Chief at least five (5) working days prior to event:
 - i. A complete event approval application form;
 - ii. Valid Pyrotechnics Special Event Certification card of a class appropriate to the planned special effects;
 - iii. A pyrotechnic effects plan or Letter of Intent; and
 - iv. A valid insurance policy (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).
- 7.3. A Special Effect Pyrotechnics event shall be held only in the locations approved by the Fire Chief, and subject to obtaining a Special Effect Pyrotechnics events approval in accordance with this Bylaw to include, but not be limited to:
 - 7.3.1. The name and address of the group and its persons or individual in charge of the display;
 - 7.3.2. The date and place of the proposed display; and
 - 7.3.3. The name and qualifications of the person supervising the display.
- 7.4. Such events shall be held at the time and place set out in the notice and under the direct supervision of the person named therein.
- 7.5. Should the Fire Chief consider it necessary for event approval to have a pyrotechnic effects plan, the contents of the plan must include:
 - 7.5.1. A sketch of the facility and stage;
 - 7.5.2. The location of all pyrotechnic special effects;
 - 7.5.3. The nature of the pyrotechnic articles as functioned, describing their height, diameter or effect or fallout and duration;

- 7.5.4. Sequence of firing;
 - 7.5.5. Audience location;
 - 7.5.6. Exit locations (clearly marked);
 - 7.5.7. Pyrotechnic storage area; and
 - 7.5.8. Emergency plan for the event.
- 7.6. Subject to the approval of the Fire Chief, a Letter of Intent may be accepted in place of a pyrotechnic events plan. The Letter of Intent shall include:
- 7.6.1. Location and date(s) of show;
 - 7.6.2. The special effects to be used in their fabrications;
 - 7.6.3. The anticipated results;
 - 7.6.4. Safety measures to be taken; and
 - 7.6.5. Methods of determining safety distances.

8. PENALTY

- 8.1. Any person violating a provision of this Bylaw is guilty of an offence and is liable to pay the amount set out in the Master Rates, Fees and Charges Bylaw, as amended.
- 8.2. Where an Enforcement Officer with authority to enforce the bylaws of the Town has reasonable grounds to believe that a person has violated any provision of the bylaw, the Enforcement Officer may issue either a Municipal Ticket or a Violation Ticket for the purposes of enforcing this Bylaw.

9. SEVERABILITY

- 9.1. Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- 9.2. Should any section or part of this Bylaw be found to be improperly enacted or ultra vires, for any reason, then such section or part shall be regarded as being severable from the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable.

10. REPEAL

- 10.1. That Bylaw 1419-18 – Fireworks Bylaw is hereby repealed.

11. ENACTMENT

- 11.1. This Bylaw shall come into force and effect upon the date of the passing of the third and final reading and signing thereof.

READ A FIRST TIME THIS 22ND DAY OF JUNE 2020.

READ A SECOND TIME THIS 13TH DAY OF JULY 2020.

READ A THIRD TIME THIS 13TH DAY OF JULY 2020.

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke, positioned above a horizontal line.

(CHIEF ELECTED OFFICIAL)

A handwritten signature in blue ink, consisting of a long horizontal stroke and a large loop, positioned above a horizontal line.

(CHIEF ADMINISTRATIVE OFFICER)

SEAL