

## Bylaw No. 2024

**BEING** a Bylaw of the Town of Carstairs, in the Province of Alberta, wishes to enact a Bylaw for the purpose of providing for the safe possession, sale, storage, purchase and discharge of fireworks in compliance with municipal policy, the *National Fire Code – Alberta Edition* as amended, the *Safety Codes Act* (R.S.A. 2000, c. S-1), the *Explosives Act* (R.S.C. 1985, c. E-17) and *Explosives Regulations, 2013*.

**AND WHEREAS**, Section 7(a) of the *Municipal Government Act*, being Chapter M-26 of the Revised Statutes of Alberta, 2000, as amended, provides for municipalities to enact Bylaws for the safety, health and welfare of people and the protection of people and property.

**AND WHEREAS**, Section 8(a) of the *Municipal Government Act*, being Chapter M-26 of the Revised Statutes of Alberta, 2000, as amended, provides for municipalities to enact Bylaws to regulate or prohibit.

**AND WHEREAS**, Section 8(c) of the *Municipal Government Act*, being Chapter M-26 of the Revised Statutes of Alberta, 2000, as amended, provides for municipalities to enact Bylaws to provide for a system of licenses, permits or approvals.

**AND WHEREAS**, the Town Council of the Town of Carstairs recognizes that fireworks are explosive devices which are classified as Dangerous Good under the *National Fire Code – Alberta Edition* and which, when used improperly by untrained person, can cause injury, damage, fire and death.

**AND WHEREAS**, the Town Council of the Town of Carstairs 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**, Council of the Town of Carstairs duly assembled and pursuant to the *Municipal Government Act*, Chapter M-26-1 of the Revised Statutes of Alberta repeals Bylaw 1025 and any supplemental amendments to Bylaw 1025:

1. This Bylaw may be referred to as "The Fireworks Permissions Bylaw".

### 2. DEFINITIONS

The definitions in the following enactments, as amended, in order of precedence, shall be used for the purposes of interpreting this Bylaws and its application:

- a. *Municipal Government Act* (R.S.A. 2000, c.M-26)
- b. *Safety Codes Act* (R.S.A. 2000, C. S-1)
- c. *National Fire Code – Alberta Edition*
- d. *Explosives Act* (R.S.C. 1985, c. E-17)
- e. *Explosives Regulations, 2013*
- f. *NRCAN – Natural Resources Canada*

**Fire Chief** shall mean the Chief Officer of the Fire Department who is appointed by Council to manage and administer the Fire Department or his/her designate.

**Enforcement Officer** shall mean a Member of the Royal Canadian Mounted Police, Peace Officer or Bylaw Officer who is appointed by the Province of Alberta or Town of Carstairs as a Peace Officer or Bylaw Officer or a Safety Codes Officer in the Fire Discipline with authority within the Town of Carstairs.

**Fireworks** shall mean consumer fireworks, display fireworks, model rockets, practical use articles or pyrotechnic special effects.

**Consumer fireworks** shall mean outdoor low hazard recreational fireworks as classified by *NRCAN A4.1*.



**Display fireworks** shall mean outdoor high hazard recreational fireworks as classified by NRCAN A4.2.

**Model rockets** shall mean propellant rocket devices as classified by NRCAN A4.3.

**Practical use articles** shall mean low hazard practical fireworks as classified by NRCAN A4.4.

**Pyrotechnic special effects** shall mean fireworks that are used at a pyrotechnic event as classified by NRCAN A4.5.

**Consumer Discharge Permit** shall mean a document issued by the Fire Chief or delegate pursuant to this Bylaw, in the form adopted by the Town of Carstairs authorizing the possession, handling, discharging, firing or setting off of Consumer Fireworks.

**Display Discharge Permit** shall mean a document issued by the Fire Chief or delegate pursuant to this Bylaw, in the form adopted by the Town of Carstairs authorizing the possession, handling, discharging, firing or setting off of Display Fireworks.

**Pyrotechnic Special Effects Permit** shall mean a document issued by the Fire Chief or delegate pursuant to this Bylaw, in the form adopted by the Town of Carstairs authorizing the possession, handling, discharging, firing or setting off of fireworks used in a pyrotechnic event.

For words not defined in the above noted enactments reference should be made to the Canadian Oxford Dictionary (Second Editions), published by Oxford University Press.

Written Permissions noted in this bylaw shall take the form(s) or permits outlined in Schedule A of this Bylaw.

### **3. PROHIBITIONS**

- 3.1 No person shall wholesale, display for sale, offer for sales, sell, possess or store any fireworks within the Town of Carstairs without the written permission of the Fire Department.
- 3.2 No person, may set off, discharge or otherwise handle fireworks within the Town of Carstairs without the written permission of the Fire Department.
- 3.3 No person shall discharge or set off fireworks in a place or manner that creates a danger or constitutes a nuisance to any person or property.
- 3.4 No person shall discharge or set off fireworks on a highway, road allowance or park without the proper permit(s) in place.
- 3.5 No person shall discharge or set off fireworks within 200 meters of any place where explosives or flammable liquids or combustible liquids or substances are manufactured or stored.
- 3.6 No person shall discharge or set off fireworks during a fire ban.
- 3.7 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.
- 3.8 No person shall sell fireworks to anyone under the age of 18 years.
- 3.9 No person under the age of 18 years shall purchase or be in possession of fireworks.
- 3.10 No person shall set up, set off, fire, discharge or energize a pyrotechnics display in the Town of Carstairs without the written permission of the Fire Department.



#### 4. PERMISSIONS

- 4.1. All persons purchasing, possessing, handling, distributing, offering for sale, storing, selling, discharging, firing or setting off fireworks or pyrotechnics displays shall conform to all requirements of that *National Fire Code – Alberta Edition, Explosives Act and Regulations*.
- 4.2. A Display Supervisor or a Pyrotechnician, holding a valid authorization under the Explosives Act and Regulations 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.
- 4.3. 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 Regulations and the National Fire Code – Alberta Edition. It will include, but not be limited to:
  - 4.3.1. Date, time and location of the proposed event,
  - 4.3.2. Consent of the owner or occupant of the property or properties that the show will be conducted on and where debris might reasonably be expected to fall.
  - 4.3.3. Names, addresses and certification numbers of all display supervisors or pyro-technicians and assistants participating in the show,
  - 4.3.4. The name of the sponsor or purchaser of the event,
  - 4.3.5. A full description of the planned event and a list of all materials to be fired, detonated, burnt or energized during the event,
  - 4.3.6. The emergency response plan for the event,
  - 4.3.7. Storage location of all fireworks prior to discharge,
  - 4.3.8. Verification of liability insurance, in the amount acceptable to the Town of Carstairs,
  - 4.3.9. Payment of the designated fee,
  - 4.3.10. Any other information deemed necessary by the Town of Carstairs, Fire Chief or his/her designate.
- 4.4. 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.
- 4.5. A wholesaler or distributor of fireworks wishing to provide fireworks to a retail vendor in the Town of Carstairs must first apply and obtain the written permission of the Fire Chief or his/her designate.
- 4.6. A retail vendor wishing to sell fireworks to persons in the Town of Carstairs must first apply and obtain the written permission of the Fire Chief or his/her designate. This permission must include approval and acceptance of the storage area and the required Fire Safety Plan as outlined in the National Fire Code – Alberta Edition. This information will include:
  - 4.6.1. The date of the sale,
  - 4.6.2. The name, address and phone number of the purchaser,
  - 4.6.3. A description of the fireworks sold with quantities,
  - 4.6.4. The date and time the fireworks will be discharged,



- 4.7. The Fire Chief or his or her designate may attach any terms and conditions in a written permission that he or she deems appropriate for the specific event and location.
- 4.8. 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:
- 4.8.1. The National Fire Code – Alberta Edition
  - 4.8.2. The Explosives Act and Regulations,
  - 4.8.3. The letter of permission, including any terms and conditions,
  - 4.8.4. Changes in environmental conditions, and/or
  - 4.8.5. For any reasons of safety to life, limb or property.

## **5. PENALTIES**

- 5.1. Breach of this bylaw is an offence and upon conviction shall be subject to a penalty and fine of not less than \$100 and not more than \$5,000.00.
- 5.2. 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 provision of the Provincial Offences Procedure Act.
- 5.3. The issuance of a violation ticket as noted in 5.2 shall require a Court appearance by the person pursuant to Part 2 of the Provincial Offences Procedure Act.
- 5.4. Where a Safety Codes Officer in the Fire Discipline, holding a Designation of Powers to the Town of Carstairs, or an Enforcement Officer noted in 5.2 above, has reasonable grounds to believe that a person has violated any provision of the *National Fire Code – Alberta Edition*, 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.

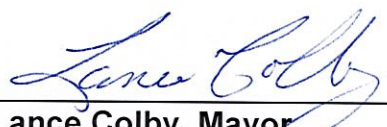
## **6. EFFECTIVE DATE**

This Bylaw will come into force and effect on the date of successful third reading and signing in accordance with Section 213 of the *Municipal Government Act* (R.S.A. 2000, c. M-26) as amended and will repeal Bylaw No.1025, to prohibit the discharge or use of fireworks, fire crackers or similar devices in town limits.

**READ A FIRST TIME THIS 22<sup>ND</sup> DAY OF NOVEMBER A.D. 2021.**

**READ A SECOND TIME THIS 22<sup>ND</sup> DAY OF NOVEMBER A.D. 2021**

**READ A THIRD AND FINAL TIME THIS 22<sup>ND</sup> DAY OF NOVEMBER A.D. 2021**

  
Lance Colby, Mayor

  
Carl McDonnell, CAO