

BEING A BYLAW OF THE VILLAGE OF CLYDE IN THE PROVINCE OF ALBERTA
AUTHORIZING THE STORAGE, SALE, PURCHASE AND DISCHARGE OF CONSUMER OR
DISPLAY FIREWORKS

WHEREAS under the provisions of Section 7 of the *Municipal Government Act, R.S.A. 2000, c. M-26* as amended or repelled and replaced from time to time, provides for municipalities to enact Bylaws for the safety, health and welfare of people and the protection of people and property.

WHEREAS The Council of the Village of Clyde 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; and

WHEREAS The Council of the Village of Clyde has determined that the controlled and managed sale, storage, purchase and discharge of Consumer and Display Fireworks by persons 18 years of age creates a manageable level of risk to life, health, safety and property; and

WHEREAS The Village of Clyde wishes to enact a Bylaw for the purpose of providing for the safe possession, sale, storage, purchase and discharge of Consumer and Display Fireworks in compliance with municipal policy, the Alberta Fire Code as amended, the *Safety Codes Act (R.S.A. 2000, c. S-1)* and the *Explosives Act (R.S.C. 1985, c. E-17)*.

NOW THEREFORE the Village of Clyde Council enacts as follows;

SECTION 1 - NAME OF BYLAW

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

SECTION 2 –DEFINITIONS

2.1 In this Bylaw:

- a) **Bylaw Enforcement Officer** means a individual appointed by Council pursuant to the *Municipal Government Act* and includes a member of the Royal Canadian Mounted Police, and when authorized a Community Peace Officer.
- b) **Consumer Fireworks** means low-hazard firework articles designed for recreational use by the public. These articles include but not limited to; roman candles, sparklers, fountains, wheels, volcanoes, mines, and snakes.
- c) **Council** means the Municipal Council of the Village of Clyde.
- d) **Designate** means any individual designated by the Fire Chief to act on his behalf.
- e) **Display Fireworks** means high-hazard firework articles designed for use by professionals. These articles include but not limited to; aerial shells, cakes, roman

candles, waterfalls, lances and wheels. Only Persons certified under the *Canadian Explosive Act*, may store, transport and discharge.

- f) **Fire Chief** shall mean the individual who is appointed as the head of the Fire and Rescue Services Department or his delegate authorized to act in his place.
- g) **Fire Department** means the Volunteer department of the Village of Clyde created to prevent and control fires and provide other services as approved by the Village.
- h) **Occupant** means any Person other than the registered Owner who is in possession of the property, including, but not restricted to, a lessee, licensee, tenant or agent of the Owner.
- i) **Owner** means the Person registered as the Owner of a property pursuant to the provision of the *Land Titles Act (Alberta)* and shall include a Person who is purchasing property under an Agreement for Sale.
- j) **Person** means an individual, firm, corporation, partnership, Owner, Occupier, lessee or tenant;
- k) **Pyrotechnic Displays** means are high-hazard Display Fireworks articles designed for use by professionals. These articles include items such as gerbs, mines, comets and cassettes. This class also includes special purpose pyrotechnics manufactured for live stage, and the film and television industry.
- l) **Specified Penalty** means a penalty specified in Schedule "A" which may be paid in response to a Violation Ticket, for an alleged offence of any section of this Bylaw.
- m) **Village** means the Village of Clyde
- n) **Village Council** means the Village of Clyde Council
- o) **Village Manager** means the person appointed as the Chief Administrative Officer of Village of Clyde or his designate;
- p) **Violation Tag** means a tag or similar document issued by the Village pursuant to the *Municipal Government Act*.
- q) **Violation Ticket** means a ticket issued for an offence committed against any of the provisions of this Bylaw pursuant to Part 2 of the *Provincial Offences Procedure Act R. S.A. 2000, Chapter P-34*.
- r) **Written Permissions** noted in this bylaw shall take the form(s) outlined in Schedule "A" of this Bylaw.

2.2 The definitions in the following enactments, as amended, in order of precedence, shall be used for the purposes of interpreting this Bylaw 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) *Alberta Fire Code*
- d) *Explosives Act (R. S.C. 1985, c. E-17)*

NUMBER and GENDER REFERENCES - All references in this Bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female Person, or a corporation or partnership.

SECTION 3 – PROHIBITIONS

- 3.1 No Person shall wholesale, display for sale, offer for sale, sell, possess or store any Consumer or Display Fireworks within the Village.
- 3.2 No Person, may obtain, purchase, set off, discharge or otherwise handle Consumer or Display Fireworks within the Village without the written permission of the Village of Clyde Council.
- 3.3 No person under the age of 18 years shall purchase or posses Consumer or Display Fireworks.
- 3.4 No person shall bring Consumer or Display Fireworks into the Village without the written permission of the Village of Clyde Council.
- 3.5 No Person shall set up, set off, fire, discharge or energise a Pyrotechnics Display in the Village without the written permission of the Village Council.
- 3.6 No Person shall disclose false information when applying for permission to possess or store any Consumer or Display Fireworks within the Village.

SECTION 4- PERMISSIONS

- 4.1 All Persons purchasing, possessing, handling, distributing, offering for sale, storing, selling, discharging, firing or setting off Consumer or Display Fireworks or Pyrotechnics Displays shall conform to all requirements of the *Alberta Fire Code*.
- 4.2 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 Village Council.
- 4.3 A Display Supervisor or Pyre-Technician will apply in writing, a minimum of 28 Calendar days prior to an event, to the Village of Clyde Council 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:
 - a) Date, time and location of the proposed event,
 - b) Names, addresses and certification numbers of all display supervisors or pyro-technicians and assistants participating in the show,
 - c) The name of the sponsor or purchaser of the event,
 - d) A full description of the planned event and a list of all materials to be fired, detonated, burnt or energized during the event,
 - e) The emergency plan for the event,
 - f) Verification of liability insurance, in an amount acceptable to the Village,
 - g) Payment of the designated application fee, and
 - h) Any other information deemed necessary by the Village or the Fire Chief.
- 4.4 The Village of Clyde Council may choose to issue to a Display Supervisor or Pyre-Technician, written permission for a show or display to take place.

- 4.5 The Village of Clyde Council 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.
- 4.6 The Village of Clyde Council may grant special permission to non profit organizations within the Village of Clyde for a show or display to take place within the village for the following, but not limited to:
 - a) Summer Solstice
 - b) Canada Day
 - c) Santa Claus Parade

SECTION 5- PENALTIES

- 5.1 A Person who fails to comply with any provision contained in this Bylaw is guilty of an offence and is liable on a conviction to a fine of not more than \$10,000 or to imprisonment to a term of not more than one year, or both.
- 5.2 Where a Person contravenes this Bylaw, the specified penalty payable is prescribed in Schedule "B".
- 5.3 A Bylaw Enforcement Officer is authorized to enforce this Bylaw under Section 7 of the *Municipal Government Act* and may, under Part 2 of the *Provincial Offences Procedures Act (Alberta)*, issue a Violation Ticket.
- 5.4 Where the Fire Department has taken any action whatsoever for the purpose of extinguishing a Fire, responding to a fire call or incident in the Village, or for the purpose of preserving life or property from injury or destruction by Fire or other incident on property within the Village, including any action taken by the Fire Department, the Fire Chief may, in respect of any costs incurred by the Fire Department in taking such action, charge these costs to the Owner or Occupant of the property in respect of which the action was taken.
- 5.5 The costs for Fire Department services rendered shall be determined by the Fire Chief. In the event that the Owner or Occupant shall feel aggrieved by any action taken by the Fire Chief pursuant to Section 5.4, he or she shall have a period of thirty (30) days from the date of mailing of the notice to appeal to Council the action. The decision of Council on any such appeal shall be final and binding upon the owner or occupant of the property.
- 5.6 In respect of any costs or fees levied or charged under this Bylaw:
 - a) The Village of Clyde may recover such costs or fees as an amount due and owing to the Village 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.

SECTION 6 - VIOLATION TAGS

- 6.1 A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any Person, whom the Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 6.2 A Violation Tag may be issued to such Person:
 - a) either Personally; or

- b) by mailing a copy, via registered mail, to such Person at his or her last known postal address.
- 6.3 The Violation Tag shall be in a form approved by the Village Manager and shall state:
- a) the name of the Person;
 - b) a description of the offence and the applicable Bylaw section;
 - c) the appropriate penalty for the offence as specified in Schedule "A" of this Bylaw;
 - d) that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag in order to avoid prosecution; and
 - e) any other information as may be required by the Village Manager.
- 6.4 Where a Violation Tag has been issued pursuant to Section 6, the Person to whom the Violation Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Village Office, the penalty specified on the Violation Tag.
- 6.5 In the event that a Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid within the prescribed time, a Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedure Act* to the Person to whom the Violation Tag was issued.

SECTION 7 - VIOLATION TICKETS

- 7.1 Notwithstanding Section 6, a Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any Person to whom the Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 7.2 A Violation Ticket issued with respect to a violation of this Bylaw may be served upon the Person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.
- 7.3 The Person to whom the Violation Ticket has been issued may plead guilty by making voluntary payment in respect of the summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together with an amount equal to the specified penalty for the offence as provided by this Bylaw.
- 7.4 Where a Clerk of the Court records in the court records the receipt of a voluntary payment pursuant to this Bylaw and the *Provincial Offences Procedure Act*, the act of recording constitutes acceptance of the guilty plea and also constitutes a conviction and imposition of a fine in the amount of the specified penalty.

SECTION 8 –SEVERABILITY

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

SECTION 9 –VALIDITY

- 9.1 The invalidity of any section, clause, sentence or provision of this Bylaw shall not affect the validity of any other part of this Bylaw, which can be given effect with such invalid part or parts.

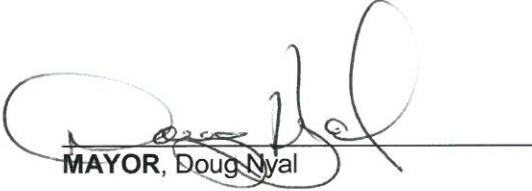
This Bylaw will come into force and effect on the date of third and final reading and signing thereof.

READ A FIRST TIME THIS 15th DAY OF SEPTEMBER, A.D. 2015.

READ A SECOND TIME THIS 20 DAY OF October, A.D. 2015.

UNANIMOUS CONSENT FOR THIRD READING 20 DAY OF Oct., A.D. 2015.

READ A THIRD TIME THIS 20 DAY OF October, A.D. 2015.


MAYOR, Doug Nyal

October 20, 2015
date signed

(SEAL)


CAO, Garth Bancroft

October 20, 2015
date signed

Schedule "A"

This permit covers the following activities:

- A) Purchase _____
- B) Possession _____
- C) Display _____

The Village of Clyde Council Delegate must sign each applicable space.

NOTE:

This permit is issued by the Village of Clyde under its jurisdiction within the boundaries of the Village of Clyde

Please print in the following spaces

- A) Purchaser _____
- B) Purchaser's Address _____
- C) Purchaser's Drivers License or other photo ID # _____
- D) Date _____
- E) Display Location _____
- F) Name of Registered Land Owner _____
- G) Landowner's Signature _____
- H) Drivers License or other photo ID # _____
- I) Date of Display _____
- J) Start Time of Display _____
- K) End Time of Display _____

NOTE:

As the person applying for this permit, I acknowledge the following:

- A) I am over eighteen years of age
- B) I will not discharge these fireworks over public lands and forests without written permission
- C) I will not discharge these fireworks within 10 meters of any building, or 200 meters of any flammable or combustible liquids storage, or 250 meters of any correction institute, nursing home or hospital
- D) I will not discharge these fireworks if the wind exceeds 45km/h
- E) Should a Safety Codes Officer/Fire Chief or the Village Council order a halt to the display for safety reasons, I will immediately comply
- F) I have read, and agree to abide by, the disclaimer on the reverse of this permit

Purchaser's Signature _____

Village of Clyde Council Signature _____

Resolution Number _____

List of fireworks purchased:

In executing this permit Application, the Applicant agrees to comply with all Federal, Provincial and Municipal Legislation, regulations, and other requirements, and to comply with all recognized safety standards and practices.

In executing this permit, the Applicant agrees not to make or bring any claim, action, suit, proceeding or demand against the Village of Clyde, its elected officials, officers, employees, servants, agents and contractors with respect to any occurrence, incident, accident, or happening relating in any manner whatsoever to this agreement and the rights and obligations arising therefrom, which, without limiting the generality of the foregoing shall include any claim, action, suit proceeding or demand arising in torts or contract.

In executing this permit application, the Applicant agrees to indemnify and save harmless the Village of Clyde, its elected officials, officers, employees, servants, agents and contractors with respect to any claim, action, suit proceeding or demand made or brought against the Village of Clyde, its elected officials, officers, employees, servants, agents and contractors by any third party with respect to any occurrence, incident, accident, or happening relating in any manner whatsoever to this agreement and the rights and obligations arising therefrom, and which indemnity shall, without restricting the generality of the foregoing, included all legal costs incurred by the Village of Clyde in defending such a claim, action, suit, proceeding or demand.

Purchaser's Signature

Village of Clyde Council Signature

Schedule "B"

		First Offence	Second Offence	Subsequent Offence
S. 3.1	No Person shall wholesale, display for sale, offer for sale, sell, possess or store any Consumer or Display Fireworks within the Village.	2,500.00	5,000.00	10,000.00
S. 3.2	No Person, may obtain, purchase, set off, discharge or otherwise handle Consumer or Display Fireworks within the Village without the written permission of the Village of Clyde Council.	500.00	1000.00	5000.00
S. 3.3	No person under the age of 18 years shall purchase or posses Consumer or Display Fireworks.	250.00	500.00	1000.00
S. 3.4	No person shall bring Consumer or Display Fireworks into the Village without the written permission of the Village of Clyde Council.	250.00	500.00	1000.00
3.5	No Person shall set up, set off, fire, discharge or energise a Pyrotechnics Display in the Village without the written permission of the Village Council.	1000.00	5000.00	10,000.00
3.6	No Person shall disclose false information when applying for permission to possess or store any Consumer or Display Fireworks within the Village.	250.00	500.00	1000.00
5.4	Where the Fire Department has taken any action whatsoever for the purpose of extinguishing a Fire, responding to a fire call or incident in the Village, or for the purpose of preserving life or property from injury or destruction by Fire or other incident on property within the Village	400.00/per hour per unit		
Permit Fees	Permit to purchase, set off, discharge or otherwise handle Consumer or Display Fireworks within the Village	No Charge		

Administrative Surcharge if payment of penalty charged is not received by the Municipality within thirty (30) days of the date of specified penalty, \$20,00 or 20% of the Violation Tag whichever amount is greater.