



BYLAW # 10-23-268

**COUNTY OF NORTHERN LIGHTS
PROVINCE OF ALBERTA**

BEING A BYLAW FOR THE PURPOSE OF PROVIDING FOR THE SAFE POSSESSION, SALE, STORAGE, PURCHASE AND DISCHARGE OF 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.A. 1985, c.e-17)

WHEREAS, Section 7(a) of the Municipal Government Act, (R.S.A. 2000, c.M-26) as amended, provides for municipalities to enact Bylaws for the safety, health and welfare of people and the protection of people and property.

WHEREAS, Section 8(a) of the Municipal Government Act (R.S.A. 2000, c.M-26) as amended, provides for municipalities to enact Bylaws to regulate or prohibit.

WHEREAS, Section 8(c) of the Municipal Government Act, (R.S.A. c.M-26) as amended, provides for municipalities to enact Bylaws to provide for a system of licenses, permits or approvals.

NOW, THEREFORE, the Council of the County of Northern Lights 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.

NOW, THEREFORE, the Council of the County of Northern Lights has determined that the controlled and managed storage, purchase and discharge of fireworks by persons 18 years of age and over creates a manageable level of risk to life, health and property.

NOW, THEREFORE, the Council of the County of Northern Lights wishes to limit the sale and use of fireworks to specific periods of the year in order to effectively manage the risk.

NOW, THEREFORE, the Council of the County of Northern Lights wishes to limit the hours of sale of fireworks in order to effectively manage the risk.

DEFINITIONS

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:

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
4. Explosives Act (R.S.C. 1985, c. E-17)
5. Fire Chief shall mean the person appointed by Council to manage and administer the Fire Department.
6. Fireworks refers to the Classes of devices set out in Class7, Division 1 and Class 7, Division 2 in Section 14 of the Explosives Act:
 - a) "Low Hazard fireworks" means those Division 2 fireworks, that are relatively innocuous in themselves and are not liable to explode violently or all at once, and which are generally used for recreation such as fireworks showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, and volcanoes.
 - b) "High Hazard fireworks" means those Division 2 fireworks, that present a special hazard to persons and are generally used for recreation, such as rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, batteries, illumination, set pieces and pigeons

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

PROHIBITIONS

1. No person shall wholesale, display for sale, offer for sale, sell, possess or store any fireworks within the County of Northern Lights without the written permission of the Fire Department

2. No person, may obtain, purchase, set off, discharge or otherwise handle fireworks within the County of Northern Lights without the written permission of the Fire Department.

3. 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.

4. No person shall sell fireworks to anyone under the age of 18 years.

5. No person under the age of 18 years shall purchase fireworks.

6. No person shall bring fireworks into the County of Northern Lights without the written permission of the Fire Department.

7. No person shall set up, set off, fire, discharge or energize a pyrotechnics display in the County of Northern Lights without the written permission of the Fire Department.

PERMISSIONS

High Hazard fireworks

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 the Alberta Fire Code.

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 Fire Chief or, in the absence of the Fire Chief, his or her designate.

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 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 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 of \$1,000,000.

g. Payment of the designated fee, and;

h. Any other information deemed necessary by the County of Northern Lights or the Fire Chief.

4. The Fire Chief or his or her designate may choose to issue to a Display Supervisor or Pyro-Technician, written permission for a show or display to take place.

5. 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.

Low Hazard fireworks

1. Fireworks may only be sold and purchased between the hours of 8:00 a.m. and 8:00 p.m.

2. A wholesaler or distributor of fireworks wishing to provide fireworks to a retail vendor in the County of Northern Lights must first apply and obtain the written permission of the Fire Chief or his or her designate.

3. A retail vendor wishing to sell fireworks to persons in the County of Northern Lights must first apply and obtain 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 Alberta Fire Code.

4. A retail vendor wishing to sell fireworks to persons in the County of Northern Lights must retain all the information required from every purchaser by the Alberta Fire Code for a period of not less than two years as outlined in the Alberta Fire Code. This information will include:

- a. The date of the sale.
- b. The name, address and phone number of the purchaser.
- c. A description of the fireworks sold.
- d. The date and time the fireworks will be discharged.
- e. The location and description of the site where the fireworks will be discharged.
- f. A copy of the written permission to discharge, issued by the Fire Department of the municipality where the fireworks will be discharged, or from a Forest Officer where the discharge is to take place within a forest protection area, and:
- g. A copy of the written permission to purchase fireworks issued by the Fire Department of the County of Northern Lights.

5. A person wishing to purchase fireworks in the County of Northern Lights and discharge outside the County of Northern Lights must first obtain written permission to discharge, issued by the Fire Department of the municipality where the fireworks will be discharged, or from a Forest Officer where the discharge is to take place within a forest protection area.

6. A person wishing to purchase fireworks in the County of Northern Lights and discharge inside the County of Northern Lights must first obtain written permission to discharge, issued by the Fire Department.

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.

8. The Fire Chief or his or her designate may choose not to issue written permission to anyone if, in their opinion, the discharge may create a risk to life, safety or property.

9. The Fire Chief or his or her designate may chose to revoke any previously issued written letter of permission for reasons of non-compliance with:

- a. The Alberta Fire Code
- b. The Explosives Act
- c. The letter of permission, including any terms and conditions
- d. Changes in environmental conditions, and/or
- e. For any reason of safety to life, limb or property.

PENALTIES

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

2. Where an Enforcement Officer (Community Peace Officer, Bylaw Enforcement Officer or Police Officer with authority to enforce the bylaws of the County of Northern Lights) has reasonable grounds to believe that a person has violated any provision of this bylaw, the Enforcement Officer may commence Court proceedings against any person by issuing a violation ticket pursuant to the provisions of the Provincial Offences Procedure Act.

3. The issuance of a violation ticket as noted in 2 shall require court appearance by the person pursuant to Part 2 of the Provincial Offences Procedure Act.

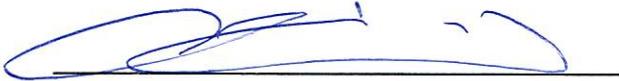
4. Where a Safety Codes Officer in the Fire Discipline, holding a Designation of Powers to the County of Northern Lights, or an Enforcement Officer noted in 2 above, has reasonable grounds to believe that a person has violated any provisions of the Alberta Fire Code, they may commence Court proceedings under the Safety Codes Act against such person by filing an information pursuant to the provisions of the Provincial Offences Procedure Act.

This Bylaw shall 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.

Read for the FIRST time this 27th day of July, 2010.

Read for the SECOND time this 23rd day of November, 2010.

Read for the THIRD AND FINAL time this 23rd day of November, 2010.



Chief Elected Official



Chief Administrative Officer