



VILLAGE OF EDBERG

Bylaw 444-2015

BEING A BYLAW OF THE VILLAGE OF EDBERG, IN THE PROVINCE OF ALBERTA TO REGULATE THE SALE, STORAGE, PURCHASE AND DISCHARGE OF FIREWORKS IN THE VILLAGE OF EDBERG.

WHEREAS, the Village of Edberg wishes to enact a Bylaw for the purpose of regulating the possession, sale, storage, purchase and discharge of fireworks by any person who is not in possession of a Fireworks Display Permit, issued by the Village of Edberg and who is not a member of the Edberg Fire Department.

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 Council of the Village of Edberg recognizes that fireworks are explosive devices which are classified as Dangerous Goods under the Alberta Fire Code and which, when used improperly by untrained persons, can cause injury, damage, fire and death.

AND WHEREAS, the Council of the Village of Edberg has determined that the sale, storage and discharge of fireworks by persons not in possession of a Fireworks Display Permit, issued by the Village of Edberg and who is not a member of the Edberg Fire Department as noted in above, creates an unacceptable risk to life, health, safety and property.

NOW THEREFORE, the Council of the Village of Edberg, in the Province of Alberta, duly assembled, hereby enacts as follows:

1. CITATION:

- 1.1 This Bylaw may be cited as the “**Fireworks Bylaw**”

2. DEFINITIONS

- 2.1 **“Chief Administrative Officer”** means the Chief Administrative Officer of the Village of Edberg, or his or her designate.
- 2.2 **“Fire Chief”** shall mean the person who has been appointed by the Council of the Village of Edberg as Chief of the Edberg Volunteer Fire Department, as amended.
- 2.3 **“Council”** means the Council of the Village of Edberg
- 2.4 **“Enforcement Officer”** means a member of the Royal Canadian Mounted Police, a County Officer or Community Peace Officer, a Constable appointment pursuant to the provisions of the Police Act (Alberta), or a Bylaw Enforcement Officer.
- 2.5 **“Explosives Act”** means the *Explosives Act, R.S.C. 1985, c. E-1*.
- 2.6 **“Fireworks”** means the fireworks listed in the *Alberta Fire Code* and the *Explosives Act*, and includes firecrackers.
- 2.7 **“Fireworks Display Permit”** is the issuance to a member of the Edberg Fire Department only, a permit for the display of Fireworks in accordance with the *Alberta Fire Code*, the *Safety Codes Act* (R.S.A. 2000, c. S-1) and the *Explosives Act* (R.S.C. 1985, c. E-17)
- 2.8 **“High Hazard Fireworks”** shall mean high hazard fireworks as defined in the *Alberta Fire Code*.
- 2.9 **“Low Hazard Fireworks”** shall mean fireworks used for recreation as defined by the *Alberta Fire Code*.
- 2.10 **“Member of the Edberg Fire Department”**, shall mean a current member of the Edberg Volunteer Fire Department who is in good standing, and is recognized as a member by the Fire Chief of the Edberg Fire Department and the Chief Administrative Officer of the Village of Edberg.
- 2.11 **“Village”** shall mean the Village of Edberg

3. PROHIBITIONS

- 3.1 No person, other than a member of the Edberg Fire Department with a valid Fireworks Display Permit issued by the Village of Edberg, shall display for sale, offer for sale, sell, possess or store any fireworks within the Village.
- 3.2 No person, other than a member of the Edberg Fire Department with a valid Fireworks Display Permit issued by the Village of Edberg, may obtain, purchase, handle, set off, discharge or otherwise use Fireworks within the Village.
- 3.3 No person shall display for sale, offer for sale, sell, possess or store, obtain, purchase, handle, set off or discharge High Hazard Fireworks within the Village.

4. PERMISSIONS

- 4.1 A member of the Edberg Fire Department, holding a valid authorization under the Explosives Act of Canada, may handle, store, discharge, fire or set off Low Hazard fireworks, after receiving permission in form of a Fireworks Display Permit from the Chief Administrative Officer of the Village.
- 4.2 The Edberg Fire Department must be present with their equipment during any event involving the discharging, firing or setting off of fireworks in the Village of Edberg.
- 4.3 In order to issue a Fireworks Display Permit, the Chief Administrative Officer must receive, from a member of the Edberg Fire Department, written consent from the landowner of the property on which the low hazard fireworks will be discharged and ensure that any neighbouring landowners have been made aware of the event in writing at least seven (7) days prior to the event.
- 4.4 Terms and conditions may be attached to each permit issued.
- 4.5 The Chief Administrative Officer may choose to revoke any previously issued Fireworks Display Permits for the reason of non-compliance with:
 - i. The *Alberta Fire Code*;
 - ii. the *Explosives Act*;
 - iii. the permit, including any terms and conditions;
 - iv. changes to environmental conditions, and/or;
 - v. for any reasons of safety to life, limb or property.

- 4.6 No Person shall provide false or misleading information in any application for a Fireworks Display Permit issued under Section 4 of this Bylaw.
- 4.7 A copy of the Fireworks Display Permit issued under Section 4, with conditions, must be present at the time of display and provided to an Enforcement Officer when requested.

5. ENTRY ON LAND OR PREMISES

- 5.1 An Enforcement Officer may, without warrant, enter on any land and premises or place, except a private dwelling house, for the purpose of discharging duties specified under this Bylaw.

6. OFFENCES

- 6.1 Any Person who contravenes any provision of this Bylaw by:
- i. doing something that is prohibited by this Bylaw;
 - ii. failing to do something that is required by this Bylaw;
 - iii. doing something in a manner different from that which is required by this Bylaw;
- is guilty of an offence.
- 6.2 Where a contravention of this Bylaw is of a continuing nature, every day during which the contravention continues shall be deemed to be a separate offence.

7. ENFORCEMENT AND PENALTIES

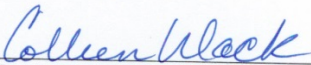
- 7.1 Any person who is guilty of an Offence under Section 6, or violates any of the provisions of this Blaw, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects to do or who refrains from doing anything required to be done by the provisions of this Bylaw, or who does any act or thing, or omits any act or thing, thus violating any of the provisions of this Bylaw, shall be deemed to be guilty of an Offence under this Bylaw and upon conviction, is liable for a fine of not less than \$200.00 and not more than \$5,000.00 plus costs.
- 7.2 Where a Peace Officer believes that a person has contravened any provision of this bylaw, he or she may commence proceedings by issuing a violation ticket in accordance with the Provincial Offences Procedure Act, RSA 2000, provided however that this section shall not prevent any Peace Officer from using a violation ticket requiring the court appearance of the defendant or from laying an information notice instead of issuing a violation ticket.

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.


READ a first time this 19th day of August, 2015.

READ a second time this 19th day of August, 2015.

READ a third time and finally passed this 15th day of September, 2015.



Mayor, Colleen Wack



CAO, Heather Leslie