

## BYLAW 26/2021

### **A BYLAW OF FOOTHILLS COUNTY TO REGULATE AND CONTROL THE SALE AND SETTING OFF OF FIREWORKS WITHIN FOOTHILLS COUNTY**

**WHEREAS** pursuant to section 7 of the *Municipal Government Act*, R.S.A. 2000, c. M-26 as amended, a council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

**AND WHEREAS** pursuant to section 8 of the *Municipal Government Act*, R.S.A. 2000, c.M-26, as amended, a council may, in a bylaw, regulate or prohibit and provide for a system of licenses, permits or approvals;

**AND WHEREAS** Council for Foothills County 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** Council for Foothills County deems it desirable and necessary in order to protect and preserve the safety and welfare of its citizens to prohibit the non-permitted sale of fireworks and regulate fireworks permits within the geographic limits of Foothills County.

**NOW THEREFORE**, the Council for Foothills County, duly assembled, hereby enacts as follows:

#### **1. SHORT TITLE**

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

#### **2. DEFINITIONS**

2.1. "Alberta Fire Code" means the National Fire Code – 2019 Alberta Edition, as amended or repealed and replaced from time to time;

2.2. "Consumer Fireworks" means consumer fireworks classified as such under the Regulation, including outdoor, low hazard, consumer fireworks, such as fireworks showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, volcanoes and sparklers, but does not include Christmas crackers and caps for toy guns containing not in excess of twenty-five one-hundredths of a grain of explosive used per cap;

2.3. "Display Fireworks" means display fireworks classified as such under the Regulation, including outdoor, high hazard and recreational fireworks which only licensed users may use, in accordance with the Regulation;

2.4. "Event" means an event where Fireworks are used, shown or displayed;

2.5. "*Explosives Act*" means the *Explosives Act*, R.S.C., 1985, c. E-17 and the regulations enacted thereunder, as amended or repealed and replaced from time to time;

2.6. "Fire Department" means Foothills Fire Department;

2.7. "Firecracker / Exploding Targets" means any device that explodes instantaneously when ignited and does not produce any subsequent display or visible effect after the explosion and includes, but is not limited to, those devices commonly known as Tannerite and or Chinese firecrackers, but does not include paper caps containing not more than 16.2 mg (¼ grain) of explosive per cap or devices to be used with the paper caps, such as Christmas crackers and caps used in cap pistols ;

2.8. "Fireworks" means Display Fireworks, Consumer Fireworks and Special Effect Pyrotechnics Fireworks;

2.9. "Fireworks Permit" means a document issued by the Foothills Fire Department which constitutes written permission for purposes of the Alberta Fire Code;

2.10. "Highway" has the same meaning as defined in the *Traffic Safety Act*, R.S.A. 2000, c. T-6, as amended or repealed and replaced from time to time;

- 2.11. "Motor Vehicle" has the same meaning as defined in the *Traffic Safety Act*, R.S.A. 2000, c. T-6, as amended or repealed and replaced from time to time;
- 2.12. "Minor" means an individual who is under 18 years of age;
- 2.13. "County" means Foothills County, a municipal corporation in the Province of Alberta and, where the context so requires, means the area contained within the corporate boundaries of Foothills County;
- 2.14. "*Community Standards Bylaw*" means Bylaw No.45-2013 of Foothills County, as amended or repealed and replaced from time to time;
- 2.15. "Peace Officer" includes a member of the Royal Canadian Mounted Police, a Community Peace Officer and a Bylaw Enforcement Officer.
- 2.16. "Person" includes a corporation and the heirs, executors, administrators or other legal representatives of a person;
- 2.17. "Pyrotechnician" means an individual who is certified and authorized to purchase and supervise the display of Special Effect Pyrotechnics Fireworks under the *Explosives Act*;
- 2.18. "Regulation" means *Explosives Regulations, 2013*, SOR/2013-2011, as amended or repealed and replaced from time to time;
- 2.19. "Safety Codes Officer" means an individual designated as a Safety Codes Officer in the Fire Discipline under the *Safety Codes Act*, R.S.A. 2000, c. S-1, as amended; and
- 2.20. "Special Effect Pyrotechnics Fireworks" means special effect pyrotechnics classified as such under the Regulation, including high hazard fireworks, such as listed black powder bombs, bullet effect, flash powder, air bursts, smoke compositions, bergs, lances and wheels, that are used to produce a special pyrotechnic effect for indoor or outdoor performances.

### **3. SALE OF FIREWORKS**

- 3.1. No person shall wholesale, display for sale, offer for sale, sell, possess or store any fireworks within Foothills County without obtaining a permit.
- 3.2. The permit must include approval and acceptance of the storage area and the required Fire Safety Plan as outlined in the Alberta Fire Code.
- 3.3. A retail vendor wishing to sell fireworks to persons in Foothills County must retain all the information required from every purchaser for a period of not less than two years.

This information will include:

- (a) date of the sale,
- (b) name, address, and phone number of the purchaser,
- (c) description of the fireworks sold,
- (d) date and time the fireworks will be discharged,
- (e) copy of Fireworks permit, location, and description of the site where the fireworks will be discharged,

### **4. POSSESSION, HANDLING AND DISCHARGE OF FIREWORKS**

- 4.1. No Person shall possess, handle, discharge, fire or set off Fireworks within the County unless the Person holds a valid and subsisting Fireworks Permit.
- 4.2. No Person shall possess, handle, discharge, fire or set off Fireworks within the County in a manner that is contrary to the terms and conditions of a Fireworks Permit.

- 4.3. No Person shall discharge, fire or set off Fireworks on any land of which the Person is not the owner, without obtaining the prior written permission of the owner of the land to do so.
- 4.4. No Person shall store, handle or set off Fireworks in an unsafe manner or in a manner that creates a nuisance, taking into account the noise, danger of fire and explosion, and risk of death, injury and damage to persons, any livestock and property inherent in the storage, handling or use of Fireworks.
- 4.5. A Person who stores, handles or sets off Fireworks shall use reasonable care to ensure that those Fireworks are not accessible to a Minor.

## **5. FIRECRACKERS / EXPLODING TARGETS**

- 5.1. No Person shall possess, handle, discharge, fire or set off Firecrackers / exploding Targets within the County.
- 5.2. No Person shall display, offer for sale or sell Firecrackers / Exploding Targets within the County.

## **6. REQUIREMENT FOR FIREWORKS PERMIT**

- 6.1. An application for a Fireworks Permit must be submitted in the form prescribed by the County a minimum of two weeks prior to the Event, and be accompanied by:
  - (a) the application fee, as set out in the County's *Fees, Rates and Charges Bylaw*; and
  - (b) details of the location, date and time of the Event; and
  - (c) a list of all Fireworks to be used during the Event.
- 6.2. An application for a Fireworks Permit for Display Fireworks or Special Effect Pyrotechnics Fireworks must also be accompanied by:
  - (a) a drawing or map depicting the physical access to be provided for fire and emergency vehicles at the Event;
  - (b) the free zone area of clear distance between the point of launch and an occupied area at the Event;
  - (c) the emergency plan for the Event;
  - (d) proof, in a form acceptable to the Fire Department Chief or his or her designate, of liability insurance in amount of not less than \$5,000,000.00, naming the County as an additional insured;
  - (e) the name, address and certification number of the display supervisor or Pyrotechnician under whose supervision the Event shall be held;
  - (f) the name, address and certification numbers of all other display supervisors, Pyrotechnicians and assistants participating in the Event; and
  - (g) any other such information as required by the County.
- 6.3. The County may require any additional information from the applicant to ensure the public's safety and may, at its discretion, issue a Fireworks Permit, with or without conditions, or refuse to issue a Fireworks Permit.
- 6.4. No Fireworks Permit shall be issued to a Minor.
- 6.5. The County, at its discretion, may suspend or revoke a Fireworks Permit:
  - (a) for reasons of non-compliance with the *Alberta Fire Code*, the *Explosives Act*, this Bylaw or the terms and conditions of the Fireworks Permit;
  - (b) due to changes in environmental conditions; or

(c) for any reasons of safety to persons, livestock or property.

6.8. The Authority having jurisdiction / his or her designate may attach any terms and conditions in a Fireworks Permit that he or she deems appropriate for the specific event and or location.

## **7. TERMS AND CONDITIONS - CONSUMER FIREWORKS**

7.1. No Person shall discharge, fire or set off Consumer Fireworks in, into, over, on or from:

- (a) a building;
- (b) a Motor Vehicle;
- (c) a Highway;
- (d) a park or other public place; or
- (e) a forest protection area designated under the *Forest and Prairie Protection Act*, R.S.A. 2000, c. F-19, as amended.

7.2. The Person named on the Fireworks Permit shall be responsible for any property damage or injury to any member of the public or any livestock caused by the discharge, firing or setting off Consumer Fireworks.

7.3. No person shall set up, set off, fire, discharge or energise any consumer fireworks in any urban areas such as; Hamlets, Villages, Communities, Estates or Country estate areas within Foothills County without a Display Supervisor or a Pyro-technician, who holds valid certification under the Explosives Act of Canada and a valid Fireworks Permit. This Display supervisor or Pyro-technician must also have the written permission from the surrounding homeowners.

7.4. Consumer Fireworks shall only be permitted to be set off on privately-owned property in an area that is not designated for residential use in the Municipality's Land Use Bylaw.

7.5. Notwithstanding section 7.4, Consumer Fireworks may be permitted on privately owned residential property if:

- (a) the property has an area of at least one hectare; and
- (b) the location from which the Consumer Fireworks are to be set off is at least 50 metres from the property line.

## **8. TERMS AND CONDITIONS - DISPLAY FIREWORKS AND SPECIAL EFFECT PYROTECHNIC FIREWORKS**

8.1. No Person shall advertise that a Display Fireworks Event or Special Effect Pyrotechnics Fireworks Event is to be held in the County unless the Person holds a valid and subsisting Fireworks Permit for the Event.

8.2. If, in the opinion of the County, it is necessary for a Safety Codes Officer to be present at the setting off of the Display Fireworks or Special Effect Pyrotechnics Fireworks:

- (a) the presence of such Safety Codes Officer shall be a condition of the permit, and all associated costs shall be borne by the applicant;
- (b) the Safety Codes Officer shall have the right to enter any premises for the purpose of ensuring public safety and shall not be hindered or obstructed in any way whatsoever; and
- (c) the Safety Codes Officer shall also have the authority to require any precautions for the prevention of fire which in the Safety Codes Officer's opinion is deemed necessary before any Fireworks are set off pursuant to the Fireworks Permit;

8.3. If Display Fireworks or Special Effect Pyrotechnics Fireworks are to be held on County property, approval from the County must be obtained prior to applying for a permit;

8.4. No permit shall be issued for a location within 200 metres of any place where explosives, or flammable or combustible liquids or substances are manufactured or stored;

8.5. Every Person to whom a Fireworks Permit is issued for Display Fireworks or Special Effect Pyrotechnics Fireworks must:

- (a) provide and maintain approved, fully operational fire extinguishing equipment ready for immediate use, throughout the time while the Fireworks are being set off or displayed and for a reasonable period thereafter, at the location or site of the Event;
- (b) produce the Fireworks Permit, forthwith, upon demand by the Fire Department, a Peace Officer or a Safety Codes Officer; and
- (c) permit the inspection of any site where the Fireworks may be stored, set off or displayed and the Fireworks themselves together with all associated equipment, by the Fire Department, a Peace Officer or a Safety Codes Officer, forthwith, upon demand.

8.6. Every Person to whom a Fireworks Permit is issued under this section, shall, immediately after the conclusion of the setting off or holding of a Display Fireworks Event or Special Effect Pyrotechnics Fireworks Event, carry out a site inspection and shall:

- (a) remove all unused or partly used Fireworks from the site;
- (b) gather together and remove all debris remaining after using or partial use of the Fireworks; and;
- (c) return the site to the condition it was prior to the setting off or holding of the Event.

8.7. Every Person who fires or sets off Display Fireworks or Special Effect Pyrotechnics Fireworks shall take all steps reasonably necessary, as would a reasonable and prudent person, to ensure no harm to persons, livestock or property damage.

8.8. Property damage or injury to persons or livestock as a result of the firing or setting off of Display Fireworks or Special Effect Pyrotechnics Fireworks shall be the responsibility of the person setting off the fireworks and or person whose name is on the fire works permit.

## **9. TERMS AND CONDITIONS – SPECIAL EFFECT PYROTECHNIC FIREWORKS**

9.1. Special Effect Pyrotechnics Fireworks shall only be set off under the supervision of a Pyro-technician.

## **10. OFFENCES**

10.1. A Person to whom a Fireworks Permit has been issued pursuant to this Bylaw and any Person carrying out an activity otherwise regulated, restricted or prohibited by this Bylaw pursuant to such permit, shall comply with all terms or conditions forming part of the Fireworks Permit.

10.2. A Person shall not make any false or misleading statement or provide any false or misleading information to obtain a Fireworks Permit.

10.3. If any term or condition of a Fireworks Permit is contravened or if a false or misleading statement or false or misleading information was provided to obtain the permit, the County may immediately cancel the permit.

10.4. During a fire ban or fire restriction imposed by the County or any other regulatory authority having jurisdiction, all Fireworks Permits shall be suspended until such time as the County, in its discretion, deems it appropriate to reinstate the Fireworks Permits.

10.5. It is the sole responsibility of the Person who holds a Fireworks Permit to ensure that there is no fire ban or fire restriction in place prior to discharging or setting off Fireworks. A Person who discharges Fireworks during a fire ban or fire restriction is guilty of an offence.

10.6. No Person shall obstruct any Peace Officer, Safety Codes Officer or member of the Foothills Fire department in the exercise or performance of their duties pursuant to this Bylaw.

10.7. The onus of proving a Fireworks Permit has been issued in relation to any activity otherwise regulated, restricted or prohibited by this Bylaw is on the Person alleging the existence of such a permit.

## **11. PENALTIES**

11.1. A Person who contravenes any provision of this Bylaw is guilty of an offence.

11.2. A Person who is guilty of an offence is liable to a fine in an amount not less than that established in Schedule "A" and not exceeding \$10,000.00, and to imprisonment for not more than 6 months for non-payment of a fine.

11.3. Specified and minimum penalties for contraventions of this Bylaw are set out in Schedule A, attached hereto, and forming part of this Bylaw.

11.4. In the event an offense is repetitive in nature, the specified penalty set out in Schedule A shall be doubled on the second offence within a 12-month period and for third or subsequent offense within a 12-month period the fine triples.

11.5. Any penalty imposed pursuant to this Bylaw will be in addition to, and not in substitute for, any other penalty or remedy imposed pursuant to any other applicable statute, law, or legislation.

## **12. VIOLATION TICKET**

12.1. A Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*, R.S.A. 2000, c.P-34, as amended, to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

## **13. SEVERABILITY**

13.1. Should any provision of this Bylaw be declared invalid by a court of competent jurisdiction, then the invalid provision shall be severed and the remainder of the Bylaw shall remain in effect.

## **14. CONFLICT WITH OTHER BYLAWS**

14.1. Nothing in this Bylaw shall exempt any Person from complying with the requirements of any bylaw in force or from obtaining any license, permission, permit, authority or approval required under any bylaw or provincial or federal statute or regulation.

## **15. COMING INTO FORCE**

15.1. This Bylaw shall come into force on the day it is finally passed.

FIRST READING: April 14, 2021

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Reeve

\_\_\_\_\_  
CAO

SECOND READING:

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
CAO

THIRD READING:

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
CAO

PASSED IN OPEN COUNCIL assembled at the Town of High River in the Province of Alberta this  
day of                    20   .

**SCHEDULE A  
SPECIFIED PENALTIES**

<b>Section</b>	<b>Violation</b>	<b>Specified Penalty</b>	<b>Minimum Penalty</b>
3.1	Unauthorized display or sale of fireworks	\$700.00	\$525.00
4.1	Possess / handle / discharge fireworks without a valid Fireworks Permit	\$400.00	\$300.00
4.2	Possess / handle / discharge fireworks contrary to the terms of the Bylaw	\$400.00	\$300.00
4.3	Failure to obtain permission of property owner prior to discharging fireworks	\$700.00	\$525.00
4.4	Store / handle / discharge fireworks in unsafe manner / manner that creates nuisance	\$400.00	\$300.00
4.5	Failure to ensure fireworks not accessible to a minor	\$400.00	\$300.00
5.1	Possess / handle / discharge / fire / set off firecrackers / exploding targets	\$400.00	\$300.00
5.2	Display / offer for sale / sell firecrackers / exploding targets	\$700.00	\$525.00
7.3	Set up / set off / fire / discharge / energize pyrotechnics display without Display Supervisor / Pyrotechnician present / without permission of surrounding homeowners	\$700.00	\$525.00
7.1	Discharge of Consumer Fireworks from an unauthorized location / privately owned property under one hectare / privately owned property under 50 meters from property line	\$700.00	\$525.00
8.1	Advertise fireworks / special effects pyrotechnics event without a valid Fireworks permit	\$700.00	\$525.00
8.5(a)	Failure to have fully operational fire extinguishing equipment at the event	\$700.00	\$525.00
8.5(b)	Failure to produce a valid Fireworks permit	\$700.00	\$525.00
8.5(c)	Fail to permit inspection	\$1300.00	\$975.00
8.6	Fail to conduct site inspection / remove fireworks / debris / return site to previous condition	\$700.00	\$525.00
9.1	Failure to supervise discharge of Special Effect Pyrotechnics Fireworks by Pyrotechnician	\$1300.00	\$975.00
10.1	Fail to comply with terms / conditions of Fireworks permit	\$1300.00	\$975.00
10.2	Making false or misleading statement to obtain a Fireworks permit	\$700.00	\$525.00
10.6	Obstruct Peace Officer / Safety Codes Officer / Foothills Fire Department Member	\$1300.00	\$975.00