



VILLAGE OF CONSORT BYLAW A776

A Bylaw of the Village of Consort in the Province of Alberta 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.C. 1985, c. E-17).

WHEREAS 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.

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

AND WHEREAS the Municipal Government Act, (R.S.A. 2000, c. M-26) 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 Consort 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 Consort has determined that the controlled and managed sale, storage, purchase and discharge of fireworks by persons 18 years of age creates a manageable level of risk to life, health, safety and property.

AND WHEREAS The Council of the Village of Consort wishes to limit the sale and use of fireworks to specific periods of the year in order to effectively manage the risk.

AND WHEREAS The Council of the Village of Consort wishes to limit the hours of sale of fireworks in order to effectively manage the risk.

NOW THEREFORE the Council of the Village of Consort duly assembled and pursuant to the provisions of the said Municipal Government Act and amendments thereto, enacts as follows:

1. Title:

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

2. Definitions

2.1 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)

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

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

2.4 Fire Chief shall mean the Chief Officer of the Fire Department who is appointed by Council to manage and administer the Fire Department.

2.5 Safety Codes Officer shall mean the Safety Codes Officer in the Fire Discipline, holding a Designation of Powers to the Village of Consort.

3 Prohibitions

- 3.1 No person shall wholesale, display for sale, offer for sale, sell, possess or store any fireworks within the Village of Consort without the written permission of the Fire Department or the Safety Codes Officer.
- 3.2 No person, may obtain, purchase, set off, discharge or otherwise handle fireworks within the Village of Consort without the written permission of the Fire Department or the Safety Codes Officer.
- 3.3 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.
- 3.4 No person shall sell fireworks to anyone under the age of 18 years.
- 3.5 No person under the age of 18 years shall purchase fireworks.
- 3.6 No person shall set up, set off, fire, discharge or energize a pyrotechnics display in the Village of Consort without the written permission of the Fire Department or the Safety Codes Officer.

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 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 Fire Chief or, in the absence of the Fire Chief, or Safety Codes Officer or their 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 or Safety Codes Officer 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:
 - 1) Date, time and location of the proposed event,
 - 2) Names, addresses and certification numbers of all display supervisors or pyro-technicians and assistants participating in the show,
 - 3) The name of the sponsor or purchaser of the event,
 - 4) A full description of the planned event and a list of all materials to be fired, detonated, burnt or energized during the event,
 - 5) The emergency plan for the event,
 - 6) Verification of liability insurance, in an amount acceptable to the Village of Consort.
 - 7) Payment of the designated application fee, and
 - 8) Any other information deemed necessary by the Village of Consort or the Fire Chief.
- 4.4 The Fire Chief, or Safety Codes Officer or their designate may choose to issue to a Display Supervisor or Pyro-Technician, written permission for a show or display to take place.
- 4.5 The Fire Chief or Safety Codes Officer or their 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.
- 4.6 Fireworks may only be sold, purchased and discharged within the following annual timeframes:
 - 1) Ten calendar days prior to and inclusive of the Victoria Day holiday.
 - 2) Ten calendar days prior to and inclusive of the Sunday following the Canada Day holiday.
 - 3) Ten days prior to and inclusive of New Year's Day.
 - 4) Other timeframes of ten calendar days or less which may be allowed for on a one time basis by resolution of council.
- 4.7 A wholesaler or distributor of fireworks wishing to provide fireworks to a retail vendor in the Village of Consort must first apply and obtain the written permission of the Fire Chief, Safety Codes Officer or their designate.

- 4.9 A retail vendor wishing to sell fireworks to persons in the Village of Consort 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 Alberta Fire Code.
- 4.10 A retail vendor wishing to sell fireworks to persons in the Village of Consort 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:
- 1) The date of the sale,
 - 2) The name, address and phone number of the purchaser,
 - 3) A description of the fireworks sold,
 - 4) The date and time the fireworks will be discharged,
 - 5) The location and description of the site where the fireworks will be discharged,
 - 6) A copy of the written permission to discharge, issued by the Fire Department or Safety Codes Officer 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
 - 7) A copy of the written permission to purchase fireworks issued by the Fire Department or Safety Codes Officer of the Village of Consort.
- 4.11 A person wishing to purchase fireworks in the Village of Consort must first obtain written permission to discharge, issued by the Fire Department or Safety Codes Officer 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.
- 4.12 A person in possession of written permission to discharge fireworks as noted in 4.11 above may apply to the Fire Department or Safety Codes Officer of the Village of Consort for written permission to purchase fireworks from a vendor within the Village of Consort.
- 4.13 The Fire Chief or Safety Codes Officer or their designate may attach any terms and conditions in a written permission that he or she deems appropriate for the specific event and location.
- 4.14 The Fire Chief or Safety Codes Officer or their designate may choose to revoke any previously issued written letter of permission for reasons of non-compliance with:
- 1) The Alberta Fire Code,
 - 2) The Explosives Act,
 - 3) The letter of permission, including any terms and conditions,
 - 4) Changes in environmental conditions, and/or
 - 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 \$500.00 for a first offence, \$750.00 for a second offence and \$1,000.00 for a third offence.
- 5.2 An Enforcement Officer (Community Peace Officer, Bylaw Enforcement Officer or Police Officer with authority to enforce the bylaws of the Village of Consort 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 provisions 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 Village of Consort, or an Enforcement Officer noted in 5.2 above, has reasonable grounds to believe that a person has violated any provision 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.

6 Severability

Despite that any section or sections of this bylaw, or any part or parts thereof, may be found by any court of law to be invalid or illegal that section or sections or part or parts thereof shall be deemed to be severable, and all other sections of this bylaw, or parts thereof, are separate and independent there-from and enacted as such.

This Bylaw will come into force and effect on the date of successful third reading and signing in accordance with the Municipal Government Act (R.S.A. 2000, c. M-26) as amended.

Received first reading this 4th day of January, 2012

Received second reading this _____ day of January, 2012

Received third and final reading by unanimous consent of all members of Council present this _____ day of January, 2012

Village of Consort

Original signed by the Mayor and CAO on _____, 201__

Wayne Walker
Mayor

Monique Jeffrey
CAO



**VILLAGE OF CONSORT
FIREWORKS PERMIT**

SCHEDULE "A"

This permit covers the following activities:

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

The Safety Codes Officer or the Fire Chief must sign each applicable space.

NOTE:

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

Please print in the following spaces

- 1) Purchaser _____
- 2) Date: _____
- 3) Display Location: _____
- 4) Name of registered landowner _____
- 5) Landowner's Signature: _____
- 6) Date of display: _____
- 7) Start time of display _____
- 8) End time of display: _____

NOTE:

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

- 1) I am over eighteen years of age
- 2) I will not discharge these fireworks over public lands and forests without written permission.
- 3) 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 correctional institute, nursing home or hospital.
- 4) I will not discharge these fireworks if the wind exceeds 45km/h.
- 5) Should a Safety Codes Officer/Fire Chief order a halt to the display for safety reasons, I will immediately comply.
- 6) I have read, and agree to abide by, the disclaimer on the reverse of this permit.

Purchaser's Signature _____

Fire Chief's or Safety Codes Officer's Signature. _____

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 Consort, 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 tort or contract.

In executing this permit application, the Applicant agrees to indemnify and save harmless the Village of Consort, 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 Consort, 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 Consort in defending such a claim, action, suit, proceeding or demand.

Purchaser's Signature

Safety Code Officer of Fire Chief's Signature