

BY-LAW 1215/10
ALL CLASS FIREWORKS BYLAW
STURGEON COUNTY, MORINVILLE, ALBERTA

BEING A BYLAW OF STURGEON COUNTY TO PERMIT THE STORAGE, GIVING AWAY, SALE AND DISCHARGE OF HIGH AND LOW HAZARD FIREWORKS.

WHEREAS pursuant to the provisions contained in Section 7(f) of the *Municipal Government Act* RSA 2000, c.M-26, a Council may pass bylaws for municipal purposes respecting services provided by or on behalf of a municipality; and

WHEREAS Council wishes to pass a bylaw pursuant to Section 7(f) of the said Act and provide a policy which will preserve life and property from fire through the safe storage, giving away, sale and discharge of high and low hazard fireworks in accordance with the current edition of the Alberta Fire Code.

NOW THEREFORE the Council of Sturgeon County in regular meeting duly assembled enacts as follows:

1. IN THIS BYLAW THE FOLLOWING DEFINITIONS SHALL APPLY:

- a. "High Hazard Fireworks" means those types of fireworks that only persons certified under the Canadian Explosives Act, may store, transport and discharge. For example these are typically used at large events at fairs, exhibitions, Canada Day displays.
- b. "Low Hazard Fireworks" means those types of fireworks which are regulated for storage, sale and discharge under the Alberta Fire Code, but do not require certification for handling, transporting or discharge. Commonly referred to as SHOP GRADE or FAMILY FIREWORKS.
- c. "ALBERTA FIRE CODE" means the most current version of fire safety regulations adopted by the Province of Alberta and legislated under the Safety Codes Act
- d. Enforcement Officer means a Community Peace Officer or RCMP who are authorized to enforce Bylaws of the County.
- e. Fire Chief means the individual who is appointed fire chief of the County, or his delegate authorized to act in his place.

2. HIGH HAZARD FIREWORKS

- a. Any applicant wishing to discharge HIGH HAZARD FIREWORKS must apply to Sturgeon County a minimum of three weeks in advance of the event or proposed discharge. After receipt of a completed application in the form approved by the County Commissioner together with such fees as is approved by County Council

from time to time, the application form shall be forwarded to the Managers of Finance and Protective Services for review. The decision to approve or deny the application shall be made by the Fire Chief after receiving comment from the Manager of Finance & Protective Services. The decision of the Fire Chief is final.

- b. The sale or storage of HIGH HAZARD FIREWORKS are prohibited in Sturgeon County.

3. LOW HAZARD FIREWORKS

- a. No person shall purchase, possess, transport, give away, store or discharge LOW HAZARD FIREWORKS within Sturgeon County unless he/she holds a valid permit for that purpose issued by the Fire Chief or his delegate, after receipt of an application in the form approved by the County Commissioner, together with such fee as is approved by County Council from time to time. The decision of the Fire Chief is final.
 - b. No person shall sell, give away or store LOW HAZARD FIREWORKS in Sturgeon County unless he/she holds a valid permit for that purpose, issued by the Fire Chief or his delegate, after receipt of an application in the form approved by the County Commissioner, together with such fee as is approved by County Council from time to time. The decision of the Fire Chief is final.
4. Permits issued under this Bylaw are not transferable.
 5. LOW HAZARD FIREWORKS and HIGH HAZARD FIREWORKS shall not be sold, given away or discharged during times of fire advisory or fire bans.
 6. The Fire Chief or his delegate may refuse a permit application or cancel any permit. In the event a permit is cancelled, the permit holder shall be notified by the County of the cancellation and the reason for the cancellation, as soon as is practicable.
 7. Possessing, transport, give away, storage or discharge of LOW HAZARD FIREWORKS purchased outside of Sturgeon County boundaries, must comply with the regulations as stated in the most current version of the Alberta Fire Code and the permit requirements under this bylaw.
 8. LOW HAZARD FIREWORKS shall not be possessed, handled, transported, sold, given away, stored or discharged by anyone under the age of 18 years.
 9. Breach of this bylaw is an offence and upon conviction shall be subject to the penalties for contravening this by-law shall be identified in Schedule "A" and in the absence of a specified penalty, to a fine not less than \$100.00 and not more than \$1000.00.

10. Where an Enforcement Officer has reasonable grounds to believe that a person has violated any provision of this bylaw, The Enforcement Officer may commence Court proceedings against such a person by issuing the person a violation ticket pursuant to the provisions of the Provincial Offences Procedures Act.

11. Where an Enforcement Officer issues a person a violation ticket in accordance with this bylaw, the Officer may either:

- a. Allow the person to pay the specified penalty as provided for the offence in Schedule “A” of this bylaw by including such specified penalty in the violation ticket; or
- b. Require a Court appearance of the person where the Enforcement Officer believes that such appearance is in the public interest, pursuant to the provisions of Part 2 of the Provincial Offences Procedures Act.

EFFECTIVE DATE:

That this Bylaw shall come into force and take effect upon the date of third reading and signing in accordance with Section 213 of the Municipal Government Act, R.S.A. 2000 C.M-26, and amendments thereto.

12. Bylaw 1201/09 is hereby repealed

Read a first time this 11th day of May 2010.

Read a second time this 11th day of May 2010.

Read a third time 11th day of May 2010.

SCHEDULE "A" STURGEON COUNTY ALL CLASS FIREWORKS BYLAW

Section 2(a) failure to secure a high hazard fireworks permit, or follow the conditions of the permit. \$1000

Section 3(a) failure to secure a low hazard fireworks permit, or follow the conditions of the permit. \$500

Section 3(b) failure to secure a fireworks Vendor's permit, or follow the conditions of the permit. \$1000