

TOWN OF VULCAN
BYLAW 1452-16

A Bylaw of the Town of Vulcan 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 Town of Vulcan 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 Town of Vulcan has determined that the controlled and managed sale, storage, purchase and discharge of fireworks by persons 18 years of age creates a manageable risk to life, health, safety and property.

NOT THEREFORE the Council of the Town of Vulcan duly assembled and pursuant to the provisions of the said Municipal Government Act and amendments thereto, enacts as follows:

1 Title

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

- 2.4 Safety Codes Officer shall mean the Safety Codes Officer in the Fire Discipline, holding a Designation of Powers to the Town of Vulcan.

3 Prohibitions

- 3.1 No person shall wholesale, display for sale, offer for sale, sell, possess or store any fireworks within the Town of Vulcan 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 Town of Vulcan 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 Government of Canada or Alberta and must also verify a valid permit from the AHJ where the fireworks are to be discharged. The driver's license number and permit number must be recorded and saved for a period of no less than two (2) years.
- 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 Town of Vulcan without 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 14 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 Town of Vulcan
 - 7) Payment of the designated application fee, and
 - 8) Any other information deemed necessary by the Town of Vulcan 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 for Safety Codes Officer or their designate may choose not to issue written permission to anyone for the display or show if, in their opinion, such a display or show may create a risk to life, safety or property.
- 4.6 A wholesaler or distributor of fireworks wishing to provide fireworks to a retail vendor in the Town of Vulcan must first apply and obtain the written permission of the Fire Chief, Safety Codes Officer or their designate.
- 4.7 A retail vendor wishing to sell fireworks to persons in the Town of Vulcan must first apply and obtain the written permission of the Chief or his/her designate.
- 4.8 A retail vendor wishing to sell fireworks to persons in the Town of Vulcan 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 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 of the Town of Vulcan.
- 4.9 A person wishing to purchase fireworks in the Town of Vulcan 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.
- 4.10 A person in possession of written permission to discharge fireworks as noted in 4.9 above may apply to the Fire Department of the Town of Vulcan for written permission to purchase fireworks from a vendor in the Town of Vulcan.
- 4.11 The Fire Chief or his/her designate may attach any terms and conditions in a written permission that he or she deems appropriate for the specific event and location.
- 4.12 The Fire Chief or his/her 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

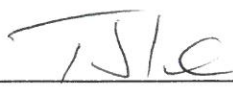
- 5.1 Breach of this bylaw is an offence and upon conviction shall be subject to a penalty and fine of not less than \$100.00 and not more than \$5,000.00
- 5.2 Where an Enforcement Officer with the authority to enforce the bylaws of the Town of Vulcan has reasonable grounds to believe that a person 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.
- 5.3 The issuance of a violation ticket 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 Town of Vulcan, or an Enforcement Officer, 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 information pursuant to the provisions of the Provincial Offences Procedures Act.

This Bylaw will come into force and effect on the date of the 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 29 day of MARCH A.D., 2016



Chief Administrative



Mayor

Read a second time this 29 day of MARCH A.D., 2016

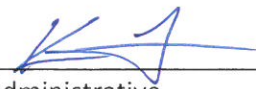


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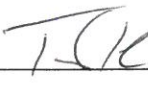


Mayor

Read a third time this 29 day of MARCH A.D., 2016



Chief Administrative



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