



DRAYTON VALLEY

'Pulling Together'

BYLAW NO. 2010/07/P

BEING THE BYLAW OF THE TOWN OF DRAYTON VALLEY IN THE PROVINCE OF ALBERTA, FOR THE REGULATION OF FIREWORKS WITHIN THE TOWN OF DRAYTON VALLEY.

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 licences, permits or approvals.

AND WHEREAS the Council of the Town of Drayton Valley 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 Town of Drayton Valley has determined that the sale, storage, purchase and discharge of fireworks by persons not in possession of a fireworks display supervisors card creates an unacceptable level of risk to life, health, safety and property.

NOW THEREFORE the Town of Drayton Valley wishes to enact a Bylaw for the purpose of prohibiting the possession, sale, storage, purchase and discharge of fireworks by any person not in possession of a valid fireworks display supervisor card issued pursuant to the *Explosives Act* of Canada, and its Regulations, by the Government of Canada.

1. TITLE

This Bylaw may be cited as the "**Fireworks Prohibition 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:

- a) *Municipal Government Act* (R.S.A. 2000, c. M-26)

- b) *Safety Codes Act* (R.S.A. 2000, c. S-1)
- c) *Alberta Fire Code* FCI-10-01
- d) *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 “*Enforcement Officer*” includes a member of the R.C.M.P., a Community Peace Officer, a Safety Codes Officer, a Bylaw Enforcement Officer, or a duly appointed Special Constable for the Town of Drayton Valley, with authority to enforce the bylaws of the Town of Drayton Valley

3. Prohibitions

3.1 Except as provided for in this bylaw, no person shall sell, offer for sale, store, purchase, possess, handle, discharge, fire or set off fireworks within the Town of Drayton Valley.

3.2 No person shall have in their possession, sell, offer for sale, handle, give away or otherwise distribute, discharge, fire or set off firecrackers.

3.3 A fireworks display supervisor, authorized under the Explosives Act by the Explosives Regulatory Division of Natural Resources Canada, may obtain, purchase, handle, set off, discharge or otherwise handle fireworks within the Town of Drayton Valley.

3.4 An individual who has a valid pyro-technician’s card issued pursuant to the *Explosives Act* of Canada, shall set up, set off, operate or discharge a pyrotechnic display within the Town of Drayton Valley.

4. Permissions

4.1 A Display Supervisor or a Pyro-Technician, holding a valid authorization under the *Explosives Act* of Canada, may conduct a fireworks event, show or display (“event”) after receiving permission to do so in writing from the Fire Chief or, in the absence of the Fire Chief, his or her designate.

4.2 A Display Supervisor or a Pyro-Technician shall obtain and provide to the Fire Chief written consent from the landowner and any neighbouring affected landowners to the discharge of fireworks, prior to seeking permission from the Fire Chief.

- 4.3** A Display Supervisor or Pyro-Technician shall apply in writing, a minimum of 28 calendar days prior to an event, to the Fire Chief for a written letter of permission to conduct an event. The application in writing will include all the information required by the *Explosives Act* and the *Alberta Fire Code*. It shall include, but may not be limited to:
- a) date, time and location of the proposed event;
 - b) names, addresses and certification numbers of all display supervisors or pyro-technicians and assistants participating in the event;
 - c) name of the sponsor or promoter of the event;
 - d) a full description of the planned event and a list of all materials to be fired, detonated, burnt or energized during the event;
 - e) emergency plan for the event;
 - f) verification of liability insurance, in an amount acceptable to the Town of Drayton Valley;
 - g) payment of the designated application fee; and
 - h) a photocopy of the certification documents for all supervisors and pyro-technicians who are participating in the show including name, expiry date, certification number, and photo.
 - i) any other information deemed necessary by the Town of Drayton Valley or the Fire Chief.
- 4.4** The Fire Chief or designate may choose to issue to a Display Supervisor or Pyro-Technician, in the form of a signed letter on official letterhead, written permission for an event to take place.
- 4.5** The Fire Chief or designate shall determine, pursuant to the *Alberta Fire Code*, if a proposed fireworks display constitutes a *high-hazard fireworks* discharge. In such cases, the person responsible for discharging the fireworks shall ensure that:
- a) they have at least 2 assistants who are competent persons over 18 years of age and have been trained in the proper handling of fireworks;
 - b) the fireworks are set up in conformance with the "Display Fireworks Manual," published by Natural Resources Canada;
 - c) at least 2 portable extinguishers each having a rating not less than 2-A shall be not more than 45 m from the location at which the fireworks are discharged;
 - d) the potential landing area is cleared of spectators, vehicles, dry grass and other combustible material immediately prior to the beginning of the display and during the display;
 - e) nothing other than a flashlight or electrical lighting is used for artificial illumination;
 - f) no person, other than persons responsible for discharging the fireworks, is closer than 45 m from the location at which the fireworks are being discharged;

- g) the location at which the fireworks are discharged is at least
 - i) 60 m from any highway or other similar means of travel used by the public, and
 - ii) 15 m from the nearest overhead obstruction,
 - h) a complete search is conducted of the display area for any duds within 12 hours of the conclusion of the display,
 - i) any unused fireworks or duds remaining are disposed of in a safe manner within 12 hours of the conclusion of the display; and
 - j) any other conditions deemed appropriate by the Town of Drayton Valley or the Fire Chief or designate.
- 4.6** The Fire Chief or designate may choose not to issue written permission to anyone for a display or event if, in their opinion, such a display or event may create a risk to life, safety or property.
- 4.7** The Fire Chief or designate may attach any terms and conditions in a written letter of permission that he or she deems appropriate for the individual event.
- 4.8** The Fire Chief or designate may choose to revoke any previously issued written letter of permission for reasons of non-compliance with:
 - a) the *Alberta Fire Code*;
 - b) the *Explosives Act*;
 - c) the letter of permission, including any terms and conditions;
 - d) changes in environmental conditions; and/or
 - e) for any reasons of safety to life, limb or property.
- 4.9** The Town of Drayton Valley fire department, or an Enforcement Officer, is permitted to seize, take, remove or cause to be seized, taken or removed any fireworks offered or exposed for sale or being held or used contrary to this Bylaw.

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 \$500.00 and not more than \$5,000.00 for each offence.
- 5.2** 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 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, having been designated by the Town of Drayton Valley to provide those services 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 an Information pursuant to the provisions of the *Provincial Offenses Procedure Act*.

This Bylaw shall come into force and effect on the date of the third reading thereof.

READ A FIRST TIME THIS 3rd DAY OF November, 2010 A. D.

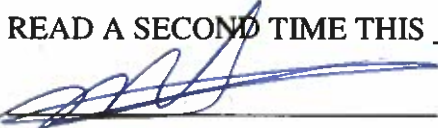


MAYOR



TOWN MANAGER

READ A SECOND TIME THIS 8th DAY OF December 2010 A. D.



MAYOR



TOWN MANAGER

READ A THIRD AND FINAL TIME THIS 8th DAY OF December 2010 A. D.



MAYOR



TOWN MANAGER

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