

## BYLAW NO. 14-14

### LEDUC COUNTY

#### A BYLAW OF LEDUC COUNTY, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF PROVIDING FOR THE SAFE POSSESSION, SALE, STORAGE, PURCHASE AND DISCHARGE OF LOW-HAZARD FIREWORKS

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#### WHEREAS

The Council of Leduc County deems it to be in the public interest to establish the Bylaw in compliance with 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).

Section 7(a) of 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.

Section 8 (a) of the Municipal Government Act, (R.S.A. 2000, c. M-26) as amended, provides for municipalities to enact Bylaws to regulate or prohibit.

Section 8 (c) of 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 licences, permits or approvals.

The Council of Leduc County 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.

The Council of Leduc County 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.

#### NOW THEREFORE,

be it resolved that the Council of Leduc County, duly assembled, hereby enacts that as follows:

1. In the Bylaw

- a) The definitions in the following enactments, as amended, in order of precedence, shall be used for the purpose of interpreting this Bylaw and its application:
  - i. Municipal Government Act (R.S.A. 2000, c. M-26)
  - ii. Safety Codes Act (R.S.A. 2000, c.S-1)
  - iii. Alberta Fire Code
  - iv. Explosives Act (R.S.A. 1985, c. E-17)
- b) 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.
- c) Written Permissions noted in this Bylaw shall take the form(s) outlined in Schedule A of this Bylaw.

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- d) "Low-Hazard Fireworks" means fireworks listed in Class 7, Division 2, Subdivision 1 in Section 14 of the Explosives Act (Canada) and regulations under the Act.
- e) "Fire Chief" means the Fire Chief of Leduc County Fire Services or his designated representative.
- f) "Peace Office" means a Leduc County, Special Constable or a member of the RCMP.

### 2. Prohibitions:

- a) No person shall wholesale, display for sale, offer for sale, sell, possess or store any fireworks within Leduc County without the written permission of the Fire Department.
- b) No person, may obtain, purchase, set off, discharge or otherwise handle fireworks within Leduc County without written permission of the Fire Department.
- c) No person shall sell fireworks to any person without seeing that person's Driver's Licence or other photo identification issued by the Government of Canada or Alberta.
- d) No person shall sell fireworks to anyone under the age of 18 years.
- e) No person under the age of 18 years shall purchase fireworks.
- f) No person shall bring fireworks into Leduc County without the written permission of the Fire Department.
- g) No person shall set up, set off, fire, discharge or energise a pyrotechnics display in Leduc County without the written permission of the Fire Department.
- h) Fireworks shall not be discharged or set off during a Leduc County, Fire Ban or Fire Prevention Notice.

### 3. Permissions:

- a) All persons purchasing, possessing, handling, distributing, offering for sale, storing, selling, discharging, firing or setting off fireworks or pyrotechnics displays shall conform to all the requirements of the Alberta Fire Code.
- b) A retail vendor wishing to sell fireworks to persons in Leduc County must first apply and obtain the written permission of the Fire Chief. This permission must include approval and acceptance of the storage area and the required Fire Safety Plan as outlined in the Alberta Fire Code.
- c) Payment of an initial application fee of \$50.00 is required prior to written permission being issued to a retail vendor.
- d) A retail vendor wishing to sell fireworks to persons In Leduc County 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:
  - i. The date of the sale,
  - ii. The name, address and phone number of the purchaser,
  - iii. A description of the fireworks sold,
  - iv. The date and time the fireworks will be discharged,
  - v. The location and description of the site where the fireworks will be discharged,
  - vi. The number assigned to the written permission form.

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- e) A person wishing to purchase fireworks in Leduc County must first obtain written permission to discharge, issued by the Fire Department of the municipality where the fireworks will be discharged.
- f) The written permission is good for 365 days of the date of issue, and can be used to make multiple purchases throughout the 365 day period.
- g) The Fire Chief may attach any terms and conditions in a written permission that he or she deems appropriate for the specific event and location.
- h) The Fire Chief may choose to revoke any previously issued written letter of permission for reasons of non-compliance with:
  - i. The Alberta Fire Code,
  - ii. The Explosives Act,
  - iii. The letter of permission, including any terms and conditions,
  - iv. Changes in environmental conditions, and/or
  - v. For any reasons of safety to life, limb or property.

4. Penalties:

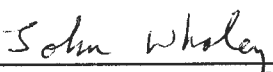
- a) Breach of this Bylaw is an offence and upon conviction shall be subject to a penalty and fine of not less than \$100.00 and not more than \$5,000.00.
- b) Where a Peace Officer with authority to enforce the Bylaws of Leduc County has reasonable grounds to believe that a person has violated any provisions of this Bylaw, the Peace 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.
- c) The issuance of a violation ticket shall require a Court appearance by the person pursuant to Part 2 of the Provincial Offences Procedure Act.
- d) Where a Safety Codes Officer in the Fire Discipline, holding a Designation of Powers for Leduc County, or Peace Officer has reasonable grounds to believe that a person has violated any provisions 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 Procedures Act.


This By-law shall take effect on the date of the third reading.

Read a first time this 6<sup>th</sup> day of May, 2014.

Read a second time this 6<sup>th</sup> day of May, 2014.

Read a third time with the unanimous consent of Council Members present and finally passed this 6<sup>th</sup> day of May, 2014.

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
COUNTY MANAGER

**Schedule "A"**

**Bylaw No. 14-14**

**Low-Hazard Fireworks  
Leduc County Fire Services  
Written Permission**

*Issued under the authority of the Alberta Fire Code and Leduc County Bylaw No.*

The Leduc County Fire Services, Fire Chief authorizes the undersigned to purchase and discharge, fire or set off Low-Hazard Fireworks in compliance with the Alberta Fire Code, Leduc County Bylaw No. \_\_\_\_\_ and the conditions on the reverse of this written permission document. This written permission is only authorized for the address below.

This written permission authorizes: \_\_\_\_\_

Municipal Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Legal Land: Sec. \_\_\_\_\_ Twp. \_\_\_\_\_ Range. \_\_\_\_\_ West of. \_\_\_\_\_

Location and description of the site where the fireworks will be discharged:

\_\_\_\_\_

This written permission is effective for 365 days from the date of issue, and can be used multiple times throughout the 365 day period to both purchase and discharge fireworks.

**In Case of an Emergency Call "911"**

Date of Issue: \_\_\_\_\_ Expires: \_\_\_\_\_

- THE ISSUEE AGREES TO INDEMNIFY AND SAVE HARMLESS LEDUC COUNTY FROM LIABILITY ARISING OUT OF THE OPERATIONS AUTHORIZED BY THIS PERMIT.
- THE ISSUEE AGREES TO HAVE READ AND UNDERSTOOD THE CONDITIONS AS LISTED ON THE REVERSE SIDE AND TO ASSUME FULL RESPONSIBILITY AND TO PAY THE COST OF FIGHTING ANY FIRES CAUSED BY WILFUL VIOLATION OF ANY CONDITIONS SET OUT IN THIS LETTER.

Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Fire Chief: \_\_\_\_\_ Signature: \_\_\_\_\_

Fireworks shall not be discharged or set off during a Leduc County, Fire Ban or Fire Prevention Notice.

**WHITE: APPLICANT COPY / YELLOW: LEDUC COUNTY COPY**

## CONDITIONS

### EXTRACTS FROM THE ALBERTA FIRE CODE

#### 5.7.1.5. Activities

- 1) No person shall discharge, fire or set off fireworks
  - a) In a place or in a manner that creates a danger or constitutes a nuisance to any person or property,
  - b) On a highway, road allowance, public beach or park unless they first obtain written permission from the fire department,
  - c) On privately owned land unless they
    - i. First obtain the written consent of the owner or occupant of that land and the owner or occupant of the neighbouring land on which debris might reasonably be expected to fall, and
    - ii. Provide a copy of the consent required in Subclause (c)(i) to the fire department,
  - d) In a building or place, unless
    - i. The fireworks are specifically designed and clearly marked by the manufacturer for such use, and
    - ii. The building or place is acceptable to the fire department,
  - e) Within 10 m of any building, tent, trailer, canvas shelter or motor vehicle,
  - f) Within 200 m of any place where explosives or flammable liquids or combustible liquids or substances are manufactured or stored,
  - g) Within 250 m of correctional institution as defined in the Corrections Act, a facility as defined in the Mental Health Act, a nursing home within the meaning of the Nursing Homes Act, a social care facility as defined in the Social Care Facilities Act, a hospital as defined in the Hospitals Act, an educational institution or a church, unless acceptable to the fire department, or
  - h) When the wind velocity exceeds 45 km/h or when, in the opinion of the fire department, weather conditions create an undue fire hazard.
- 2) The fire department is permitted to require a person to cease the discharging, firing, or setting off of fireworks when considered necessary to do so for reasons of safety.

#### 5.7.1.9. Age Requirement

- 1) No person who is under 18 years of age shall purchase, possess, handle, discharge, fire or set off fireworks.

#### 5.7.1.10. Discharging

- 1) Fireworks from which a projectile is discharged shall be set up in such a manner so that when ignited the projectile will go into the air in a vertical direction not more than 15° off the perpendicular.
- 2) Where ground level fireworks are discharged
  - a) They shall be positioned out of the firing range of aerial fireworks and in a location where there is no dry grass or combustible material on the ground beneath them, and
  - b) The area shall be thoroughly wet down immediately before the fireworks are discharged.
- 3) A portable extinguisher having a rating of not less than 2-A shall be provided and kept in the immediate discharge area.