



**BYLAW NO. 2012-919
OF THE
TOWN OF TWO HILLS**

**A BYLAW OF THE TOWN OF TWO HILLS, IN THE PROVINCE OF ALBERTA,
FOR THE PURPOSE OF REGULATING AND RESTRICTING DISCHARGE OF FIREWORKS.**

WHEREAS Section 7(a) of *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 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.

AND WHEREAS 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.

AND WHEREAS The *Alberta Fire Code 2006* assumes that municipalities will establish regulations regarding the discharge, firing or setting off of low-hazard fireworks;

AND WHEREAS The Council of the Town of Two Hills recognizes that Fireworks are explosive devices which are classified as Dangerous Goods under the *Alberta Fire Code 2006* and which, when used improperly by untrained persons, can cause injury, damage, fire and death.

AND WHEREAS The Council of the Town of Two Hills has determined that the discharge of fireworks by Persons who are not Fireworks display supervisors or professional pyro-technicians creates an unacceptable level of risk to life, health, safety and property.

NOW THEREFORE Council of the Town of Two Hills duly assembled enacts as follows:

PART I – INTERPRETATION

Division 1 - Title

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

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Division 2 - Definitions

2.1 In this Bylaw, including this section, unless the context otherwise requires:

- 2.1.1 **Application** means an application submitted in accordance with Section 4 of this Bylaw for a Permit;
- 2.1.2 **Authorized Person** means a display supervisor, pyro-technician or any other individual accredited under the **Explosives Act** to discharge or set off Fireworks;
- 2.1.3 **Bylaw** means this Fireworks Bylaw 2012-919;
- 2.1.4 **Council** means Council of the Town of Two Hills;
- 2.1.5 **Designated Area** means areas approved, according to the Fireworks Bylaw, to discharge or set off Fireworks;
- 2.1.6 **Enforcement Officer** means a Bylaw Enforcement Officer, Community Peace Officer, or member of the RCMP with authority to enforce the bylaws of the Town of Two Hills;
- 2.1.7 **Explosives Act** means the **Explosives Act**, S.C. 1995, c. E-17, as amended and regulations enacted there under;
- 2.1.8 **Fire Chief** means the individual who is appointed as Fire Chief of the Town or his/her designate;
- 2.1.9 **Fireworks** means low-hazard Fireworks as defined under the **Alberta Fire Code 2006**, as amended and any regulations enacted there under;
- 2.1.10 **Fireworks Display** means a display or show of Fireworks whether for recreational, professional or other purposes;
- 2.1.11 **Municipal Government Act** means the **Municipal Government Act**, c. M-26, as amended, and regulations enacted there under;
- 2.1.12 **Permit** means a written permission issued by the Fire Chief pursuant to Part III of this Bylaw, authorizing the use of Fireworks;
- 2.1.13 **Permit Holder** means a Person who has been issued a valid Permit pursuant to this Bylaw;
- 2.1.14 **Person** means an individual, a firm, partnership, joint venture, proprietorship, corporation, association, society and any other legal entity;
- 2.1.15 **Town** means the Town of Two Hills and all areas within the Town's jurisdictional boundaries;
- 2.1.16 **Town Manager** means the individual appointed by Council for the Town as the Chief Administrative Officer in accordance with the **Municipal Government Act**;
- 2.1.17 **Violation Tag** means a tag or similar document issued pursuant to the **Municipal Government Act**; and
- 2.1.18 **Violation Ticket** means a ticket issued pursuant to Part 2 of the **Provincial Offences Procedure Act**, R.S.A. 2000, Chapter P-34, as amended, or repealed and replaced from time to time, and any Regulations there under.

2.2 Where a term has not been defined by this Bylaw, the definitions in the following enactments, as amended, as required by the context, shall be used for the purposes of interpreting the term:

- 2.2.1 **Municipal Government Act**, R.S.A. 2000, c. M-26;
- 2.2.2 **Safety Codes Act**, R.S.A. 2000, c. S-1;



- 2.2.3 **Alberta Fire Code 2006**; and
- 2.2.4 **Explosives Act R.S.C. 1985, c. E-17.**

PART II - PROHIBITIONS

- 3.1 No Person shall discharge or set off Fireworks in the Town except in accordance with this Bylaw and a Permit issued pursuant to this Bylaw.
- 3.2 No Person shall discharge or set off Fireworks in non-designated areas. Designated areas are indicated in Schedule "A" of this Bylaw.
- 3.3 Only Authorized Persons who have been issued and hold a valid Permit pursuant to this Bylaw are permitted to discharge or set off Fireworks within the Town.
- 3.4 During a Fire Ban imposed under the Town's Fire Services Bylaw, all Permits issued under this Bylaw for the discharge or setting off of Fireworks shall be suspended until such time as the Fire Chief, in his/her sole discretion, deems it appropriate to reinstate the Permits.
- 3.5 All Permit Holders are responsible for ensuring that the conditions and provisions of all Permits are adhered to.

PART III – PERMITS

- 4.1 The Fire Chief is hereby authorized to issue Permits to Authorized Persons in accordance with this Bylaw for any or all of the following purposes:
 - 4.1.6 Discharging Fireworks;
 - 4.1.7 Setting off Fireworks; or
 - 4.1.8 Conducting a Fireworks Display
- within the Town.
- 4.2 All Applications for a Permit under this Bylaw must be in writing and must be in the form approved by the Town Manager;
- 4.3 All Permits issued under this Bylaw must be in writing and must be in the form approved by the Town Manager;
- 4.4 Permits issued pursuant to this Bylaw are valid for such period of time as shall be determined and set by the Fire Chief, in his/her sole discretion. Upon request by the Permit Holder, the Fire Chief may extend the period of time that a Permit is valid, provided that the Permit has not expired.
- 4.5 An Application for a Permit under this Bylaw must be submitted to the Fire Chief at least 28 calendar days prior to the event which the Application relates to.
- 4.6 An Application for a Permit under this Bylaw must include:



- 4.6.1 Date, time, location and duration of the proposed Fireworks Display;
- 4.6.2 Names, addresses and fireworks certification numbers of all Authorized Persons participating in the Fireworks Display;
- 4.6.3 The name of the sponsor or purchaser of the Fireworks Display;
- 4.6.4 A full description of the planned Fireworks Display and list of all materials to be fired, detonated, burnt or energized during the Fireworks Display;
- 4.6.5 The emergency plan for the Fireworks Display;
- 4.6.6 Written consent for Fireworks discharge from landowner and any neighbouring affected landowners;
- 4.6.7 Proof of liability insurance, in the amount and upon the terms to be determined by the Town Manager with consideration to the specific Application; and
- 4.6.8 Any other information deemed necessary by the Town Manager or Fire Chief.

4.7 An Application for a Permit authorizing the sale of Fireworks in the Town must also include a copy of the licence issued in accordance with the **Explosives Regulations** C.R.C. c. 599, as amended;

4.8 After receiving the Application, the Fire Chief, may:

- 4.8.1 Refuse the Application;
- 4.8.2 Grant the Application and issue a Permit; or
- 4.8.3 Grant the Application and issue a Permit subject to conditions.

4.9 The Fire Chief shall not issue a Permit under this Bylaw if,

- 4.9.1 in his or her opinion, the Fireworks Display may create a risk to life, public safety or property; or
- 4.9.2 proof of insurance as required under Section 4(e)(vii) has not been provided.

4.10 The Fire Chief may revoke any previously issued Permit for:

- 4.10.1 Failure to comply with the terms of the Permit; or
- 4.10.2 Where in the opinion of the Fire Chief, there is a risk to the public health or safety and/or property.

PART IV – OFFENCES AND PENALTIES

Division 1 – Offences

5.1 Breach of this bylaw is an offence and, upon conviction, shall be subject to a penalty of not less than \$100.00 and not more than \$5,000.00.

5.2 Any Person who provides false information to the Town, the Town Manager, the Fire Chief, a Designated Officer or to any other person empowered to enforce the terms of this Bylaw, is guilty of an offence and, upon summary conviction, shall be subject to a penalty and fine of



not less than \$100.00 and not more than \$2,000.00 and liable to the applicable penalties set out in the ***Provincial Offences Procedure Act***, R.S.A. 2000, c. P-34, and any amendments and regulations thereto.

Division 2 - Penalties

- 6.1 Where an Enforcement Officer (Community Peace Officer, Bylaw Enforcement Officer or Police Officer with authority to enforce the bylaws of the Town of Two Hills) 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.
- 6.2 The issuance of a violation ticket as noted in 6.1 shall require a Court appearance by the person pursuant to Part 2 of the Provincial Offences Procedure Act.
- 6.3 Where a Safety Codes Officer in the Fire Discipline, holding a Designation of Powers to the Town of Two Hills, or an Enforcement Officer noted in 6.1 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 Offenses Procedure Act.

ENFORCEMENT

- 7.1 Enforcement Officers are Designated Officers for the purposes of inspection and enforcement under this Bylaw.
- 7.2 An Enforcement Officer may, for the purpose of ensuring the provisions of this Bylaw are being complied with, enter in or upon any property in accordance with Section 542 of the ***Municipal Government Act*** to carry out an inspection, enforcement or other action required or authorized by this Bylaw, the ***Municipal Government Act***, or any other enactment the Town is authorized to enforce.
- 7.3 When exercising his or her authority to enter onto private property under Section 7.2 of the Bylaw, the Enforcement Officer shall provide the owner or occupant of the property with reasonable notice as required under Section 542 of the ***Municipal Government Act***.
- 7.4 No Person shall interfere with or obstruct an Enforcement Officer or a Person authorized to perform inspection or enforcement duties pursuant to this Bylaw on behalf of the Town from performing his or her duties under this Bylaw.

PART V - GENERAL MATTERS

- 8.1 Should any provision of this Bylaw become invalid, void, illegal or otherwise not enforceable, it shall be considered separate and severable from the Bylaw and the remainder shall remain in force and be binding as though such provision had not been included.



8.2 Nothing in this Bylaw relieves a Person from compliance with any and all applicable Federal and Provincial laws and/or regulations, and/or other Bylaws and/or regulations of the Town.

8.3 The Town is not liable for exercising its discretion to not take action pursuant to this Bylaw if that decision is made in good faith.

8.4 Nothing in this Bylaw shall restrict the Town's rights at common law or under the ***Municipal Government Act*** to enforce its rights and obligations.

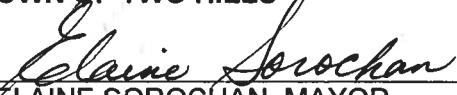
8.5 This Bylaw will come into full force and effect on the date of successful third reading and signing in accordance with Section 213 of the Municipal Government Act (R.S.A. 2000, c. M-26) as amended.

READ a first time this 25 day of JUNE , 2012.

READ a second time this 25 day of JUNE , 2012.

READ a third time and finally passed this 25 day of JUNE , 2012.

TOWN OF TWO HILLS



ELAINE SOROCHAN, MAYOR



ELSIE HOWANYK, C.A.O.



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SCHEDULE A

DESIGNATED AREAS

The following areas are permitted areas to discharge or set off fireworks, with a valid permit:

1. Geleta Park (Lot B Plan 58HW)
2. Town owned Land South of the old railroad tracks; east of Highway 36 (Lot 7 Plan 80222580)
3. Lagoon grounds owned by the Town (SEC 32 TWP 54 RG 12 W4M)
4. Golf Course (upon approval of private owner)

