

Town of Viking
Bylaw 2020-692
"Fireworks Bylaw"

BEING A BYLAW OF THE TOWN OF VIKING, IN THE PROVINCE OF ALBERTA TO REGULATE THE POSSESSION, SALE, STORAGE, PURCHASE AND DISCHARGE OF FIREWORKS IN THE TOWN OF VIKING.

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 or 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 Town of Viking 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.

NOW THEREFORE The Council of Town of Viking has determined that the sale, storage, purchase, possession, and discharge of fireworks not authorized by the Town and by persons not in possession of a Town of Viking permit pose an unacceptable level of risk to life, health, safety and property.

1. Citation

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

2. DEFINITION OF TERMS:

- 2.1 **APPLICABLE LAWS** - Any applicable federal, provincial or municipal laws, statutes, by-laws, rules, regulations, policies, orders, directives and codes, including, but not limited to, the Explosives Act, the Fire Protection and Prevention Act, 1997, and the Fire Code, and the Transportation of Dangerous Goods Act, 1992 (1992, c.34), as each may be amended from time to time.
- 2.2 **“Chief Administrative Officer”** means the Chief Administrative Officer of The Town of Viking or, their designate,
- 2.3 **“CONSUMER FIREWORKS”** means Fireworks that are low-hazard and designed for recreational use by the general public. These fireworks are classified F.1 by Section 36(2)(f) and regulated by Part 16 of the Explosives Regulations 2013.
- 2.4 **“DISPLAY FIREWORKS”** - High hazard fireworks generally used for recreation that are classified F.2 under the Explosives Regulations and includes, but is not limited to, rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, waterfalls, fountains, batteries, illuminations, set pieces and pigeons. (needed?)
- 2.5 **“DISPLAY DISCHARGE PERMIT”** - A written authorization issued by the Town under this chapter to discharge display fireworks.
- 2.6 **EXPLOSIVES ACT** - The Explosives Act (R.S.1985, c. E-17) and the regulations enacted thereunder from time to time or any act or regulations enacted in substitution therefor.
- 2.7 **“SPECIAL EFFECTS PYROTECHNICS”** means Fireworks that are used at a pyrotechnic event. These explosives are classified F.3 by Section 36(2)(f) and regulated by Part 17 of the Explosives Regulations 2013. Other types of explosives are also included if used to produce a special effect in a film or television production or a performance before a live audience
- 2.8 **“FIREWORKS”** means consumer fireworks, display fireworks or special effects pyrotechnics.
- 2.9 **“CONSUMER DISCHARGE PERMIT”** means a document (electronic or otherwise) issued by the Chief Administrative Officer pursuant to this Bylaw
- 2.10 **“BY-LAW”** - This Fireworks By-law, being a by-law of the town to regulate the sale and discharge of fireworks within the town, and any amendments to this by-law.

- 2.11 "FIREWORKS STORAGE AND SALES PERMIT" means a document issued by the Chief Administrative Officer pursuant to this Bylaw, in the form adopted by the municipality from time to time, authorizing the sale or storage for the purpose of sale, of Consumer Fireworks, Display Fireworks or Special Effects Pyrotechnics.
- 2.12 "DISCHARGE" - When used in relation to fireworks, includes firing, igniting, exploding and setting off such articles.
- 2.13 "Fireworks Permit" means an approved administrative application form issued by the Town of Viking allowing the use of fireworks within the Town.
- 2.14 "Owner" means:
- a) a person who is registered on the title at the Land Titles Offices;
 - b) a person who is recorded as the owner of the property on the assessment roll of the Town of Viking;
 - c) a person who has purchased or otherwise acquired the property, whether purchased or otherwise acquired from the owner or from another purchase, and has not become the registered owner thereof;
 - d) a person controlling the property under construction; or
 - e) a person who is the occupant of the property under a lease, rental, licence, or permit.
- 2.15 "Person" means an individual and includes a firm, partnership, joint venture, proprietorship, corporation, association, society and any other legal entity.
- 2.16 "Property" means any lands, buildings, structures or premises, or any personal property located thereupon, within the municipal boundaries of The Town of Viking;
3. GENERAL REQUIREMENTS
- 3.1 No person who is under 18 years of age shall purchase, possess, handle, discharge, fire or set off Fireworks with the exception of caps for toy pistols. No one under the legal age of 18 can discharge consumer fireworks unless supervised

by the adult who signed the Consumer Discharge Permit. Unless written in the permit the discharge is restricted to the private property named on the Consumer Discharge Permit.

- 3.2 All acquisitions, possession, storage, handling, sale, transportation or delivery of explosives or components of explosives shall be done in accordance with the Explosives Act, R.S.C. 1985, and the Explosives Regulation 2013.
- 3.3 No person shall discharge, fire or set off fireworks:
- In a place or in a manner that creates a danger or constitutes a nuisance to any person or property.
 - On a highway, road allowance, public beach or park without proper permits in order.
 - In a building or place, unless the fireworks are specifically designed and clearly marked by the manufacturer for such use,
 - Within 200 metres of any place where explosives or flammable liquids or combustible liquids or substances are manufactured or stored.
 - When the wind velocity exceeds 40 km/hour or when, in the opinion of the Fire Services weather conditions create an undue Fire Hazard.
 - During a Fire Ban.
4. DISPLAY DISCHARGE PERMIT (Commercial Show)
- 4.1 No person shall discharge Display Fireworks on public or private property intended for a public audience without first obtaining a Display Discharge Permit from the Town of Viking.
- 4.2 An applicant for a Display Fireworks Permit must provide the following information (as applicable) at the discretion of the CAO
- Date, time and location of the proposed discharge.
 - Names, addresses and Fireworks Operator Certificate numbers of all display supervisors and assistants participating in the discharge.
 - A list of all fireworks to be fired, detonated, burnt or energized during the display.
 - The emergency plan for the display.
 - Verification of liability insurance, in an amount acceptable to the Town of Viking.
- 4.3 An applicant for a Display Discharge Fireworks Permit must possess a valid Fireworks Operator Certificate at the appropriate level.

4.4 Obtain the consent of the owner or occupant of that property and the owner or occupant of neighbouring property on which debris might reasonably be expected to fall.

5. CONSUMER DISCHARGE PERMIT

5.1 A Consumer Discharge Permit will be required for all consumer fireworks discharged in the Town of Viking other than designated dates listed within this bylaw.

5.2 There will be no fee for a Consumer Discharge Permit.

5.3 Fire Services, in its reasonable discretion, may require a person to cease the discharging, firing or setting off fireworks when considered necessary to do so for reasons of safety, weather or injury at point and provide reasoning at point of ceasing to discharge.

5.4 In reference to 5:00, designated dates that do not require a Consumer Discharge Permit include New Year's Eve, Victoria Day, Canada Day, Halloween and Diwali. There is a 24-hour variance of date based on poor weather conditions.

6. FIREWORKS STORAGE AND SALE PERMIT

6.1 A Fireworks retail location requires a Fireworks Storage and Sale Permit from the Town of Viking to store, display and sell Fireworks

6.2 A retail location must follow all Federal Regulations regarding storage, display and selling of Fireworks.

6.3 A retail location must be Vendor Certified by a National Fireworks Association that is recognized by the CAO.

6.4 Anyone working with or handling fireworks must pass an examine offered by a National Fireworks Association that is recognized by the CAO.

6.5 A retail location must have Industry Safety Materials posted in high visible locations and as handouts for each purchase.

6.6 A retailer can sell fireworks seasonally or year-round.

7. Enforcement

7.1 An Enforcement Officer or a Designated Officer of the town of Viking may enter a fireworks distributors place of business and request copies of the

fireworks permits issued by that establishment within the last 30 days. Failure to produce the requested permits will result in the Town notifying the Provincial Authorities that the fireworks distributor is in contravention of Provincial laws.

- 7.2 Any costs incurred as a result of the seizure or disposal of the fireworks by an Enforcement Officer, in accordance with Section 5.1 shall be borne by the person in possession of the fireworks at the time of the seizure or property owner at the time of seizure.
- 7.3 On reasonable and probable grounds an Enforcement Officer may enter and inspect any place, other than a dwelling, in which fireworks are stored, transported or used and may open and inspect any room, container, vehicle, or package that the Enforcement Officer has reasonable and probable grounds to believe contains fireworks in contravention of this bylaw. Entering a dwelling must only be done under the authority of a warrant.
- 7.4 Authority to issue a warrant where on ex parte application to a justice is satisfied by information on oath that:
- the conditions for entry described in subsection (5.3) exist in relation to a dwelling- house,
 - entry to the dwelling-house is necessary for any purpose relating to the administration of this Bylaw, and
 - entry to the dwelling-house has been refused or there are reasonable grounds to believe that entry will be refused, the justice may issue a warrant authorizing the Enforcement Officer named in the warrant to enter the dwelling-house, subject to any conditions that may be specified in the warrant.
- 7.5 Any person who obstructs, interferes with, or hinders, an Enforcement Officer in the performance of the Enforcement Officer's duties pursuant to this Bylaw is guilty of an Offence pursuant to this bylaw.
- 7.6 Nothing in this Bylaw shall be read intending to replace any provision under the Safety Codes Act or regulations, Federal or Provincial Acts or Regulations.

8. Penalties
- 8.1 A breach of this bylaw is an offence.
- 8.2 An individual who is convicted of an offence pursuant to this bylaw for which no specific penalty has been provided is liable to a fine of not less than \$500.00 and not more than \$10,000.00.
- 8.3 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 Part 2 violation ticket pursuant to the provisions of the Provincial Offences Procedure Act.
- 8.4 When a conviction under this bylaw becomes final any fireworks and containers in respect of which the offence was committed that were seized as part of the penalty for the conviction, shall be forfeited to the Town.
- 8.5 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
- a) specify the fine amount established by this Bylaw in Schedule "A" for the offence; or
 - b) require a person to appear in Court without the alternative of making a voluntary payment.
- 8.6 This Bylaw will come into force and effect on the date of successful third reading and signing in accordance with Section 213 of the Municipal Government Act (RS.A. 2000, C. M-26) as amended.

READ a first time this 22 day of June 2020.

READ a second time this 22 day of June 2020.

READ a third time and adopted this 22 day of June 2020.

Town of Viking
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Fireworks Bylaw

Schedule "A"

3.1(a)	Display Fireworks for Sale	\$500.00
3.1(b)	Offer Fireworks for Sale	\$500.00
3.1(c)	Sells Fireworks	\$500.00
3.1(d)	Purchase Fireworks	\$500.00
3.1(e)	Possess Fireworks to Sell	\$500.00
3.2	Store Fireworks	\$250.00
3.3(a)	Obtains Fireworks	\$250.00
3.3(b)	Gives Fireworks	\$250.00
3.3(c)	Discharges Fireworks	\$250.00
3.3(d)	Possess Fireworks	\$250.00
3.4	Set up, operate or discharge a pyrotechnic display	\$500.00
3.5	Transports Fireworks	\$250.00
5.5	Obstructs, interferes with, hinders, an Enforcement Officer	\$500.00