

**TOWN OF OYEN**  
**BY-LAW NO. 851-16**

**A BYLAW OF THE TOWN OF OYEN 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 By-Laws 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 By-Laws to regulate or prohibit.

**AND WHEREAS** The Municipal Government Act, (R.S.A. 2000, c. M-26) as amended, provides for municipalities to enact By-Laws to provide for a system of licenses, permits or approvals.

**AND WHEREAS** The Council of the Town of Oyen 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 Oyen has determined that the controlled and managed sale, storage, purchase and discharge of fireworks by persons 18 years of age create a manageable level of risk of life, health, safety and property.

**NOW THEREFORE** The Council of the Town of Oyen, in the Province of Alberta, duly assembled and pursuant to the provisions of the said Municipal Government Act and amendments thereto, hereby enacts as follows:

**1. TITLE**

This bylaw shall be cited as the “Fireworks By-Law”.

**2. DEFINITIONS**

In this By-Law, unless the context otherwise require:

**2.1** The definitions in the following enactments, as amended, in order of precedence, shall be used for the purposes of interpreting this By-Law 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 Code
- 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** Written permissions noted in this By-Law shall take the form(s) outlined in Schedule “A” of this By-Law.

- 2.4 Fire Chief shall mean the Chief Officer of the Fire Department who is appointed by Council to manage and administer the Oyen Fire Department.
- 2.5 Safety Codes Officer shall mean the Safety Codes Officer in the Fire Discipline, holding a Designation of Powers to the Town of Oyen.

### **3. PROHIBITIONS**

- 3.1 No person shall wholesale, display for sale, offer for sale, sell, possess or store any fireworks within the Town of Oyen without the written permission of the Fire Chief or the Safety Codes Officer or their designate.
- 3.2 No person, may obtain, purchase, set off, discharge or otherwise handle fireworks within the Town of Oyen without the written permission of the Fire Chief or the Safety Codes Officer or their designate.
- 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 Governments of Canada or Alberta.
- 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 Oyen without the written permission of the Fire Chief or Safety Codes Officer their designates.

### **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 so in writing from the Fire Chief, or in the absence of the Fire Chief or his/her designate or the Safety Codes Officer.
- 4.3 A Display Supervisor or Pyro-Technician will apply in writing, a minimum of twenty-eight (28) Calendar days prior to an event, to the Fire Chief or the Safety Codes Officer or their designate, 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 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 the amount acceptable to the Town of Oyen,
- 7) Payment of the designated application fee, and
- 8) Any other information deemed necessary by the Town of Oyen or the Fire Chief or Safety Codes Officer.

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 or Safety Codes Officer or their designate may choose not to issue written permission to anyone for a display or show if, in their opinion, such a display or show may create a risk of life, safety or property.

4.6 The Fire Chief or Safety Codes Officer or their designate may attach any terms and conditions in a written permission he or she deems appropriate for the specific event and location.

4.7 The Fire Chief or Safety Codes Officer or their designate may choose to revoke any previously issued written letter or 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 By-Law is an offence and upon conviction shall be subject to a penalty and fine of \$500.00 for the first offence, \$750.00 for a second offence and \$1,000.00 for a third offence.

5.2 An Enforcement Officer (Chief Administrative Officer, RCMP Police Officer, By-Law Enforcement Officer or Community Peace Officer with authority to enforce the By-Laws of the Town of Oyen) has reasonable grounds to believe that a person has violated any provisions of the By-Law, the

Enforcement Officer may commence Court proceedings against such person by issuing the violation ticket 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, holding a Designation of Power to the Town of Oyen, or an Enforcement Officer noted in 5.2 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 Offences Procedure Act.

## **6. SEVERABILITY**

Despite that any section or sections of the By-Law, or any part or parts thereof, may be found by any court of law to be invalid or illegal that section or sections or part or parts thereof shall be deemed to be severable, and all other sections of this By-Law, or parts thereof, are separate and independent there from and enacted as such.

## **7. ENACTMENT**

This By-Law shall come into force and effect on the date of final reading and signing in accordance with the Municipal Government Act (R.S.A. 2000, c. M-26) as amended.

**READ A FIRST TIME THIS \_\_\_\_\_ DAY OF APRIL, 2016.**

**READ A SECOND TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

**READ A THIRD TIME AND FINALLY PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**CHIEF ADMINISTRATIVE OFFICER**

**SCHEDULE "A"**

**TOWN OF OYEN**

**FIREWORKS PERMIT**

This permit covers the following activities:

- A) Sales \_\_\_\_\_
- B) Purchase \_\_\_\_\_
- C) Possession \_\_\_\_\_
- D) Display \_\_\_\_\_

The Fire Chief or the Safety Codes Officer must sign in each applicable space.

**NOTE:**

This permit is issued by the Town of Oyen under its jurisdiction within the boundaries of the Town of Oyen.

Please print in the following spaces:

- 1) Applicant: \_\_\_\_\_
- 2) Date: \_\_\_\_\_
- 3) Display Location: \_\_\_\_\_
- 4) Name of registered Landowner: \_\_\_\_\_
- 5) Landowner's Signature: \_\_\_\_\_
- 6) Date of display: \_\_\_\_\_
- 7) Start time of display: \_\_\_\_\_
- 8) End time of display: \_\_\_\_\_

**NOTE:**

As the person applying for this permit, I acknowledge the following:

- 1) I am over eighteen (18) years of age.
- 2) I will not discharge these fireworks over public lands and forests without written consent.
- 3) I will not discharge these fireworks within 10 meters of any building or 200 meters of any flammable or combustible liquids storage, or 250 meters of any correctional institute, nursing home or hospital.
- 4) I will not discharge these fireworks if the wind exceeds 45 km/h.
- 5) Should the Fire Chief/Safety Codes Officer order a halt to the display for safety reasons, I will immediately comply.
- 6) I have read, and agree to abide by, the disclaimer on the reverse of this permit.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Fire Chief's or Safety Code Officer Signature

List of fireworks purchased:

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In executing this permit Application, the Applicant agrees to comply with all Federal, Provincial and Municipal Legislation, regulations, and other requirements, and to comply with all recognized safety standards and practices.

In executing this permit, the Applicant agrees not to make or bring any claim, action, suit, proceeding or demand against the Town of Oyen, its elected officials, officers, employees, servants, agents and contractors with respect to any occurrence, incident, accident, or happening relating in any manner whatsoever to this agreement and the rights and obligations arising therefrom, which, without limiting the generality of the foregoing shall include any claim, action, suit, proceeding or demand arising in tort or contract.

In executing this permit application, the Applicant agrees to indemnify and save harmless the Town of Oyen, its elected officials, officers, employees, servants, agents and contractors with respect to any claim, action, suit, proceeding or demand made or brought against the Town of Oyen, its elected officials, officers, employees, servants , agents and Contractors by any third party with respect to any occurrence, incident, accident, or happening relating in any manner whatsoever to this agreement and the rights and obligations arising therefrom, and which indemnity shall, without restricting the generality of the foregoing, included all legal costs incurred by the Town of Oyen in defending such a claim, action, suit, proceeding or demand.

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Applicant's Signature

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Fire Chief's or Safety Code Officer Signature