

Low-Hazard Fireworks - Permits, Storage and Display

ISSUE:

Questions have arisen regarding requirements of the Alberta Fire Code (AFC) for individuals involved in the sale, purchase, possession, handling, discharge, firing or setting off of low-hazard fireworks. In addition it has been noted that a number of outlets are storing low-hazard fireworks in a manner that constitutes a serious fire hazard.

BACKGROUND:

Under the *Municipal Government Act* municipalities have the ability through bylaw to make policy decisions and develop systems which guide fire departments in allowing sales and authorizing discharge of these products [or disallowing these activities within their jurisdiction] as well as dealing with the practical implementation and enforcement of these municipal decisions.

Municipal bylaws may also restrict written permissions to specific time frames throughout the year and/or provide for a system which discourages spur of the moment purchasing by restricting sales to daytime and/or weekday hours.

Where elected officials of the municipality have made the policy decision to allow the storage, sale and use of low hazard fireworks the provisions of the AFC which apply to the sale, storage and use of fireworks can be found in Division B, Parts 2, 3 and 5.

CODE REQUIREMENTS:*

The following is a summary of requirements for the storage, sale, purchase, possession and discharge of *low hazard fireworks* in Alberta.

- 1) Any person wishing to sell, offer for sale, store, purchase, possess, handle, discharge, fire or set off fireworks requires written permission of the fire department to do so. There are no exceptions. Therefore the following permissions must be obtained from the fire department, *acting as the agent of the municipality and subject to direction of the municipal council through bylaw*, prior to any fireworks being stored, sold or used in Alberta:
 - the wholesaler will require written permission from the fire department to provide product to retailers within the municipality,
 - the retailer will require written permission from the fire department to store, display and sell these products.

* All references are to the Alberta Fire Code, Division B, unless otherwise stated

- the consumer will require written permission from the fire department to purchase and discharge these products. *No permission can be granted to purchase without a corresponding permission to discharge.*
 - written consent for discharge from the landowner and any neighbouring affected landowners will be required prior to obtaining permission.
- 2) Storage and display must be compliant with Part 3 of the AFC. Section 3.2 lays out both the general and specific storage requirements for fireworks. (Subsections 3.2.1., 3.2.2., 3.2.3., 3.2.10.) Clause 5.7.1.8.(1)(b) requires that any building or place used for sale or storage must conform with Part 3.
- Any amount over 100 kg gross weight shall be deemed to be "storage" and stored as per Sentence 3.2.10.5.(3).
 - All displayed product must be in lots that do not exceed 25 kg gross weight and no product should be displayed in a manner where the product is directly accessible to any occupant.
 - It is suggested that retail staff will, once a sale has been completed with all required permissions, remove the materials the consumer has requested from display or storage and finalize the sale.
- 3) All retailers and wholesalers must retain for two years all of the following information (5.7.1.8.) and make it available upon request to the fire department and/or the authority having jurisdiction:
- date of sale;
 - name, address and phone number of purchaser;
 - description of goods sold;
 - date and time of discharge, and
 - the location and site description of where the fireworks will be discharged.
- 4) Wholesalers and retailers require fire emergency procedures to be developed and regularly reviewed with the fire department. (AFC - 3.1.2.6.(1) and 3.2.2.5.).

INTENT:

The requirements of the AFC regarding the sale, purchase, possession, handling, discharge, firing or setting off of low-hazard fireworks infers that a municipal council decision be made on whether the fire department can provide written permission for these activities. Where the municipal council decision allows the fire department to issue written permission a bylaw outlining the administrative process is recommended. (See Appendix B).

Where permitted low-hazard fireworks are to be displayed for sale and stored in accordance with Part 3 and sold, purchased, handled and discharged in accordance with Section 5.7. of the AFC

Appendix A.**Extract from the Alberta Fire Code 2006**

The following provides information extracted from the AFC 2006, however it may not be complete and the actual document should be consulted for regulatory purposes.

3.2.10. Indoor Storage of Fireworks**3.2.10.1. Application**

- 1) Except as permitted in Sentence (2), this Subsection shall apply to the indoor storage of *fireworks*.
- 2) This Subsection shall not apply to the storage of *fireworks* commonly used as distress flares.

3.2.10.2. Dwelling Units

- 1) *High-hazard fireworks* shall not be stored in a *dwelling unit*.
- 2) Not more than 10 kg gross weight of *low-hazard fireworks* obtained in accordance with Part 5 shall be stored in a *dwelling unit*.
- 3) If *low-hazard fireworks* are stored in a *dwelling unit* they shall be stored
 - a) in a secure container,
 - b) in a cool, dry area, and
 - c) away from
 - i) an open flame,
 - ii) excessive heat, or
 - iii) spark-producing equipment or tools.

3.2.10.3. Ignition Sources

- 1) Smoking, open-flame devices or spark-producing equipment shall not be permitted in any place, site or *building* used for the sale, storage or retail display of *fireworks*.
- 2) Signs reading "FIREWORKS - NO SMOKING or OPEN FLAME" in letters at least 100 mm high shall be posted in locations acceptable to the fire department in areas described in Sentence (1).

3.2.10.4. Storage

- 1) *Fireworks* shall not be stored or displayed for sale in a *building* or place unless the *building* or place is acceptable to the fire department in accordance with Part 5.
- 2) Explosives, other than small arms ammunition, shall not be stored in the same *building* in which *fireworks* are stored.

3.2.10.5. Low-Hazard Storage

- 1) *Low-hazard fireworks* that are displayed for sale shall be
 - a) in lots that do not exceed 25 kg each gross weight,
 - b) in a package, glass case or other suitable receptacle away from flammable or combustible substances, and
 - c) in a place that is not exposed to direct or refracted sunlight or excessive heat.
- 2) Where *low-hazard fireworks* that exceed 25 kg gross weight are stored, they shall be in a container meeting the requirements of the "Explosives Act" and its Regulations, published by Natural Resources Canada.
- 3) Where *low-hazard fireworks* that exceed 100 kg gross weight are stored, they shall be stored in a separate store or warehouse meeting the requirements of the "Explosives Act" and its Regulations, published by Natural Resources Canada.

3.2.10.6. High-Hazard Storage

- 1) Where *high-hazard fireworks* that exceed 25 kg gross weight are stored, they shall be stored in a container meeting the requirements of the “Explosives Act” and its Regulations, published by Natural Resources Canada.
- 2) Where *high-hazard fireworks* that exceed 125 kg gross weight are stored, they shall be in a separate store or warehouse meeting the requirements of the “Explosives Act” and its Regulations, published by Natural Resources Canada.
- 3) *High-hazard fireworks* obtained for immediate use are permitted to be stored in quantities that exceed those specified in this Article if the storage place is
 - a) situated in a location acceptable to the fire department,
 - b) secured to prevent unauthorized entry,
 - c) clean and adequately ventilated,
 - d) not used for the storage of any other flammable, combustible or explosive substance, and
 - e) identified with conspicuously posted signs warning of the explosive contents and the danger from open flames, smoking and the use of spark-producing tools or other objects in the storage place.

3.2.10.7. Portable Extinguishers

- 1) Portable extinguishers shall be provided in all *buildings* and areas where *fireworks* are stored.

Section 5.7. Fireworks**5.7.1. Fireworks**

(See Appendix A.)

A-5.7.1. Municipalities have the authority to regulate fireworks within their jurisdiction under the Municipal Government Act. Municipalities can use the Municipal Government Act to establish a fireworks permit bylaw allowing the municipality to permit fireworks. A fireworks permit bylaw established by a municipality may have provisions that include or exclude any activity involving fireworks.

5.7.1.1. Application

- 1) Except as permitted by Sentence (2), this Section shall apply to the sale and discharge of *fireworks* and pyrotechnic devices.
- 2) This Section shall not apply to a person who possesses or discharges *fireworks* commonly used as distress flares.

5.7.1.2. Manufacture, Importation, and Transportation

- 1) The manufacture and importation of *fireworks* shall be in conformance with the “Explosives Act” and its Regulations, published by Natural Resources Canada.
- 2) The transportation of *fireworks* shall be in conformance with the “Transportation of Dangerous Goods Act” and its Regulations.

5.7.1.3. Discharge

- 1) Except as permitted in Clause 5.7.1.7.(1)(b), no person shall discharge, fire or set off *fireworks* from, on or over
 - a) public land as defined in the Public Lands Act, or
 - b) a forest protection area designated under the Forest and Prairie Protection Act.

5.7.1.4. Prohibited

- 1) No person shall have in their possession, sell, offer for sale, give away or otherwise distribute, discharge, fire or set off *firecrackers*.
- 2) No person shall purchase, store, use or supervise the use of a pyrotechnic device unless,
 - a) the pyrotechnic device conforms to the requirements of the “Explosives Act” and its Regulations, published by Natural Resources Canada, and

b) the person is certified in accordance with the “Explosives Act” and its Regulations, published by Natural Resources Canada.

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 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 a 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 Licensing 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.

5.7.1.6. Authority

- 1) The fire department, or *forest officer* in the forest protection area, 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 Section.
- 2) Where *fireworks* are seized in accordance with Sentence (1), the fire department, or *forest officer* in the forest protection area, shall dispose of them in a safe manner.

5.7.1.7. Written Permission

(See Appendix A.)

A-5.7.1.7. Due to the fact that fireworks can be purchased in one municipality and discharged in another, individuals must ensure that written permission is obtained from all of the appropriate authorities if this is the case.

- 1) No person shall
 - a) purchase, possess, handle, discharge, fire or set off *fireworks* unless written permission issued by the fire department for that purpose has been obtained, or
 - b) discharge, fire or set off *fireworks* in a forest protection area unless written permission issued by a *forest officer* for that purpose has been obtained.
- 2) Written permission issued under Sentence (1)
 - a) shall specify the date, time and location on which the *fireworks* are to be discharged, and
 - b) is permitted to contain any other terms and conditions the fire department or *forest officer* considers necessary to ensure the safe use of the *fireworks*.
- 3) Permission shall not be granted under this Section in respect to *high-hazard fireworks* unless the applicant possesses a *fireworks* supervisor card issued pursuant to the “Explosives Act” and its Regulations, published by Natural Resources Canada.

5.7.1.8. Fireworks Sales

- 1) No person shall sell, offer for sale or store for the purpose of sale, *fireworks* unless
 - a) permission is obtained from the fire department for the sale and storage, and
 - b) the *building* or place used for the sale or storage conforms to Part 3.
- 2) A request for permission under Sentence (1) shall be accompanied by a copy of the applicant's current business licence issued by the municipality in which the applicant carries on business.
- 3) A person who sells *fireworks* or offers them for sale shall ensure that
 - a) the manufacturer's instructions on the safe use of *fireworks* are provided with each sale,
 - b) notices acceptable to the fire department are posted at the sales outlet outlining the instructions referred to in Clause (a),
 - c) a record of each sale is kept on the premises where the sale occurs for a period of not less than two years following the date of the sale, and
 - d) a record referred to in Clause (c) shows
 - 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, and
 - v) the location and a description of the site where the *fireworks* will be discharged.
- 4) A person who sells *fireworks* or offers them for sale shall make available the record referred to in Clause (3)(c) in conformance with Article 2.2.1.2. of Division C.

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.

5.7.1.11. High-Hazard Display

- 1) Where *high-hazard fireworks* are discharged, 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, and

- i) any unused *fireworks* or duds remaining are disposed of in a safe manner within 12 hours of the conclusion of the display.

Defined Terms:

Building means any structure used or intended for supporting or sheltering any use or *occupancy*.

Combustible liquid means a liquid having a *flash point* at or above 37.8 °C and below 93.3°C. (See Subsection 4.1.2. of Division B.)

Dwelling unit means a *suite* operated as a housekeeping unit, used or intended to be used by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

Fireworks means the fireworks listed in Class 7, Division 1, and Class 7, Division 2, Subdivisions 1 and 2 in Section 14 of the Explosives Act (Canada) and regulations under the Act.

High-hazard fireworks means fireworks listed in Class 7, Division 2, Subdivision 2 in Section 14 of the Explosives Act (Canada) and its Regulations.

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.

Forest officer means a person appointed as a *forest officer* pursuant to Section 2 of the Forests Act.

Flammable liquid means a liquid having a *flash point* below 37.8 °C and having a vapour pressure not more than 275.8 kPa (absolute) at 37.8 °C as determined by ASTM D 323, "Vapor Pressure of Petroleum Products (Reid Method)." (See Subsection 4.1.2. of Division B.)

Firecracker means any device that explodes instantaneously when ignited and does not produce any subsequent display or visible effect after the explosion and, without restricting the generality of the foregoing, includes those devices commonly known as Chinese firecrackers, but does not include paper caps containing not more than 16.2 mg (1/4 grain) of explosive per cap or devices to be used with the paper caps.

Appendix B1

_____ of _____

Sample Fireworks Prohibition Bylaw
Bylaw # 2010-??**DISCLAIMER**

This sample is offered by Alberta Municipal Affairs and the Safety Codes Council with no endorsement, legal review or recommendation in any way, shape or form. The intent of this sample is to provide possible format and content in order for a municipality to address potential issues and make informed policy decisions which will guide the actions of the Fire Chief and Fire Department on the issue of Fireworks as inferred in the Alberta Fire Code.

Municipalities should evaluate the material provided based upon their own needs and the advice of their advisors and legal counsel.

100 Purpose & Preamble

- 101 The _____ of _____ 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.
- 102 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.
- 103 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.
- 104 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.
- 105 The Council of the _____ of _____ 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.
- 106 The Council of the _____ of _____ has determined that the sale, storage, purchase and discharge of fireworks by persons not in possession of a fireworks display supervisors card as noted in 101 above creates an unacceptable level of risk to life, health, safety and property.

200 Definitions

- 201 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:
- 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)
- 202 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.

300 Prohibitions

- 301 No person (*other than a display supervisor or wholesaler as authorized under the Explosives Act by the Explosives Regulatory Division of Natural Resources Canada*) shall display for sale, offer for sale, sell, possess or store any fireworks within the _____ of _____ .
- 302 No person, other than a fireworks display supervisor, may obtain, purchase, handle, set off, discharge or otherwise fireworks within the _____ of _____ .
- 303 No person, other than 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 _____ of _____ .

400 Permissions

- 401 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 do so in writing from the Fire Chief or, in the absence of the Fire Chief, his or her designate.
- 402 A Display Supervisor or Pyro-Technician will apply in writing, a minimum of 28 Calendar days prior to an event, to the Fire Department 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 be 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 an amount acceptable to the _____ of _____ ,
 - 7) Payment of the designated application fee, and
 - 8) Any other information deemed necessary by the _____ of _____ or the Fire Chief.
- 403 The Fire Chief or his or her 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 a show or display to take place.
- 404 The Fire Chief or his or her 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 to life, safety or property.
- 405 The Fire Chief or his or her designate may attach any terms and conditions in a written letter of permission that he or she deems appropriate for the individual event.

- 406 The Fire Chief or his or her designate may choose to revoke any previously issued written letter of 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.

500 Penalties

- 501 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.
- 502 Where an Enforcement Officer (Community Peace Officer, Bylaw Enforcement Officer or Police Officer with authority to enforce the bylaws of the _____ of _____) 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.
- 503 The issuance of a violation ticket as noted in 502 shall require a Court appearance by the person pursuant to Part 2 of the Provincial Offences Procedure Act.
- 504 Where a Safety Codes Officer in the Fire Discipline, holding a Designation of Powers to the _____ of _____, or an Enforcement Officer noted in 502 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.

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 (R.S.A. 2000, c. M-26) as amended.

Read a first time this ____ day of _____, A.D., 2010.

Chief Executive Official

Chief Administrative Officer

Read a second time this ____ day of _____ A.D.,2010.

Chief Executive Official

Chief Administrative Officer

Read a third time this ____ day of _____, A.D., 2010.

Chief Executive Official

Chief Administrative Officer

Appendix B2

_____ of _____

Sample Fireworks Permissions Bylaw
Bylaw # 2010-??**DISCLAIMER**

This sample is offered by Alberta Municipal Affairs and the Safety Codes Council with no endorsement, legal review or recommendation in any way, shape or form. The intent of this sample is to provide possible format and content in order for a municipality to address potential issues and make informed policy decisions which will guide the actions of the Fire Chief and Fire Department on the issue of Fireworks as inferred in the Alberta Fire Code.

Municipalities should evaluate the material provided based upon their own needs and the advice of their advisors and legal counsel. Each municipality will need to utilise its own terminology as well as determine if and how it wishes to limit days and hours of fireworks sale and discharge.

100 Purpose & Preamble

- 107 The _____ of _____ wishes to enact a Bylaw 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).
- 108 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.
- 109 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.
- 110 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.
- 111 The Council of the _____ of _____ 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.
- 112 The Council of the _____ of _____ 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.
- 113 *The Council of the _____ of _____ wishes to limit the sale and use of fireworks to specific periods of the year in order to effectively manage the risk.*
- 114 *The Council of the _____ of _____ wishes to limit the hours of sale of fireworks in order to effectively manage the risk.*

200 Definitions

- 203 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:

- 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)
- 204 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.
- 205 Written Permissions noted in this bylaw shall take the form(s) outlined in Schedule A of this Bylaw.
- 206 Fire Chief shall mean the Chief Officer of the Fire Department who is appointed by Council to manage and administer the Fire Department.

300 Prohibitions

- 304 No person shall wholesale, display for sale, offer for sale, sell, possess or store any fireworks within the _____ of _____ without the written permission of the Fire Department.
- 305 No person, may obtain, purchase, set off, discharge or otherwise handle fireworks within the _____ of _____ without the written permission of the Fire Department.
- 306 No person shall sell fireworks to any person without seeing that person's Driver's Licence or other photo identification issued by the Government's of Canada or Alberta.
- 307 No person shall sell fireworks to anyone under the age of 18 years.
- 308 No person under the age of 18 years shall purchase fireworks.
- 309 No person shall bring fireworks into the _____ of _____ without the written permission of the Fire Department.
- 310 No person shall set up, set off, fire, discharge or energise a pyrotechnics display in the _____ of _____ without the written permission of the Fire Department.

400 Permissions

- 407 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.
- 408 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 do so in writing from the Fire Chief or, in the absence of the Fire Chief, his or her designate.
- 409 A Display Supervisor or Pyro-Technician will apply in writing, a minimum of 28 Calendar days prior to an event, to the Fire Department 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 be 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 an amount acceptable to the _____ of _____ ,
 - 7) Payment of the designated application fee, and
 - 8) Any other information deemed necessary by the _____ of _____ or the Fire Chief.
- 410 The Fire Chief or his or her designate may choose to issue to a Display Supervisor or Pyro-Technician, written permission for a show or display to take place.
- 411 The Fire Chief or his or her 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 to life, safety or property.
- 412 *Fireworks may only be sold, purchased and discharged within the following annual timeframes:*
- 1) *Ten calendar days prior to and inclusive of the Victoria Day holiday.*
 - 2) *Ten calendar days prior to and inclusive of the Sunday following the Canada Day holiday.*
 - 3) *Ten days prior to and inclusive of New Year's Day.*
 - 4) *Other timeframes of Ten calendar days or less which may be allowed for on a one time basis by resolution of council.*
- 413 *Fireworks may only be sold and purchased between the hours of 8:00 AM and 8:00PM Mountain Time.*
- 414 A wholesaler or distributor of fireworks wishing to provide fireworks to a retail vendor in the _____ of _____ must first apply and obtain the written permission of the Fire Chief or his/her designate.
- 415 A retail vendor wishing to sell fireworks to persons in the _____ of _____ must first apply and obtain the written permission of the Fire Chief or his/her designate. This permission must include approval and acceptance of the storage area and the required Fire Safety Plan as outlined in the Alberta Fire Code.
- 416 A retail vendor wishing to sell fireworks to persons in the _____ of _____ 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:
- 1) The date of the sale,
 - 2) The name, address and phone number of the purchaser,
 - 3) A description of the fireworks sold,
 - 4) The date and time the fireworks will be discharged,
 - 5) The location and description of the site where the fireworks will be discharged,
 - 6) A copy of the written permission to discharge, issued by the Fire Department of the municipality where the fireworks will be discharged, or from a Forest Officer where the discharge is to take place within a forest protection area, and
 - 7) A copy of the written permission to purchase fireworks issued by the Fire Department of the _____ of _____ .

- 417 A person wishing to purchase fireworks in the _____ of _____ must first obtain written permission to discharge, issued by the Fire Department of the municipality where the fireworks will be discharged, or from a Forest Officer where the discharge is to take place within a forest protection area.
- 418 A person in possession of written permission to discharge fireworks as noted in 410 above may apply to the Fire Department of the _____ of _____ for written permission to purchase fireworks from a vendor within the _____ of _____ .
- 419 The Fire Chief or his or her designate may attach any terms and conditions in a written permission that he or she deems appropriate for the specific event and location.
- 420 The Fire Chief or his or her designate may choose to revoke any previously issued written letter of 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.

500 Penalties

- 505 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.
- 506 Where an Enforcement Officer (Community Peace Officer, Bylaw Enforcement Officer or Police Officer with authority to enforce the bylaws of the _____ of _____) 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.
- 507 The issuance of a violation ticket as noted in 502 shall require a Court appearance by the person pursuant to Part 2 of the Provincial Offences Procedure Act.
- 508 Where a Safety Codes Officer in the Fire Discipline, holding a Designation of Powers to the _____ of _____, or an Enforcement Officer noted in 502 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.

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 (R.S.A. 2000, c. M-26) as amended.

Read a first time this ____ day of _____, A.D., 2010.

Chief Executive Official

Chief Administrative Officer

Read a second time this ____ day of _____ A.D.,2010.

Chief Executive Official

Chief Administrative Officer

Read a third time this ____ day of _____ , A.D., 2010.

Chief Executive Official

Chief Administrative Officer