

REQUEST FOR DECISION

TITLE:	Fireworks Bylaw 09.21
DATE:	April 28, 2021
PRESENTED BY:	Darryl Drohomerski, C.E.T., CAO
ATTACHMENT:	Fireworks Bylaw 19.20 & Fireworks Bylaw 09.21

SUMMARY:

In the fall of 2020, a proposed Fireworks Bylaw 19.20 was brought forward to Council for first reading and a public hearing was conducted. Through many discussions and taking into consideration the feedback from Town Council, vendors, the Fire Chief, and the community, via survey and public hearing, Administration has decided that the best course of action would be to bring forward a new bylaw which would also lead to a public hearing and more public consultation.

The intention of Fireworks Bylaw 09.21 is to recognize the need for clear language and a practical process for vendors and consumers while keeping in mind the safety of the community.

RECOMMENDATION:

It is recommended that Fireworks Bylaw 19.20 be defeated in second reading in order to clearly document the closure on this version and move forward with first reading of Fireworks Bylaw 09.21.

DISCUSSION:

Fireworks Bylaw 09.21 points of interest:

-Section 4. Restrictions & Requirement For The Selling of Fireworks defines and outlines the responsibility of the vendor and the fire works inspector for the safe storage and handling of fireworks.

-Section 5 Possession, Handling and Discharge of Consumer Fireworks advises the consumer that it is their responsibility to safely discharge fireworks and understand the provincial regulations that govern fireworks.

-Section 5 and Section 6 defines the differences and expectations between Consumer and Display Fireworks

-Schedule A Permit Fees are in place to cover the administrative work that that is defined under Section 4. Restrictions & Requirements for the Selling of Fireworks and Section 6. Possession, Handling and Discharge of Display Fireworks.

-Schedule B Specified Penalties fees have been adjusted.

The Fire Chief has reviewed 09.21 and agrees with the changes from the previous version. Protective Services drafted the Bylaw and has met with vendors to discuss the changes in 09.21 and incorporate their processes for the sale of fireworks into the new Bylaw.

FINANCIAL IMPACT:

The fees in Schedule A are to cover the administrative costs of fire inspections and permits in order to encourage the safe and responsible handling of fireworks within our community. The fees in Schedule B are to hold the consumer accountable for the misuse of fireworks.

STRATEGIC POLICY ALIGNMENT:

Good governance.

COMMUNICATION STRATEGY:

Circulation of the Fireworks Bylaw 09.21, Public Hearing.

MOTION:

1. That Council give second reading to Fireworks Bylaw 19.20 as presented.

Seconded:

MOTION:

2. That Council give first reading to Fireworks Bylaw 09.21 as presented.

Seconded:

Prepared By:

Denise Lines, SR Admin Assistant

Approved By:


Darryl Drohomerski, C.E.T., CAO

**TOWN OF DRUMHELLER
BYLAW NUMBER 09.21**

A BYLAW OF THE TOWN OF DRUMHELLER TO REGULATE AND CONTROL THE SALE
AND SETTING OFF OF FIREWORKS WITHIN THE MUNICIPALITY OF DRUMHELLER IN
THE PROVINCE OF ALBERTA.

WHEREAS pursuant to section 7 of the *Municipal Government Act*, R.S.A. 2000, c. M-26 as amended, a council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS pursuant to section 8 of the *Municipal Government Act*, R.S.A. 2000, c.M-26, as amended, a council may, in a bylaw, regulate or prohibit and provide for a system of licenses, permits or approvals;

AND WHEREAS Council for the Town of Drumheller recognizes that fireworks are explosive devices which are classified as dangerous goods under the *National Fire Code – 2019 Alberta Edition* and present a risk to the safety, health, and welfare of persons and the safety of property within the geographic limits of the Town of Drumheller, particularly when sold, possessed, and used by persons not properly trained and certified;

NOW THEREFORE, the Council for the Town of Drumheller, duly assembled, hereby enacts as follows:

SECTION 1. NAME OF BYLAW

- 1.1 This bylaw may be cited as the “Fireworks Bylaw”.

SECTION 2. PURPOSE

- 2.1 The Town wishes to enact a bylaw for the purpose of providing for the sale, possession, storage and discharge of Fireworks in compliance with:
- i. Any applicable municipal bylaws, policies, procedures and guidelines;
 - ii. The *National Fire Code – 2019 Alberta Edition*, as amended;
 - iii. The *Safety Codes Act*, RSA 2000, C S-1, as amended; and
 - iv. The *Explosives Act* and *Explosives Regulations*.

SECTION 3. DEFINITIONS

- 3.1 “CAO” shall mean the Chief Administrative Officer for the Town of Drumheller or their designate.
- 3.2 “Consumer Fireworks” means fireworks which are designed for recreational use and are classified as low-hazard fireworks within the *Explosives Act*;
- 3.3 “Discharge” means to fire, ignite, explode or set-off or cause to be fired, ignited, exploded or set-off;
- 3.4 “Display Fireworks” means fireworks that are designed for professional use and are classified as such high-hazard within the *Explosives Act*;

- 3.5 “*Explosives Act*” means the *Explosives Act*, R.S.C., 1985, c E-17 and the regulations enacted thereunder, as amended or repealed and replaced from time to time;
- 3.6 “Explosives Regulations” means the *Explosives Regulations, 2013*, SOR/2013-211
- 3.7 “Fire Ban/Advisory” means a prohibition/restriction on all burning, including the Discharge of all Fireworks, issued by the Town;
- 3.8 “Firecracker” has the same meaning as in the *National Fire Code 2019 – Alberta Edition*;
- 3.9 “Fireworks” means Consumer Fireworks, Display Fireworks, Special Effect Pyrotechnic, or Firecrackers;
- 3.10 “Fireworks Inspector” means the Town of Drumheller Fire Chief or designate, the Chief Administrative Officer, any peace officer, municipal enforcement officer or a person designated and authorized in writing by the CAO to administer and enforce the requirements of this Bylaw;
- 3.11 “Fireworks Permit” means any one or more of the two (2) documents issued by the Fireworks Inspector which constitutes written permission for purposes of the *National Fire Code – 2019 Alberta Edition*:
- i. Display Fireworks (high-hazard) permit, the National Fire Code 2019 – Alberta Edition which requires conformance with the Natural Resources Canada 2010 “Display Fireworks Manual”, as may be amended; or
 - ii. Fireworks Vendor permit;
- 3.12 “Fireworks Supervisor” also known as “Display Supervisor” means a person who holds a fireworks operator certificate issued under the *Explosives Act*;
- 3.13 “Prohibited Fireworks” includes Firecrackers and the items included on the most recent list of prohibited fireworks as published from time to time under the *Explosives Act*;
- 3.14 “Pyrotechnician” means an individual who is certified and authorized to purchase and supervise the display of Special Effect Pyrotechnics Fireworks under the *Explosives Act*;
- 3.15 “Safety Codes Act” means the *Safety Codes Act*, R.S.A. 2000, c. S-1, as amended; and
- 3.16 “Special Effect Pyrotechnics” shall mean those Fireworks listed as Class F.3 in Part 17 of the *Explosives Regulations*;
- 3.17 “Violation Ticket” shall mean a ticket issued pursuant to the *Provincial Offences Procedure Act*, RSA 2000, C. P-34, as amended and any regulations thereunder.

SECTION 4. RESTRICTIONS & REQUIREMENTS FOR THE SELLING OF FIREWORKS

- 4.1 No person shall sell, display or possess any Prohibited Fireworks.
- 4.2 No person shall knowingly sell any Fireworks to a person who is under the age of 18 years.

- 4.3 No person shall display, offer for sale or sell Fireworks without a valid Fireworks Vendor Permit
- 4.4 All requirements for Fireworks sales found in the *National Fire Code – 2019 Alberta Edition*, *Explosives Act*, and *Explosives Regulations* are deemed to constitute terms and conditions of any Firework Vendor Permit.
- 4.5 Any Vendor applying for a Firework Vendor Permit must provide, to the satisfaction of the Fireworks Inspector;
- i. a completed Firework Vendor Permit application form;
 - ii. if the applicant is not the owner of the building you must provide written confirmation from the property owner/lessee/agent of building, if applicable;
 - iii. the application fee, as set out in Schedule “A” attached hereto and forming part of this Bylaw;
 - iv. must display visible signage at all entrances, stating that fireworks are on the premises
 - v. any additional information required by the Fireworks Inspector.
- 4.6 Upon receipt of a completed application for a Fireworks permit the Fireworks Inspector may, in his discretion:
- i. issue a Fireworks Permit with or without conditions; or
 - ii. refuse to issue a Fireworks Permit
- 4.7 The Fire Inspector may suspend or revoke a Fireworks Permit if, in the opinion of the Fire Inspector acting reasonably:
- i. the holder of the Fireworks Permit has contravened this Bylaw, the *National Fire Code – 2019 Alberta Edition*, any applicable legislation or the terms and conditions of the Fireworks Permit; or
 - ii. the suspension or revocation of the Fireworks Permit is necessary or desirable for the protection of persons or Property.
- 4.8 The Fire Inspector may, at any reasonable hour of the day, and with reasonable notice to the permit-holder, conduct an inspection of:
- i. a fireworks storage site;
 - ii. a fireworks sales or distribution site;
 - iii. the area surrounding any of the above sites;
 - iv. fireworks sales and records;
 - v. any documents related to a permit or a permit application; or
 - vi. any one or more of the above.
- 4.9 The Fire Inspector shall discuss safety and safety training options with the vendor at the time of initial premise inspection and shall follow up within a reasonable time to determine if safety training has been engaged and that safe practices are being followed on the premise.

SECTION 5. POSSESSION, HANDLING AND DISCHARGE OF CONSUMER FIREWORKS

- 5.1 No person shall; have in that person's possession give away, distribute, discharge, fire, use, or set off any Prohibited Fireworks.
- 5.2 Property damage or injury as a result of the firing or setting off of Fireworks shall be the responsibility of the Person setting off the Fireworks.
- 5.3 Any person who purchases, possesses, handles, discharges or sets off Fireworks must comply with all requirements for the use of Fireworks found in the *National Fire Code – 2019 Alberta Edition, Explosives Act, and Explosives Regulations*.
- 5.4 No Person shall store, handle or set off Fireworks in an unsafe manner or in a manner that creates a nuisance, taking into account the noise, danger of fire and explosion, risk of death, injury and damage to Persons and property inherent in the storage, handling or use of Fireworks
- 5.5 No person under the age of 18 years shall purchase, possess, handle, discharge, fire or set off Fireworks.
- 5.6 The Fireworks Inspector may require a person to cease the discharging, firing or setting off of fireworks when considered necessary to do so for reason of safety
- 5.7 Consumer Fireworks shall only be permitted to be set off on privately-owned property
- 5.8 Any person who purchases, possesses, handles, discharges or sets off Fireworks to whom a Consumer Fireworks Permit is issued shall:
 - i. ensure that no fire or other damage occurs as a result of Fireworks or Fireworks debris;
 - ii. in the event that a fire occurs, extinguish the fire immediately or contact the Fire Department without delay;
 - iii. ensure that no Fireworks debris or other waste is left behind after the Fireworks are discharged
- 5.9 No Person shall discharge, fire or set off Fireworks
 - i. on or into any highway, street, lane, park or any other public place within the Town unless authorized to do so by way of a Special Events Permit.
 - ii. Within 10 metres of any building, tent, trailer, canvas shelter or motor vehicle
 - iii. Within 200 meters of any place where explosives or flammable liquids or combustible liquids or substances are manufacture or stored,
 - iv. When the wind velocity exceeds 45 km/h or when, in the opinion of the municipal fire department, weather conditions create an undue fire hazard, or
 - v. Where a municipal or provincial fire ban or fire advisory is in effect
 - vi. Within 250m of
 - a. A correctional institution as defined in the Alberta Corrections Act,
 - b. A nursing home within the meaning of the Alberta Nursing Homes Act,

- c. a hospital as defined in the Alberta Hospitals Act,
 - d. an educational institution
- unless deemed acceptable to a Fire Inspector.

SECTION 6. POSSESSION, HANDLING AND DISCHARGE OF DISPLAY FIREWORKS

- 6.1 No Person shall discharge or set off Display Fireworks without a valid Display Fireworks Permit
- 6.2 An application for a Display Fireworks Permit must be submitted in the form prescribed by the Municipality a minimum of 5 business days prior to the Event, and be accompanied by the application fee set out in Schedule "A"
- 6.3 Every Person applying for a Display Fireworks Permit must provide, to the satisfaction of the Fireworks Inspector:
 - i. a valid fireworks operator certificate display supervisor qualification;
 - ii. a completed Fireworks Permit application form;
 - iii. written confirmation that the property owner/lessee/agent of the land where the event will occur consents to the discharge of Fireworks on the land, if applicable;
 - iv. the application fee, as set out in Schedule "A" attached hereto and forming part of this Bylaw;
 - v. Proof of insurance in the minimum amount of \$2,000,000.00 naming the Town of Drumheller as an additional insured
 - vi. any additional information required by the Fireworks Inspector.
- 6.4 Upon receipt of a completed application for a Display Fireworks Permit the Fire Inspector may, in his discretion:
 - i. issue a Display Fireworks Permit with or without conditions; or
 - ii. refuse to issue a Display Fireworks Permit
- 6.5 The Fireworks Inspector may suspend or revoke a Display Fireworks Permit if, in the opinion of the Fireworks Inspector acting reasonably:
 - iii. the holder of the Display Fireworks Permit has contravened the requirements as set out in the *National Fire Code – 2019 Alberta Edition*, *Explosives Act*, and *Explosives Regulations*, or the terms and conditions of this Bylaw or the Display Fireworks Permit; or
 - iv. the suspension or revocation of the Display Fireworks Permit is necessary or desirable for the protection of persons or Property.
- 6.6 The person to whom a Display Fireworks Permit is issued shall:
 - i. ensure that no fire or other damage occurs as a result of Fireworks or Fireworks debris;
 - ii. in the event that a fire occurs, extinguish the fire immediately or contact the Fire Department without delay;
 - iii. ensure that no Fireworks debris or other waste is left behind after the Fireworks are discharged; and
 - iv. ensure that:

- a. where Display Fireworks are to be discharged, all requirements of the most recent version of the Display Fireworks Manual published by Natural Resources Canada, are complied with;
- b. where Special Effect Pyrotechnics are to be discharged, all requirements of the most recent version of the Special Effect Pyrotechnics Manual, published by Natural Resources Canada, are complied with; and
- c. all *National Fire Code – 2019 Alberta Edition* and Display Fireworks Permit requirements are complied with.

SECTION 7. ENFORCEMENT

- 7.1 A person who contravenes or fails to comply with a provision of this bylaw is guilty of an offence.
- 7.2 Any person who interferes with or obstructs a Fireworks Inspector in the execution of their duties under this bylaw is guilty of an offence
- 7.3 Where a Municipal Enforcement Officer has reasonable grounds to believe that a person has violated any provision of this bylaw, that Municipal Enforcement Officer may serve that person with a Violation Ticket.
- 7.4 A Violation Ticket shall be served upon the person named therein in accordance with the provisions of the *Provincial Offences Procedure Act*.
- 7.5 When a Municipal Enforcement Officer has reasonable grounds to believe that a person has violated any provision of this bylaw, that Municipal Enforcement Officer may serve that person with a Violation Tag by personal service or by registered mail.
- 7.6 A Violation Tag issued pursuant to this bylaw, shall specify the penalty in lieu of prosecution payable in respect of the contravention of this bylaw as set out in Schedule “B” to this bylaw for penalties in lieu of prosecution.
- 7.7 A person who has been issued a Violation Tag pursuant to this bylaw and has paid the penalty to the Town by the date specified on that Violation Tag, shall not be liable to prosecution for the subject of contravention.
- 7.8 Nothing in this bylaw shall prevent a Municipal Enforcement Officer from issuing a Violation Ticket for the mandatory Court appearance of any person who contravenes any provision of this bylaw, or from laying an information.

SECTION 8. PENALTIES

- 8.1 A person who is convicted of an offence pursuant to this bylaw is liable upon summary conviction to a penalty in an amount not less than the amount specified in Schedule “B” of this bylaw, or if not prescribed in Schedule “B”, not more than \$10,000.00, and any other penalties as may be prescribed in default of payment in relation to proceedings taken under Part 2 or Part 3 of the *Provincial Offences Procedure Act*.

SECTION 9. SEVERABILITY

- 9.1 Each provision of this bylaw is independent of all other provisions. If any provision of the bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this bylaw shall remain valid and enforceable.

SECTION 10. COMMENCEMENT

- 10.1 This Bylaw shall become effective on the date of the final passing thereof.

READ A FIRST TIME ON THE 3RD DAY OF MAY, 2021

READ A SECOND TIME ON THE 31ST DAY OF MAY, 2021

READ A THIRD AND FINAL TIME ON THE 31ST DAY OF MAY, 2021

MAYOR

CHIEF ADMINISTRATIVE OFFICER

SCHEDULE "A"
Bylaw Number 09.21
FIREWORKS BYLAW
PERMIT FEES

Permit Type	Fee
Permit for the sale of fireworks (up to 1 year)	\$100
Permit for Display Fireworks (per event)	\$50

SCHEDULE "B"

**Bylaw Number 09.21
FIREWORKS BYLAW
SPECIFIED PENALTIES**

Section	Description of Offence	First Offence	Second Offence	Third and Subsequent Offences
4.1	Sell, display or possess Prohibited Fireworks	\$250	\$500	\$750
4.3	Display, offer for sale or sell, without a valid Fireworks Vendor Permit	\$250	\$500	\$750
4.5 iv	Failure to display proper signage	\$250	\$500	\$750
4.6	Failure to comply with a Fireworks Vendor Permit	\$500	\$2,000	\$5,000
5.1	Purchase, possess, handle, discharge or set off Prohibited Fireworks	\$250	\$500	\$750
5.3	Store, handle or discharge fireworks in an unsafe manner or manner that creates a nuisance	\$250	\$500	\$750
5.7 i	Discharge of fireworks on or into a highway, street, lane, park or any other public place without approval	\$500	\$1,000	\$5,000
6.1	Discharge or set off Display Fireworks without a valid Display Fireworks Permit	\$500	\$1,000	\$5,000
7.2	Interfere with or obstruct a Fireworks Inspector in the execution of their duties under this bylaw	\$500	\$1,000	\$5,000