

**PARKLAND COUNTY  
PROVINCE OF ALBERTA**

**BYLAW NO. 2016-08**

**BEING A BYLAW TO AUTHORIZE THE REGULATION OF FIREWORKS WITHIN PARKLAND  
COUNTY, IN THE PROVINCE OF ALBERTA**

**WHEREAS** Sections 7 and 8 of the *Municipal Government Act* R.S.A. 2000, chapter M-26 ("*Municipal Government Act*") authorizes council to pass bylaws for the safety, health and welfare of people and the protection of people and property; and

**WHEREAS** the Alberta Fire Code 2014, under the authority of the Safety Codes Act R.S.A. 2000 chapter S-1 states: "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. A fireworks permit bylaw established by a municipality may have provisions that include or exclude any activity involving fireworks";

**NOW THEREFORE** the Council of Parkland County, duly assembled and under the authority of the *Municipal Government Act*, as amended, hereby enacts as follows:

**TITLE**

1. This bylaw may be cited as the "Fireworks Bylaw."

**DEFINITIONS**

2. The following definitions will apply to the corresponding words in this bylaw:
  - (1) "Applicant" means an individual and includes a firm, partnership, joint venture, proprietorship, corporation, association, society and any other legal entity.
  - (2) "Consumer Fireworks" means low-hazard firework articles designed for recreational use by the public. These articles may include items such as roman candles, sparklers, fountains, volcanoes, mines, and snakes.
  - (3) "Consumer Fireworks Sale Permit" means a permit granted to a Retailer authorizing that Retailer to sell Consumer Fireworks and/or to issue Fireworks Permits for Consumer Fireworks in accordance with this Bylaw and any restrictions or conditions imposed by such permit.
  - (4) "Council" means the Council of Parkland County as constituted from time to time;
  - (5) "County" means the municipality of Parkland County in the province of Alberta;
  - (6) "Danger" means engaging in conduct that could have grave or serious consequences for people and property
  - (7) "Discharge" means to ignite Fireworks;
  - (8) "Discharge Date" means the day when fireworks will be ignited;
  - (9) "Display Fireworks" means high-hazard firework articles designed for use by professionals. These articles may include items such as aerial shells, cakes, waterfalls, lances and wheels;
  - (10) "Fire Ban" means an order by Parkland County that prohibits the Discharge of Fireworks, and which suspends all Fireworks Permits;
  - (11) "Fire Restriction" means a limitation on the type and duration of fire permits and/or fireworks permits to all or portions of Parkland County;
  - (12) "Fire Services" means the department within Parkland County responsible for fire protection;
  - (13) "Fireworks" means a device that explodes to make a display of light and/or noise, and includes Consumer Fireworks, Display Fireworks and Pyrotechnics Special Effects;
  - (14) "Fireworks Permit" means a permit issued by a Fire Services official or designate pursuant to the Alberta Fire Code under the authority of the *Safety Codes Act* allowing the Discharge of Fireworks with such restrictions or conditions as may be imposed by the County;

- (15) "Hazard" means a source of danger or potential Danger;
- (16) "Owner" means:
  - (a) The Person as registered on title at the Land Titles Offices;
  - (b) A Person who is recorded as the owner of the Property on the assessment roll of the County;
  - (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 in possession of the Property, including under a lease, license, or permit;
- (17) "Peace Officer" means a Person appointed as a peace officer under Section 7 of the *Peace Officer Act*;
- (18) "Person" means an individual and also includes a firm, partnership, joint venture, proprietorship, corporation, association, society and any other legal entity;
- (19) "Property" means any lands, buildings, structures or premises, or any Personal property located thereupon, within the municipal boundaries of the County;
- (20) "Public Safety" means the prevention of and protection from events that could expose the general public or Property in the County to danger, injury, harm, or damage;
- (21) "Pyrotechnics Special Effects" mean high-hazard pyrotechnics articles designed for use by professionals. These articles include items such as gerbs, mines, comets and crossettes.
- (22) "Retailer" means a Person authorized to offer goods for sale at a fixed location in the County;
- (23) "Specified Penalty" means a penalty specified in Schedule "A" required to be paid in response to a Violation Ticket, for an alleged offence of any section of this Bylaw;
- (24) "Violation Ticket" means a ticket issued for an offence committed against any of the provisions of this Bylaw pursuant to Part 2 of the *Provincial Offences Procedure Act* R.S.A. 2000, Chapter P-34.

## **GENERAL**

- 3. Council from time to time may by bylaw establish a fee for issuing a Fireworks Permit.
- 4. Permits shall only be valid for one (1) Discharge Date.
- 5. Permits shall be valid for fourteen (14) days in advance of the Discharge Date for the purpose of purchase, storage and transportation of Fireworks.
- 6. At any time, a Fire Services official and/or a Peace Officer may refuse to issue a Fireworks Permit or cancel an issued permit if the Fireworks display or intended Fireworks display poses a Hazard or risk to Public Safety.
- 7. An Applicant who is not the Owner of the Property of the intended Discharge site, will obtain written consent from the owner of the Property and present it upon application.
- 8. Fireworks Permits are not transferrable to a different Person or a different Property.
- 9. An Applicant must be eighteen (18) years of age or older.

## **CONSUMER FIREWORKS**

- 10. A Fireworks Permit may be obtained for Consumer Fireworks for discharge any day of the year.
- 11. Retailers
  - (1) Retailers may obtain a Consumer Fireworks Sale Permit from the County,

- (2) Retailers must comply with all Alberta Fire Code requirements applicable to their place of business and Alberta Fire Code requirements for Fireworks.
- (3) Retailers with a Consumer Fireworks Sale Permit may be granted permission by the County to issue Fireworks Permits for Consumer Fireworks at the time of sale.
- (4) The County may, at any time, cancel a Retailer's ability to issue Fireworks Permits for Consumer Fireworks at the time of sale in the event the Retailer fails to remain in compliance with the conditions of the Alberta Fire Code and/or the requirements of this bylaw or the Fire Services prescribed process for consumer permitting.
- (5) No Retailer or other Person shall sell, make available for sale or distribute Fireworks in the County without a valid Consumer Fireworks Sale Permit.

## **DISPLAY FIREWORKS/PYROTECHNIC SPECIAL EFFECTS**

- 12. Applications for a Fireworks Permit for Display Fireworks and/or Pyrotechnic Special Effects shall be made in writing to the County thirty (30) days in advance of the proposed Discharge Date. The Applicant must have obtained all required certifications from Natural Resources Canada, and the application must satisfy the requirements of the Alberta Fire Code.

## **OFFENCES**

- 13. The Owner of the Property upon which Fireworks are discharged, without the necessary Fireworks Permit required by this Bylaw is guilty of an offence under this Bylaw.
- 14. A Person who stores, transports and/or Discharges Fireworks without the necessary Fireworks Permit required by this Bylaw, is guilty of an offence under this Bylaw.
- 15. A Person who Discharges Fireworks while Fire Ban or applicable Fire Restriction is in effect, is guilty of an offence under this Bylaw.
- 16. A Person obstructing a Peace Officer and/or representative of the County in the performance of their duties is guilty of an offence under this Bylaw. Obstruction will include, but is not limited to, failure to provide access to Property and failure to provide information as to identity of individuals.
- 17. A Person who discloses false information when applying for any type of Firework Permit is guilty of an offence under this Bylaw.
- 18. Any Person discharging Fireworks that creates an undue Hazard or risk to Public Safety is guilty of an offence under this Bylaw.
- 19. A Person who fails to comply with conditions contained in their Fireworks Permit is guilty of an offence under this Bylaw.
- 20. A Person who fails to comply with requirements of the Alberta Fire Code is guilty of an offence under this Bylaw.
- 21. A Person who issues a Fireworks Permit to a Person under the age of eighteen (18) years of age is guilty of an offence under this Bylaw.

## **PENALTIES**

- 22. A Person who fails to comply with any provision contained in this Bylaw is guilty of an offence and is liable for the penalty prescribed by Schedule "A", or if no penalty is specified in Schedule "A" for that particular offence, then upon summary conviction shall be liable for a fine of not more than \$10,000, or to imprisonment to a term of not more than one year, or both.
- 23. A Peace Officer is authorized to enforce this Bylaw under the *Municipal Government Act* and may, under Part 2 of the *Provincial Offences Procedures Act (Alberta)*, issue a Violation Ticket.
- 24. Where the County, or an agency acting on the County's behalf, has incurred costs by taking any action under the authority of this Bylaw or from an emergency incident from the use or misuse of Fireworks, the County may charge these costs, penalties and/or fines to the Owner of the Property in respect of which the action was taken. The Owner shall have a period of thirty (30) days from the date of mailing of the notice to appeal the fees to Council. The decision of Council on any such appeal shall be final and binding upon the Owner of the Property.
- 25. In respect of any costs or fees levied or charged under this Bylaw:

- (1) The County may recover such costs or fees as an amount due and owing to Parkland County pursuant to Section 552 of the *Municipal Government Act* R.S.A. 2000, Chapter M-26; and
- (2) In default of payment, where permitted by the *Municipal Government Act* R.S.A. 2000, Chapter M-26 Section 553(1)(c) and Section 553(1)(g), add the amounts due to the tax roll of the property in question.

**ENACTMENT/TRANSITION**

- 26. Should any provision of this bylaw be deemed invalid then such invalid provision will be severed from this bylaw and such severance will not affect the validity of the remaining portions of this bylaw, except to the extent necessary to give effect to such severance.
- 27. Schedule “A” forms part of this bylaw.
- 28. This bylaw shall come into force and take effect on the day of third reading and signing thereof.

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 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”**

**WHEREAS**, under the provisions of Section 44 of the *Provincial Offences Procedure Act*, and under the provisions of Section 7 of *the Municipal Government Act*, Council may by Bylaw provide for the payment of Violation Tickets or summons out of court.

A Violation Ticket may be issued by a Peace Officer to any Person charged with a breach of any of the provisions of this Bylaw and the hereto-mentioned Acts shall apply in regards to the payment.		First Offence	Second Offence	Subsequen t Offence
Section # 13, 14	Stored, transported and/or discharged Fireworks without the necessary Fireworks Permit.	\$250	\$500	\$1000
Section # 15	Discharged Fireworks while a Fire Ban or Fire Restriction is in effect	\$1000	\$5000	\$10 000
Section # 16	Obstructed a Peace Officer and/or representative of the Parkland County in the performance of their duties and responsibility to the Fireworks Bylaw.	\$500	\$2,000	\$10,000
Section # 17	Disclosed false information to obtain a Fire Permit.	\$250	\$500	\$1000
Sections # 18	Discharged fireworks that creates a hazard or risk to Public Safety.	\$500	\$2,000	\$10,000
Section # 19	Failed to comply with conditions their permit.	\$250	\$500	\$1000
Sections # 20	Failed to comply with requirements of the Alberta Fire Code	\$1000	\$5000	\$10 000
Section # 21	Issued a Fireworks Permit to a Person under the age of eighteen (18) years of age.	\$250	\$500	\$1000