

A BYLAW OF THE SUMMER VILLAGE OF ISLAND LAKE

IN THE PROVINCE OF ALBERTA

BYLAW 01-2013

A **BYLAW** OF THE SUMMER VILLAGE OF ISLAND LAKE TO PERMIT THE **STORAGE, GIVING AWAY, SALE OF HIGH AND LOW HAZARD FIREWORKS** AND DISCHARGE OF HIGH HAZARD FIREWORKS.

WHEREAS pursuant to the provisions contained in Section 7(t) of the Municipal Government Act RSA 2000, Chapter M-26, a Council may pass bylaws for municipal purposes respecting services provided by or on behalf of a municipality; and

WHEREAS Council wishes to pass a bylaw pursuant to Section 7(t) of the said Act and provide a policy which will preserve life and property from fire through the safe storage, giving away, sale and discharge of high and low hazard fireworks in accordance with the current edition of the Alberta Fire Code.

NOW THEREFORE, the Council for Summer Village of Island Lake, in the Province of Alberta, duly assembled, enacts as follows:

1. IN THIS BYLAW THE FOLLOWING DEFINITIONS SHALL APPLY:

- a) **"High Hazard Fireworks"** means those types of fireworks that only persons certified by Natural Resources Canada to store, transport and discharge. For example these are typically used at large events at fairs, exhibitions or Canada Day displays.
- b) **"Low Hazard Fireworks"** means those types of fireworks which are regulated for storage, sale and discharge under the Alberta Fire Code, but do not require certification for handling, transporting or discharge. Commonly referred to as SHOP GRADE or FAMILY FIREWORKS.
- c) **"ALBERTA FIRE CODE"** the most current version of fire safety regulations adopted by the Province of Alberta and legislated under the Safety Codes Act.
- d) **"Enforcement Officer"** means a Community Peace Officer, bylaw Enforcement Officer, Safety Codes Officer in the fire discipline or RCMP who are authorized to enforce Bylaws of the Summer Village.
- e) **"The County"** means the Athabasca County.
- f) **"The Director"** means the Director of Emergency Services for Athabasca County.
- g) **"Fire Protection Services"** means the Fire Protection Service of Athabasca County.
- h) **"Violation Ticket"** shall mean a ticket issued pursuant to the Part II of the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34 amended, and Regulations there under.
- i) **"Summer Village"** means the Summer Village of Island Lake.

2. HIGH HAZARD FIREWORKS

- a) Any applicant wishing to discharge HIGH HAZARD FIREWORKS must apply to the Summer Village of Island Lake a minimum of one week in advance of the event or proposed discharge. After receipt of a completed application in the form contained in Schedule

"A" to this bylaw, the application form shall be forwarded to the Fire Protective Services for review. The decision to approve or deny the application shall be made by the Director or delegate. The decision is final.

- b) The sale or storage of HIGH HAZARD FIREWORKS is prohibited in the Summer Village of Island Lake.
- c) The applicant shall follow all conditions of High Hazard Fireworks permit.

3. **LOW HAZARD FIREWORKS**

- a) No person shall sell, give away or store LOW HAZARD FIREWORKS within the Summer Village of Island Lake unless he/she holds a valid permit for that purpose issued by the Director or his delegate, in accordance with the permit application forms contained in Schedule "B" to this Bylaw.
- b) The Applicant shall follow all conditions of Low Hazard Fireworks vendor permit.

4. Permits issued under this bylaw are not transferable.

5. **LOW HAZARD FIREWORKS and HIGH HAZARD FIREWORKS** shall not be sold, given away or discharged during times of fire advisory or fire bans.

6. The Director or his delegate may refuse a permit application or cancel any permit. In the event a permit is cancelled, the permit holder shall be notified by the County of the cancellation and the reason for the cancellation, as soon as is practicable.

7. Possessing, transport, give away, storage or discharge of LOW HAZARD FIREWORKS purchased outside of Summer Village of Island Lake boundaries, must comply with the regulations as stated in the most current version of the Alberta Fire Code and the permit requirements under this bylaw.

8. **LOW HAZARD FIREWORKS** shall not be possessed, handled, transported, sold, given away, stored or discharged by anyone under the age of 18 years.

9. A permit issued pursuant to this bylaw shall have no force or effect outside the corporate limits of Summer Village of Island Lake.

10. Any records retained under this bylaw, shall be stored in accordance with the Freedom of Information and Protection of Privacy Act.

11. Breach of this bylaw is an offence and upon conviction shall be subject to the penalties for contravening this bylaw shall be identified in Schedule "C".

12. An Enforcement Officer may, in their sole discretion, issue a summons as provided for pursuant to Section 11.

- a) In the event a person to whom a summons is issued is found guilty of a first offence, they are liable upon summary conviction to the penalties as described in Schedule "C" and in default of payment to imprisonment of a term of not more than thirty (30) days.
- b) In the event a person to whom a summons is issued is found guilty of a second or subsequent offence, they are liable upon summary conviction to double the penalties as described in Schedule "C" and in default of payment to imprisonment of a term of not more than thirty (30) days.

13. This Bylaw shall take effect on the day of the final passing thereof.

RECEIVED FIRST, SECOND AND THIRD READINGS this **20th** day of March 2013

And with the unanimous consent of all Council Members present.

Mayor

Administrator

SCHEDULE "A"

Summer Village of Island Lake High Hazards Fireworks

Permit

High Hazard Fireworks Permit Application

Permit No. _____

Applicant's Name: _____

Address: _____

Representing: _____

The applicant is hereby authorized to purchase, possess, handle, discharge, fire, set-off or display high hazard fireworks on:

_____ at _____

(Date)

(Location)

Within the Summer Village of Island Lake.

- Fireworks Will Be Displayed

This permit is subject to cancellation for any breach of the Alberta Fire Code or any of the following conditions and precautions required as a condition of this permit. This permit shall be produced when making fireworks purchases.

- Conditions and Precautions:
- Detailed site plan attached
- Site security/emergency plan attached
- Insurance certificate attached
- Written permission from landowner attached (Event occurring on private property)

Date: _____ Director or Delegate: _____

Applicant's Signature: _____

Fireworks Supervisor's Card No. & Expiry Date: _____

SCHEDULE "3"

Summer Village of Island Lake Low Hazard Fireworks

Vendor Permit Application

PART ONE

Business / Operating Name: _____

Business Address: _____

Business Mailing Address: _____

Owner's Name: _____

Date: _____

Low Hazard Fireworks Vendor Number: _____

Any party / business that intends to give away, sell, store or distribute LOW HAZARD fireworks, must conform to Section 5.7 of the Alberta Fire Code 2006.9

SCHEDULE "3"

Summer Village of Island Lake Low Hazard Fireworks

Vendor Permit Application

PART TWO

LOW HAZARD FIREWORKS REGULATIONS

Code requirements came into force on September 2, 2007. All code requirements are referenced from the Alberta Fire Code 2006 edition.

SECTION 5.7. FIREWORKS

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 license 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. 10

SCHEDULE "3"

Summer Village of Island Lake Low Hazard Fireworks

Vendor Permit Application

PART THREE

LOW HAZARD FIREWORKS VENDOR PERMIT CONDITIONS

1. The Summer Village of Island Lake requires a full site inspection, at the expense of the business, by an approved Safety Codes Officer in the Fire and Building Discipline, for compliance to building and storage requirements as outlined in Section 5.7 of the Alberta Fire Code 2006.
2. Any person or business, who sells, gives away, stores or offers for sale low hazard fireworks must submit proof of liability insurance for the sum of \$2,000,000.00.
3. Low Hazard Fireworks Vendor Permit holders are subject to random inspection / audits, at which time all Sale & Discharge Permit information must be readily made available.
4. The Low Hazard Fireworks Vendor Permit must be renewed on an annual basis, coinciding with the calendar year
5. Low Hazard Fireworks Vendor Permits may be suspended during times of Fire Advisory or Fire Bans. Sales are not permitted under these conditions.

The Summer Village of Island Lake Fireworks Vendor Permit may be cancelled at any time if vendor is found to be in contravention of any of the requirements set out in the Alberta Fire Code 2006.

All information collected, must be used and stored in accordance with regulations set out in the FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT.

SCHEDULE "3"

Summer Village of Island Lake Low Hazard Fireworks

Vendor Permit Application

PART FOUR

VENDOR SELF CHECKLIST

Do you have/allow 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? **Y/N**

Do you have a sign reading "FIREWORKS - NO SMOKING or OPEN FLAME" in letters at least 100mm high, posted in locations acceptable to the fire department? **Y/N**

Are your fireworks stored in lots that do not exceed 25kg each, gross weight? **Y/N**

If you have quantities of LOW HAZARD fireworks that exceed 25kg gross weight, are they stored in a container meeting the requirements of the Explosives Act and its regulations published by Natural Resources Canada? **Y/N**

If you have quantities of LOW HAZARD fireworks that exceed 100kg gross weight, are they stored in a separate store or warehouse meeting the requirements of the Explosives Act and its regulations, published by Natural Resources Canada? **Y/N**

Do you have a portable extinguisher in buildings/areas where fireworks are stored? **Y/N**

Have you complied with all conditions set out by Summer Village of Island Lake to obtain a LOW HAZARD fireworks vendors permit? **Y/N**

Are employees that will be selling or handling fireworks at your store, 18 years of age or older? **Y/N**

Does your business have the ability to store the personal information collected on the Fireworks Sale & Discharge permit, safely and securely in accordance with regulations set out in the PERSONAL INFORMATION PROTECTION ACT. **Y/N**

If you answered "NO" to any item, please contact the Fire Protective Services Department prior to submitting your application. A "NO" will be in contravention of Provincial or Federal codes and regulations and may disqualify and or delay your application.

Vendor Name

Vendor Signature

Date

Approved/Not Approved

SCHEDULE "C"

The amount that may be accepted by the Summer Village in lieu of prosecution for contraventions of this bylaw shall be the amounts set out as follows:

<u>SECTION DESCRIPTION</u>		<u>PENALTY</u>
2(a)	Failure to secure a high hazard firework permit	\$1000
2(b)	Failure to follow conditions of a high hazard fireworks permit	\$500
3(a)	Failure to secure a fireworks vendor permit	\$500
3(b)	Failure to follow conditions on vendor permit	\$500
5	Sell; Give Away or Discharge fireworks during a fire advisory or fire ban	\$1000
8	Person under the age of 18 years old possess low hazard fireworks	\$500