

**Village of Warburg
Bylaw # 143/15**

A BYLAW OF THE VILLAGE OF WARBURG IN THE PROVINCE OF ALBERTA TO CONTROL AND REGULATE THE USE OF FIREWORKS WITHIN THE VILLAGE,

WHEREAS, the Village of Warburg wishes to enact a bylaw for the purpose of providing for the safe possession, sale, storage, purchase and discharge of fireworks.

AND WHEREAS, municipality 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) provide authority for the Village to regulate such matters;

NOW THEREFORE, the Council of the Village of Warburg in the Province of Alberta hereby enacts as follows:

PART 1 – TITLE

1.1 This Bylaw may be cited as the "Fireworks Bylaw".

PART 2 – DEFINITIONS

2.1 Except as other wise defined in this Bylaw, all words in this Bylaw shall have the same meaning as the *Municipal Government Act, R.S.A. 2000 c. M-26, Safety Codes Act R.S.A. 2000, c. s-1, Alberta Fire Code and Explosives Act R.S.A. 1985, c. E-17.*

2.2 "Fire Chief" means:

- a) The Chief Officer of the fire department who is appointed by council to manage and administer the fire department.

2.3 "Village" means the Village of Warburg.

PART 2 - PROHIBITIONS

3.1 No person shall wholesale, display for sale, offer for sale, sell, possess or store any fireworks within the Village of Warburg without the written permission of the Fire Chief or, in the absence of the Fire Chief, his or her designate.

3.2 No person, may obtain, purchase, set off, discharge or otherwise handle fireworks within the Village of Warburg without the written permission of the Fire Chief or, in the absence of the Fire Chief, his or her 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 Government 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 bring fireworks into the Village of Warburg without the written permission of the Fire Chief or, in the absence of the Fire Chief, his or her designate.

3.7 No person shall set up, set off, fire, discharge or energize a pyrotechnics display in the Village of Warburg without the written permission of the Fire Chief or, in the absence of the Fire Chief, his or her designate.

PART 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 do so in writing from the Fire Chief or, in the absence of the Fire Chief, his or her designate.
- 4.3 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:
- a) Date, time and location for the proposed event;
 - b) Names, addresses and certification numbers of all display supervisor or pyro-technicians and assistants participating in the show;
 - c) The name of the sponsor or purchaser of the event;
 - d) A full description of the planned event and a list of all materials to be fired, detonated, burnt or energized during an event;
 - e) The emergency plan for the event;
 - f) Verification of liability insurance, in an amount acceptable to the Village of Warburg;
 - g) Payment of the designated application fee, and;
 - h) Any other information deemed necessary by the Village of Warburg or the Fire Chief or, in the absence of the Fire Chief, his or her designate.
- 4.4 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.
- 4.5 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.
- 4.6 A wholesaler or distributor of fireworks wishing to provide fireworks to a retail vendor in the Village of Warburg must first apply and obtain the written permission of the Fire Chief or his/her designate.
- 4.7 A retail vendor wishing to sell fireworks to persons in the Village of Warburg 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.
- 4.8 A retail vendor wishing to sell fireworks to a person in the Village of Warburg 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:
- a) The date of the sale;
 - b) The name, address and phone number of the purchaser;
 - c) The description of the fireworks sold;
 - d) The date and time the fireworks will be discharged;

- e) The location and description of the site where the fireworks will be discharged;
 - f) 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
 - g) A copy of the written permission to purchase fireworks issued by the Village of Warburg Fire Chief or his/her designate
- 4.9 A person wishing to purchase fireworks in the Village of Warburg must first obtain written permission to discharge, issued by the Fire Chief or, in the absence of the Fire Chief, his or her designate of the municipality where the fireworks will be discharged.
- 4.10 A person in possession of written permission to discharge fireworks as noted in 4.5 above may apply to the Fire Chief or, in the absence of the Fire Chief, his or her designate of the Village of Warburg for written permission to purchase fireworks from a vendor within the Village of Warburg.
- 4.11 The Fire Chief or his or her designate may attach any terms and condition in a written permission that he or she deems appropriate for the specific event and location.
- 4.12 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:
- a) The Alberta Fire Code;
 - b) The Explosives Act;
 - c) The letter of permission, including any terms and conditions;
 - d) Changes in environmental conditions, and/or
 - e) For any reasons of safety to life, limb or property.

PART 5 - PENALTIES

- 5.1 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 \$5000.00.
- 5.2 Where an Enforcement Officer (Community Peace Officer, Bylaw Officer or Police Officer with authority to enforce bylaws in the Village of Warburg) has reasonable grounds to believe that a person has violated any provision of this bylaw, the Enforcement Officer may commence to court proceedings against such person by issuing the person a violation ticket pursuant to the provision of the Provincial Offences Procedure Act.
- 5.3 The issuance of 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 Powers to the Village of Warburg, 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 Procedures Act.

PART 6 – ENACTMENT

- 17.1 This Bylaw shall come into full force and effect upon third and final reading thereof.
- 17.2 Should any provision of this Bylaw be determined to be invalid, then such provisions shall be severed and the remaining Bylaw shall remain valid and enforceable.
- 17.3 The "Schedules" to this Bylaw may be amended by resolution of Council of the Village of Warburg.

Read a first time this 9th day of November, A.D. 2015.

Read a second time this 9th day of November, A.D. 2015.

Read a third time and finally and unanimously passed this 9th day of November, A.D. 2015.



Mayor Ralph van Assen



Christine Pankewitz
Municipal Administrator