

**VILLAGE OF CARBON
FIREWORKS BYLAW
BYLAW NUMBER #2018-808**

BEING A BYLAW PROHIBITING OR REGULATING FIRING AND SETTING OFF OF
FIRE BALLS, SQUIBS, FIRE CRACKERS, OR FIREWORKS WITHIN THE LIMITS OF
THE VILLAGE OF CARBON IN THE PROVINCE OF ALBERTA.

WHEREAS pursuant to the provision of Part 2, Section 7 and 8 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26.1, and amendments thereto, the Council of the Village of Carbon (hereinafter called the Council), is authorized to pass bylaws pertaining to the protection of people and property; and

WHEREAS the Council deems it desirable and expedient to provide for the control and the use of fireworks within the boundary of the Village of Carbon for the purpose of public safety and the protection of property:

AND WHEREAS the Council of the Village of Carbon deems it necessary to regulate the firing and setting off of fireworks within the limits of the Village of Carbon.

NOW THEREFORE the Council of the Village of Carbon hereby enacts as follows:

SECTION 1: Name of Bylaw

This Bylaw shall be known as the "Fireworks Bylaw."

SECTION 2: Purpose of this Bylaw

The purpose of this Bylaw is to increase public awareness and safety, reduce risk, and protect public and private property.

SECTION 3: Definitions

In this Bylaw, the following terms (unless the context specifically requires otherwise) shall have the following meaning:

- a) "Council" means the Council of the Village of Carbon;
- b) "Fireworks" means firecrackers defined as small fireworks with entwined fuses used as noisemakers and fireworks as defined in the Alberta Fire Code;
- c) "Peace Officer" means a member of the Royal Canadian Mounted Police, Special Constable or Bylaw Enforcement Officer;
- d) "Public Place" means any highway, road allowance, reserve, park or building to which the public has, or is permitted to have access to, or any vehicle in a public place;

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- e) "Pyrotechnic Special Effects" means those items that are used in the entertainment industry designed specifically for indoor and/outdoor use: i.e. black powder bombs, bullets effects, flash powder, smoke composition, gerbs, lances and wheels;

SECTION 4: Restrictions

- a) That no person shall fire and/or set off fire balls, squibs, firecrackers or Fireworks anywhere, at any time, within the limits of the Village of Carbon, without first obtaining a permitted location area map from the Village of Carbon. *Designated areas for Fireworks are permitted **ONLY** within the perimeters of the Main and East Ball Diamonds AND Fireworks must be set off on the shale, **NOT** the grass;*
- b) Professional Fireworks Displays may be authorized, but only after a permit application is made by a licensed Pyro-technician accredited by Natural Resources Canada, in accordance and pursuant to the Alberta Fire Code;
- c) No person shall fire or set off any Fireworks within the municipal boundaries of the Village of Carbon when a fire ban is in effect;
- d) Persons or groups firing or setting off Fireworks within the municipal boundaries of the Village of Carbon shall be responsible for any and all liabilities incurred by the use of fireworks;
- e) Permits shall not be issued without proof of insurance, naming the Village of Carbon and the land owner (if not the applicant's private property) as additional named insured with a minimum \$2,000,000 liability coverage for Pyrotechnic Business;
- f) Persons or groups firing or setting off Fireworks within the municipal boundaries of the Village of Carbon shall do so in accordance with all of the requirements of the Alberta Fire Code which include, but is not limited to, safety planning;
- g) Any commercial business or person(s) selling fireworks shall be required to obtain a copy of the purchasers signed Fireworks Display Permit;
- h) Any commercial business or person(s) selling fireworks shall be required to display a full-size copy of this Bylaw in a prominent location and within two (2) feet of the Fireworks display or the cashier's till. The Village of Carbon shall make available to the commercial business copies of the Fireworks Bylaw for distribution to their customers who purchase fireworks or potential customers considering purchasing fireworks, as well as a Village of Carbon map with designated areas for Fireworks;
- i) Permitted times to set off fireworks, as per Noise Bylaw, is from 7am to 11 pm.

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Note 1: Nothing in this Bylaw is intended to be in conflict with the Alberta Fire Code and the Alberta Safety Codes Act.

SECTION 5: Severability

- a) Should any section or part of this Bylaw be found to have been improperly enacted, then such action or part shall be regarded as being severable from the rest of this Bylaw and the Bylaw remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this Bylaw.

SECTION 6: Penalty and Permit Provisions

- a) A Peace Officer authorized to enforce this Bylaw under Section 7 of the Municipal Government Act, R.S.A., 2000, Chapter M-26.1, and who has reasonable and probable grounds to believe that a person has contravened any section of this Bylaw, may under the authority of this Bylaw issue a Municipal Tag, and where this tag is not paid by the Offender, a Part 2 Violation Tag may be issued under the Provincial Offenses Procedures Act, R.S.A. Chapter 2000, P-34, to that person;
- b) Any person who contravenes the provision of this Bylaw shall be guilty of an offense and liable on summary conviction to penalty as set out in Schedule "A";
- c) Penalties set out in Schedule "A" may be amended from time to time by a motion of Council;
- d) Permit fees as set out in Schedule "A" may be amended from time to time by a motion of Council;
- e) The permit application shall be made on the form provided for in Schedule "B".

SECTION 7: Events/Permissions for Pyrotechnic Business.

- 1) A person or individual, holding valid authorization under the Explosives Act of Canada, may conduct an event after receiving permission to do so from the Fire Authority:
 - a) a complete event approval application form;
 - b) a valid Pyrotechnics Special Event Certification card of a class appropriate to planned special effects;
 - c) a Pyro Effects Plan or Letter of Intent;

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- d) a valid Insurance Policy (the company or agent hired to perform the Pyrotechnics Special Effects events must carry a minimum of two million dollars [\$2,000,000.00] liability insurance); and
 - e) must be conducted in accordance with the Pyrotechnics Special Effects manual approved by the Fire Authority.
- 2) A Pyrotechnic Special Effects event shall be held only in the locations approved by the Fire Authority, and subject to obtaining a pyrotechnic special effects events approval in accordance with this Bylaw, to include, but not be limited to:
- a) The name and address of the group and its person or individual in charge of the display;
 - b) The date and place of the proposed display; and
 - c) The name and qualifications of the person supervising the display.

Such events shall be held at the time and place set out in the notice and under the direct supervision of the person named therein.

- 3) A Fireworks display shall be conducted in a manner consistent with all safety procedures and be held and continued only while all proper precautions are being observed to keep spectators at a safe distance, including having suitable fire extinguishers or other suitable means of extinguishing fires at hand.
- a) All unused Fireworks and all debris shall be removed by the group holding the display immediately after the display and safely disposed of;
 - b) In the case of Special Effects shows, it may be unrealistic to submit a Pyro Effects Plan. With the consent and approval of the Fire Authority, a letter of intent containing the following information may be accepted:
 - 1. Location and date(s) of show;
 - 2. The special effects to be used and their fabrications;
 - 3. The anticipated results;
 - 4. Safety measures to be taken: and
 - 5. Method of determining safety distances.
 - c) Repeat performances without significant change from one show to the next, during the dates indicated on the event approval, do not require a second event approval.

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SECTION 8: Effective Date

This bylaw shall come into effect upon the date of third and final reading.

READ A FIRST TIME THIS __4TH__ DAY OF SEPTEMBER__ 2018.

READ A SECOND TIME THIS_4TH__ DAY OF _SEPTEMBER__ 2018.

MOVED BY COUNCILLOR LOMOND THAT COUNCIL GIVE UNANIMOUS CONSENT FOR THIRD AND FINAL READING. M2018-321

READ A THIRD AND FINAL TIME THIS 4TH DAY OF SEPTEMBER 4, 2018

SIGNED AND PASSED THIS _4TH__ DAY OF _SEPTEMBER__ 2018.



MAYOR BRYAN PEEVER



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VILLAGE OF CARBON

BYLAW #2018-808

SCHEDULE "A"

Offense	Section	Fine
Sale of Fireworks within the municipal boundaries of the Village of Carbon without a permit		\$100.00
Discharge, fire or set off any fireworks within the municipal boundaries of the Village of Carbon outside of permitted boundary		\$100.00
Discharge, fire or set off any fireworks within the municipal boundaries of the Village of Carbon when a fire ban is in effect (\$100.00 for discharging without a permit plus \$150.00 for discharging during a fire ban)		\$250.00

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Chief Administrative Officer

Date

VILLAGE OF CARBON

BYLAW #2018-808

**A BYLAW OF THE VILLAGE OF CARBON, IN THE PROVINCE OF ALBERTA,
TO CONTROL THE USE OF FIREWORKS.**

FOR OFFICE USE ONLY:

PART 2- APPROVAL BY LOCAL AUTHORITIES HAVING JURISDICTION

Date Issued: _____

This permit is issued subject to compliance with the conditions as outlined in the attached Bylaw #2018-808.

Permission is hereby granted to the party to whom this permit is issued to hold a firework display at such time and place as specified on the permit.

Name of Authorizing Officer: _____

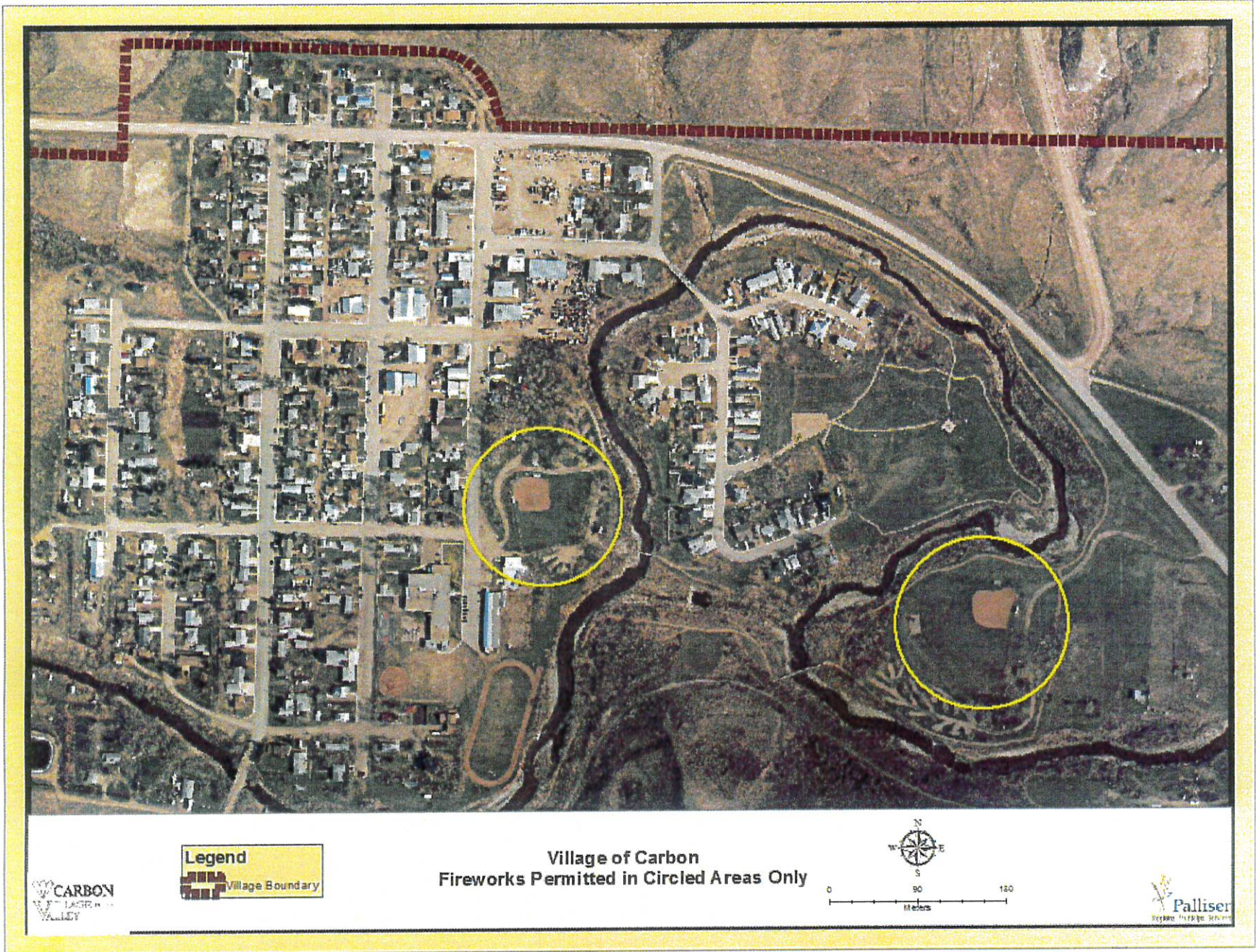
Title: _____

Signature: _____

Date: _____

Comments: _____

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