

Village of Marwayne Bylaw #489-10 Fireworks Bylaw

Purpose & Preamble

1. The Village of Marwayne wishes to enact a bylaw for the purpose of prohibiting the discharge of fireworks by any person not in possession of a valid fireworks display supervisor card issued pursuant to the Explosives Act of Canada, and its Regulations, by the Government of Canada.
2. Section 7(a) of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 2000, as amended, provides for the municipalities to enact bylaws for the safety, health and welfare of the people and the protection of people and property.
3. Section 8(a) of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 2000, as amended, provides for municipalities to enact bylaws to regulate or prohibit.
4. Section 8(c) of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 2000, as amended, provides for municipalities to enact bylaws to provide for a system of licenses, permits or approvals.
5. The Council of the Village of Marwayne recognizes that fireworks are explosive devices which are classified as Dangerous Goods under the Alberta Fire Code and which, when used improperly by untrained persons, can cause injury, damage, fire, or death
6. The Council of the Village of Marwayne has determined that the discharge of fireworks by persons not in possession of a fireworks display supervisors card as noted in 1 above creates an unacceptable level of risk to life, health, safety and property.

Definitions

7. The definitions in the following enactments, as amended, in order of precedence, shall be used for the purpose of interpreting this bylaw and its application:
 - 1) Municipal Government Act (R.S.A. 2000, c. M-26)
 - 2) Safety Codes Act (R.S.A. 2000, c. S-1)
 - 3) Alberta Fire Code
 - 4) Explosives Act (R.S.C. 1985, c. E-17)
8. For words not defined in the above noted enactments reference should be made to the Canadian Oxford Dictionary (Second Edition), published by Oxford University Press.

Prohibitions

9. No person, other than a fireworks display supervisor, may obtain, purchase, handle, set off, discharge or otherwise fireworks within the Village of Marwayne.
10. No person, other than an individual who has a valid pyro-technician's card issued pursuant to the Explosives Act of Canada, shall set up, set off, operated or discharge a pyrotechnic display within the Village of Marwayne.

Permissions

11. 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 Council, Village of Marwayne.
12. A Display Supervisor or a Pyro-Technician will apply in writing, a minimum of 28 Calendar days prior to an event, to Village of Marwayne Council for 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 of proposed event,
 - b. Names, addresses and certification numbers of all display supervisors 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 the event,
 - e. The emergency plan for the event,
 - f. Verification of liability insurance, in an amount acceptable to the Village of Marwayne, and
 - g. any other information deemed necessary by the Village of Marwayne,
13. Village Council may choose to issue to a Display Supervisor or Pyro-Technician, in the form of a signed letter on official letterhead, written permission for a show or display to take place.
14. Village Council 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.
15. Village Council may attach any terms and conditions in a written letter of permission that they deem appropriate for the individual event.
16. Village Council 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.

Penalties

17. Breach of the 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.
18. Where an Enforcement Officer (Community Peace Officer, Bylaw Enforcement Officer or Police Officer with authority to enforce the bylaws of the Village of Marwayne) has reasonable grounds to believe that a person has violated any provision of this bylaw, the Enforcement Officer may commence Court proceedings against such person by issuing the person a violation ticket pursuant to the provisions of the Provincial Offences Procedure Act.
19. The issuance of a violation ticket as noted in 18 above shall require a Court appearance by the person pursuant to Part 2 of the Provincial Offences Procedure Act.
20. Where a Safety Codes Office in the Fire Discipline, holding a Designation of Powers to the Village of Marwayne, or an Enforcement Officer noted in 18 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 Procedure Act.

General

21. Section 11.1 and Section 12 (q) of Bylaw 449-05 are rescinded
22. This Bylaw will come into force and effect on the date of successful third reading and signing in accordance with Section 213 of the Municipal Government Act (R.S., A. 2000, c. M-26) as amended.

READ a first time this 13th day of September, 2010

READ a second time this 13th day of September, 2010

READ a third time this 13th day of September, 2010

SIGNED AND DATED this 13th day of September, 2010.

MAYOR

CAO