

## SUMMER VILLAGE NAKAMUN PARK

### BYLAW #2015-02

---

#### A BYLAW FOR FIREWORKS PROHIBITION WITHIN THE SUMMER VILLAGE OF NAKAMUN PARK OF ALBERTA

#### **100 Purpose & Preamble**

- 101 The Summer Village of Nakamun Park wishes to enact a Bylaw for the purpose of prohibiting the possession, sale, storage, purchase and 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.
- 102 Section 7(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 for the safety, health and welfare of people and the protection of people and property.
- 103 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.
- 104 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.
- 105 The Council of the Summer Village of Nakamun Park 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 and death.
- 106 The Council of the Summer Village of Nakamun Park has determined that the sale, storage, purchase and discharge of fireworks by persons not in possession of a fireworks display supervisors card as noted in 101 above creates an unacceptable level of risk to life, health, safety and property.

#### **200 Definitions**

- 201 The definitions in the following enactments, as amended, in order of precedence, shall be used for the purposes 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)
- 202 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.

### **300 Prohibitions**

- 301 No person (other than a display supervisor or wholesaler as authorized under the Explosives Act by the Explosives Regulatory Division of Natural Resources Canada) shall display for sale, offer for sale, sell, possess or store any fireworks within the Summer Village of Nakamun Park.
- 302 No person, other than a fireworks display supervisor, may obtain, purchase, handle, set off, discharge or otherwise fireworks within the \_Summer Village of Nakamun Park.
- 303 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, operate or discharge a pyrotechnic display within the Summer Village of Nakamun Park.
- 304 Sky lanterns, also known as Chinese lanterns and/or Kongming lanterns, or other similar devices, are not classified as "fireworks" and are therefore not regulated. In the interest of public safety, the sale, storage, or use of sky lanterns, Chinese lanterns and/or Kongming lanterns or any similar device within the Summer Village of Nakamun Park is prohibited.

### **400 Permissions**

- 401 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.
- 402 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:

- 1) Date, time and location of the proposed event,
- 2) Names, addresses and certification numbers of all display supervisors or pyro-technicians and assistants participating in the show,
- 3) The name of the sponsor or purchaser of the event,
- 4) A full description of the planned event and a list of all materials to be fired, detonated, burnt or energized during the event,
- 5) The emergency plan for the event,
- 6) Verification of liability insurance, in an amount acceptable to the Summer Village of Nakamun Park,
- 7) Payment of the designated application fee, and
- 8) Any other information deemed necessary by the \_Summer Village of Nakamun Park or the Fire Chief.

403 The Fire Chief or his or her designate 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.

404 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.

405 The Fire Chief or his or her designate may attach any terms and conditions in a written letter of permission that he or she deems appropriate for the individual event.

406 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:

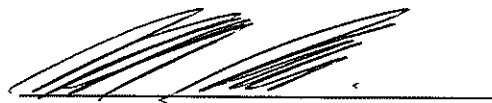
- 1) The Alberta Fire Code,
- 2) The Explosives Act,
- 3) The letter of permission, including any terms and conditions,
- 4) Changes in environmental conditions, and/or
- 5) For any reasons of safety to life, limb or property.

**500 Penalties**

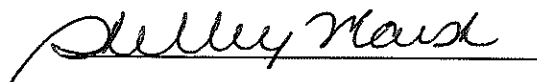
- 501 Breach of this bylaw is an offence and upon conviction shall be subject to a penalty and fine of not less than \$100.00 and not more than \$5,000.00.
- 502 Where an Enforcement Officer (Community Peace Officer, Bylaw Enforcement Officer or Police Officer with authority to enforce the bylaws of the Summer Village of Nakamun Park) 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.
- 503 The issuance of a violation ticket as noted in 502 shall require a Court appearance by the person pursuant to Part 2 of the Provincial Offences Procedure Act.
- 504 Where a Safety Codes Officer in the Fire Discipline, holding a Designation of Powers to the Summer Village of Nakamun Park, or an Enforcement Officer noted in 502 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.

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 the first time this 17th day of September, A.D., 2015.




Mayor

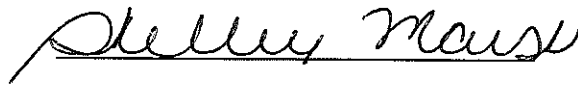


Chief Administrative Officer

Read a second time 17th day of September A.D., 2015.

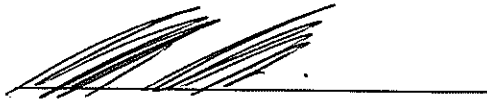
A handwritten signature consisting of several overlapping, slanted strokes, positioned above a horizontal line.

Mayor

A handwritten signature in cursive script, reading "Stelley Maus", positioned above a horizontal line.

Chief Administrative Officer

Read a third time 17th day of September, A.D., 2015.

A handwritten signature consisting of several overlapping, slanted strokes, positioned above a horizontal line.

Mayor

A handwritten signature in cursive script, reading "Stelley Maus", positioned above a horizontal line.

Chief Administrative Officer

