

Bylaw No. 1038-2019

FIREWORKS BYLAW

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A BYLAW OF THE CITY OF LEDUC IN THE PROVINCE OF ALBERTA, TO REGULATE THE SALE, POSSESSION AND USE OF FIREWORKS WITHIN THE CITY FOR THE SAFETY AND WELL-BEING OF THE COMMUNITY

WHEREAS, pursuant to section 7 of the *Municipal Government Act*, RSA 2000, c. M-26, a council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property and for any services provided by or on behalf of the municipality;

AND WHEREAS, pursuant to section 8 of the *Municipal Government Act* a council may pass bylaws to regulate or prohibit activities, industries or things and to establish a system of licenses, permit or approvals including the establishment of fees;

AND WHEREAS Council of the City of Leduc recognizes that fireworks are explosive devices and the sale, possession and use of fireworks by Persons not properly trained and authorized creates an unacceptable risk to life, health, safety and property;

AND WHEREAS Council of the City of Leduc has deemed it necessary for the safety and well-being of the community to regulate Fireworks within the City of Leduc;

NOW THEREFORE COUNCIL OF THE CITY OF LEDUC ENACTS AS FOLLOWS:

PART I – TITLE, PURPOSE AND DEFINITIONS

Title

1. This bylaw may be referred to as the "Fireworks Bylaw".

Purpose

2. The purpose of this bylaw is to regulate the sale, possession and use of Fireworks within the City for the safety and well-being of the community.

Definitions

3. In this bylaw, unless the context otherwise requires:
 - (a) "**City**" means the municipal corporation of the City of Leduc, and where applicable, the area within the boundaries thereof;
 - (b) "**City Manager**" means the chief administrative officer of the City, or designate;

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- (c) **"Consumer Fireworks"** means fireworks which are designed for recreational use and are classified as low-hazard fireworks within the Explosives Act but does not include sparklers;
- (d) **"Discharge"** means to fire, ignite, explode or set-off or cause to be fired, ignited, exploded or set-off;
- (e) **"Display Fireworks"** means fireworks that are designed for professional use and are classified as high-hazard within the Explosives Act;
- (f) **"Explosives Act"** means the *Explosives Act*, RSC. 1985, c. E-17, as amended, and includes regulations enabled thereunder, including but not limited to the *Explosives Regulations*, 2013 (SOR/2013-211);
- (g) **"Fire Ban"** means a prohibition on all burning, including the Discharge of all Fireworks, issued by the City;
- (h) **"Firecracker"** has the same meaning as in the *National Fire Code 2019 – Alberta Edition*;
- (i) **"Fireworks"** includes Consumer Fireworks, Display Fireworks and Pyrotechnics but does not include Firecrackers;
- (j) **"Fireworks Permit"** means a permit, substantially similar in form to that attached as **Schedule "C"**, granted by the City Manager that authorizes the permit holder to Discharge any specified Fireworks at a specified location, with the consideration in determining the specified location for such Discharge based on:
 - i. for Consumer Fireworks, the clearance requirements as recommended by the manufacturer of the Fireworks and as set out in the packaging of the Fireworks;
 - ii. for Display Fireworks, the *National Fire Code 2019 – Alberta Edition*, as may be amended;
 - iii. for Pyrotechnics, the *Natural Resources Canada 2014 "Special Effect Pyrotechnics Manual"*, as may be amended; and
 - iv. any other consideration that may be relevant to the safety of persons or property.
- (k) **"Fireworks Supervisor"** means a Person who has, at the minimum, a valid and subsiding fireworks operator certificate (display supervisor) issued pursuant to the Explosives Act;

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- (l) **"Municipal Tag"** means a document alleging an offence issued pursuant to the authority of a bylaw of the City;
- (m) **"Person"** means an individual or a body corporate and includes a partnership or association unless the context explicitly or by necessary implication otherwise requires;
- (n) **"Prohibited Fireworks"** means prohibited fireworks as defined or described within the Explosives Act;
- (o) **"Provincial Fire Administrator"** means the Person who has authority under the Safety Codes Act to provide written confirmation on behalf of the Province for any matter governed within the fire discipline;
- (p) **"Provincial Offences Procedure Act"** means the *Provincial Offences Procedure Act*, RSA 2000, c. P-34, as amended;
- (q) **"Pyrotechnician"** means a Person who has, at the minimum, a valid and subsiding fireworks operator certificate (pyrotechnician) issued pursuant to the Explosives Act;
- (r) **"Pyrotechnics"** has the same meaning as special effects pyrotechnics in the Explosives Act;
- (s) **"Safety Codes Act"** means the *Safety Codes Act*, RSA 2000, c. S-1, as amended; and
- (t) **"Violation Ticket"** has the same meaning as in the Provincial Offences Procedure Act.

PART II – GENERAL RESTRICTIONS AND REQUIREMENTS

Sale, Display, Possession and Discharge of Fireworks

4. No Person shall offer for sale, sell, display, possess or Discharge any Prohibited Fireworks or Firecrackers within the City.
5. No Person shall display, offer for sale or sell Fireworks within the City.
6. No Person may possess, store or Discharge any Fireworks within the City without a Fireworks Permit.

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PART III – FIREWORKS PERMIT

Permit Application

7. Every Person applying for a Fireworks Permit must provide, to the satisfaction of the City Manager:
 - (a) a completed Fireworks Permit application form;
 - (b) name and contact information of the proposed permit holder and confirmation that the proposed permit holder is a Fireworks Supervisor or Pyrotechnician, as applicable;
 - (c) name and contact information of the sponsoring organization, if applicable;
 - (d) written confirmation that the property owner/lessee/agent of the land where the event will occur consents to the Discharge of Fireworks on the land;
 - (e) a description of the Fireworks event and a site plan that includes all information as may be required by the City Manager;
 - (f) the fee in the amount as set out in **Schedule “A”**;
 - (g) liability insurance in a form and amount acceptable to the City Manager, naming the City as an additional insured;
 - (h) any additional required permits or approvals as determined by the City Manager; and
 - (i) any additional information required by the City Manager.

Issuance of Permit

8. The City Manager shall issue a Fireworks Permit only when all requirements under Section 7 have been met.
9. The City Manager may impose any terms and conditions on a Fireworks Permit as are deemed appropriate or necessary in the circumstances:
 - (a) to ensure compliance with the purpose and intent of this bylaw and any other legal requirements; and
 - (b) to take into consideration safety and environmental matters.

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Refusal to Issue, Suspension or Cancellation

10. The City Manager may refuse to issue a Fireworks Permit or suspend or cancel a Fireworks Permit that has been issued, if:
- (a) there is a substantial risk to life, safety or property;
 - (b) the requirements of Section 7 have not been met;
 - (c) incorrect or insufficient information is submitted with respect to Fireworks Permit;
 - (d) there is non-compliance with the Explosives Act or Safety Codes Act;
 - (e) there is a contravention of any condition under which the Fireworks Permit was issued; or
 - (f) the Fireworks Permit was issued in error.
11. When the City Manager refuses to issue a Fireworks Permit, the City Manager shall provide written notice to the applicant within 10 calendar days after the application is denied. The notice shall include a statement of the reasons the application was denied.

Fireworks Permit Holder Obligations

12. A Person to which a Fireworks Permit has been issued must:
- (a) comply with the terms and conditions of the Fireworks Permit and any other related permit;
 - (b) not Discharge any Fireworks or Firecrackers if there is a Fire Ban in place;
 - (c) produce a copy, upon request of a Peace Officer, of the Fireworks Permit and all applicable Fireworks operator certificates; and
 - (d) immediately notify the City Manager of any change to any information provided to the City.

Fireworks Permit

13. A Fireworks Permit shall expire as per the terms and conditions on the permit.

Fireworks Permit Transfer

14. A Fireworks Permit is not transferable.

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PART IV- INSPECTIONS

Inspections

15. The City Manager may, at any reasonable hour of the day, and without prior notice to the Fireworks Permit holder, conduct an inspection of the event site.
16. In addition to all other rights of inspection granted to the City under any other legislation, the City Manager may:
 - (a) require the production, for inspection purposes, of any document or anything relevant to the inspection;
 - (b) remove any document or anything relevant to the inspection for the purpose of making copies;
 - (c) alone or in conjunction with a Person possessing special or expert knowledge, make observations, examine, and review anything that pertains to any Fireworks Permit issued pursuant to this bylaw; and
 - (d) perform an inspection to investigate or respond to a complaint or inquiry.
17. The Fireworks Permit holder shall provide the City with free and clear access to the event site for inspections.
18. The City Manager may require that the permit holder pause or delay the Fireworks part of the event until the inspection is complete.
19. The Fireworks Permit holder shall comply with any safety requirements or personal protection equipment required by the City Manager.
20. The City Manager shall provide the results of the inspection to the Fireworks Permit holder upon written request.

PART V – FEES

Fees

21. The fees payable for any permit issued pursuant to this bylaw, or any other fees within this bylaw, shall be as set out in **Schedule "A"**.

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PART VI – OFFENCES AND PENALTIES

Obstruction

22. No Person shall obstruct or hinder another Person in the exercise or performance of their duties or powers pursuant to this bylaw or other applicable legislation.

Offence

23. A Person who contravenes this bylaw, or authorizes or directs another Person to contravene this bylaw, is guilty of an offence.

Vicarious Acts

24. For the purposes of this bylaw, an act or omission by an employee or agent of a Person is deemed also to be an act or omission of the Person if the act or omission occurred in the course of the employee's employment with the Person, or in the course of the agent's exercising the powers or performing the duties on behalf of the Person.

Corporations

25. When a corporation commits an offence under this bylaw, every principal and director of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.

Fines and Penalties

26. Any Person who contravenes any provision of this bylaw is guilty of an offence and is liable, on summary conviction, to the fine set out in **Schedule "B"**.
27. When a penalty is not specified under this bylaw, a Person who is guilty of an offence is liable to a fine not exceeding \$10,000.00.
28. A Person who is found guilty of an offence is liable to the imposition of a penalty for the offence that is in addition to a fine so long as the penalty relates to a fee, cost, rate, toll or charge that is associated with the conduct that gives rise to the offence.
29. If a Person is found guilty of an offence, the court may, in addition to any fine or other penalty imposed, order the Person to comply with this bylaw, a permit, an approval or other authorization issued under this bylaw, or a condition of any of them.

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Continuing Offence

30. In the case of an offence that is of a continuing nature, a contravention constitutes an offence in respect of each day, or part of a day, on which it continues.

Municipal Tag

31. A Municipal Tag may be issued to any Person where there are reasonable and probable grounds to believe the Person has contravened any provision of this bylaw.
32. If a Municipal Tag is issued in respect of an offence the Municipal Tag must specify:
- (a) the name of the Person;
 - (b) the offence;
 - (c) the fine amount, including any early payment amount, if applicable;
 - (d) any other information as may be required.

Payment in Lieu of Prosecution

33. Where a Municipal Tag is issued in respect of an offence, the Person to whom the Municipal Tag is issued may, in lieu of being prosecuted for the offence, pay the fine specified within 30 days.

Violation Ticket

34. If a Municipal Tag has been issued and if the specified fine has not been paid within the prescribed time, a Violation Ticket may be issued pursuant to the Provincial Offences Procedure Act.
35. Despite Section 34, a Violation Ticket may be immediately issued to any Person where there are reasonable and probable grounds to believe that Person has contravened any provision of this bylaw.
36. If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
- (a) impose the specified penalty established by this bylaw for the offence and permit a Person to make a voluntary payment; or
 - (b) require a Person to appear in court without the alternative of making a voluntary payment.

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Voluntary Payment

37. A Person who commits an offence and who wishes to plead guilty may:
- a) if a Violation Ticket has issued in respect of the offence; and
 - b) if the Violation Ticket includes a specified penalty as established by this bylaw for the offence;

plead guilty to the offence by making a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the Violation Ticket, the specified penalty set out on the Violation Ticket.

PART VII – GENERAL

Powers of the City Manager

38. Without restricting any other power, duty or function granted by this bylaw, the City Manager may:
- (a) carry out any inspections to determine compliance with this bylaw;
 - (b) take any steps or carry out any actions required to enforce this bylaw;
 - (c) take any steps or carry out any actions required to remedy a contravention of this bylaw;
 - (d) establish forms for the purposes of this bylaw;
 - (e) refund or waive fees;
 - (f) waive any application requirements;
 - (g) require additional information, revised information, additional fees and/or a new application with respect to a change under Section 12(d);
 - (h) alter or revoke the terms and conditions of a Fireworks Permit after it has been issued and approve the extension of the term of a Fireworks Permit;
 - (i) impose new terms and conditions in a Fireworks Permit after it has been issued; and
 - (j) delegate any powers, duties or functions under this bylaw.

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**SCHEDULE "A"
FEES**

Service	Fee
Per Fireworks Permit	\$125
Per inspection of event site	\$116.50
Per inspection of the event site (after hours)	\$233.00

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Schedule "B" Fines

SECTION	DESCRIPTION OF OFFENCE	FIRST OFFENCE	SECOND OFFENCE	THIRD AND SUBSEQUENT OFFENCE
4	Offering for sale, selling, displaying, possessing or Discharging Prohibited Fireworks or Firecrackers	\$1,000.00	\$2,000.00	\$5,000.00
5	Offering for sale, selling or displaying Fireworks	\$1,000.00	\$2,000.00	\$5,000.00
6	Possessing, storing or Discharging Fireworks without a Fireworks Permit	\$1,000.00	\$2,000.00	\$5,000.00
12(a)	Failure to comply with a Fireworks Permit	\$2,000.00	\$4,000.00	\$10,000.00
12(b)	Discharging Fireworks or Firecrackers during a Fire Ban	\$2,000.00	\$4,000.00	\$10,000.00
12(c)	Failing to produce Fireworks Permit or certifications	\$500.00	\$1,000.00	\$2,000.00

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Schedule "C"

FIREWORKS/PYROTECHNICS PERMIT/EVENT APPROVAL

EVENT INFORMATION

Application Date:

•	Fireworks Display Show	•	Indoor Pyrotechnics Show
•	Outdoor Pyrotechnics Show	•	Movie Special Effects

Event Name: _____

Set-up Date: _____

Set-up Time: _____

Show Date: _____

Show Time: _____

Overall Event Sponsor: _____

Contact Name: _____

E-mail: _____

Phone Number: _____

Fax Number: _____

Local Committee Contact: _____

Phone Number: _____

Fax Number: _____

E-mail: _____

Company Name: _____

Address: _____

Phone Number: _____

Fax Number: _____

E-mail: _____

Fireworks Card Number: _____

Card Expiry Date: _____

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Supervisor Level: _____

VENUE INFORMATION

Event Venue: _____

Contact Person: _____

Phone Number: _____

Fax Number: _____

Fire Safety/Site Plan

• Yes

• No

• N/A

Attached: Pyro Plan

• Yes

• No

• N/A

Rain Delay Date:

Time:

INSURANCE INFORMATION

Proof of Insurance: • attached

Proof of Certification: • attached

Please note that proof of insurance and certification are mandatory.

Comments and/or attachments:

• Attachment

**I HEREBY CERTIFY THAT THE INFORMATION PROVIDED BY ME IN THIS
APPLICATION IS TRUE AND CORRECT.**

Name: _____

Date: _____

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Signature: _____

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APPROVAL BY LOCAL AUTHORITY

The applicant has complied with local requirements and has permission to hold a:

- **FIREWORKS DISPLAY**
- **PYROTECHNICS SHOW**

at the location and date as stated in this application.

Name of Authorizing Officer:

Title:

Address:

#2 4119 50 Street Leduc Alberta T9E 7L9

Phone Number:

780-980-8495

Date:

Signature: