

## BYLAW NO. 4602

---

### **A BYLAW OF THE CITY OF MEDICINE HAT TO REGULATE AND CONTROL THE SALE AND DISCHARGING OF FIREWORKS WITHIN THE CITY OF MEDICINE HAT.**

**WHEREAS** pursuant to section 7 of the *Municipal Government Act*, R.S.A. 2000, c. M-26 as amended, a council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

**AND WHEREAS** pursuant to section 8 of the *Municipal Government Act*, R.S.A. 2000, c.M-26, as amended, a council may, in a bylaw, regulate or prohibit and provide for a system of licenses, permits or approvals;

**AND WHEREAS** Council for the City of Medicine Hat 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;

**AND WHEREAS** Council for the City of Medicine Hat deems it desirable and necessary in order to protect and preserve the safety and welfare of its citizens to prohibit the sale of fireworks and regulate fireworks permits within the geographic limits of the City of Medicine Hat;

**NOW THEREFORE**, the Council for the City of Medicine Hat, duly assembled, hereby enacts as follows:

#### **1. SHORT TITLE**

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

#### **2. DEFINITIONS**

- 2.1. "*Alberta Fire Code*" means the National Fire Code – 2019 Alberta Edition, as amended or repealed and replaced from time to time;
- 2.2. "CAO" means the Chief Administrative Officer of the City and includes any person to whom the Chief Administrative Officer's Powers are delegated, or any person appointed to act in the absence of the Chief Administrative Officer;
- 2.3. "City" means the City of Medicine Hat, a municipal corporation in the Province of Alberta and, where the context so requires, means the area contained within the corporate boundaries of the City of Medicine Hat;

- 2.4. "Consumer Fireworks" means consumer fireworks classified as such under the Regulation, including outdoor, low hazard, consumer fireworks, such as fireworks showers, fountains, golden rain, lawn lights, pin wheels, roman candles, volcanoes and sparklers, but does not include Christmas crackers and caps for toy guns containing not in excess of twenty-five one-hundredths of a grain of explosive used per cap;
- 2.5. "Discharge" means to fire, ignite, explode or set off, or cause to be fired, ignited, exploded or set off;
- 2.6. "Display Fireworks" means display fireworks classified as such under the Regulation, including outdoor, high hazard and recreational fireworks which only licensed users may use, in accordance with the Regulation;
- 2.7. "Event" means an event where Fireworks are Discharged, shown or displayed;
- 2.8. "*Explosives Act*" means the *Explosives Act*, R.S.C., 1985, c. E-17 and the regulations enacted thereunder, as amended or repealed and replaced from time to time;
- 2.9. "Fire Department" means the City of Medicine Hat Fire Services;
- 2.10. "Firecracker" means any device that explodes instantaneously when ignited and does not produce any subsequent display or visible effect after the explosion and includes, but is not limited to, those devices commonly known as Chinese firecrackers, but does not include paper caps containing not more than 16.2 mg ( $\frac{1}{4}$  grain) of explosive per cap or devices to be used with the paper caps, such as Christmas crackers and caps used in cap pistols;
- 2.11. "Fireworks" means Display Fireworks, Consumer Fireworks and Special Effect Pyrotechnics Fireworks;
- 2.12. "Fireworks Permit" means a document issued by the CAO pursuant to section 6 of this Bylaw which authorizes the permit holder to Discharge Fireworks, subject to the conditions, if any, included in the permit;
- 2.13. "Highway" has the same meaning as defined in the *Traffic Safety Act*, R.S.A. 2000, c. T-6, as amended or repealed and replaced from time to time;
- 2.14. "Motor Vehicle" has the same meaning as defined in the *Traffic Safety Act*, R.S.A. 2000, c. T-6, as amended or repealed and replaced from time to time;
- 2.15. "Minor" means an individual who is under 18 years of age;
- 2.16. "*Noise Bylaw*" means Bylaw No.4353 of the City of Medicine Hat, as amended, repealed and replaced from time to time;

- 2.17. "Peace Officer" means any police officer, peace officer or other person appointed or employed by the City to enforce bylaws;
- 2.18. "Person" includes a corporation and the heirs, executors, administrators or other legal representatives of a person;
- 2.19. "Pyrotechnician" means an individual who is certified and authorized to purchase and supervise the display of Special Effect Pyrotechnics Fireworks under the *Explosives Act*;
- 2.20. "Regulation" means *Explosives Regulations, 2013*, SOR/2013-2011, as amended or repealed and replaced from time to time;
- 2.21. "Safety Codes Officer" means an individual designated as a Safety Codes Officer in the Fire Discipline under the *Safety Codes Act*, R.S.A. 2000, c.S-1, as amended; and
- 2.22. "Special Effect Pyrotechnics Fireworks" means special effect pyrotechnics classified as such under the Regulation, including high hazard fireworks, such as listed black powder bombs, bullet effect, flash powder, air bursts, smoke compositions, bergs, lances and wheels, that are used to produce a special pyrotechnic effect for indoor or outdoor performances.

### **3. SALE OF FIREWORKS**

- 3.1. No Person shall display, offer for sale or sell Fireworks within the City.

### **4. POSSESSION, HANDLING AND DISCHARGE OF FIREWORKS**

- 4.1. No Person shall possess, handle, or Discharge Fireworks within the City unless the Person holds a valid and subsisting Fireworks Permit.
- 4.2. No Person shall possess, handle, or Discharge Fireworks within the City in a manner that is contrary to the terms and conditions of a Fireworks Permit.
- 4.3. No Person shall Discharge Fireworks on any land of which the Person is not the owner, without obtaining the prior written permission of the owner of the land to do so.
- 4.4. No Person shall store, handle or Discharge Fireworks in an unsafe manner or in a manner that creates a nuisance, taking into account the noise, danger of fire and explosion, and risk of death, injury and damage to Persons and property inherent in the storage, handling or use of Fireworks.
- 4.5. A Person who stores, handles or Discharges Fireworks shall use reasonable care to ensure that those Fireworks are not accessible to a Minor.

**5. FIRECRACKERS**

- 5.1. No Person shall possess, handle, or Discharge Firecrackers within the City.
- 5.2. No Person shall display, offer for sale or sell Firecrackers within the City.

**6. REQUIREMENT FOR FIREWORKS PERMIT**

- 6.1. An application for a Fireworks Permit must be submitted in the form prescribed by the CAO a minimum of three weeks prior to the Event, and be accompanied by:
  - (a) the application fee, as set out in Schedule "A" attached hereto and forming part of this Bylaw;
  - (b) details of the location, date and time of the Event; and
  - (c) a list of all Fireworks to be used during the Event.
- 6.2. An application for a Fireworks Permit for Display Fireworks or Special Effect Pyrotechnics Fireworks must also be accompanied by:
  - (a) a drawing or map depicting the physical access to be provided for fire and emergency vehicles at the Event;
  - (b) the free zone area of clear distance between the point of launch and an occupied area at the Event;
  - (c) the emergency plan for the Event;
  - (d) proof, in a form acceptable to the CAO, of liability insurance in an amount of not less than \$5,000,000.00, naming the City as an additional insured;
  - (e) the name, address and certification number of the display supervisor or Pyrotechnician under whose supervision the Event shall be held;
  - (f) the name, address and certification numbers of all other display supervisors, Pyrotechnicians and assistants participating in the Event; and
  - (g) any other such information as required by the CAO.
- 6.3. The CAO may require any additional information from the applicant to ensure the public's safety and may, at his or her discretion, issue a Fireworks Permit, with or without conditions, or refuse to issue a Fireworks Permit.
- 6.4. No Fireworks Permit shall be issued to a Minor.

- 6.5. The CAO, at his or her discretion, may suspend or revoke a Fireworks Permit:
- (a) for reasons of non-compliance with the *Alberta Fire Code*, the *Explosives Act*, this Bylaw or the terms and conditions of the Fireworks Permit;
  - (b) due to changes in environmental conditions; or
  - (c) for any reasons of safety to Persons or property.

**7. TERMS AND CONDITIONS - CONSUMER FIREWORKS**

- 7.1. No Person shall Discharge Consumer Fireworks in, into, over, on or from:
- (a) a building;
  - (b) a Motor Vehicle;
  - (c) a Highway;
  - (d) a park or other public place; or
  - (e) a forest protection area designated under the *Forest and Prairie Protection Act*, R.S.A. 2000, c. F-19, as amended.
- 7.2. The Person named on the Fireworks Permit shall be responsible for any property damage or injury caused by the Discharging of Consumer Fireworks.
- 7.3. Consumer Fireworks shall only be permitted to be Discharged on privately-owned property in an area that is not designated for residential use in the City's Land Use Bylaw.
- 7.4. Despite section 7.3, Consumer Fireworks may be permitted to be Discharged on privately-owned residential property if:
- (a) the property has an area of at least one hectare; and
  - (b) the location from which the Consumer Fireworks are to be Discharged is at least 50 metres from the property line.

**8. TERMS AND CONDITIONS - DISPLAY FIREWORKS AND SPECIAL EFFECT PYROTECHNIC FIREWORKS**

- 8.1. No Person shall advertise that a Display Fireworks Event or Special Effect Pyrotechnics Fireworks Event is to be held in the City unless the Person holds a valid and subsisting Fireworks Permit for the Event.
- 8.2. If, in the opinion of the CAO, it is necessary for a Safety Codes Officer to be present at the Discharging of the Display Fireworks or Special Effect Pyrotechnics Fireworks:

- (a) the presence of such Safety Codes Officer shall be a condition of the Fireworks Permit, and all associated costs shall be borne by the applicant;
  - (b) the Safety Codes Officer shall have the right to enter any premises for the purpose of ensuring public safety and shall not be hindered or obstructed in any way whatsoever; and
  - (c) the Safety Codes Officer shall also have the authority to require any precautions for the prevention of fire which in the Safety Codes Officer's opinion is deemed necessary before any Fireworks are Discharged pursuant to the Fireworks Permit.
- 8.3. If Display Fireworks or Special Effect Pyrotechnics Fireworks are to be held on municipal property, written approval from the CAO must be obtained prior to applying for a Fireworks Permit.
- 8.4. No Fireworks Permit shall be issued for a location within 200 metres of any place where explosives, or flammable or combustible liquids or substances are manufactured or stored.
- 8.5. Every Person to whom a Fireworks Permit is issued for Display Fireworks or Special Effect Pyrotechnics Fireworks must:
  - (a) provide and maintain approved, fully operational fire extinguishing equipment ready for immediate use, throughout the time while the Fireworks are being Discharged or displayed and for a reasonable period thereafter, at the location or site of the Event;
  - (b) produce the Fireworks Permit, forthwith, upon demand by the Fire Department, a Peace Officer or a Safety Codes Officer; and
  - (c) permit the inspection of any site where the Fireworks may be stored, Discharged or displayed and the Fireworks themselves together with all associated equipment, by the Fire Department, a Peace Officer or a Safety Codes Officer, forthwith, upon demand.
- 8.6. Every Person to whom a Fireworks Permit is issued under this section, shall, immediately after the conclusion of the Discharging or holding of a Display Fireworks Event or Special Effect Pyrotechnics Fireworks Event, carry out a site inspection and shall:
  - (a) remove all unused or partly used Fireworks from the site;
  - (b) gather together and remove all debris remaining after using or partial use of the Fireworks; and
  - (c) return the site to the condition it was in prior to the Discharging of Fireworks or holding of the Event.

- 8.7. Every Person who Discharges Display Fireworks or Special Effect Pyrotechnics Fireworks shall take all steps reasonably necessary, as would a reasonable and prudent person, to ensure no harm to persons or property damage.
- 8.8. Property damage or injury as a result of the Discharging of Display Fireworks or Special Effect Pyrotechnics Fireworks shall be the responsibility of the Person Discharging the Fireworks.

**9. TERMS AND CONDITIONS – SPECIAL EFFECT PYROTECHNIC FIREWORKS**

- 9.1. Special Effect Pyrotechnics Fireworks shall only be Discharged under the supervision of a Pyrotechnician.

**10. OFFENCES**

- 10.1. A Person to whom a Fireworks Permit has been issued pursuant to this Bylaw and any Person carrying out an activity otherwise regulated, restricted or prohibited by this Bylaw pursuant to such permit, shall comply with all terms or conditions forming part of the Fireworks Permit.
- 10.2. A Person shall not make any false or misleading statement or provide any false or misleading information to obtain a Fireworks Permit.
- 10.3. If any term or condition of a Fireworks Permit is contravened or if a false or misleading statement or false or misleading information was provided to obtain the permit, the CAO may immediately cancel the permit.
- 10.4. During a fire ban imposed by the CAO or any other regulatory authority having jurisdiction, all Fireworks Permits shall be suspended until such time as the CAO, in his or her discretion, deems it appropriate to reinstate the Fireworks Permits.
- 10.5. It is the sole responsibility of the Person who holds a Fireworks Permit to ensure that there is no fire ban in place prior to Discharging Fireworks. A Person who Discharges Fireworks during a fire ban is guilty of an offence.
- 10.6. No Person shall obstruct or hinder any Person in the exercise or performance of the Person's powers pursuant to this Bylaw.
- 10.7. The onus of proving a Fireworks Permit has been issued in relation to any activity otherwise regulated, restricted or prohibited by this Bylaw is on the Person alleging the existence of such a permit.

**11. PENALTIES**

- 11.1. A Person who contravenes any provision of this Bylaw is guilty of an offence.



- 11.2. A Person who is guilty of an offence is liable to a fine in an amount not less than that established in this section, and not exceeding \$10,000.00, and to imprisonment for not more than 6 months for non-payment of a fine.
- 11.3. Specific penalties for infractions and contraventions of this Bylaw are set out in Schedule "B", attached hereto and forming part of this Bylaw.
- 11.4. In the event an offense is repetitive in nature, the specified penalty set out in Schedule "B" shall be doubled for each subsequent offense.
- 11.5. Any penalty imposed pursuant to this Bylaw will be in addition to, and not in substitute for, any other penalty or remedy imposed pursuant to any other applicable statute, law, or legislation.

## **12. VIOLATION TICKET**

- 12.1. A Peace Officer is hereby authorized and empowered to immediately issue a violation ticket pursuant to the *Provincial Offences Procedure Act*, R.S.A. 2000, c.P-34, as amended, to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 12.2. If a violation ticket is issued in respect of an offence, the violation ticket may:
  - (a) specify the fine amount established by this Bylaw for the offence; or
  - (b) require a Person to appear in court without the alternative of making a voluntary payment.

## **13. VOLUNTARY PAYMENT**

- 13.1. A Person who commits an offence may:
  - (a) if a violation ticket is issued in respect of the offence; and
  - (b) if the violation ticket specifies the fine amount established by this Bylaw for the offence;make 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.

## **14. SEVERABILITY**

- 14.1. Should any provision of this Bylaw be declared invalid by a court of competent jurisdiction, then the invalid provision shall be severed and the remainder of the Bylaw shall remain in effect.



**15. CONFLICT WITH OTHER BYLAWS**

15.1. Nothing in this Bylaw shall exempt any Person from complying with the requirements of any bylaw in force or from obtaining any license, permission, permit, authority or approval required under any bylaw or provincial or federal statute or regulation.

**16. REPEAL**

16.1 Subsection 9(1) of Bylaw No. 2527 of the City is repealed.

16.2 In Schedule "A" of Bylaw No. 4500 of the City, the reference to "Pyrotechnic (fireworks, special effects, etc.) Permit" and the associated fee are repealed.

**17. COMING INTO FORCE**

17.1. This Bylaw shall come into force on the day it is passed.

READ a first time in open Council November 18, 2019.

READ a second time in open Council December 2, 2019.

READ a third time in open Council December 2, 2019.

SIGNED and PASSED on December 3, 2019.

MAYOR: Keith E. (Ted) Clugston



CITY CLERK: A. Cruickshank

**SCHEDULE "A"**  
**FEES**

SERVICE	FEE
Fireworks Permit Application Fee	\$125.00

**SCHEDULE "B"**  
**SPECIFIED PENALTIES**

<b>Section</b>	<b>Violation</b>	<b>Penalty</b>
3.1	Unauthorized display or sale of Fireworks	\$500.00
4.1	Possessing, handling or Discharging Fireworks without a valid Fireworks Permit	\$250.00
4.2	Possessing, handling or Discharging Fireworks contrary to the terms a Fireworks Permit	\$250.00
4.3	Failure to obtain permission of property owner prior to Discharging Fireworks	\$500.00
4.4	Storage, handling or Discharge of Fireworks in an unsafe manner or a manner that creates a nuisance	\$250.00
4.5	Failure to ensure Fireworks not accessible to a Minor	\$250.00
5.1	Possession, handling or Discharge of Firecrackers	\$250.00
5.2	Display or sale of Firecrackers	\$500.00
7.1	Discharge of Consumer Fireworks from an unauthorized location	\$500.00
7.3	Discharge of Consumer Fireworks on privately-owned property in an area that is designated for residential use in the City's Land Use Bylaw (unless exempted under s. 7.4)	\$500.00
8.1	Advertising without a valid Fireworks Permit	\$500.00
8.5(a)	Failure to have fully operational fire extinguishing equipment at the Event	\$500.00
8.5(b)	Failure to produce a valid Fireworks Permit	\$500.00
8.5(c)	Failure to permit inspection of the Fireworks site	\$1,000.00
8.6	Failure to conduct site inspection	\$500.00
9.1	Failure to supervise Discharge of Special Effect Pyrotechnics Fireworks by Pyrotechnician	\$1,000.00
10.2	Making false or misleading statement to obtain a Fireworks Permit	\$500.00
10.5	Discharging Fireworks during a fire ban	\$1,000.00
10.6	Obstructing or hindering a person exercising powers under this Bylaw.	\$1,000.00