

TOWN OF BRUDERHEIM

BYLAW 3-2012

BEING A BYLAW OF THE TOWN OF BRUDERHEIM, IN THE PROVINCE OF ALBERTA "HEREAFTER REGARDED AS THE FIREWORKS BYLAW", TO PROVIDE FOR THE SALE, PURCHASE, POSSESSION AND DISCHARGING OF FIREWORKS, FIREWORKS COMPOSITION AND SHOP GOODS IN THE TOWN OF BRUDERHEIM.

**WHEREAS** the Municipal Government Act, R.S.A. 2000, as amended ("the Act") provides that a Municipal Council may revise its Bylaws.

**AND WHEREAS** the Council of the Town of Bruderheim wishes to revise its Fireworks Bylaw.

**NOW THEREFORE** the Council of the Town of Bruderheim, duly assembled, enacts as follows:

**SECTION 1 – DEFINITIONS**

- 1.1 "Fire Chief" means a person appointed by Council to be the Fire Chief for the Town of Bruderheim.
- 1.2 "Firecracker" means any device that explodes instantaneously when ignited and does not produce any subsequent display or visible effect after the explosion and, without restricting the generality of the foregoing, includes those devices commonly known as Chinese Firecrackers, but does not include paper caps, containing not more than 16.2mg of a gram of explosives per cap or devices to be used with the paper caps.
- 1.3 "Fireworks" means firework compositions, manufactured fireworks and shop goods.
- 1.4 "Fireworks Composition" means any chemical compound or mixed preparation of an explosive of flammable nature that is used for the purpose of making manufactured fireworks.
- 1.5 "Shop Goods" means manufactured fireworks that are not liable to explode violently and, without restricting the generality of the foregoing, includes firework showers, fountains, golden rain lawn lights, pin wheels, roman candles, sparklers, toy caps, and volcanoes, but does not include rockets or salutes, or any other type of fireworks not authorized for sale under the Explosives Act (Canada) and regulations thereunder.

**SECTION 2 – REGULATIONS**

- 2.1 The manufacture, storage, transportation, and sale of fireworks shall conform to the Explosives Act (Canada).
- 2.2
  - a) No person shall:
    - i) sell or offer for sale
    - ii) have in his possession, or
    - iii) discharge, fire or set off, or cause to be discharged, fired or set off firecrackers or fireworks unless he/she is the holder of a permit issued pursuant to this by-law.
  - b) No person shall possess fireworks unless he/she is a holder of a permit issued pursuant to this by-law.
- 2.3 The Fire Chief may issue a permit authorizing the purchase and use of fireworks for a public or private display, if:
  - a) The applicant can show proof that they have taken and passed the training required.
  - b) The terms and conditions of this by-law are met, and
  - c) The applicant is 18 years of age or older.

- 2.4 No person shall store a quantity of manufactured fireworks, fireworks composition or shop goods in excess of 22 kgs. without permission of the Fire Chief.
- 2.5 No person shall store explosives, other than small ammunition, in the same premises with fireworks.
- 2.6 No person, with a valid permit issued by the Fire Chief, shall hold a fireworks display unless the location at which fireworks are discharged is not less than
- a) 60m from any permanent building or structure, or any highway, roadway, railway or other means of travel used by the public, and
  - b) 15m from the nearest overhead obstruction.
- 2.7 A person who holds a valid permit, shall be the only person deemed responsible for discharging fireworks at the display.
- 2.8 No person, other than the person responsible for discharging the fireworks at a display, shall be less than 45m from the location at which the fireworks are being discharged.
- 2.9 No person shall discharge fireworks when the velocity of the wind exceeds 30km/hour.
- 2.10 Fireworks from which a projectile is discharged shall be set up in such a manner so that when ignited, the projectile will go into the air in a vertical direction.
- 2.11 No person shall use fireworks in a place or manner that creates a danger or constitutes a nuisance to any person or property.
- 2.12 The holder of a permit, issued pursuant to this by-law, shall ensure that there are, within a radius of not more than 30m from the point from which the fireworks are discharged, at least 2 ABC fire extinguishers of not less than 1016 capacity.
- 2.13 Any fireworks remaining unused at the conclusion of the fireworks display shall be immediately disposed of by the permit holder.
- 2.14 Notwithstanding Section 17 of this by-law, the Fire Chief may prescribe the method by which the permit holder shall dispose of fireworks remaining unused at the conclusion of the display.
- 2.15 The Fire Chief may cancel a permit at any time if he/she has reason to believe that the public or private display is not being conducted in accordance with this regulation or any special conditions of the permit.
- 2.16 The Fire Chief may
- a) Seize, take, remove, or cause to be removed any fireworks offered or exposed for sale or being held or used contrary to this by-law or a permit issued in accordance with this by-law.
  - b) Where fireworks are seized by the Fire Chief under Section 2.16(a), he/she may order disposal of them in a safe manner.
  - c) Any costs incurred as a result of the seizure or disposal by the Fire Chief in accordance with Section 2.16(a) and (b) shall be borne by the owner of the fireworks.

### **SECTION 3 – REPEAL**

- 3.1 By-law 92-633 is hereby repealed.

### **SECTION 4 – EFFECTIVE DATE**

- 4.1 This By-law shall come into force upon the third and final reading.

Read a first time this 5<sup>th</sup> day of September, 2012

Read a second time this 3<sup>rd</sup> day of October, 2012

Read a third and finally passed this 3<sup>rd</sup> day of October, 2012



\_\_\_\_\_  
MAYOR



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ADMINISTRATION