

T O W N O F S E X S M I T H

B Y L A W N O. 822

See original Bylaw for attachments!

A Bylaw of the Town of Sexsmith to regulate the purchase, possession, handling, discharge, firing or setting off of low or high hazard fireworks within the Town of Sexsmith.

WHEREAS the Municipal Government Act, R. S. A. 2000, c. M-26, as amended, provides that one of the purposes of a municipality is to develop and maintain safe and viable communities, and provides municipalities with the jurisdiction to pass bylaws in regard to the safety, health, and welfare of people and the protection of people and property, among other things;

AND WHEREAS the Safety Codes Act, R.S.A. 2000, c S-1, authorizes municipalities to administer, enforce, and pass bylaws pursuant thereto, including the regulation of the purchase, possession, handling, discharge, firing, or setting off of fireworks within the geographic boundaries of the Town of Sexsmith;

NOW THEREFORE the municipal Council of the Town of Sexsmith, duly assembled, hereby enacts as follows:

1. DEFINITION:

- a) "Fireworks" shall mean any type of fireworks, including either low or high hazard fireworks.
 - b) "High hazard fireworks" shall mean fireworks listed in Class 7, Division 2, Subdivision 2 in Section 14 of the Explosive Act (Canada) and its regulations.
 - c) "Low hazard fireworks" shall mean fireworks listed for Class 7, Division 1 and Class 7, Division 2, Subdivision 1, Section 14 of the Explosives Act (Canada) and regulations under the Act.
2. No person shall: purchase, possess, handle, discharge, fire or set off fireworks within the Town of Sexsmith unless they hold a permit for that purpose issued by the Town of Sexsmith, and any other authority having jurisdiction in regard to such matters.
 3. All regulations must be followed as per Alberta Fire Code 1997 or subsequent code.
 4. Fireworks to be displayed on Town property must have prior Town approval, be sponsored by a Town function, and show proof of insurance.
 5. The purchaser of fireworks shall be required to sign an agreement holding the Town harmless from any liability arising from the use thereof as per Schedule A to this Bylaw.
 6. The fireworks safety tips herein marked as Schedule B to this Bylaw shall be attached to, and form part of the regulations required to obtain a permit as defined in article.
 7. Notwithstanding anything herein contained, the Council of the Town of Sexsmith may, by resolution, make exceptions to this bylaw, for special occasion or reason.
 8. Anyone who contravenes any section of this Bylaw shall be liable upon summary conviction to a fine of not less than \$100.00.
 9. Should any provision of this bylaw be invalid then such invalid provision shall be severed and the remaining bylaw shall be maintained.

TOWN OF SEXSMITH
BYLAW NO. 822
FIREWORKS BYLAW

READ A FIRST TIME THIS 7th DAY OF FEBRUARY 2005.

AMENDED AND READ A SECOND TIME THIS 7th DAY OF MARCH, 2005

READ A THIRD AND FINAL TIME THIS 4th DAY OF APRIL, 2005.

Robert S. Rycroft, Mayor
Administrator

Carolyn Gaunt, Town

Schedule A

FIREWORKS PERMIT

This permit covers the following activities:

- a) Sales
- b) Purchase/Possession (Driver's I.D. #and Prov. _____)
- c) Purchase/Possession/Display
- d) Possession/Display

The Safety Codes Officer must sign each applicable space

NOTE

This permit is issued by the Town of Sexsmith under its jurisdiction within the boundaries of the Town of Sexsmith. Should any person desire to discharge these fireworks outside of the Municipal Boundaries a separate permit for that display must be obtained from the municipality in which the display will occur.

Please print in the following spaces:

1. Purchaser:

2. Date:

3. Display Location:

If the display is to take place within the Town of Sexsmith, please fill in the following:

4. Name of registered landowner:

5. Landowner's signature:

6. Date of display: _____

7. Start time of display: _____

8. End time of display: _____

NOTE

As the person applying for this permit, I acknowledge the following:

- 1. I am over eighteen years of age
- 2. I will not discharge these fireworks over public lands or forests without written permission.
- 3. I will not discharge these fireworks within 120 meters of any dwelling or other structure.
- 4. I will not discharge these fireworks if the wind exceeds 45 km/h.

5. Should a Safety Codes Officer order a halt to the display for safety reasons, I will immediately comply.
6. I have read, and agree to abide by, the disclaimer on the reverse of this permit.

Purchaser's Signature:

Safety Codes Officer's Signature:

List of fire works purchased:

TOWN OF SEXSMITH
BYLAW NO. 822
FIREWORKS BYLAW

(Disclaimer on reverse of permit)

In executing this permit application, the Applicant agrees to comply with all federal, provincial and municipal legislation, regulations, and other requirements, and to comply with all recognized safety standards and practices.

In executing this permit, the Applicant agrees not to make or bring any claim, action, suit, proceeding or demand against the Municipality of the Town of Sexsmith, its elected officials, officers, employees, servants, agents and contractors with respect to any occurrence, incident, accident, or happening relating in any manner whatsoever to this agreement and the rights and obligations arising therefrom, which without limiting the generality of the foregoing shall include any claim, action, suit, proceeding or demand arising in tort or contract.

In executing this permit application, the Applicant agrees to indemnify and save harmless the Town of Sexsmith, its elected officials, officers, employees, servants, agents and contractors with respect to any claim, action, suit, proceeding or demand made or brought against the Town of Sexsmith, its elected officials, officers, employees, servants, agents and contractors by any third party with respect to any occurrence, incident, accident or happening relating in any manner whatsoever to this agreement and the rights and obligations arising therefrom, and which indemnity shall, without restricting the generality of the foregoing, include all legal costs incurred by the Municipality of the Town of Sexsmith in defending such a claim, action, suit, proceeding or demand.

Schedule B

5.8.1.12. Discharging

- 1) 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 not more than 15degrees off the perpendicular.

5.8.1.13 Discharging Ground Level

- 1) Where ground level fireworks are discharged
 - a) They shall be positioned out of the firing range of aerial fireworks, and in a location where there is not dry grass or combustible material on the ground beneath them, and
 - b) The area shall be thoroughly wet down immediately before the fireworks are discharged.

5.8.1.14 Extinguisher

- 1) A listed and labeled fire extinguisher having a minimum 2-A rating shall be provided and kept in the immediate discharge area.

5.8.1.15 Display

- 1) Where high hazard fireworks are discharged the permit holder shall ensure that
 - a) He has at least 2 assistants who are competent persons over 18 years of age and having been trained in the proper handling of fireworks,
 - b) The fireworks are set up in conformance with the "Fireworks Manual", published by Natural Resources Canada,
 - c) At least 2 listed and labeled minimum 2-A rated fire extinguishers are located not more than 45 m from the location at which the fireworks are discharged
 - d) The potential landing area is cleared of spectators, vehicles, dry grass and other combustible material immediately prior to beginning of the display and during the display,
 - e) Nothing other than a flashlight or electrical lighting is used for artificial illumination,
 - f) No person, other than persons responsible for discharging the fireworks, is closer than 45 m from the location at which the fireworks are being discharged,
 - g) The location at which the fireworks are discharged is at least
 - i. 60 m from any highway or other similar means of travel used by the public, and
 - ii. 15 m from the nearest overhead obstruction
 - h) A complete search is conducted of the display area for any duds within 12 hours of the conclusion of the display, and

- i. Any unused fireworks or duds remaining are disposed of in a safe manner within 12 hours of the conclusion of the display.