



TOWN OF COCHRANE BYLAW 4/2014

A bylaw of the Town of Cochrane in the Province of Alberta,
for the purpose of regulating Fireworks within the Town of Cochrane.

WHEREAS the *Municipal Government Act* provides that a Council of a Municipality may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

WHEREAS the *Municipal Government Act* provides that a Council of a Municipality may pass bylaws to regulate or prohibit activities, industries or things and to establish a system of licenses, permits or approvals including the establishment of fees and the collection of fees;

WHEREAS the Town of Cochrane has been accredited by the Safety Codes Council pursuant to the *Safety Codes Act*;

WHEREAS the Council of the Town of Cochrane recognizes that Fireworks are explosive devices which are classified as dangerous goods under the Alberta Fire Code and which, when used improperly or by a Person not in possession of the appropriate training can cause injury, damage, fire, and death;

WHEREAS the Council of the Town of Cochrane has determined that the sale, storage, purchase, and discharge by Persons not property trained and authorized creates an unacceptable risk to life, health, safety, and property; and

WHEREAS the Council of the Town of Cochrane wishes to enact a bylaw for the purpose of providing for the safe possession, sale, storage, purchase and discharge of Fireworks in accordance with municipal policy, the Alberta Fire Code, the *Safety Codes Act*, and the *Explosives Act* R.S.C. 1985, c. E-17,

NOW THEREFORE the Council of the Town of Cochrane, in the Province of Alberta, duly assembled, hereby enacts as follows:

SECTION 1. NAME OF BYLAW

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

SECTION 2. DEFINITIONS

2.1 In this bylaw:

- (a) "Chief Fire Officer" means the person designated Senior Manager Protective Services by Council or that person's delegate.
- (b) "Council" means the Council of the Town.
- (c) "*Explosives Act*" means the *Explosives Act*, R.S.C. 1985, c. E-17.
- (d) "Fireworks" means the fireworks listed in the Alberta Fire Code and the *Explosives Act*, and includes firecrackers.
- (e) "High-hazard Fireworks" means high-hazard fireworks as defined in the Alberta Fire Code.
- (f) "Low-hazard Fireworks" means low-hazard fireworks as defined in the Alberta Fire Code.
- (g) "Peace Officer" means a peace officer as defined in the *Peace Officers Act*, S.A. 2006, c. P-3.5.
- (h) "*Provincial Offences Procedure Act*" means the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34.
- (i) "Person" means an individual, firm, partnership, joint venture, proprietorship, corporation, association, society, and any other legal entity.
- (j) "*Safety Codes Act*" means the *Safety Codes Act*, R.S.A. 2000, c. S-1.
- (k) "Specified Penalty" means a penalty specified in Schedule "A" of this bylaw for committing an offence under this bylaw when such offence is being prosecuted by way of a Violation Ticket.
- (l) "Town" means the Town of Cochrane.
- (m) "Violation Tag" means a notice of contravention of this bylaw issued in accordance with section 5.3 of this bylaw in a form approved by the Chief Fire Officer.
- (n) "Violation Ticket" means a violation ticket under part 2 or part 3 of the *Provincial Offences Procedure Act*.

For words not defined in the above-noted definitions reference should be made to the Canadian Oxford Dictionary (Second Edition), published by Oxford University Press.

SECTION 3. PROHIBITIONS AND PERMISSIONS

- 3.1 No Person shall display for sale, offer for sale, sell, possess, store, handle, set off, or discharge any Fireworks within the Town unless:
 - (a) that Person holds the appropriate authorization in accordance with the *Explosives Act*, and does so in accordance with that authorization; and
 - (b) that Person has the written permission of the Chief Fire Officer.

- 3.2 A Person seeking to sell, offer for sale, possess, store, handle, set off, or discharge any Fireworks within the Town shall apply in writing to the Chief Fire Officer. Such application shall contain the following, in addition to any information required by the *Explosives Act* and the Alberta Fire Code, and in the case of a show or display of Fireworks shall be made, a minimum of 28 days prior to the event:
- (a) The application fee as set out in Schedule B to this bylaw;
 - (b) The names, addresses, and certification numbers of all Persons to be engaged in the activity;
 - (c) Any other information deemed necessary by the Chief Fire Officer; and
 - (d) In the case of a Fireworks show or display:
 - (i) Date, time and location of the proposed event;
 - (ii) Names, addresses and certification numbers of all display supervisors or pyro-technicians and assistants participating in the show;
 - (iii) The name of the sponsor or purchaser of the event;
 - (iv) A full description of the planned event and a list of all materials to be fired, detonated, burnt or energized during the event;
 - (v) The emergency plan for the event;
 - (vi) Verification of liability insurance, in an amount acceptable to the Town; and
 - (vii) Payment of the designated application fee.
- 3.3 The Chief Fire Officer may:
- a. issue written permission in accordance with Section 3.1 of this bylaw, in the form of a signed letter on official letterhead, and may impose any conditions or terms on such permission as the Chief Fire Officer deems appropriate; or
 - b. refuse to issue written permission in accordance with Section 3.1 of this bylaw if, in the Chief Fire Officer's opinion, the proposed activity may create a risk to life, safety or property.
- 3.4 The Chief Fire Officer may revoke any previously issued written letter of permission for protection of life, health, safety or property or for non-compliance with:
- (a) The Alberta Fire Code;
 - (b) The *Explosives Act*;
 - (c) The letter of permission, including any terms and conditions;
 - (d) Changes in environmental conditions; or
 - (e) Any combination of the above factors.
- 3.5 No Person shall provide false or misleading information in an application pursuant to section 3.2 of this bylaw.

SECTION 4. OFFENCES

- 4.1 Any Person who contravenes any provision of this bylaw by:
- (a) doing something that is prohibited by this bylaw;
 - (b) failing to do something that is required by this bylaw; or
 - (c) doing something in a manner different from that which is required by this bylaw,
- is guilty of an offence.
- 4.2 Where a contravention of this bylaw is of a continuing nature, every day during which the contravention continues shall be deemed to be a separate offence.

SECTION 5. ENFORCEMENT

- 5.1 Where a Peace Officer has reasonable grounds to believe that a Person has violated any provision of this bylaw, that Peace Officer may serve that Person with a Violation Ticket.
- 5.2 A Violation Ticket shall be served upon the person named therein in accordance with the provisions of the *Provincial Offences Procedure Act*.
- 5.3 Notwithstanding section 5.1, where a Peace Officer has reasonable grounds to believe that a Person has violated any provision of this bylaw, that Peace Officer may serve that Person with a Violation Tag by personal service or by registered mail.
- 5.4 A Violation Tag issued pursuant to section 5.3 of this bylaw shall specify the penalty in lieu of prosecution payable in respect of the contravention of this bylaw as set out in Schedule A to this bylaw for penalties in lieu of prosecution.
- 5.5 A Person who has been issued a Violation Tag pursuant to section 5.3 of this bylaw and has paid the penalty to the Town by the date specified on that Violation Tag shall not be liable to prosecution for the subject contravention.
- 5.6 Nothing in this bylaw shall prevent a Peace Officer from issuing a Violation Ticket for the mandatory Court appearance of any Person who contravenes any provision of this bylaw, or from laying an information.

Penalties

- 5.7 A Person who is convicted of an offence pursuant to this bylaw is liable on summary conviction to a fine not exceeding \$10,000.00 plus court costs, and in default of payment of a fine imposed to a period of imprisonment not exceeding six (6) months.
- 5.8 The Specified Penalty for a breach of this bylaw shall be:
- (a) Where Schedule A to this bylaw specifies a penalty in respect of a contravention of a provision of this bylaw, the penalty specified in that schedule; and

- (b) Where Schedule A to this bylaw does not specify a penalty in respect of a contravention of a provision of this bylaw, the minimum penalty shall be \$250.00.
- 5.9 Where a Person has been convicted of the same offence, or has issued a Violation Tag and has paid the penalty specified in that Violation Tag:
- (a) on two separate occasions within a twenty-four (24) month period, the Specified Penalty in respect to the second contravention shall be double the amount specified in section 5.8; and
 - (b) three (3) or more times within a twenty-four (24) month period, the Specified Penalty in respect to the third and subsequent contraventions shall be four (4) times the amount specified in section 5.8.
- 5.10 The levying and payment of a fine or imprisonment for any period provided in this bylaw shall not relieve a Person from paying any other fines or penalties or any fees, charges or costs for which that Person is liable pursuant to this bylaw.

Remedying Contraventions

- 5.11 The Chief Fire Officer is authorized to enforce this bylaw and to take any steps authorized by the *Municipal Government Act*.
- 5.12 Without limiting the generality of section 5.11, the Chief Fire Officer is authorized to:
- (a) issue an order requiring a Person responsible for a contravention of this bylaw to remedy that contravention;
 - (b) enter on any land or structure to inspect the land or structure, remedy any contravention of this bylaw or enforce any term of this bylaw;
 - (c) carry out any work necessary to enforce any term of this bylaw at the expense of the Person responsible for the contravention of this bylaw.

SECTION 6. SEVERABILITY

- 6.1 Each provision of this bylaw is independent of all other provisions. If any provision of the bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this bylaw shall remain valid and enforceable.

SECTION 7. INTERPRETATION

- 7.1 Wherever the provisions of this bylaw are, or are deemed to be, at variance with each other, the more restrictive of the two provisions shall apply.
- 7.2 Whenever the singular and masculine gender is used in this bylaw, the same shall include the plural, feminine and neuter gender whenever the context so requires.
- 7.3 Any reference in this bylaw to any federal or provincial statute shall mean that statute as amended or replaced from time to time and any amendments thereto and shall include any regulations enacted pursuant to that statute.
- 7.4 The Schedules to this bylaw may be amended or replaced from time to time by resolution of Council.
- 7.5 Nothing in this bylaw relieves any Person from compliance with any other bylaw or applicable federal or provincial law, regulation or enactment.

SECTION 8. EFFECTIVE DATE

8.1 This bylaw shall come into force and effect on the date of the third and final reading.

Read a first time January 27, 2014
Read a second time March 10, 2014
Read a third time March 10, 2014



Mayor



Manager, Legislative Services

Schedule "A"

Specified Penalties

Section Offence	Penalty in Lieu of Prosecution	Specified Penalty
3.1 Sell, offer for sale, possess, store, handle, set off, or discharge Fireworks without required authorization or permission (High-Hazard Fireworks)	\$750	\$1,000.00
3.1 Sell, offer for sale, possess, store, handle, set off, or discharge Fireworks without required authorization or permission (Low-Hazard Fireworks)	\$300	\$500.00
3.5 Provide false or misleading information when applying for permission for a Fireworks display or show	\$300	\$500.00

Schedule "B"

Permit Fees

Permits	Fee
Application Fee	\$100.00