



**TOWN OF HINTON**  
**BYLAW #1098**  
**BYLAW OF THE TOWN OF HINTON IN THE PROVINCE OF ALBERTA**  
**TO REGULATE THE POSSESSION, SALE, STORAGE, PURCHASE**  
**AND DISCHARGE OF FIREWORKS**

**WHEREAS** Section 7(a) of the Municipal Government Act, R.S.A. 2000, c. M-26, as amended, provides for municipalities to enact Bylaws for the safety, health and welfare of people and the protection of people and property.

**AND WHEREAS** Section 8(a) of the Municipal Government Act, R.S.A. 2000, c. M-26, as amended, provides for municipalities to enact Bylaws to regulate or prohibit.

**AND WHEREAS** Section 8(c) of the Municipal Government Act, R.S.A. 2000, c. M-26, as amended, provides for municipalities to enact Bylaws to provide for a system of licenses, permits or approvals.

**AND WHEREAS** The Council of the Town of Hinton 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** The Council of the Town of Hinton has determined that the sale, storage, purchase and discharge of fireworks by persons not in possession of a fireworks display supervisors card as noted above creates an unacceptable level of risk to life, health, safety and property.

**AND WHEREAS** The Town of Hinton wishes to enact a Bylaw for the purpose of prohibiting the possession, sale, storage, purchase and discharge of fireworks by any person not in possession of a valid fireworks *display supervisor* card issued pursuant to the Explosives Act of Canada, and its Regulations, by the Government of Canada.

**NOW THEREFORE** the Municipal Council of the Town of Hinton in session duly assembled hereby enact as follows:

**Title**

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

**Definitions**

2. The definitions in the following enactments, as amended, in order of precedence, shall be used for the purposes of interpreting this Bylaw and its application:

- a) Municipal Government Act (R.S.A. 2000, c. M-26)
- b) Safety Codes Act (R.S.A. 2000, c. S-1)
- c) Alberta Fire Code
- d) Explosives Act (R.S.C. 1985, c. E-17)

For greater clarity in this bylaw:

- e) "Display Supervisor or Pyrotechnician" means a person holding a valid certificate as such through Natural Resources Canada Explosives Regulatory Division.
- f) "Fire Chief" shall mean the Chief Officer of the Fire Rescue and Bylaw Services Department who is appointed by Council to manage and administer the Fire Department and includes his/her designate;
- g) "Firecracker" means small fireworks with entwined fuses used solely as noise makers and not for pyrotechnic effect, and without limitation includes bottle rockets and screechers;
- h) "Fireworks" includes both Low Hazard Fireworks and High Hazard Fireworks as defined herein;
- i) "High Hazard Fireworks" means manufactured goods intended to be used for pyrotechnic effects that are classified by the Canada Explosives Regulations as high hazard fireworks (Class 7.2.2) but does not include Firecrackers; For the purposes of this bylaw Special Effect Pyrotechnics will be included in this definition.
- j) "Low Hazard Fireworks" means manufactured goods intended to be used for pyrotechnic that are classified by the Canada Explosive Regulations as low hazard fireworks for recreation (Class 7.2.1.) such as fireworks showers, fountains, golden rain, lawn lights, pinwheels, volcanoes and sparklers, but does not include Roman Candles;
- k) "Peace Officer" means a Community Peace Officer, Bylaw Enforcement Officer or member of the RCMP or for the purposes of enforcing provisions of this bylaw the Fire Chief, Deputy Fire Chief, Fire Prevention Officer or their designate. A Safety Codes Officer in the Fire Discipline may also be considered a Peace Officer for the purposes of this bylaw.
- l) "Roman Candle" means a ground level firework that is capable of projecting or discharging a charge or series of charges or pyrotechnical effects more than three (3) meters and which has a tube size of  $\frac{3}{4}$ " or less.
- m) "Violation Tag" shall mean a tag or similar documents issued by the Town pursuant to the Municipal Government Act.
- n) "Violation Ticket" shall mean a ticket issued pursuant to Part II of the Provincial Offences Procedure Act and the regulations there under.

### **Prohibitions and Regulations**

3. No person shall wholesale, display for sale, offer for sale, sell, possess or store any Fireworks, Roman Candles or Firecrackers within the Town of Hinton.
4. No person, may obtain, purchase, set off, discharge or otherwise handle Fireworks, Roman Candles or Firecrackers within the Town of Hinton without the written permission of the Town of Hinton Fire Rescue and Bylaw Services Department.
5. No person shall obstruct, interfere with or hinder a Peace Officer or any person who the Peace Officer may call upon to assist in the performance of his duties pursuant to this bylaw.
6. No person shall handle, set up, set off, fire, discharge or energize a pyrotechnics display in the Town of Hinton without the written permission of the Fire Rescue and Bylaw Services Department. Any Person wishing to obtain written permission from the Fire Chief or his designate must hold a valid Fireworks Operator Certificate as a Display Supervisor or Pyrotechnician from Natural Resources Canada Explosives Regulatory Division.
7. A certified Display Supervisor or a Pyrotechnician, may conduct a show after receiving permission to do so in writing from the Fire Chief or his designate.
8. A Display Supervisor or Pyrotechnician will apply in writing, a minimum of 28 Calendar days prior to an event, to the Fire Rescue and Bylaw Services Department for a written letter of permission to conduct a display or show. The application in writing will cover all the information required by the Explosives Act and the Alberta Fire Code. It will include, but not be limited to:
  - a) Date, time and location of the proposed event,
  - b) Names, addresses and certification numbers of all display supervisors or pyrotechnicians and assistants participating in the show,
  - c) The name of the sponsor or purchaser of the event,
  - d) A full description of the planned event and a list of all materials to be fired, detonated, burnt or energized during the event,
  - e) The emergency plan for the event,
  - f) Verification of liability insurance, in an amount acceptable to the Town of Hinton,
  - g) Payment of the designated application fee, and
  - h) Any other information deemed necessary by the Town of Hinton or the Fire Chief.
9. The Fire Chief may choose to issue to a Display Supervisor or Pyrotechnician, written permission for a show or display to take place.
10. The Fire Chief may choose not to issue written permission to anyone for a display or show if, in their opinion, such a display or show may create a risk to life, safety or property.

11. The Fire Chief may attach any terms and conditions in a written permission that he or she deems appropriate for the specific event and location.
12. The Fire Chief may choose to revoke any previously issued written letter of permission for reasons of 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, and/or
  - e) For any reasons of safety to life, limb or property.

### **Penalties and Enforcement**

13. Any person who contravenes any part or fails to comply with any notice issued pursuant to this Bylaw is guilty of an offense and liable to a fine or penalty on summary conviction, to a penalty not exceeding Two Thousand Five Hundred (\$2,500.00) Dollars, exclusive of costs and in case of non-payment of the penalty and costs of such breach, to punishment by imprisonment for any period not exceeding six (6) months.
14. Every person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, who neglects to do or refrain from doing anything required to be done by any of the provisions of this Bylaw may be charged with an offence and liable to the penalties hereby imposed. Each day that a violation continues to exist shall constitute a separate offence
15. Any Peace Officer may enforce the provisions of this Bylaw and may issue a Violation Tag or Violation Ticket to any Person found to have committed a breach of the Bylaw. The Violation Tag or Violation Ticket shall state the alleged offence, Bylaw Number and voluntary payment option in the amount as found in Schedule "A".
16. An Violation Tag or Violation Ticket may be issued by personally serving it upon the offender, by leaving it at the residence of the offender with a person who appears to be 18 years of age or older, by leaving it at the residence of the offender posted in a conspicuous place or by sending it by ordinary mail to the address of the offender.
17. The issuance of a Violation Tag is an initial alternative to a Violation Ticket. If a Violation Tag is issued and payment is not made within Thirty (30) days, an additional sum of \$10.00 shall be added to the appropriate fine indicated on the Violation Tag. After the time limit for payment of the Violation Tag, the Peace Officer may allow a further period of grace within the appropriate fine and the additional \$10.00 may be accepted.
18. If a cheque is given in payment for a Violation Tag, which results in non-sufficient funds, the offense for which the cheque was issued for shall remain in effect. In such cases, the Town may apply a penalty fee on NSF cheques received by the Town.

19. After the time limit for payment of a Violation Tag has passed a Peace Officer may serve upon the offender a Violation Ticket. Notwithstanding the foregoing, a Peace Officer is authorized and empowered to immediately issue a Violation Ticket to any Person the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
20. The imposition of a fine either by issuance of a Violation Tag, Violation Ticket or Summary Conviction in court shall not relieve any Person so fined of any costs incurred in having work performed by the Town where authorized by this bylaw, and nothing in this Bylaw shall limit any rights or remedies of the Town pursuant to the Municipal Government Act.
21. A Peace Officer who has reasonable and probable grounds may seize, take, remove or cause to be seized, taken or removed any fireworks, fire crackers, roman candles or any other pyrotechnic device being held, possessed, or used in contravention to this bylaw.
22. On reasonable and probable grounds a Peace Officer may enter and inspect any place other than a dwelling, in which fireworks are stored, transported or used and may open and inspect any room, container, vehicle or package that the Peace Officer has reasonable and probable grounds to believe contains fireworks in contravention of this bylaw. Entering a dwelling must only be done under the authority of a warrant.
23. Where a Safety Codes Officer in the Fire Discipline, holding a Designation of Powers to the Town of Hinton, or an Enforcement Officer noted above, has reasonable grounds to believe that a person has violated any provision of the Alberta Fire Code, they may commence Court proceedings under the Safety Codes Act against such person by filing an Information pursuant to the provisions of the Provincial Offences Procedure Act.

Bylaw #1062 is hereby repealed.

This Bylaw comes into force and effect on final reading.

READ A FIRST TIME THIS 21<sup>ST</sup> DAY OF JULY, 2015.

READ A SECOND TIME THIS 21<sup>ST</sup> DAY OF JULY, 2015.

READ A THIRD TIME THIS 6<sup>TH</sup> DAY OF OCTOBER, 2015.



MAYOR



DIRECTOR OF CORPORATE SERVICES

**BYLAW 1098  
SCHEDULE "A"  
Specified Penalties**

For the purposes of this bylaw the following penalties shall apply for any contravention of this bylaw:

1<sup>st</sup> Offence: \$500.00

2<sup>nd</sup> Offence: \$750.00

3<sup>rd</sup> and subsequent offences: Mandatory Court.