

BYLAW NO. 96-2004

**A BYLAW OF THE SUMMER VILLAGE OF SUNRISE BEACH, IN THE PROVINCE OF
ALBERTA, TO CONTROL THE USE OF FIREWORKS**

WHEREAS the Municipal Government Act being Chapter M-26 of the Revised Statutes of Alberta, 2000, Part 2, Section 7 & 8 and amendments thereto, authorizes the Council of a municipality to pass bylaws pertaining to the protection of people and property, and

WHEREAS it is deemed desirable and expedient to provide for the control and use of fireworks within the boundaries of the Summer Village of Sunrise Beach for the purposes of public safety and protection of property, and

WHEREAS the Council of the Summer Village of Sunrise Beach considers it desirable and expedient to do so,

NOW THEREFORE the Council of the Summer Village of Sunrise Beach, in the Province of Alberta, duly assembled, enacts as follows:

Section 1 - Name of Bylaw

This Bylaw shall be known as “The Fireworks Bylaw”.

Section 2 – Purpose of This Bylaw

The purpose of this Bylaw is to increase public safety, reduce risk and protect property.

Section 3 - Definitions

In this Bylaw the following terms (unless the context specifically requires otherwise) shall have the following meanings:

- a) “Council” means the Council of the Summer Village of Sunrise Beach.
- b) “Firecrackers” are defined as small fireworks with entwined fuses used as noisemakers.
- c) “Fireworks” are as defined in the Alberta Fire Code.
- d) “Peace Officer” means a member of the Royal Canadian Mounted Police, a Special Constable, or a Bylaw Enforcement Officer.
- e) “Public Place” means any highway, road allowance, public beach, reserve, park or building to which the public has, or is permitted to have access or any vehicle in a public place.
- f) “Summer Village” means the Summer Village of Sunrise Beach.

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Section 4 – Restrictions

- a) No person shall sell fireworks within the municipal limits of the Summer Village.
- b) No person shall fire or set off any fireworks in any public place within the municipal limits of the Summer Village, except with a permit as issued by the municipality.
- c) No person shall fire or set off any fireworks within the municipal limits of the Summer Village when a fire ban is in effect.
- d) Persons or groups firing or setting off fireworks within the municipal limits of the Summer Village shall be responsible for all liabilities incurred by the use of fireworks.
- e) Persons or groups firing or setting off fireworks within the municipal limits of the Summer Village shall do so in accordance with all of the requirements of the Alberta Fire Code which include safety planning, obtaining written permission from neighbors that may be affected and receiving a permit from the Summer Village Office. The Summer Village Office will in turn seek the advice of an accredited Safety Codes Officer for the preparation of the permit.

Note 1: Firecrackers are not allowed to be sold, given away or otherwise distributed, discharged, fired or set off in the Province of Alberta without a ministerial exemption.

Note 2: Nothing in this Bylaw is intended to be in conflict with the Alberta Fire Code and the Alberta Safety Codes Act.

Section 5 – Severability

- a) Should any section or part of this Bylaw be found to have been improperly enacted, then such section or part shall be regarded as being severable from the rest of this Bylaw and the Bylaw remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this Bylaw.

Section 6 - Penalty and Permit Provisions

- a) A Peace Officer authorized to enforce this Bylaw under Section 7 of the Municipal Government Act, R.S.A. 2000, Chapter M-26, and who has reasonable and probable grounds to believe that a person has contravened any section of this Bylaw, may under the authority of this Bylaw issue a Municipal tag, and where this tag is not paid by the offender a Part 2 violation tag may be issued under the Provincial Offences Procedures Act R.S.A., Chapter 2000, P-34, to that person.

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- b) Any person who contravenes the provisions of this Bylaw shall be guilty of an offense and liable on summary conviction to the penalty as set out in Schedule "A".
- c) Penalties set out in Schedule "A" may be amended from time to time by a resolution of Council.
- d) Permit fees are set out in Schedule "B" may be amended from time to time by a resolution of Council. The permit application shall be made on the form provided in Schedule "C".

Section 7 – Effective Date

This bylaw shall come into effect upon the date of third and final reading

READ a first time this 8th day of November 2004 A.D.

READ a second time this 8th day of November 2004 A.D.

READ a third time and finally passed this 1st day of May 2006 A.D.

Mayor

Municipal Administrator

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Schedule "A"

Penalties

Offense	Section	Fine
1. Sale of fireworks within the municipal limits of the Summer Village of Sunrise Beach.	4 a)	\$100.00
2. Discharge, fire or set off any fireworks in any public place within the municipal limits of the Summer Village of Sunrise Beach without a municipally issued permit.	4 b)	\$300.00
3. Discharge, fire or set off any fireworks within the municipal limits of the Summer Village of Sunrise Beach when a fire ban is in effect. (\$300.00 for discharging without a permit plus \$150.00 for discharging during a fire ban)	4 c)	\$450.00
4. Discharge, fire or set off any fireworks within the municipal limits of the Summer Village without a permit.	4 e)	\$300.00

Schedule "B"

Cost of Permits for Firing or Setting Off Fireworks Within the Summer Village

Persons or groups firing or setting off fireworks on private land within the municipal limits of the Summer Village must receive a permit from the Summer Village Office at a cost of \$10.00.

Note: An application for a permit must be accompanied by the written permission of the owner of the land and the owner or occupant of neighbouring land in accordance with the Alberta Fire Code.

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Schedule "C"

PERMIT FOR THE USE OF FIREWORKS
SUMMER VILLAGE OF SUNRISE BEACH

PART 1 – APPLICATION FOR FIREWORKS DISPLAY PERMIT

I hereby make an application to hold a fireworks display.

NAME: _____

ADDRESS: _____

SUPERVISOR OF DISPLAY: _____

ADDRESS: _____ PHONE NO. _____

LOCATION OF DISPLAY: _____

PURPOSE OF DISPLAY: _____

DATE OF DISPLAY: _____ TIME OF DISPLAY: _____

STORAGE LOCATION: _____

This permit is for a display on the location, date and time as specified only, and to the party to whom it is issued. It is not transferable.

Proof of insurance attached: Yes No

Site Plan attached: Yes No

Any changes in the specifics stated above requires a new permit.

Municipal Administrator

Date

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FOR OFFICE USE ONLY:

PART 2 – APPROVAL BY LOCAL AUTHORITIES HAVING JURISDICTION

Date Issued: _____

This permit is issued subject to compliance with the conditions as outlined in the attached Bylaw 96-2004.

Permission is hereby granted to the party to whom this permit is issued to hold a fireworks display at such a time and place as specified on the permit.

Name of Authorizing Officer _____

Title: _____

Signature _____ Date: _____

Comments: _____
