

**VILLAGE OF VETERAN
BYLAW NO. 513-13
FIRE ARMS AND FIREWORKS BYLAW**

BEING A BYLAW OF THE VILLAGE OF VETERAN IN THE PROVINCE OF ALBERTA TO REGULATE THE DISCHARGE OF FIREARMS AND TO PROVIDE FOR THE SAFE POSSESSION, SALE, STORAGE, PURCHASE AND DISCHARGE OF FIREWORKS WITHIN THE LIMITS OF THE VILLAGE OF VETERAN, IN COMPLIANCE WITH THE ALBERTA FIRE CODE, AS AMENDED, THE SAFETY CODES ACT (R.S.A.2000, c. S-1) AND THE EXPLOSIVES ACT (R.S.C. 1985, c. E-17)

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

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

AND WHEREAS 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 Village of Veteran recognizes that fireworks are explosive devices which are classified as Dangerous Goods under the Alberta Fire Code and which, when not managed, handled and used properly, can cause injury, damage, fire and death.

AND WHEREAS The Council of the Village of Veteran has determined that the controlled and managed sale, storage, purchase and discharge of fireworks by persons 18 years of age creates a manageable level of risk to life, health, safety and property.

AND WHEREAS The Council of the Village of Veteran wishes to limit the sale and use of fireworks to specific periods of the year in order to effectively manage the risk.

AND WHEREAS The Council of the Village of Veteran wishes to limit the hours of sale of fireworks in order to effectively manage the risk.

AND WHEREAS the Council of the Village of Veteran deems it necessary to regulate the discharge of firearms and the firing and setting off of fire balls, squibs, firecrackers or fireworks within the limits of the Village of Veteran,

NOW THEREFORE the Council of the Village of Veteran duly assembled and pursuant to the provisions of the said Municipal Government Act and amendments thereto, enacts as follows:

1. Short Title

This Bylaw may be called the “Fire Arms and Fireworks Bylaw.”

2. Definitions

- a) 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:
 - 1) Municipal Government Act (R.S.A. 2000, c. M-26)
 - 2) Safety Codes Act (R.S.A. 2000, c. S-1)
 - 3) Alberta Fire Code
 - 4) Explosives Act (R.S.C. 1985, c. E-17)
- b) For words not defined in the above noted enactments reference should be made to the Canadian Oxford Dictionary (Second Edition), published by Oxford University Press.
- c) Written Permissions noted in this bylaw shall take the form(s) outlined in Schedule “A” of this Bylaw.
- d) C.A.O shall mean the Chief Administrative Officer of the Village of Veteran.
- e) Fire Chief shall mean the Chief Officer of the Fire Department who is appointed by Council to manage and administer the Fire Department.

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- f) Safety Codes Officer shall mean the Safety Codes Officer in the Fire Discipline, holding a Designation of Powers to the Village of Veteran.

3 Prohibitions

- a) No person shall discharge a gun and/or guns or other firearms anywhere at any time within the limits of the Village of Veteran.
- b) No person shall fire and/or set off fire balls, squibs, crackers or fireworks or energize a pyrotechnics display at any time within the limits of the Village of Veteran without the express permission in writing of Village Council, the Fire Chief, or Safety Codes Officer.
- c) No person shall wholesale, display for sale, offer for sale, sell, possess or store any fireworks within the Village of Veteran without the written permission of the Village Council, the Fire Chief, or Safety Codes Officer. This permission must include approval and acceptance of the storage area and the required Fire Safety Plan as outlined in the Alberta Fire Code.
- d) No person shall sell fireworks to any person without seeing that person's Driver's License or other photo identification issued by the Governments of Canada or Alberta.
- e) No person shall sell fireworks to anyone under the age of 18 years.
- f) No person under the age of 18 years shall purchase fireworks.

4 Permissions

- a) All persons purchasing, possessing, handling, distributing, offering for sale, storing, selling, discharging, firing or setting off fireworks or pyrotechnics displays shall conform to all requirements of the Alberta Fire Code.
- b) That any retail vender selling fire balls, squibs, firecrackers or fireworks be required to display a full size copy of this Bylaw in a prominent location within 2 feet of the Fireworks display or the cashier's till, and that a copy of this bylaw shall be provided to every customer purchasing Fireworks (copies of Bylaw to be provided by the Village of Veteran).
- c) A retail vendor wishing to sell fireworks to persons in the Village of Veteran must retain all the information required from every purchaser by the Alberta Fire Code for a period of not less than two years as outlined in the Alberta Fire Code. This information will include:
- 1) The date of the sale,
 - 2) The name, address and phone number of the purchaser,
 - 3) A description of the fireworks sold,
 - 4) The date and time the fireworks will be discharged,
 - 5) The location and description of the site where the fireworks will be discharged.
- d) Any person wishing to purchase fireworks must follow the regulations of the municipality where the fireworks will be discharged or from a Forest Officer where the discharge is to take place within a forest protection area. The regulations are as follows:
- 1) The person will not discharge these fireworks over public lands and forests without written permission.
 - 2) The person will not discharge these fireworks within 10 meters of any building, or 200 meters of any flammable or combustible liquids storage, or 250 meters of any correctional institute, nursing home or hospital.
 - 3) The person will not discharge these fireworks if the wind exceeds 45km/h.
 - 4) Should a Safety Codes Officer/Fire Chief order a halt to the display for safety reasons, the person will immediately comply.
- e) Fireworks may only be sold, purchased and discharged within the following annual timeframes:

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- 1) Ten calendar days prior to and inclusive of the Victoria Day holiday.
- 2) Ten calendar days prior to and inclusive of the Sunday following the Canada Day holiday.
- 3) Ten days prior to and inclusive of New Year's Day.
- 4) Other timeframes of ten calendar days or less which may be allowed for on a one time basis by resolution of council.

5 Penalties

- a) Any person found guilty of a breach of this Bylaw shall be subject to a fine in the amount of not less than \$250.00 for a first offence, \$500.00 for the second offence and up to a maximum fine of \$750.00 for a third offence and each subsequent offence.
- b) Upon any conviction made pursuant to this bylaw, it shall be lawful for a Peace Officer acting on behalf of the Village of Veteran to order that all firearms be confiscated for a period of not less than six months and not to exceed two years.
- c) An Enforcement Officer (C.A.O., Community Peace Officer, Bylaw Enforcement Officer or Police Officer) with authority to enforce the bylaws of the Village of Veteran has reasonable grounds to believe that a person has violated any provision of this bylaw, the Enforcement Officer may commence Court proceedings against such person by issuing the person a violation ticket pursuant to the provisions of the Provincial Offences Procedure Act.
- d) The issuance of a violation ticket as noted in 5.c shall require a Court appearance by the person pursuant to Part 2 of the Provincial Offences Procedure Act.
- e) Where a Safety Codes Officer in the Fire Discipline, holding a Designation of Powers to the Village of Veteran, or an Enforcement Officer noted in 5.c 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.

6 Severability

Despite that any section or sections of this bylaw, or any part or parts thereof, may be found by any court of law to be invalid or illegal that section or sections or part or parts thereof shall be deemed to be severable, and all other sections of this bylaw, or parts thereof, are separate and independent there-from and enacted as such.

This Bylaw will come into force and effect on the date of successful third reading and signing in accordance with the Municipal Government Act (R.S.A. 2000, c. M-26) as amended.

READ A FIRST TIME IN OPEN COUNCIL this 24th day of September, 2013

READ A SECOND TIME IN OPEN COUNCIL this 24th day of September, 2013

READ A THIRD TIME IN OPEN COUNCIL this 24th day of September, 2013

Mayor

Chief Administrative Officer