VILLAGE OF SPRING LAKE

BYLAW #395

A BY-LAW OF THE VILLAGE OF SPRING LAKE, IN THE PROVINCE OF ALBERTA, TO RESTRICT THE FIRING OF FIREWORKS WITHIN THE VILLAGE BOUNDARIES.

WHEREAS, the Council of the Village of Spring Lake may pass a By-law pursuant to Section 7 (a) of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta and amendments thereto, for purposes of respecting the safety, health and welfare of people and the protection of people and property thereof;

AND WHEREAS, the Village of Spring Lake wishes to regulate the firing of fireworks within the Village of Spring Lake;

NOW THEREFORE, the Council of the Village of Spring Lake in council assembled herein enacts as follows:

1. This By-law may be cited as the Village of Spring Lake Fireworks By-law;

2. In this By-law;

   (a) "CAO" means the person appointed as the Chief Administrative Officer of the Village of Spring Lake.

   (b) "Council" means the Council of the Village of Spring Lake.

   (c) "Consumer Fireworks" are commonly referred to as low hazard fireworks generally used for recreation. Examples include, but are not limited to: showers, golden rain, lawn lights, pinwheels, roman candles, volcanoes, and sparklers. These are classified as type F.1 explosives in the Regulation.

   (d) "Commercial Fireworks" are commonly referred to as high hazard fireworks generally used for public by trained professionals. Examples include, but are not limited to: rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, batteries, illumination, set pieces, pigeons and firecrackers. They are technically called "fireworks in Subdivision 2 of Division 2" in the Regulation.

   (e) "Fireworks" means the Fireworks listed in class 7, Division 1, and Class 7, Division 2, Subdivision 1 and 2 in Section 14 of the *Explosives Act (Canada)* and regulations under the Act.

   (f) "Fire Ban" means a provincial ministerial order or an order by the Village of Spring Lake may at their discretion to cancel any or all commercial fireworks permits and prohibiting the discharging fireworks;

   (g) "Fire Department" means the Parkland County Fire Services.

   (h) "Owner" means:
      i. The person as registered on title at the Land Titles Offices;
      ii. A person who is recorded as the owner of the property on the assessment roll of the Village
      iii. A person who has purchased or otherwise acquired the property, whether purchased or otherwise acquired from the owner or from another purchase, and has not become the registered owner thereof;
      iv. A person controlling the property under construction; or

v. A person who is the occupant of the property under a lease, license, or permit.

(i) "Peace Officer" means a person appointed as a peace officer under Section 7 of the Peace Officer Act.

(j) "Village" means the Village of Spring Lake in the Province of Alberta.

(k) "Violation Tag" means a tag or similar document issued by the Municipality pursuant to the Municipal Government Act.

(l) "Violation Ticket" means a ticket pursuant to Part II of the Provincial Offences Procedure Act, S.A. 1988, c. P-21-5, as amended.

3. An application to discharge Consumer or Commercial Fireworks shall be made to the Village Office in writing by the Owner at least 30 days before the intended date of the fireworks display.

4. The Village Office shall receive and forward the application to Council for their consideration at the next scheduled regular council meeting and may refuse issuance of permit on reasonable and probable grounds that a public interest risk exists for the proposed fire.

5. The application shall include all of the following information:
   a. the name, address and signature of the person or persons sponsoring the fireworks display;
   b. the name, certification number and signature of the Fireworks Supervisor for Commercial Fireworks;
   c. the name of the person that is conducting the fireworks display;
   d. the date and time of the proposed display;
   e. a detailed description of the proposed display;
   f. the exact location planned for the fireworks display including a diagram of the grounds on which it will be held, showing the point from where the fireworks will be discharged, the location of all highways, railroads, overhead wires and obstructions, buildings and other structures, and the lines behind which the audience will be restrained;
   g. written consent from the owner of the property on which the fireworks display will be held;
   h. the manner and place of storage of all fireworks prior to, during and after the display;
   i. the name and address of the vendor or vendors that supplied all the fireworks used in the fireworks display;
   j. proof of General Liability Insurance with coverage of at least $5,000,000 per occurrence in a form acceptable to the Village Council;
   k. any other information requested by the Village Council.

6. The approval of the application to discharge Commercial or Consumer Fireworks shall not be transferable.

7. Any person who discharges fireworks for the purposes described in this Bylaw is responsible to ensure that it is conducted in a safe manner.

8. No person shall discharge fireworks during a Municipal or Provincial Fire Ban.

9. Where an emergency or a potential emergency exists, the Village of Spring Lake shall be empowered to suspend the discharging of fireworks within all or portions of the Village for such a period of time and on such conditions as may be determined.

10. If a fire should result from the discharging of fireworks, the person in which the application was approved and/or the owner of the property shall:
    a. Extinguish the fire immediately; or

22. Where a Violation Tag is issued pursuant to this By-Law, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Village Treasurer the penalty specified on the Violation Tag.

23. Nothing in the By-Law shall prevent a Peace Officer from immediately issuing a Violation Ticket.

24. In those cases where a Violation Tag has been issued and if the penalty specified on the Violation Tag has not been paid within the prescribed time, then a Peace Officer is hereby authorized to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this By-Law.

25. Any person to whom a Violation Ticket has been issued may make voluntary payment in respect of the Violation Ticket by delivering the Violation Ticket along with an amount equal to that specified for the offence as set out in this By-Law, to the Provincial Court office specified on the Violation Ticket.

26. Should any section or part of this Bylaw be found to have been improperly enacted, for any reason, then such section or part shall be regarded as being severable from the rest of the 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.

27. This By-Law repeals By-Law #315.

28. This By-Law shall come into full force and effect upon final passing thereof.

Read a first time this 10th day of May, 2022.

Read a second time this 14th day of June, 2022.

Read a third time this 12th day of July, 2022.

Village of Spring Lake

Jason Sh

Mayor

Chief Administrative Officer

b. if unable to extinguish the fire immediately, report the fire to the Fire Department; and

c. be liable to prosecution under conviction and/or costs incurred by the Village of Spring Lake and/or Fire Department to respond, suppress and extinguish the fire at the discretion of the Village of Spring Lake and/or Parkland Fire Department.

11. Where the Fire Department has taken any action whatsoever for the purpose of extinguishing a fire, responding to a fire call or incident in the Village , or for the purpose of preserving life or property from injury or destruction by fire or other incident on property within the Village, including any action taken by the Fire Department on a false alarm, the Fire Chief and/or CAO may, in respect of any costs incurred by the Fire Department in taking such action, charge these costs to the owner or occupant of the property in respect of which the action was taken.

12. The costs for Fire Department services rendered shall be determined by the Fire Chief and/or the CAO. In the event that the owner shall feel aggrieved by any action taken by the Fire Chief and/or CAO Section 12, he or she shall have a period of thirty (30) days from the date of mailing of the notice to appeal to Council the action. The decision of Council on any such appeal shall be final and binding upon the owner or occupant of the property.

13. In respect of any costs or fees levied or charged under this Bylaw:

(a) The Village of Spring Lake may recover such costs or fees as an amount due and owing to The Village of Spring Lake pursuant to Section 552 of the M*unicipal Government Act* R.S.A. 2000, Chapter M-26; and

(b) in default of payment, where permitted by the *Municipal Government Act* R.S.A. 2000, Chapter M-26 Section 533(1) (c), add the amounts due to the tax roll of the property in question.

14. That failure to comply with any section shall constitute an offence under this bylaw, the penalty for which shall be a fine of $250.00.

15. Every Peace Officer is hereby granted authority and charged with the duty of enforcing the provisions of this By-Law.

16. Any fine or penalty imposed under this By-Law shall ensure to the benefit of the Village of Spring Lake.

17. A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person, who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.

18. A Violation Tag may be issued to such person:

a. personally;

b. by mailing a copy to such person at his last known post office address; or

c. by leaving it for the defendant at his residence with a person on the premises who appears to be at least 18 years of age.

19. The Violation Tag shall be in a form approved by the Village Administrator and shall state:

(a) the name of the defendant;

(b) the offence;

(c) the appropriate penalty for the offence as specified by this By-Law;

(d) that the penalty shall be paid within 30 days of the issuance of the Violation Tag;

(e) any other information as may be required by the Village Administrator

21. Where a contravention of this By-Law is of a continuing nature, further Violation Tags may be issued by a Peace Officer, provided however, that no more than one Violation Tag shall be issued for each day that the contravention continues.