

TOWN OF MUNDARE

BYLAW NO. 835/12

The Council of the Town of Mundare properly assembled enacts as follows:

1. This bylaw is known as "Fireworks Bylaw".

DEFINITIONS

2. In this bylaw:
 - a. "high hazard fireworks" means those types of fireworks that only persons certified under the Canadian Explosives Act, may store, transport and discharge.
 - b. "low hazard fireworks" means those types of fireworks which are regulated for storage, sale and discharge under the Alberta fire Code, but do not require certification for handling, transporting or discharge. Commonly referred to as Shop Grade or Family Fireworks"
 - c. "peace officer" means
 - i. a member of the Royal Canadian Mounted Police
 - ii. a member of a municipal police service
 - iii. a special constable
 - iv. a bylaw enforcement officer;
 - d. "violation tag" means a tag or similar document issued by the Town pursuant to the Municipal Government Act;
 - e. "violation ticket" means a ticket issued pursuant to Part II of the Provincial Offences Procedure Act, RSA 2000, c. P-34.

HIGH HAZARD FIREWORKS

3. The sale or storage of high hazard fireworks are prohibited in Town limits.
4. Any applicant wishing to discharge high hazard fireworks must receive approval from the Town. The applicant must apply to the Town of Mundare at a minimum of one month in advance of the event.



LOW HAZARD FIREWORKS

5. No person shall sell low hazard fireworks without permission from the Town.
6. Storage and sale of low hazard fireworks must meet the Alberta Fire code regulations.
7. Low hazard fireworks shall not be possessed, handled, transported, sold, given away, stored or discharged by anyone under 18 years old.
8. Low hazard fireworks may be discharged no later than 11:00 p.m.
9. Low hazard fireworks cannot be discharged on public land without the approval of the Town.

GENERAL

10. No fireworks may be sold or discharged during a fire ban or fire advisory.
11. The Chief Administrative Officer can initiate a fire advisory or fire ban.
12. Any person(s) who discharge fireworks is responsible for any damage caused by the fireworks.

OFFENSES AND PENALTIES

13. Any person who contravenes a provision of this bylaw is guilty of an offence and is liable to a penalty as set out in Schedule A.
14. Despite section 13, any person who commits a second or subsequent offence under this bylaw within one (1) year of committing the first offence is liable to a fine as set out in Schedule A.
15. Nothing in this bylaw will be construed as curtailing or abridging the right of the Town to obtain compensation for or to maintain an action for loss of or damage to property from or against the person or persons responsible.
16. In addition to any other remedy for non compliance with this bylaw, the Town may correct the violation and the costs incurred shall be paid to the Town and failing payment, the Town may add the costs to the taxes.
17. A peace officer or the CAO is hereby authorized and empowered to issue a violation tag to any person who the peace officer or CAO has reasonable and probable grounds to believe has contravened any provision of this bylaw.



- 18. A violation tag may be issued to such person:
 - i. either personally; or
 - ii. by mailing a copy to last known mailing address.
- 19. Where a contravention of this bylaw is of a continuing nature, further violation tags may be issued by the peace officer or CAO, provided, that no more than one violation tag will be issued for each day that the contravention continues.
- 20. Where a violation tag is issued pursuant to this bylaw, the person to whom the violation tag is issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified on the violation tag.
- 21. If the penalty specified in a violation tag is not paid within the prescribed time period, then a peace officer is hereby authorized and empowered to issue a violation ticket.
- 22. A peace officer is hereby authorized and empowered to immediately issue a violation ticket to any person who contravenes any provision of this bylaw.
- 23. Nothing in this bylaw will operate to relieve any person from complying with any Federal, Provincial or other Town law, order, regulation or bylaw.
- 24. Should any provision of this bylaw be deemed invalid, then such invalid provision may be severed and the remaining bylaw shall be maintained.
- 25. That bylaw 631 as amended be hereby repealed.

READ a first time on August 7, 2012.

READ a second time on August 7, 2012 .

READ a third time with unanimous consent on August 7, 2012.

Aug 8, 2012
Date


Mayor

Aug 13, 2012
Date


CAO

SCHEDULE A

Penalties

<u>First Offence</u>	<u>Section</u>	<u>Penalty</u>
Sale or Storage of high hazards fireworks	3	\$500.00
Discharge high hazard fireworks without Permission	4	500.00
Improperly selling low hazard fireworks	5 & 6	250.00
Discharging low hazard fireworks after 11:00 p.m.	8	250.00
Discharging low hazard fireworks on public landor during a fire ban/advisory	9 & 10	250.00

