

**TOWN OF HANNA
PROVINCE OF ALBERTA
BY-LAW NO. 970-2013**

A BYLAW OF THE TOWN OF HANNA, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING THE SALE AND USE OF FIREWORKS; REGULATING STORAGE AND TRANSPORTATION OF EXPLOSIVE OR OTHER HIGHLY FLAMMABLE OR DANGEROUS MATTER; AND THE USE OF FIREARMS WITHIN THE BOUNDARIES OF THE TOWN OF HANNA, OR WITHIN THE BOUNDARIES OF PROPERTY OWNED OR CONTROLLED BY THE TOWN OF HANNA, IN COMPLIANCE WITH MUNICIPAL POLICY, 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, E-17).

WHEREAS, pursuant to the *Municipal Government Act*, RSA 2000, Chapter M-26, as amended, a Council may pass Bylaws respecting the safety, health and welfare of people and the protection of property.

AND WHEREAS, pursuant to the *Municipal Government Act*, RSA 2000, Chapter M-26, as amended, a Council may pass Bylaws to regulate or prohibit.

NOW THEREFORE under the authority of the *Municipal Government Act*, The Council of the Town of Hanna, in the Province of Alberta, ENACTS AS FOLLOWS:

PART I BYLAW TITLE

1. This bylaw shall be known as the "Fireworks" bylaw.

PART II DEFINITIONS

1. 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)
2. "Bylaw" means this Fireworks Bylaw 970-2013.
3. "Council" means the Council of the Town of Hanna.
4. "Enforcement Officer" means a Bylaw Enforcement Officer, Community Peace Officer, or a member of the RCMP with authority to enforce Bylaws of the Town of Hanna.
5. "Explosives Act" meant the *Explosive Act* (Canada) S.C. 1985, c E-17, as amended and regulations enacted thereunder.
6. "Fire Chief" means the individual who is appointed as Fire Chief of the Town of Hanna or his/her designate.

M
FN

7. "Fireworks" means Fireworks as defined under the Alberta Fire Code as amended.
8. "Municipal Government Act" means the Municipal Government Act , 2000, c. M-26, as amended and regulations enacted there under.
9. "Person" means an individual, a firm, partnership, joint venture, proprietorship, corporation, association, society and any other legal entity.
10. "Violation Tag" means a municipal tag or similar document issued pursuant to the Municipal Government Act.
11. "Violation Ticket" means a ticket issued pursuant to Part 2 of the Provincial Offences Procedure Act, R.S.A. 2000, Chapter P-34 as amended, or repealed and replaced from time to time, and any Regulations there under.

PART III AUTHORITY

1. Enforcement Officer which includes members of the Royal Canadian Mounted Police, a Community Peace Officer or a duly appointed Municipal Enforcement Officer (Bylaw) are authorized to enforce this By-Law.
2. The Fire Chief or his designate pursuant to the Alberta Fire Code as amended.
3. A Safety Codes Officer in the Fire Discipline, holding a Designation of Powers to the Town of Hanna.

PART IV PROHIBITIONS

1. No person shall use or discharge any fireworks within the boundaries of the Town of Hanna, or within the boundaries of property owned or controlled by the Town of Hanna, without first having obtained written permission from the Fire Chief.
2. No business and or person within the boundaries of the Town of Hanna shall sell, offer for sale or provide fireworks to any person without express written permission from the Fire Chief in accordance with the statutes as they pertain to municipal policy, the Alberta Fire Code, the Alberta Safety Code and the Federal Explosives Act.
3. No person shall discharge a gun, rifle, air rifle, air pistol, revolver or any other firearm within the boundaries of property owned or controlled by the Town of Hanna.
4. Part IV, Section 3 shall not apply to a member of the RCMP in the performance of his/her duties.
5. No person shall keep in storage and or transport any explosives or other highly flammable or dangerous matter, within the boundaries of the Town of Hanna, or within the boundaries of property owned or controlled by the Town of Hanna, without first having obtained written permission from the Fire Chief or his designate.

W
FN

PART V SEIZURE

1. Where a member of the RCMP, a Community Peace Officer, the Fire Chief or his Designate or a Municipal Enforcement Officer (Bylaw) has reason to believe an offence has occurred contrary to the provisions of this By-Law with regard to Fireworks, explosives or other highly flammable or dangerous matter, the Officer may seize the fireworks, explosives or other highly flammable or dangerous matter referred to under Part 4, Section 1 and 5 and issue a receipt to the accused.
2. In the case of firearm(s) in Part IV, Section 3 where a member of the RCMP has reason to believe an offence has occurred contrary to the provision of the bylaw may seize the firearm(s) and issue a receipt to the accused.
3. Upon conviction, the Justice may direct the items under seizure become the property of the Crown in the right of the Province, to be disposed of as the Attorney General may direct.

PART VI OFFENCES

1. Any person who contravenes any provision of this Bylaw is guilty of an offence, and is liable on summary conviction to a fine not exceeding five thousand (\$5,000.00) dollars and in the event of failure to pay any fine levied, to imprisonment for a period not exceeding six (6) months.

PART VII PENALTIES

1. An Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any person whom the Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
2. A Violation Tag shall be served upon such Person personally, or in the case of a corporation, by serving the Violation Tag personally upon the Manager, Secretary or other Officer of the Corporation, or a person apparently in charge of a branch office, or by mailing a copy to such Person by registered mail.
3. Where personal service cannot be affected upon a Person, the Enforcement Officer may serve the Violation Tag by leaving the Tag with a Person on the Premises who has the appearance of being at least eighteen (18) years of age.
4. The Violation Tag shall be in a form approved by the Chief Administrative Officer and shall state:
 - a. the name of the Person to whom the Violation Tag is issued;
 - b. a description of the offence and the applicable Bylaw Section;
 - c. the appropriate penalty for the offence as specified in "Schedule A" of this Bylaw;
 - d. that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag in order to avoid prosecution; and
 - e. any other information as may be required by the C.A.O.

MW
En

5. Where a Violation Tag has been issued pursuant to this Bylaw, the Person to whom the Violation Tag has been issued may, in lieu of being prosecuted for the offence, pay the Town Office the penalty specified on the Violation Tag.
6. In the event that a Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid within the prescribed time, an Enforcement Officer may issue a Violation Ticket, pursuant to Part 2 of the *Provincial Offences Procedure Act*, to the Person to whom the Violation Tag was Issued.
7. Notwithstanding Part VII, Section 6 of this Bylaw, an Enforcement Officer may immediately issue a Violation Ticket to any Person whom the Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
8. A Violation Ticket issued with respect to a violation of this Bylaw shall be served upon the Person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.
9. The Person to whom the Violation Ticket has been issued may plead guilty by making a voluntary payment in respect of the summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together with an amount equal to the specified penalty for the offence as provided within "Schedule A" of this Bylaw.
10. When a clerk records in the Court records the receipt of a voluntary payment pursuant to Section 7(i) of this Bylaw and the *Provincial Offences Procedure Act*, the act of recording receipt of that payment constitutes acceptance of the guilty plea and also constitutes the conviction and the imposition of a fine in the amount of the specified penalty.
11. Where a Safety Codes Officer in the Fire Discipline, holding a Designation of Powers to the Town of Hanna 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*.

PART VIII ENFORCEMENT

1. Enforcement Officers are Designated Officers for the purpose of inspection and enforcement under this Bylaw.
2. An Enforcement Officer may, for the purpose of ensuring the provisions of this bylaw are being complied with, enter in or upon any property in accordance with Section 542 of the *Municipal Government Act* to carry out an inspection, enforcement or other action required or authorized by this Bylaw, the Municipal Government Act, or any other enactment the Town is authorized to enforce.
3. When exercising his or her authority to enter onto private property under Part VIII, Section 2 of the Bylaw, the Enforcement Officer shall provide the owner or occupant of the property with reasonable notice as required under Section 542 of the Municipal Government Act.

MJ
KN

4. No Person shall interfere with or obstruct an Enforcement Officer or a Person authorized to perform inspection or enforcement duties pursuant to this Bylaw on behalf of the Town from performing his or her duties under this Bylaw.


PART IV GENERAL MATTERS

1. Severability: Should any provisions of this Bylaw become invalid, void, illegal or otherwise not enforceable, it shall be considered separate and severable from the Bylaw and the remainder shall remain in force and be binding as though such provision had not been included.
2. Nothing in this Bylaw relieves a Person from compliance with any and all applicable Federal and Provincial laws and/or regulations, and/or other Bylaws and/or regulations of the Town.
3. The Town is not liable for exercising its discretion to not take action pursuant to this Bylaw if that decision is made in good faith.
4. Nothing in this Bylaw shall restrict the Town's rights at common law or under the Municipal Government Act to enforce its rights and obligations.

PART IV ENACTMENT

1. Bylaw 670 is hereby repealed.
2. This Bylaw shall come into effect on the date of final reading.

READ A FIRST TIME THIS 10th DAY OF SEPTEMBER 2013.



Mayor Mark Nikota



Chief Administrative Officer
Kim Neill

READ A SECOND TIME THIS 8th DAY OF OCTOBER 2013.

READ A THIRD TIME AND FINALLY PASSED THIS 8th DAY OF OCTOBER 2013.



Mayor Mark Nikota



Chief Administrative Officer
Kim Neill

SCHEDULE A

WHEREAS, under the provisions of Section 44 of the *Provincial Offences Procedure Act*, and under the provisions of Section 7 of the *Municipal Government Act*, Council may by bylaw provide for the payment of Violation Tickets or summons out of Court.

A notice of form (commonly called a Violation Ticket) may be issued by an Enforcement Officer to any Person charged with a breach of any of the provisions of this Bylaw and the hereto-mentioned Acts shall apply in regards to the payment.

A municipal Violation Tag, in a form approved by the Chief Administrative Officer may be issued by an Enforcement Officer to any Person charged with a breach of any of the provisions of this Bylaw. The Person to whom the Violation Tag has been issued may, in lieu of being prosecuted for the offence, pay the Town Office the penalty specified on the Violation Tag in accordance with Section 7 of the *Municipal Government Act* for the amount specified to be paid within the time period as described on the Violation Tag.

Minimum & Specified Penalties

<u>SECTION</u>	<u>First Offence</u>	<u>Second Offence</u>	<u>Third Offence</u>
IV (1) Discharge Fireworks within Town Boundaries without permission	\$500.00	\$750.00	\$1,000.00
IV (2) Sell Fireworks within the Town Boundaries without permission	\$750.00	\$1,000.00	\$1,500.00
IV (3) Discharge a firearm within Town boundaries	\$750.00	\$1,000.00	\$1,500.00
IV (4) Store or transport explosives or highly flammable or dangerous matter within Town limits without permission	\$750.00	\$1,000.00	\$1,500.00
VIII (4) Interfere or obstruct an Enforcement Officer from performing his/her duties pursuant to this Bylaw	\$1,000.00	\$2,000.00	\$3,000.00