

**TOWN OF ONOWAY**  
By-law 675-08

**A BYLAW TO CONTROL THE USE OF FIREWORKS**

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**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 Town of Onoway for the purposes of public safety and protection of property, and

**NOW THEREFORE** the Council of the Town of Onoway, 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 Town of Onoway.
- 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 Peace Officer, 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) “Municipality” means the Town of Onoway.

**Section 4 – Restrictions**

- a) No person shall sell fireworks within the municipal limits of the Municipality unless:
  - i) permission is obtained from the Municipality for the sale and storage; and
  - ii) the person or business that sells the fireworks ensures that the manufacturer’s instruction on the safe use of fireworks are provided with each sale;
- b) No person shall fire or set off any fireworks in any public place within the municipal limits of the Municipality, except with a permit as issued by the municipality.
- c) Persons or groups firing or setting off fireworks within the municipal limits of the Municipality shall be responsible for all liabilities incurred by the use of fireworks.
- d) No person shall discharge, fire or set off fireworks in a manner that creates a danger or constitutes a nuisance to any person or property;
- e) No person shall discharge, fire or set off fireworks on a highway, road allowance, or public park unless they first obtain written permission from the municipality.
- f) No person shall discharge, fire or set off fireworks on privately owned land unless they first obtain the written consent of the owner or occupant of the land and the owner or occupant of neighbouring land on which debris might reasonably be expected to fall and further have provided a copy of the consent when making application to the municipality for a permit to discharge, fire or set off said fireworks.
- g) No person shall discharge, fire or set off fireworks within 10 meters of a building, tent, trailer, canvas shelter or motor vehicle;
- h) No person shall discharge, fire or set off fireworks when the wind velocity exceeds 45 km/h

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- i) No person shall fire or set off any fireworks within the municipal limits of the Municipality when a fire ban is in effect
- j) Persons or groups firing or setting off fireworks within the municipal limits of the Municipality shall do so in accordance with all of the requirements of the Alberta Fire Code. The Municipality Office may seek the advice of an accredited Safety Codes Officer for the preparation of the permit.

Note 1: Nothing in this Bylaw is intended to be in conflict with the Alberta Fire Code and the Alberta Safety Codes Act.

**Section 5 – Discharging**

- a) Fireworks from which a projectile is discharged shall be set up in such a manner so that when ignited the projectile will go into the air in a vertical direction not more than 15 degrees off the perpendicular;
- b) Where ground level fireworks are discharged:
  - i) they shall be positioned in a location where there is no dry grass or combustible material on the ground beneath them; and
  - ii) the area shall be thoroughly wet down immediately before the fireworks are discharged; and
  - iii) there shall be a portable extinguisher, having a rating of not less than 2-A, shall be provided and kept in the immediate discharge area.

**Section 6 - 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 7 - 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.
- 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.
- e) The permit application shall be made on the form provided in Schedule “C”.

**Section 8 – Effective Date**

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

READ a first time this 14 day of April 2008 A.D.

READ a second time this 14 day of April 2008 A.D.

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READ a third time and finally passed this 14 day of April 2008 A.D.

Signed by George Jendyk  
Mayor

Signed by Ryan Bard  
Municipal Administrator

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**Schedule "A"**

**Penalties**

<b>Offense</b>	<b>Section</b>	<b>Fine</b>
1. Sale of fireworks within the municipal limits of the Town of Onoway without a municipally issued permit.	4 a)	\$100.00
2. Discharge, fire or set off any fireworks in any public place within the municipal limits of the Town of Onoway without a municipally issued permit.	4 b)	\$300.00
3. Discharge, fire or set off any fireworks within the municipal limits of the Town of Onoway 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 Municipality without a permit.	4 e)	\$300.00

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**Schedule "B"**

**Cost of Permits for Firing or Setting Fireworks Off Within the Municipality**

Persons or groups firing or setting off fireworks on private land within the municipal limits of the Municipality must receive a permit from the Municipality 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**  
**TOWN OF ONOWAY**

**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 Bylaw 675-08 of the Town of Onoway.

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: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_