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## A BYLAW OF THE SUMMER VILLAGE OF SILVER BEACH FOR MATTERS RELATED TO FIREWORKS

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**WHEREAS**, Section 7 of the MGA (as defined below) authorizes a council of a municipality to pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

**AND WHEREAS**, the Council (as defined below) recognizes that Fireworks (as defined below) are explosive devices which are classified as Dangerous Goods under the Alberta Fire Code and which, when used improperly by untrained persons, can cause injury, damage, fire and death;

**NOW THEREFORE** the Council, duly assembled, enacts as follows:

### 1. SHORT TITLE

- 1.1. This Bylaw shall be known as the "Fireworks Bylaw".

### 2. DEFINITIONS

- 2.1 Definitions used in this Bylaw, if not defined in this Bylaw, shall have the same meanings attributed to those definitions in the MGA.
- 2.2 In this Bylaw:
  - a) **"Bylaw Enforcement Officer"** means:
    - (i) a person who is an employee of the Summer Village or a third party who has been appointed to carry out the duties of enforcing its Bylaws,
    - (ii) a person who is a community peace officer as defined under the *Peace Officer Act*, Statutes of Alberta 2006 Chapter P-3.5, or
    - (iii) a person who is a member of the Royal Canadian Mounted Police;
  - b) **"CAO"** means the Chief Administrative Officer for the Summer Village;
  - c) **"Council"** means the Council of the Summer Village;
  - d) **"Fireworks"** means those fireworks listed in the Alberta Fire Code, and are also defined in the Explosives Act and its Regulations and, for the purposes of this Bylaw, "Fireworks" includes sky lanterns and similar products but excludes sparklers;



- e) **"MGA"** means the *Municipal Government Act, Revised Statutes of Alberta, 2000 Chapter M-26*;
- f) **"Municipal Tag"** means a ticket issued by the Summer Village pursuant to the MGA for breach of its Bylaws;
- g) **"Person"** means an individual and includes a partnership, corporation, trustee, executor, joint venture, proprietorship, association, society and any other legal entity;
- h) **"POPA"** means the *Provincial Offences Procedure Act, Revised Statutes of Alberta, 2000 Chapter P-34*;
- i) **"Right of Access"** means the right of a Bylaw Enforcement Officer or an designated officer, to enter onto a property to inspect the property, in accordance with Section 542 of the MGA, and determine if there are conditions that may contravene or fail to comply with the provisions of this Bylaw;
- j) **"Summer Village"** means the Summer Village of Silver Beach; and
- k) **"Violation Ticket"** means a ticket issued pursuant to Part 2 or Part 3 of the POPA.

### 3. FIREWORKS

- 3.1 No Person shall discharge, fire or set off Fireworks within the Summer Village:
  - a. On or over Summer Village land, including Ouimette Park;
  - b. Over neighbouring properties; or
  - c. During a fire ban issued either by the Province of Alberta or the Summer Village
- 3.2 A Person who uses or causes Fireworks to be used shall:
  - a. Do so safely and only in an open space; and
  - b. Only discharge, fire or set off Fireworks within the time period of 6:00 p.m. until midnight; and
  - c. Only discharge, fire or set off Fireworks on the Saturday and Sunday of the May long week-end, Canada Day, the Saturday and Sunday of the August long week-end, and New Year's Day unless special written permission has been obtained at least 5 days in advance of their use from the CAO or his or her designate; and



- d. Cleanup all debris, rubbish, litter, remains and by-products created by or resulting from the use of Fireworks.

#### 4. PENALTIES

- 4.1 A Person who contravenes any provision of this Bylaw is guilty of an offence pursuant to this Bylaw.
- 4.2 A Bylaw Enforcement Officer is hereby authorized to have the Right of Access to enter any property for the inspection of conditions that may contravene or fail to comply with the provisions of this Bylaw.
- 4.3 With respect to an offence under this Bylaw, a Bylaw Enforcement Officer may issue a Municipal Tag or a Violation Ticket specifying the amount of the fine established in accordance with section 4.5.
- 4.4 If a Municipal Tag or Violation Ticket has been issued and the contravention of this Bylaw continues or resumes later that same day, that continued or resumed contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a Person guilty of such an offence is liable to a fine in an amount not less than the amount established in accordance with section 4.5.
- 4.5 Any Person who is guilty of an offence under this Bylaw is liable for a fine not less than:
- a) \$250 for a first offence under this Bylaw in the calendar year; and
  - b) \$500 for a separate offence under section 4.4; and
  - c) \$750 for any offence committed by the Person within one calendar year after that Person has already voluntarily paid the fine for or been convicted of an offence under this Bylaw.
- 4.6 When a Municipal Tag is issued, the amount of the fine indicated therein may be paid in accordance with the Municipal Tag in lieu of prosecution.
- 4.7 When a Violation Ticket is issued with a specified penalty, the amount of the fine indicated therein may be paid in accordance with the Violation Ticket in lieu of prosecution.
- 4.8 Nothing in this Bylaw shall preclude a Bylaw Enforcement Officer from issuing a Violation Ticket for a mandatory court appearance to any Person who contravenes any provision of this Bylaw.

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- 4.9 Nothing in this Bylaw shall preclude a Bylaw Enforcement Officer from laying charges under any alternate governing legislation.

## 5. SEVERABILITY

- 5.1 Each provision of this Bylaw is independent of, and severable from, all other provisions and if any provision is declared invalid or unenforceable for any reason by a court of competent jurisdiction, all other provisions of this Bylaw remain valid and enforceable.

## 6. RESCINDING

- 6.1 This bylaw rescinds Bylaw #268 (The Fireworks Bylaw)

## 7. COMING INTO FORCE

- 7.1 This Bylaw shall come into full force and effect upon final passing.

**READ** a first time this 24<sup>th</sup> day of January, 2022.

**READ** a second time this xx<sup>th</sup> day of Month 2022.

**UNANIMOUS CONSENT** to proceed to third reading xx<sup>th</sup> day of Month 2022.

**READ** a third and final time this xx<sup>th</sup> day of Month 2022.

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David Rolf, Mayor  
Summer Village of Silver Beach

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June Boyda, Chief Administrative Officer  
Summer Village of Silver Beach