

PROPOSED

BYLAW NUMBER 29M2019

BEING A BYLAW OF THE CITY OF CALGARY TO AMEND BYLAW 55M2014, THE FIRE OPERATIONS AND FEES BYLAW *****

WHEREAS Council has considered CPS2019-1311 and deems it necessary to amend the Fire Operations and Fees Bylaw 55M2014;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

1. Bylaw 55M2014, the Fire Operations and Fees Bylaw, as amended, is further amended.

2. The following is added to the preamble:

“**AND WHEREAS** section A-2.2 of Division C of the National Fire Code – 2019 Alberta Edition adopted under the Safety Codes Act, RSA 2000, c S-1, recognizes the power of municipalities to provide for permits and licences for *Fireworks* displays under a municipal bylaw.”

3. (1) In section 2(1), after the definition of *City*, the following definition is added:

““*Consumer Fireworks*” means low hazard *Fireworks* intended for recreational use and that fall under Part 16 of the *Explosives Regulation*, S.O.R. 2013-211 made under the *Explosives Act*, R.S.C. 1985 c. E-17;”

(2) In section 2(1), after the definition of *Department*, the following definitions are added:

““*discharge*” means to fire, ignite, explode or set-off or cause to be fired, ignited, exploded or set-off;”

““*Display Fireworks*” means high hazard *Fireworks* designed for professional use and that fall under Part 18 of the *Explosives Regulation*, S.O.R. 2013-211 made under the *Explosives Act*, R.S.C. 1985 c. E-17;”

(3) In section 2(1), the definition of *fireworks* is deleted in its entirety and the following is substituted:

““*Fireworks*” means *Consumer Fireworks*, *Display Fireworks*, *Special Effect Pyrotechnics*, or *Firecrackers*;”

(4) In section 2(1), after the definition of *Fireworks*, the following definition is added:

“*Fireworks Operator Certificate*” means a certificate issued pursuant to Parts 17 and 18 of the *Explosives Regulation*, S.O.R. 2013-211 made under the *Explosives Act*, R.S.C. 1985 c. E-17;”

- (5) In section 2(1) the words “*Alberta Fire Code 2014*” are deleted from the definition of *firecrackers* and the following is substituted:

“National Fire Code – 2019 Alberta Edition”;

- (6) In section 2(1), after the definition of *member*, the following definition is added:

“*Offer for sale*” includes displaying *Fireworks* in a store or advertising that *Fireworks* are for sale in a store, or advertising on an online message board that *Fireworks* are for sale within the *City*;”

- (7) In section 2(1), after the definition of *security alarm system*, the following definition is added:

“*Special Effect Pyrotechnics*” means the use of chemicals to create heat, light, gas, smoke, or sound for use for live stage performances and television industry and includes “special effects pyrotechnics”, “smokeless powder” and “special purpose pyrotechnics” as defined in section 361 of Part 17 of the *Explosives Regulation*, S.O.R. 2013-211 made under the *Explosives Act*, R.S.C. 1985 c. E-17.”

4. After section 19.3 the following is added:

PART V.2

FIREWORKS

Prohibition

- 19.4 (1) A *person* must not display, sell, or offer for sale *Consumer Fireworks* or *Firecrackers*.
- (2) A *person* must not purchase or offer to purchase *Consumer Fireworks* or *Firecrackers* without a valid and subsisting *Fireworks* permit.
- (3) A *person* must not *discharge Fireworks* without a valid and subsisting *Fireworks* permit issued by the *Fire Chief*.
- (4) A *person* must not handle, store, possess or *discharge Fireworks* in a manner that is contrary to the terms and conditions of a *Fireworks* permit.

Permits

- 19.5 (1) The *Fire Chief* may:
- (a) issue *Fireworks* permits;

BYLAW NUMBER 29M2019

- (b) issue a *Fireworks* permit on a one-time or multiple basis;
 - (c) charge a fee for the issuance of a *Fireworks* permits;
 - (d) amend or revoke a *Fireworks* permit at any time;
 - (e) require a site inspection before issuing a *Fireworks* permit;
 - (f) require a site inspection prior to any *Fireworks* being discharged pursuant to a *Fireworks* permit;
 - (g) require a Safety Codes Officer to be present while *Fireworks* are being *discharged* as a condition of a *Fireworks* permit;
 - (h) charge a fee for any inspections relating to a *Fireworks* permit;
and
 - (i) attach terms and conditions to a *Fireworks* permit.
- (2) In the case of a multiple *Fireworks* permit containing terms and conditions meant to apply to all *Fireworks* discharged pursuant to the permit, the *Fire Chief* may waive terms and conditions in relation to a specific events or activities, upon application in writing by the *person* to which the *Fireworks* permit has been issued.
- (3) The *Fire Chief* is not required to issue a *Fireworks* permit unless the required fee for the permit has been paid by the *person* applying for the permit.
- (4) Fees paid for a *Fireworks* permit are not refundable.
- (5) *Fireworks* permits are not transferable.
- (6) If, in the sole opinion of the *Fire Chief*, discharging *Fireworks* poses a danger or does not comply with the requirements of this Bylaw or the terms and conditions set out in a *Fireworks* permit, the *Fire Chief* may:
- (a) direct the *Fireworks* event or activity to stop forthwith;
 - (b) issue an order to stop a *Fireworks* event until the terms and conditions are met;
 - (c) revoke the *Fireworks* permit; or
 - (d) take any other step the *Fire Chief* deems necessary to ensure public safety.
- 19.6 An application for a *Fireworks* permit must be in the form and contain the information prescribed by the *Fire Chief*.

- 19.7 A *Fireworks* permit holder must:
- (a) ensure that *Fireworks* are not accessible by a *person* who is a minor;
 - (b) obtain the written consent of the *property owner* on whose property the *Fireworks* will be discharged;
 - (c) have a valid *Fireworks Operator Certificate*; and
 - (d) comply with the *Explosives Regulation*, the Display Fireworks Manual 2010 Natural Resources Canada, and the Special Effects Pyrotechnics Manual 2014 Natural Resources Canada as applicable;
 - (e) comply with any other conditions or terms imposed by the *Fire Chief*.

19.8 The owner of a parcel of land is liable for expenses and costs related to the municipality attending at, and if necessary, extinguishing fires either on or off the parcel that are caused or exacerbated by any *person* storing or *discharging Fireworks* on the parcel.”

5. In Schedule “B”, under the headings indicated, after:

<u>Section</u>	<u>Offence</u>	<u>Minimum Penalty</u>	<u>Specified Penalty</u>
“19.1(3)	Engage in <i>blasting</i> contrary to permit	\$5000	\$7500”

the following is added:

<u>Section</u>	<u>Offence</u>	<u>Minimum Penalty</u>	<u>Specified Penalty</u>
“19.4(1)	Display, Sell, or Offer for Sale <i>Consumer Fireworks</i> or <i>Firecrackers</i>	\$500	\$750
19.4(2)	Purchase or Offer to Purchase <i>Consumer Fireworks</i> or <i>Firecrackers</i> without a permit	\$250	\$500
19.4(3)	<i>Discharge Fireworks</i> without a permit	\$250	\$500
19.4(4)	Handle, store, possess or <i>discharge Fireworks</i> contrary to permit	\$250	\$500
19.7(a)	Fail to ensure <i>Fireworks</i> are not accessible by a minor	\$250	\$500
19.7(b)	Fail to obtain consent of owner	\$500	\$750
19.7(c)	Fail to have a valid <i>Fireworks Operator Certificate</i>	\$500	\$1000
19.7(e)	Fail to comply with a term or condition imposed by the <i>Fire Chief</i>	\$750	\$1000”

Coming into Force

6. This Bylaw comes into force on December 1, 2019.

READ A FIRST TIME ON _____

READ A SECOND TIME ON _____

READ A THIRD TIME ON _____

MAYOR

SIGNED ON _____

CITY CLERK

SIGNED ON _____