



**A BYLAW OF THE VILLAGE OF BRETON, IN THE PROVINCE OF ALBERTA, TO  
REGULATE THE SALE AND DISCHARGE OF FIREWORKS WITHIN THE  
VILLAGE OF BRETON**

**WHEREAS**, Section 7 of the Municipal Government Act, as amended, of the Province of Alberta provides that a Municipal Council may pass bylaws to provide for the safety, health and welfare of people and the protection of people and property;

**AND WHEREAS**, the Village of Breton wishes to enact a bylaw for the purpose of providing for the safe possession, sale, storage, purchase and discharge of fireworks.

**WHEREAS**, fireworks in the Province of Alberta are regulated within the Alberta Fire Code for which the Village has the obligation to enforce through the joint fire Q.M..P. (Fire Quality Management Plan) with Brazeau County and;

**AND WHEREAS**, the Alberta Fire Code, the Safety Codes Act and the Explosives Act, as amended provide authority for the Village to regulate such matters.

That all classifications of fireworks are allowed to be discharged within the Village as long as they meet the requirements of the Alberta Fire Code and the requirements of this bylaw.

**TITLE**

This Bylaw may be cited as the “Fireworks” Bylaw.

**DEFINITIONS**

“*Act*” means the Municipal Government Act of Alberta as amended;

“*Bylaw Enforcement Officer*” means whoever has been contracted, hired or authorized to enforce the Village of Breton’s bylaws and includes but is not restricted to, a member of the Royal Canadian Mounted Police, a duly appointed Bylaw Enforcement Officer or a Peace Officer employed by the Village of Breton.

“*Council*” means the Municipal Council of the Village of Breton

“*Firecrackers*” can fall under both categories of Fireworks defined below, but this bylaw’s definition is as small fireworks with entwined fuses as noisemakers

“*High Hazard*” Fireworks – Those fireworks as defined in the “Alberta Fire Code” and meaning those listed as such under Section 14 (attached) or the “Explosives Act” (Canada) and its regulations.

“*Family*” Fireworks – Those fireworks not defined as “High Hazard” and meaning those as listed as Class 7, Division 1 (attached) of the “Explosives Act” (Canada) and its regulations, sometimes also called “Low Hazard” fireworks.

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“*Fire Chief*” means the Chief Officer of the Brazeau County/Village of Breton Station 2 fire department

“*Village*” means the Village of Breton

“*Violation Ticket*” means a form approved by the Village of Breton, or a form prescribed by the Provincial Offences Procedure Act.

### REGULATIONS

- 1 a) No person shall wholesale, display for sale, offer for sale, sell, possess or store any fireworks within the Village of Breton without the written permission of the Fire Chief, or in the absence of the Fire Chief, his or her designate.
- b) No person shall sell fireworks to anyone under the age of 18 years.
- c) A retail vendor wishing to sell fireworks to persons in the Village of Breton must first apply and obtain the written permission of the Fire Chief or his/her designate. This permission must include approval and acceptance of the storage area and the required Fire Safety Plan as outlined in the Alberta Fire Code.
- d) No person shall set up, set off, fire, discharge or energize a pyrotechnics display in the Village of Breton without the written permission of the Fire Chief or in their absence his/her designate.
- e) That “High Hazard” fireworks and “Family” fireworks will be allowed within the village with special conditions as outlined below.

“High Hazard” fireworks conditions:

“High Hazard” fireworks will be allowed only on/for special community events open to the general public at community functions and meeting all other conditions of the Alberta Fire Code Regulations.

A Display Supervisor or Pyro-Technician shall apply in writing, a minimum of 28 calendar days prior to an event, to the Fire Chief for a written letter of permission to conduct an event. The application in writing will include all the information required by the *Explosives Act* and the *Alberta Fire Code*.

“Family” fireworks conditions:

“Family” fireworks hours of use must be within the noise bylaw restrictions of 7:00 a.m. to 11:00 p.m.

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Fire suppression devices must be on site with a knowledgeable person capable of operating them present.

Meeting **all** other conditions of the Alberta Fire Code Regulations.

- f) Where an emergency or a potential emergency exists, the Designate of the Village of Breton shall be empowered to suspend the use of all firecrackers within all or a portion or portions of the village for such a period of time and on such conditions as may be determined by the Designate.
- g) In the event that a fire ban is issued either by the Province of Alberta or the Village of Breton, anyone using fireworks while a fire ban is in effect, regardless of whether a fireworks permit is in effect, shall be guilty of an offence.
- h) A person who uses or causes firecrackers to be used shall cleanup all debris, rubbish, litter, remains and by-products created by or resulting from the use of fireworks.
- i) The owner of any real property, as registered on title at the Land Titles Office, is ultimately responsible for all activities on the property which may constitute prohibitions of this bylaw.

### **PENALTIES**

The Bylaw Officer may enforce the provisions of this bylaw and may issue a Violation Ticket to any person who violates any provision of this bylaw.

The Violation Ticket shall be in a form normally used by a Bylaw Officer, which form will conform with the Provincial Offences Procedure Act, as amended, or repealed and replaced from time to time.

Breach of this bylaw is an offence and upon conviction shall be subject to a penalty and fine of not less than \$100.00 and not more than \$5000.00.

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**SEVERABILITY**

Should any section or part of this bylaw be found to have been improperly enacted, and become invalid, void or illegal or otherwise not enforceable, 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 included as part of this bylaw.


**ENACTMENT**

This Bylaw shall come into full force and effect upon third and final reading.

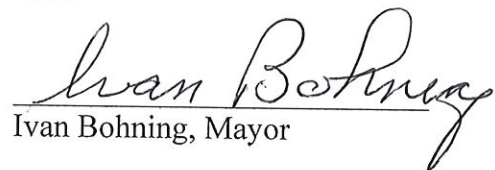
READ a first time this 10<sup>th</sup> day of March, 2021

READ a second time this 10<sup>th</sup> day of March, 2021

  
Ivan Bohning, Mayor

  
Terri Wiebe, CAO

READ a third and final time this 14<sup>th</sup> day of April, 2021.

  
Ivan Bohning, Mayor

  
Terri Wiebe, CAO