

**VILLAGE OF LINDEN**  
**BYLAW NUMBER #07-06**

BEING A BYLAW PROHIBITING OR REGULATING FIRING AND SETTING OFF OF  
FIRE BALLS, SQUIBS, FIRE CRACKERS, OR FIREWORKS WITHIN THE LIMITS OF  
THE VILLAGE OF LINDEN IN THE PROVINCE OF ALBERTA.

**WHEREAS** pursuant to the provision of Part 2, Section 7 and 8 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26.1, and amendments thereto, the Council of the Village of Linden (hereinafter called the Council), is authorized to pass bylaws pertaining to the protection of people and property; and

**WHEREAS** the Council deems it desirable and expedient to provide for the control and the use of fireworks within the boundary of the Village of Linden for the purpose of public safety and the protection of property:

**AND WHEREAS** the Council of the Village of Linden deems it necessary to regulate the firing and setting off of fireworks within the limits of the Village of Linden.

**NOW THEREFORE** the Council of the Village of Linden hereby 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 awareness and safety, reduce risk, and protect public and private property.

**SECTION 3: Definitions**

In this Bylaw the following terms (unless the context specifically requires otherwise) shall have the following meaning:

- a) "Council" means the Council of the Village of Linden;
- b) "Fireworks" means firecrackers defined as small fireworks with entwined fuses used as noisemakers and fireworks as defined in the Alberta Fire Code.
- c) "Peace Officer" means a member of the Royal Canadian Mounted Police, a Special Constable or a Bylaw Enforcement Officer.
- d) "Public Place" means any highway, road allowance, reserve, park or building to which the public has, or is permitted to have access to or any vehicle in a public place.

**SECTION 4: Restrictions**

- a) That no person shall fire and/or set off fire balls, squibs, firecrackers or fireworks anywhere, at any time, within the limits of the Village of Linden without first obtaining a permit from the Village of Linden:
- b) Professional Fireworks Displays may be authorized but only after a permit application is made by a licensed Pyro-technician accredited by Natural Resources Canada, in accordance and pursuant to the Alberta Fire Code;
- c) No person shall fire or set off any fireworks within the municipal boundaries of the Village of Linden when a fire ban is in effect;
- d) Persons or groups firing or setting off fireworks within the municipal boundaries of the Village of Linden shall be responsible for any and all liabilities incurred by the use of fireworks;
- e) Permits shall not be issued without proof of insurance, naming the Village of Linden and the land owner (if not the applicants private property) as additional named insured's with a minimum \$2,000,000 liability coverage;
- f) Persons or groups firing or setting off fireworks within the municipal boundaries of the Village of Linden shall do so in accordance with all of the requirements of the Alberta Fire Code which include, but is not limited to, safety planning, obtaining written permission from neighbors that may

be affected, and receiving a permit from the Village of Linden Office. The Village of Linden Office will in turn seek advice of an accredited Safety Codes Officer for the preparation of the permit;

- g) Any commercial business or person(s) selling fireworks shall be required to obtain a copy of the purchasers signed Fireworks Display Permit;
- h) Any commercial business or person(s) selling fireworks shall be required to display a full size copy of this Bylaw in a prominent location and within two (2) feet of the Fireworks display or the cashier's till. The Village of Linden shall make available to the commercial business, copies of the Fireworks Bylaw for distribution to their customers who purchase fireworks or potential customers considering purchasing fireworks;

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: Severability**

- a) Should any section or part of this Bylaw be found to have been improperly enacted, then such action 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 6: 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-26.1, 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 Offenses Procedures Act, R.S.A. Chapter 2000, P-34, to that person;
- b) Any person who contravenes the provision of this Bylaw shall be guilty of an offense and liable on summary conviction to penalty as set out in Schedule "A";
- c) Penalties set out in Schedule "A" may be amended from time to time by a motion of Council;
- d) Permit fees as set out in Schedule "B" may be amended from time to time by a motion of Council;
- e) The permit application shall be made on the form provided for in Schedule "C".

#### **SECTION 7: Effective Date**

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

READ A FIRST TIME THIS 27<sup>th</sup> DAY OF November 2006.

READ A SECOND TIME THIS 27<sup>th</sup> DAY OF November 2006

READ A THIRD TIME AND FINALLY PASSED THIS 11<sup>th</sup> DAY OF December 11, 2006.

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Mayor

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Municipal Administrator

**VILLAGE OF LINDEN**

**BYLAW #07-06**

**SCHEDULE "A"**

<u>Offense</u>	<u>Section</u>	<u>Fine</u>
Sale of Fireworks within the municipal boundaries of the Village of Linden without a permit		\$100.00
Discharge, fire or set off any fireworks within the municipal boundaries of the Village of Linden without a municipally issued permit		\$100.00
Discharge, fire or set off any fireworks within the municipal boundaries of the Village of Linden when a fire ban is in effect (\$100.00 for discharging without a permit plus \$150.00 for discharging during a fire ban)		\$250.00

**SCHEDULE "B"**

Persons or groups firing or setting off fireworks on private land within the municipal limits of the Village of Linden must receive a permit from the Village Office at a cost of \$10.00

Commercial businesses selling fireworks must apply for and receive a permit from the Village of Linden at a cost of \$50.00 annually.

An application for a permit must be accompanied by the written permission of the owner of the land and the owner or occupant of neighboring land in accordance with the Alberta Fire Code.

VILLAGE OF LINDEN

BYLAW #07-06

A BYLAW OF THE VILLAGE OF LINDEN, IN THE PROVINCE OF ALBERTA, TO CONTROL THE USE OF FIREWORKS

SCHEDULE "C"

PERMIT FOR THE USE OF FIREWORKS

PART 1 – APPLICATION FOR FIREWORKS DISPLAY PERMIT

I hereby make application to hold a fireworks display.

NAME:

\_\_\_\_\_

ADDRESS:

\_\_\_\_\_

SUPERVISOR OF DISPLAY:

\_\_\_\_\_

ADDRESS:

\_\_\_\_\_

PHONE #:

\_\_\_\_\_

LOCATION OF DISPLAY:

\_\_\_\_\_

PURPOSE OF DISPLAY:

\_\_\_\_\_

DATE OF DISPLAY:

TIME OF DISPLAY:

\_\_\_\_\_

\_\_\_\_\_

STORAGE LOCATION:

\_\_\_\_\_

This permit is for a display at the location, date and time specified above only and to the party to whom it is issued. This permit is not transferable.

Proof of insurance attached:

Yes

No

Site Plan attached:

Yes

No

**Any changes in the specifics stated above require a new application for a permit.**

\_\_\_\_\_  
Chief Administrative Officer

\_\_\_\_\_  
Date

**VILLAGE OF LINDEN**

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TO CONTROL THE USE OF FIREWORKS.**

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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 the attached Bylaw #07-06.

Permission is hereby granted to the party to whom this permit is issued to hold a fireworks display at such time and place as specified on the permit.

Name of Authorizing Officer:

\_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

APPROVED