

SUMMER VILLAGE OF ITASKA BEACH

BY-LAW NO. 2009-02

WHEREAS Section 7 of the Municipal Government Act, R.S.A. 2000, c. M-26 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 Council of the Summer Village of Itaska Beach deems it expedient and in the public's interest to pass a bylaw to regulate and enforce fireworks within the Summer Village of Itaska Beach;

NOW THEREFORE, the Municipal Council of the Summer Village of Itaska Beach, duly assembled, Hereby enacts as follows:

1. **TITLE**

This Bylaw shall be cited as "Fireworks Bylaw"

2. **DEFINITIONS**

In this Bylaw, including this section, unless the context otherwise requires:

- a) "Act" means the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 2000 as amended, and any amendment or substitutions thereof;
- b) "Council" means the Municipal Council of the Summer Village of Itaska Beach
- c) "Peace Officer" means a duly appointed Bylaw Enforcement Officer such as a member of Pigeon Lake Protective Services (PLPS).

3. **FIREWORKS**

- a) No person shall purchase, possess, handle, discharge, fire or set off fireworks within the Summer Village of Itaska Beach unless he or she holds a permit signed by the Fire Chief, or delegate, of the Summer Village for that purpose;
- b) No person who is the possessor of a fireworks permit, or who is engaged in the use of fireworks pursuant to a permit issued to another, shall fail to comply with the term and conditions of use provided for under that permit;
- c) In the event that a fire ban is issued either by the Province of Alberta or the Summer Village of Itaska Beach, all active firework permits shall be cancelled, and anyone using fireworks while a fire ban is in effect, regardless of whether a fireworks permit is in place, shall be guilty of an offence.

- d) A person who uses or causes fireworks to be used shall cleanup all debris, rubbish, litter, remains and by-products created by or resulting from the use of fireworks.

4. **OFFENCES**

- a) Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable, upon summary conviction, to a penalty as set out in Schedule "A" herein.

5. **VIOLATION TAG**

- a) A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person, whom the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- b) A Violation Tag may be issued to such person:
 - i) personally;
 - ii) by registered mail sent to the postal address of the person, as shown on the Tax Assessment Roll or on the Certificate of Title for the property; or
 - iii) by leaving it with a person apparently over eighteen (18) years of age at the place of residency of the person to whom the Violation Tag is addressed.
- c) The Violation Tag shall be in a form approved by the Chief Administrative Officer and shall state:
 - i) the name of the Person to whom the Violation Tag is issued;
 - ii) a description of the offence and the applicable Bylaw Section;
 - iii) the appropriate penalty for the offence as specified in Schedule "B" of this Bylaw;
 - iv) that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag in order to avoid prosecution; and
 - v) any other information as may be required by the Chief Administrative Officer.
- d) Where a Violation Tag has been issued pursuant to this Bylaw, the Person to whom a Violation Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Town Office the penalty specified on the Violation Tag.

6. VIOLATION TICKET

- a) In the event that a Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid within the prescribed time, a Peace Officer may issue a Violation Ticket, pursuant to Part 2 of the *Provincial Offences Procedure Act*, to the Person to whom the Violation Tag was issued.
- b) Notwithstanding Section 6(a) of this Bylaw, a Peace Officer may immediately issue a Violation Ticket to any Person whom the Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- c) A Violation Ticket issued with respect to a violation of this Bylaw shall be served upon the Person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.
- d) The Person to whom the Violation Ticket has been issued may plead guilty by making a voluntary payment in respect of the summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together with an amount equal to the specified penalty for the offence as provided within Schedule "A" of this Bylaw.
- e) When a clerk records in the Court records the receipt of a voluntary payment pursuant to Section 6(d) of this Bylaw and the *Provincial Offences Procedure Act*, the act of recording receipt of that payment constitutes acceptance of the guilty plea and also constitutes the conviction and the imposition of a fine in the amount of the specified penalty.

7. CHANGES TO SCHEDULE "A"

Schedule "A" may be amended by means of a Summer Village of Itaska Beach resolution, independent of changes to the existing Bylaw.

8. SEVERABILITY

Should any provision of this Bylaw become invalid, void, illegal or otherwise not enforceable, it shall be considered separate and severable from the Bylaw and the remainder shall remain in force and be binding as though such provision had not been included.

9. **EFFECTIVE DATE**

This Bylaw comes into effect on the date of third reading and the signing of the bylaw.

Read a first time this 16th day of September, 2009.

Read a second time this 16th day of September, 2009.

Read a third time, by unanimous consent, and finally passed, this 16th day of September, 2009.

Ralph Johnston, Mayor
Summer Village of Itaska Beach

June Boyda, Chief Administrative Officer
Summer Village of Itaska Beach

SCHEDULE "A" OF BYLAW 2009-02

Amount which will be accepted by the Summer Village of Itaska Beach in lieu of prosecution:

Offence	First Offence	Subsequent Offences
Any contravention of Bylaw 2009-02	\$300.00	\$500.00