



BYLAW NO. 29.09

*BEING A BYLAW OF YELLOWHEAD COUNTY,
IN THE PROVINCE OF ALBERTA, TO REGULATE THE POSSESSION, STORAGE, USE
OR SALE OF ANY EXPLOSIVE WITHIN YELLOWHEAD COUNTY.*

WHEREAS, pursuant to the provisions of section 7 of the Municipal Government Act, R.S.A., 2000 and the amendments thereto, a Council may pass a bylaw respecting the safety, health and welfare of people and protection of property.

NOW THEREFORE, the Council for Yellowhead County, in the Province of Alberta, duly assembled, hereby enacts as follows:

- 1.0 “Explosive” shall mean blasting powder, nitroglycerine, gun-cotton, dynamite, blasting gelatine, gelnite, or of other metals, coloured fires, and every other substance made, manufactured or used with a view to produce a violent effect by explosion, or a pyrotechnic effect, and includes fire works, fire crackers, fireballs, squibs, rockets, detonators, railway track torpedoes, fuses and other signals and every other adaption or preparation of any such substances.
- 2.0 Words importing the masculine gender only, include the feminine gender however the context so requires and vice versa.
- 3.0 Words importing the singular shall include the plural or vice versa whenever the context so requires.
- 4.0 Subject to Section 7.0 hereof, no person shall, without an appropriate permit issued by the Chief Administrative Officer of Yellowhead County pursuant to Section 6.0 hereof, bring into Yellowhead County or, in Yellowhead County, have in his possession, store, use, sell or offer for sale, any Explosive.
- 5.0 The Chief Administrative Officer of Yellowhead County may, on any condition that he may prescribe, issue a permit to have in possession, store, use or sell any Explosive in Yellowhead County to a person described in Section 6.0 hereof who is authorized under the Explosives Act (Canada) to have in possession, store, use, make, manufacture, or sell such an Explosive in any other part of Canada. The Chief Administrative Officer may require evidence of appropriate insurance, evidence the pyrotechnician is certified, a safety plan depending upon the type of Explosive and purpose, and approval from the Yellowhead County Fire Chief.
- 6.0 For the purpose of Section 5.0, the following person are described:
 - (a) A person engaged in construction or demolition work who requires the Explosive for his work;
 - (b) A person representing a fraternal organization, service or other group that is sponsoring social, recreational or sport activities and requires the Explosive in order to present a fire works display on the occasion of a public holiday or celebration; or



(c) A person or agency engaged in public safety or trail construction who requires the Explosive for his or its work.

7.0 Any person may, without obtaining a permit under Section 5.0:

(a) Transport any Explosive through the County by railway in a manner authorized by applicable Federal Legislation regulating inter-provincial transportation or a regulation or order under that Act;

(b) Transport Explosives through the County in accordance with the *Explosives Act* (Canada) or any provincial regulation respecting Explosives;

(c) Be in possession of flares or fuses for use as safety equipment for motor vehicles, trains or boats in accordance with any provincial or federal requirement; or

(d) Be in possession of such Explosives as may be required for him to discharge his duties as a Peace Officer.

8.0 Any person or business who contravenes any section of this bylaw is guilty of an offence and liable on summary conviction to a penalty specified in the table below, or if no penalty is prescribed in this bylaw, to a fine of not less than \$250.00 and not more than \$2,500.00.

Section	Offence	1 st Offence Penalty	2 nd Offence Penalty*	3 rd Offence Penalty**
4	Possess or store	\$150.00	\$250.00	\$500.00
4	Use	\$250.00	\$500.00	\$750.00
4	Sell or store	\$500.00	\$1000.00	\$2000.00

* Offence must be within 6 months of the first offence

**Offence must be within 6 months of second offence

9.0 When a corporation commits an offence under this bylaw, every principal, director, manager, employer or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation is guilty of the offence.

10.0 If a partnership is guilty of an offence under this bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.



11.0 Violation tickets:

- (a) Where a person to enforce this bylaw believes that a person has contravened any provision of this bylaw, a Violation Ticket may be served, allowing payment of the specified penalty set out in the table included in s. 8 of this bylaw for the offence, and the recording of such payment by the Court shall constitute acceptance of a guilty plea and the imposition of a fine in the amount of the specified penalty; and
- (b) This section shall not prevent the issue of a ticket requiring a Court appearance of the defendant, pursuant to the provisions of the *Provincial Offences Procedure Act* or from laying any information in lieu of issuing a Violation Ticket.

12.0 This Bylaw shall take effect immediately upon the date of final reading.

READ a first time this 10 Day of November A.D., 2009.

READ a second time this 10 Day of November A.D., 2009.

READ a third time this 24 Day of November A.D., 2009.

SIGNED this 24 Day of November A.D., 2009.

Mayor, Gerald Soroka

Chief Administrative Officer, Jack Ramme