

CITY COUNCIL AGENDA

Monday, August 19, 2019 – Council Chambers, City Hall

Call to Order:	2:30 PM
Recess:	5:00 PM to 6:00 PM

1. IN CAMERA MEETING (to last approximately 45 Minutes)

1.1. Motion to In Camera

1.1.a. Human Resource Matter - FOIP 24(1)(b)(1) - Advice from officials

1.2. Motion to Revert to Open Meeting

2. MINUTES

2.1. Confirmation of the Minutes of the July 22, 2019 Council Meeting
(Agenda Pages 1 – 8)

3. POINTS OF INTEREST

4. REPORTS

4.1. Regional and Local Tourism Direction 2019 - 2022
(Agenda Pages 9 – 14)

5. BYLAWS

5.1. Appeal Boards Bylaw Amendment 3619/A-2019
(Agenda Pages 15 – 33)

5.1.a. Motion to Lift from the Table

5.1.b. Consideration of First Reading of the Bylaw

5.2. Fireworks Bylaw 3626/2019

(Agenda Pages 34 – 59)

5.2.a. Consideration of First Reading of the Bylaw

6. ADJOURNMENT



UNAPPROVED - MINUTES

**of the Red Deer City Council Regular Meeting
held on , Monday, July 22, 2019
commenced at 2:30 P.M.**

Present: Mayor Tara Veer
Councillor Buck Buchanan
Councillor Michael Dawe
Councillor Tanya Hadley
Councillor Vesna Higham
Councillor Ken Johnston
Councillor Lawrence Lee
Councillor Frank Wong
Councillor Dianne Wyntjes

City Manager, Allan Seabrooke
Director of Communications & Strategic Planning, Julia Harvie-Shemko
Acting Director of Community Services, Tricia Hercina
Acting Director of Corporate Services, Joanne Parkin
Director of Development Services, Kelly Kloss
Acting Director of Human Resources, Tracy Bruce
Acting Director of Planning Services, Emily Damberger
Director of Protective Services, Paul Goranson
City Clerk, Frieda McDougall
Corporate Meeting Administrator, Amber Senuk
Corporate Meeting Support, Jennifer Hankey
Senior Planner, Dayna Facca
Transportation Engineer, Niki Burkinshaw
RCMP Superintendent, Gerald Grobmeier



I. IN CAMERA MEETING

I.1. Motion to In Camera

Moved by Councillor Tanya Handley, seconded by Councillor Buck Buchanan

Resolved that Council of The City of Red Deer hereby agrees to enter into an In-Camera meeting of Council on Monday, July 22, 2019 at 2:33 p.m. and hereby agrees to exclude the following:

- All members of the media; and
- All members of the public; and
- All non-related staff members

to discuss a Legal Matter – FOIP 23(1)(a) Local Public Body Confidences.

IN FAVOUR:

Mayor Tara Veer, Councillor Buck Buchanan, Councillor Michael Dawe, Councillor Tanya Hadley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

I.1.a Legal Matter – FOIP 23(1)(a) Local Public Body Confidences

The following people were in attendance as the topic under discussion related to their position within the organization.

Mayor Tara Veer, Councillor Buck Buchanan, Councillor Michael Dawe, Councillor Tanya Hadley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong, Councillor Dianne Wyntjes

City Manager Allan Seabrooke, Director of Communications & Strategic Planning Julia Harvie-Shemko, Acting Director of Community Services Tricia Hercina, Acting Director of Corporate Services Joanne Parkin, Director of Development Services Kelly Kloss, Acting Director of Human Resources Tracy Bruce, Acting Director of Planning Services Emily Damberger, Director of Protective Services Paul Goranson, City Clerk Frieda McDougall, Corporate



Meeting Administrator Amber Senuk, Corporate Meeting Support Jennifer Hankey, Recreation, Park & Culture Manager Shelley Gagnon, Community Services Divisional Strategist Jesse Smith.

1.2. Motion to Revert to Open Meeting

Moved by Councillor Tanya Hadley, seconded by Councillor Buck Buchanan

Resolved that Council of The City of Red Deer hereby agrees to enter into an open meeting of Council on Monday, July 22, 2019 at 3:00 p.m.

IN FAVOUR:

Mayor Tara Veer, Councillor Buck Buchanan, Councillor Michael Dawe, Councillor Tanya Hadley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

Council recessed at 3:00 p.m. and reconvened at 3:16 p.m.

2. MINUTES

2.1. Confirmation of the Minutes of the July 8, 2019 Council Meeting

Moved by Councillor Lawrence Lee, seconded by Councillor Michael Dawe

Resolved that Council of The City of Red Deer hereby approves the Minutes of the July 8, 2019 Regular Council Meeting as transcribed.

IN FAVOUR:

Mayor Tara Veer, Councillor Buck Buchanan, Councillor Michael Dawe, Councillor Tanya Hadley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED



3. REPORTS

3.1. APP Update / Q2 Crime Stats

RCMP Superintendent Gerald Grobmeier presented this item and Council accepted this report as information

Council recessed at 4:15 pm and reconvened at 4:26 pm

3.2. IPSOS Survey Results

Erin Roulston, from OPSOS, presented the results of the 2019 IPSOS Survey and Council accepted this report as information

3.3. Approval of Council Meeting Dates for 2020

Moved by Councillor Lawrence Lee, seconded by Councillor Ken Johnston

Resolved that Council of The City of Red Deer having considered the report from Legislative Services dated July 10, 2019 hereby approves the Council meeting dates for 2020 as follows:

Council Meeting Dates

Tuesday	February 18, 2020	Regular Council Meeting	1:30 P.M.
Monday	March 2, 2020	Regular Council Meeting	1:30 P.M.
Monday	March 16, 2020	Regular Council Meeting	1:30 P.M.
Monday	March 30, 2020	Regular Council Meeting	1:30 P.M.
Tuesday	April 14, 2020	Regular Council Meeting	1:30 P.M.
Monday	April 27, 2020	Regular Council Meeting	1:30 P.M.
Monday	May 11, 2020	Regular Council Meeting	1:30 P.M.
Monday	May 25, 2020	Regular Council Meeting	1:30 P.M.
Monday	June 8, 2020	Regular Council Meeting	1:30 P.M.
Monday	June 22, 2020	Regular Council Meeting	1:30 P.M.
Monday	July 6, 2020	Regular Council Meeting	1:30 P.M.
Monday	July 20, 2020	Regular Council Meeting	1:30 P.M.
Monday	August 17, 2020	Regular Council Meeting	1:30 P.M.



Monday	August 31, 2020	Regular Council Meeting	1:30 P.M.
Monday	September 14, 2020	Regular Council Meeting	1:30 P.M.
Monday	September 28, 2020	Regular Council Meeting	1:30 P.M.
Tuesday	October 13, 2020	Regular Council Meeting	1:30 P.M.
Monday	October 26, 2020	Regular Council Meeting	1:30 P.M.
Monday	November 9, 2020	Regular Council Meeting	1:30 P.M.
Mon/Tues	November 16 and November 17, 2020	Capital Budget Meeting	9:00 A.M.
Monday	November 23, 2020	Regular Council Meeting	1:30 P.M.
Monday	December 7, 2020	Regular Council Meeting	1:30 P.M.
Tuesday	December 8, 2020	2021 Operating Budget Meeting	12:00-5:00 P.M.
Wednesday	December 9, 2020	2021 Operating Budget Meeting	12:00-5:00 P.M.
Thursday	December 10, 2020	2021 Operating Budget Meeting	12:00-5:00 P.M.
Friday	December 11, 2020	2021 Operating Budget Meeting	12:00-5:00 P.M.
Monday	December 14, 2020	2021 Operating Budget Meeting	12:00-5:00 P.M.

IN FAVOUR:

Mayor Tara Veer, Councillor Buck Buchanan, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

3.4. ADD TO THE AGENDA

Moved by Councillor Buck Buchanan, seconded by Councillor Dianne Wyntjes

Resolved that Council of The City of Red Deer hereby agrees to add consideration of a Legal Matter as discussed In Camera, to the July 22, 2019 City Council Agenda.

IN FAVOUR:

Mayor Tara Veer, Councillor Buck Buchanan, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION TO ADD TO THE AGENDA CARRIED



Moved by Councillor Dianne Wyntjes, seconded by Councillor Buck Buchanan

Resolved that Council of The City of Red Deer, having considered an In Camera item on July 22, 2019 re: Legal Matter, hereby endorses the recommendation as presented In Camera and agrees that the contents of the report will remain confidential, as protected by the Freedom of Information and Protection of Privacy Act, Section 23(1)(a) Local public body confidences.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong, Councillor Dianne Wyntjes

OPPOSED: Councillor Vesna Higham

MOTION CARRIED

3.5. Allocation of RCMP Additional Resources

Moved by Councillor Michael Dawe, seconded by Councillor Vesna Higham

Resolved that Council of The City of Red Deer having considered the report from the Protective Services Division dated June 26, 2019 re: Allocation of RCMP Additional Resources Approved in the 2019 Operating Budget, hereby accepts this as an appropriate mechanism to direct the ongoing allocation of the 3 additional RCMP members approved in the 2019 Operating Budget in accordance with the priorities outlined in the Annual Policing Plan (APP) approved by Council and further directs that a report related to the remaining budget allocation be brought to the Mid-Year Budget meeting.

Councillor Dianne Wyntjes left chambers at 4:59 p.m. and returned at 5:01 p.m.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong, Councillor Dianne Wyntjes



OPPOSED: Councillor Vesna Higham

MOTION CARRIED

3.6. Request Regarding Havoc Fighting Championship Event - November 22, 2019

Moved by Councillor Buck Buchanan, seconded by Councillor Frank Wong

Resolved that Council of The City of Red Deer, having considered the report from Legislative Services, dated July 8, 2019 re: Request Regarding Havoc Fighting Championship Event – November 22, 2019 hereby provides no objection to the Central Combative Sports Commission oversight of the Havoc Fighting Championship event in the city of Red Deer on November 22, 2019.

Councillor Lawrence Lee left Council Chambers at 5:49 p.m. and returned at 5:50 p.m.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

Councillor Vesna Higham left Council Chambers at 5:52 p.m. and returned at 5:54 p.m.

3.7. 59 Avenue Planning Study

Councillor Buck Buchanan left Council Chambers at 6:10 p.m. and returned at 6:12 p.m.

Councillor Frank Wong left Council Chambers at 6:15 p.m. and returned at 6:18 p.m.

Moved by Councillor Tanya Handley, seconded by Councillor Lawrence Lee

Resolved that Council of the City of Red Deer hereby agrees to table consideration of the 59 Avenue Planning Study for up to 6 months to allow administration time to



explore further details in option 2.

IN FAVOUR:

Mayor Tara Veer, Councillor Buck Buchanan, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION TO TABLE CARRIED

4. ADJOURNMENT

Moved by Councillor Michael Dawe, seconded by Councillor Tanya Handley

Resolved that Council of The City of Red Deer hereby agrees to adjourn the Monday, July 22, 2019 Regular Council Meeting of Red Deer City Council at 6:43 p.m.

IN FAVOUR:

Mayor Tara Veer, Councillor Buck Buchanan, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

MAYOR

CITY CLERK



July 10, 2019

Regional and Local Tourism Direction 2019-2022

Land & Economic Development

Report Summary & Recommendation:

This report furthers Council's strategic direction Chosen Destination by outlining the local and regional tourism focus areas. The tourism industry is a driver of economic growth and helps to diversify our economy. By identifying the visitor experience as the focus, this creates the need for local and regional initiatives to be aligned.

The Tourism Joint Venture was collaboratively developed with Tourism Red Deer to identify joint outcomes, roles, focus areas, and reporting to enhance the visitor experience within Red Deer and region.

The City of Red Deer's local tourism initiatives will be focused on strengthening Red Deer's market readiness to attract major events and the development a major event strategy. The major event strategy will identify event types that provide economic benefit to the community, establish processes, form decision making criteria, roles/responsibilities and funding options.

Administration recommends Council adopt the Tourism Joint Venture as a guide for working with Tourism Red Deer.

Proposed Resolution

Resolved that Council of The City of Red Deer having considered the report from Land & Economic Development dated July 10, 2019 re: Regional and Local Tourism Direction 2019 – 2022 hereby adopts the Tourism Joint Venture as a guide for working with Tourism Red Deer.



Report Details

Rationale for Recommendation

Administration's rationale for the recommendation is as follows:

1. **Furtheres the Chosen Destination strategic direction of Council**
Red Deer City Council has identified positioning Red Deer as a premier destination as a key strategic priority.
2. **The Tourism Joint Venture was collaboratively developed with Tourism Red Deer.** It outlines tourism outcomes, role clarity, and reporting between Tourism Red Deer and The City of Red Deer moving forward for 2019 – 2022.
3. **The visitor experience is the focus for the Tourism Joint Venture.** Visitors are seeking experiences which combine the local culture, local people and local geography of a region. This was a key learning from the *Central Alberta Destination Management Plan-Realizing Our Potential, 2015*. The Joint Venture furthers this document.
4. **Aligns the future Bid Committee and the proposed Major Event Strategy for an overall strategic approach to major event attraction.** The results of the Major Event Strategy and the future Bid Commission need to be aligned to be effective in targeting events best suited for Red Deer.

Background:

Council adopted a Strategic Direction in 2019 that states:

Red Deer is a chosen destination: We are a four-season destination where visitors and residents enjoy our parks, trails and distinctive amenities, all within our "city in a park". Centrally located in the province, we attract events that generate investment and enhance our community identity.

The City has been a major funding partner of Tourism Red Deer since 1987. Tourism is a driver of economic growth and helps to diversify our economy. Tourism-related industries accounts for 190,000 businesses and employs 127,000 jobs in Alberta. This industry plays a role in enhancing the quality of life in our community by stimulating investment in transportation, recreation facilities, entertainment and other services that benefit both locals and visitors.

Central Alberta Destination Management Plan-Realizing Our Potential was completed in 2015. It is a comprehensive document that was developed by Central Alberta Tourism Alliance and consultation with over 100 tourism stakeholders through public engagement, stakeholder interview and workshops. Tourism Red Deer and The City of Red Deer were represented on the steering committee with several other regional municipalities.



One of the key learnings is that visitors are seeking experiences. “A tourism experience happens at the intersection of local people, local culture, and local geography.” *Central Alberta Destination Management Plan-Realizing Our Potential, 2015*. This includes helping to preserve our heritage including our places, spaces and stories as they become a part of the local experience. Visitors do not follow municipal boundaries therefore local and regional initiatives need to be aligned.

Discussion:

Regional Tourism

Administration has worked with Tourism Red Deer’s Executive Director and Executive Committee to create the Tourism Joint Venture, 2019-2022. It leads with the visitor with The City and Tourism Red Deer both working towards creating “*a unique, must-experience destination offering visitors authentic, affordable and sustainable experience year round*”. It articulates joint outcomes, clarifies focus areas, defines roles, and reporting. The detailed Tourism Joint Venture can be found in the appendix.

Administration would like to thank Tourism Red Deer’s Executive Committee and Executive Director for their work on the Tourism Joint Venture. The Tourism Joint Venture, 2019 - 2022 was adopted by the Tourism Red Deer board on June 24th. The resolution states “to move forward with the Joint Venture with City of Red Deer and Tourism Red Deer.”

Sub committees will be created for each focus area to identify key initiatives to be implemented by Tourism Red Deer. Reporting structure and performance measurements will be jointly developed by the end of 2019. The Board has discussed, in 2020, investigating membership options for others to be able to benefit from the value Tourism Red Deer provides.

The Tourism Joint Venture creates a deliberate path towards realizing the region’s opportunity to become one of Alberta’s top destinations.

Local Tourism

The Tourism Joint Venture does outline what administration will focus on over the next three years. The focus will be on strengthening Red Deer’s market readiness to attract major events, enhance experience development and visitor services and connect the tourism industry to various economic opportunities.

Strengthening our market readiness to attract events includes Bid Committee development and host role clarity as well as a Major Event Strategy with stakeholders. These two need to go hand in hand. Work has begun on the Bid Committee. Council approved a draft terms of reference for the Bid Committee on February 4, 2019. Consultation on the terms of reference and membership is still needed before finalization. The timing of this consultation is aligning with the development of a Major Events Strategy.



In 2019, Land & Economic Development will lead an internal team to complete the Major Event Strategy. Major events include cultural, sports, and professional conferences and meetings and vary significantly in terms of scope, frequency and focus. The event strategy will identify events best suited for Red Deer, assess the community capacity for events, provide a decision-making matrix, roles/responsibilities, implementation plan and funding options. A public participation plan will be a key aspect of the event strategy development to encourage robust community engagement, create excitement and provide valuable input to the process.

Administration will continue to process event request and formalize this process to ensure consistency over the next year. Any requests for funding will be routed for consideration in The City's annual budget process unless there are extenuating circumstances.

Council has passed draft terms of reference for the Bid Commission in February 2019. The purpose and committee outcomes will be assessed through the event strategy development and the consultation process. The goal is to have the Major Event Strategy and the Bid Committee Terms of Reference finalized by June 2020.

TOURISM JOINT VENTURE

A unique, must-experience destination offering visitors authentic, affordable and sustainable experience year round.

- Central Alberta Destination Management Plan

JOINT
OUTCOMES

GROWTH & DIVERSIFICATION

EXPERIENCES

ENVIRONMENT & HOST COMMUNITIES

Tourism Red Deer & The City of Red Deer

This demonstrates how Tourism Red Deer and CORD interact within the regional tourism system to provide visitor experiences.



To be recognized as the collective voice of tourism stakeholders and the lead entity for innovative tourism marketing in central Alberta resulting in a vibrant and healthy hospitality and tourism community.

Red Deer is an economic leader: We have a strong, dynamic economy, fostered by entrepreneurship and innovation. Leveraging our central location, Red Deer is an economic hub with a revitalized downtown and diverse local economy.

A chosen destination: We are a four-season destination where visitors and residents enjoy our parks, trails and distinctive amenities, all within our “city in a park”. Centrally located in the province, we attract events that generate investment and enhance our community identity.

EXPERIENCES

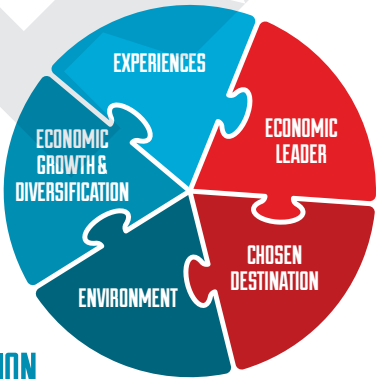
- ✓ Increased leisure travel experiences featuring the city's food, nature / outdoor recreation and arts, culture & heritage opportunities
- ✓ Grow our role as a regional gateway and base camp for central Alberta, West Country, Canadian Badlands

ECONOMIC GROWTH & DIVERSIFICATION

- ✓ Increase year-round visitation by target markets
- ✓ Increase the visitor spending and total economic impact to the city from tourism
- ✓ Attract increased private and public sector investment in tourism experiences, services and infrastructure
- ✓ Increase awareness, understanding and support of the benefits tourism brings to our communities, the region and the province

ENVIRONMENT

- ✓ Establish a positive and inclusive relationship between the region's tourism industry, community leaders, visitors and residents to ensure our community is engaged and active stakeholders
- ✓ Maintain the integrity and quality of tourism resources in the region and the destination's competitiveness



ECONOMIC LEADER

- ✓ We understand and do our part in creating an environment for our businesses to thrive
- ✓ We leverage regional and local strengths to strategically diversify our economy
- ✓ We foster innovation and cultivate entrepreneurial spirit and opportunity
- ✓ Our downtown is a unique neighbourhood and is vital to our city's economy

CHOSEN DESTINATION

- ✓ Capitalize on the momentum of hosting major Sport and Cultural events
- ✓ Capitalize on our community's assets and strengths
- ✓ Year-round chosen central destination that has attracted a variety of events that support a diversified local economy
- ✓ Support our business community to leverage their potential to capitalize on sport and event tourism
- ✓ Through our local and regional tourism efforts we will reinforce our community identity as it relates to Red Deer as a major event tourism destination.

TOURISM DEVELOPMENT

VISION

OUTCOMES

TOURISM ROLES

Every three years, CORD & Tourism Red Deer will identify the primary tourism role for each organization, recommend focus priorities and determine the appropriate key performance indicators to measure for success.

Tourism Red Deer

The City of Red Deer

- ✓ Enhance and diversify regional tourism experiences in order to leverage our competitive advantage in the following focus areas:
 - Food Tourism (Agriculture / Culinary)
 - Outdoor Recreation
 - Heritage, Culture & Art Experiences
- ✓ Expand Destination Development by linking experiences to enhance the overall tourism product
- ✓ Build market awareness & increase visitation
 - Create and share stories that inspire potential visitors to experience Red Deer
- ✓ Undertake Destination Leadership as outlined in the Destination Management Plan
- ✓ Increase industry engagement
- ✓ Enhance the sustainability and competitiveness of the regional tourism industry
- ✓ Enhance Regional Destination Marketing
- ✓ Regional promotion and regional trip planning information
- ✓ Events outside of Bid committee/major events

- ✓ Regional Tourism Strategy creation and monitoring

- ✓ CORD supports Tourism Red Deer lead

LEAD

The organization has a direct role and responsibility to plan, fund, coordinate, deliver and monitor the process of the strategies

- ✓ Strengthen Red Deer's market readiness to attract Major Events
 - Bid Committee development and host role clarity
 - Develop a Major Event Strategy with stakeholders
- ✓ Enhance experiences development for existing and attract new tourism experiences
- ✓ Connect the tourism industry to economic opportunities such as investments, grants and business support resources
- ✓ Policy development to support the tourism industry
- ✓ Enhance the Visitor Experience
- ✓ Define the Visitor Service delivery

PARTNER

The organization has an active role by providing planning, funding, coordination, capacity building or advocacy for the following strategies

- ✓ Regional Tourism Strategy creation and monitoring

SUPPORT

The organization does not have a direct role but could commit to resources to support, convene, coordinate or advocate with our stakeholders when needed

- ✓ Tourism Red Deer supports CORD lead

BOARD & COMMITTEE

Elected Board of Directors (one appointed representative from both the CORD and Red Deer County). Ad Hoc focus area committees based on initiatives such as culinary and nature.

Executive Director

Based on membership contribution and visitor experience

- Membership base includes:
- Funding Partners (City & Red Deer County)
 - Industry

TRD to provide a 'Year-in-Review' report outlining the Key Performance Indicators based on the three year agreed-upon direction and traditional reporting methods.

STRUCTURE

Appoints City Councillor to the Board for one year term. Administration will participate on the Ad Hoc Committees when appropriate.

LIAISON

Land & Economic Development Manager

REGION

Municipal boundaries

MEMBERSHIP

As a funding partner, City of Red Deer has influence to set priorities every three years. Opportunities for formalizing this process are being investigated.

REPORTING

Meet quarterly to discuss issues and opportunities within Tourism and opportunities for further collaboration.



Council Decision – August 19, 2019

DATE: August 22, 2019
TO: Michelle Zeggil, Land & Economic Development Officer
FROM: Frieda McDougall, Legislative Services Manager
SUBJECT: Regional and Local Tourism Direction 2019-2022

Reference Report:

Land & Economic Development, dated July 10, 2019

Resolution:

At the Monday, August 19, 2019 Regular Council Meeting, Council passed the following Resolution:

Resolved that Council of The City of Red Deer having considered the report from Land & Economic Development dated July 10, 2019 re: Regional and Local Tourism Direction 2019-2022 hereby adopts the Tourism Joint Venture as a guide for working with Tourism Red Deer and that administration provide Council with an annual review on the implementation and report on membership model review being done by Tourism Red Deer.

Report back to Council:

Yes.

Comments/Further Action:

None.

A handwritten signature in blue ink, appearing to read 'Frieda McDougall'.

For Frieda McDougall
Manager

- c. Land & Economic Development Manager
Director of Planning Services



July 19, 2019

Appeal Boards Bylaw – 3619/A-2019

Legislative Services

Report Summary & Recommendation:

The attached report is being brought forward from the Monday, April 1, 2019 City Council meeting.

Recommendation:

That Council lifts from the table consideration of first reading of Bylaw 3619/A-2019, a bylaw to amend the Appeal Boards Bylaw to change the board membership.

That Council considers first reading of the bylaw. Second and Third Readings of the bylaw will come back to the September 3, 2019 Council Meeting.

Background:

At the April 1, 2019 Council Meeting, Council considered Bylaw 3619/A-2019, a bylaw to amend the Appeal Boards Bylaw to change the board membership. Council tabled first reading and agreed to defer consideration of this bylaw until the Nomination Committee had an opportunity to review process enhancements to support Committee membership recruitment.

A supplementary report outlining the Nomination Committee's review is attached.

Proposed Resolution:

Resolved that Council of The City of Red Deer hereby agrees to lift from the table consideration of first reading of Bylaw 3619/A-2019.

The following motion is then back on the floor:

Moved by Councillor Lawrence Lee, seconded by Councillor Dianne Wyntjes

FIRST READING: That Bylaw 3619/A-2019 (an amendment to the Appeal Boards Bylaw to change the board membership) be read a first time.

That Bylaw 3619/A-2019 be read a first time.



August 6, 2019

Supplementary Report

Nomination Committee update: Committee Recruitment Processes

Legislative Services

Report Summary & Recommendation:

At the April 1, 2019 Council Meeting, Council tabled first reading of the Appeal Board Bylaw Amendment 3619/A-2019. At that meeting Council agreed to defer consideration of this bylaw until the Nomination Committee had an opportunity to review process enhancements to support Committee membership recruitment.

The Nomination Committee has made changes to its processes which are outlined within this report to provide information to Council in considering the Appeal Board bylaw amendment.

Recommendation:

This report is being provided for Council's information.



Discussion:

In early 2019 the Nomination Committee identified opportunities to strengthen the Committee recruitment/appointment process. Through a series of meetings and a review of other municipal recruitment practices, the Committee has agreed to the following process improvements that are being implemented immediately to support the upcoming fall recruitment:

- All committees and the respective committee liaisons were requested to provide a summary of the key attributes of a member to their respective committee. This will be done annually and will ensure recruitment is targetted to the required skill sets and attributes.
- Board chairs are requested annually to provide feedback on committee members who may seek reappointment. The Nomination Committee will use this to assess the member's participation and attendance and may influence potential reappointments.
- Individualized application forms developed for each committee. A more specific application form ensures the applicant speaks to skills and experience specific to that committee versus the more generic form used in the past. A citizen may still apply for more than one committee but will use a unique application form for each committee.
- Resumes, where available, are requested to be submitted with the application.
- A scoring matrix has been established based on the above identified attributes and the skills identified within each committee's terms of reference. Nomination Committee members individually score each application before meeting as in committee. Scores are combined and result in the clear identification of those candidates most suited to the appointment.
- Where scores, skill sets and experience are comparable and/or when further clarity to an application is required, a reference form has been adopted to enable reference checking. The need for reference checking will be determined by the Nomination Committee.
- All materials related to committee member recruitment are being revised to reflect the additional information being provided and sought, e.g. website pages, forms, advertising.

Further to the changes outlined above, the City Manager recently discussed with Council potential changes to streamline the process in making the actual appointments to Committees. This process change would result in the applications to committees being reviewed by the Nomination Committee only with the overall recommendations being brought to open Council and would eliminate duplication and inefficiency.

In discussing this change, the Nomination Committee identified benefit to outlining, In Camera, the names of selected applicants prior to introduction in open.

**Analysis:**

While these processes as outlined will result in additional work for the Nomination Committee, it is believed that the confidence in the appointment process will be enhanced and will help the Nomination Committee to clearly identify alignment between the committee's needs and the applicant's attributes.

Next steps of the Nomination Committee will include updates to its Committee procedures and recommendations to Council with respect to Committee Bylaw amendments that will support these processes.



Originally Submitted to the April
1, 2019 Council Meeting

March 20, 2019

Appeal Boards Bylaw

Consideration of Third Reading of Bylaw 3619/2019

Consideration of First Reading of Bylaw 3619/A-2019

Legislative Services

Report Summary & Recommendation:

Summary:

The attached report is being brought forward from the Monday, March 18, 2019 Council Meeting.

Recommendation:

That Council consider third reading of Bylaw 3619/2019.

Following third reading of Bylaw 3619/2019, it is recommended that Council consider first reading of Bylaw 3619/A-2019.

Background:

At the Monday, March 18, 2019 Regular Council Meeting, Council gave first and second reading to Bylaw 3619/2019. At this time several questions were posed, as follows:

- If the Conflict of Interest provisions are no longer within the bylaw where can they be found
- Can a preamble be reintroduced to the section related to the Red Deer Appeal Board to outline its scope

Additionally, the following items were also requested to be reviewed with potential amendments to be brought back, as follows:

- Section 7(a): Mandate to uphold the integrity of the policies
- Section 8 – adding clarity with respect to the composition of panels of 5 Members (or 3 Members) as circumstances permit, shall be assigned to each hearing
- Section 10(3): CEO – including “in ex officio capacity”
- Section 12(b): remove will performed and replace will be assigned to perform
- Section 16(2): Delete the word “thing” and replace with the word “matter”
- Ensure the code of conduct is included within the role policy

Administration will bring a future report to respond to the above noted requests however, we have been able to confirm that conflict of interest provisions are embedded within the



Committee's policy on roles. Additionally, to respond to the questions of a preamble to the one section of the bylaw administration proposes that prior to third reading Council adopt the following amendment:

Inserting the following at s. 16

- (3) When considering the merits of an appeal or a review, the board shall have regard to:
 - (a) The need to maintain the integrity of the policies which the applicable bylaw and statutes are intended to promote;
 - (b) The potential cost implications to The City of Red Deer of the decision of the Board; and
 - (c) The need to treat fairly the persons affected by the order or decision under appeal.

Proposed Resolution:

Resolved that Council of The City of Red Deer hereby agrees to amend bylaw 3619/2019 by adding the following sub-section (3) to section 16:

- (3) When considering the merits of an appeal or a review, the board shall have regard to:
 - (a) The need to maintain the integrity of the policies which the applicable bylaw and statutes are intended to promote;
 - (b) The potential cost implications to The City of Red Deer of the decision of the Board; and
 - (c) The need to treat fairly the persons affected by the order or decision under appeal.

That Bylaw 3619/2019, as amended, be read a third time.

That Bylaw 3619/A-2019 be read a first time. If first reading is given, this bylaw will come back for second and third reading at the Monday, April 15, 2019 Council Meeting.



October 30, 2018

Your Worship and Members of Council;

I write to you today in support of the draft Appeal Boards Bylaw which incorporates several amendments identified by the SDAB. The administrative report you have before you itemizes and describes the amendments, however, I wanted to take the time to provide more information on one particular proposed amendment: Composition of the Board. The draft bylaw proposes to change the composition of the SDAB from four citizens and one member of Council to five citizens, without Council representation.

As you know, the SDAB is an independent, administrative tribunal established under part 17 of the MGA. The SDAB has powers and must follow procedures similar to those of a court. The expectation is that an SDAB will act as fairly and as impartially as a court of law.

Procedural fairness dictates that Citizens have the right to an unbiased appeal panel, this is known as the Rule Against Bias. Not only must SDAB Members have an open mind and be capable of being persuaded one way or another, they must also consider the perception of bias. The test to use when determining perception of bias is: *'whether a reasonable person, viewing the matter realistically and practically, and after having obtained the necessary information and thinking the matter through, would have a reasonable apprehension of bias'*. The existence of a perception of bias is enough to disqualify a board member from sitting on a hearing.

There is an additional consideration regarding a Councilor's appointment to the SDAB – that of institutional bias. Institutional bias is also known as 'built in' bias – the basic theory is that because Council is the authority that establishes the planning documents and bylaws on which appeals are based, it can be argued that impartiality cannot exist when appeal board member(s) also have a role on the governing body.

We already know that the SDAB will be considering challenges to the new cannabis regulations. Additionally, looking forward, it will likely have appeals related to the new (and pending) sign regulations as well as there may be an influx of subdivisions, and therefore subdivision appeals, as the pending annexation with Red Deer County proceeds. Due to the high profile nature of these - the chance of a Council member having a position (or being perceived as having a position) on the matter is increased.

The decisions of these Boards can be appealed to the Courts, if on appeal, a Council member who heard a matter is found to be biased, the decision of the Board would be quashed and the matter re-heard (minimum). Applications of this nature are costly (both in time and dollars) and their potential would be reduced greatly with Boards comprised solely of citizens.

Lack of volunteers and expertise are just two of the factors in smaller municipalities that result in Council members being appointed to their SDAB's. As Alberta's 3rd largest city, The City of Red Deer is well known for leading the way in administrative tribunal excellence as is evidenced by the membership in the Central Alberta Regional Assessment Review Board. On behalf of the SDAB, we believe this is an opportunity to further demonstrate your leadership in Municipal Government.

Respectfully submitted for your consideration,

Karen Howley
Chair, SDAB & RDA&RB

BYLAW NO. 3619/A-2019

Being a bylaw of The City of Red Deer, in the Province of Alberta, to amend the Appeal Boards Bylaw of The City of Red Deer.

WHEREAS on March 18, 2019 The City of Red Deer enacted Appeal Boards Bylaw 3619/2019 to establish the Subdivision and Development Appeal Board and the Red Deer Appeal and Review Board.

COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

- I. Bylaw 3619/2019 is amended as follows:
 - (a) Section 8 is deleted in its entirety and replaced with:

“8. (I) Each Board consists of five Members as follows:

 - (a) 5 Citizen Representatives; and
 - (b) 2 alternate Citizen Representatives.”
2. This bylaw comes into effect on October 28, 2019.

READ A FIRST TIME IN OPEN COUNCIL this	day of	2019.
READ A SECOND TIME IN OPEN COUNCIL this	day of	2019.
READ A THIRD TIME IN OPEN COUNCIL this	day of	2019.
AND SIGNED BY THE MAYOR AND CITY CLERK this	day of	2019.

MAYOR

CITY CLERK

BYLAW NO. 3619/2019

Being a bylaw of The City of Red Deer to establish the Appeal Boards.

COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

**PART I
PROVISIONS APPLICABLE TO BOTH APPEAL BOARDS**

Short Title

- I. The short title of this bylaw is “The Appeal Boards Bylaw”.

Interpretation

2. The headings in this bylaw are for reference purposes only.
3. References to enactments and bylaws in this bylaw include amendment and replacement enactments and bylaws, and regulations and orders made in accordance with them.

Definitions

4. (I) In this bylaw:
 - (a) “Advisory Committee” is a subcommittee of the Board and meets as necessary.
 - (b) “Appellant” means a person who has served a written Notice of Appeal as set out in the Municipal Government Act or subordinate legislation or authorized person acting on behalf of the Appellant.
 - (c) “Applicant” means a person who made the initial application upon which an appeal is based or authorized person acting on behalf of the Applicant.
 - (d) “Board” means either the Subdivision and Development Appeal Board or Red Deer Appeal and Review Board as established by Council, and in a section of this bylaw relating to a specific Board, means that specific Board.
 - (e) ‘Chief Elected Official’ means the Mayor for the City of Red Deer.
 - (f) “Citizen Representative” means a person appointed by Council who does not represent a specific organization;

- (g) “Designated Officer” means the designated officer appointed as the Clerk of the Subdivision and Development Appeal Board in accordance with section 627.1 of the MGA.
- (h) “Member” means a member of the Board;
- (i) “MGA” means the Municipal Government Act of Alberta, RSA 2000, Ch. M-26, as amended; and
- (j) “Resident” means a resident of the City of Red Deer;

Establishment of Boards

- 5. (1) The following Boards are established:
 - (a) Red Deer Appeal and Review Board; and
 - (b) Subdivision and Development Appeal Board.

Advisory Committees

- 6. (1) The Boards may act as an Advisory Committee for the purpose of collaborating with the Designated Officer on all matters affecting the Board including but not limited to:
 - (a) Board Member attendance at hearings;
 - (b) Developing policies regarding Board matters;
 - (c) Monitoring and evaluating Board performance.
- (2) When meeting in an advisory capacity, the Board shall convene and keep minutes as an Advisory Committee and the quorum and voting requirements in this Bylaw apply.

Conduct and Procedures

- 7. (1) The conduct of Members and the procedures of the Board will be in accordance with:
 - (a) The express provisions of the MGA and related regulations;

- (b) Principles of natural justice and procedural fairness; and
- (c) Policies and procedures of the Board.

Membership

~~8. (1) Each Board consists of five Members as follows:~~

- ~~(a) One Council Representative;~~
- ~~(b) Four Citizen Representatives;~~
- ~~(c) One alternate Council Representative; and~~
- ~~(d) One alternate Citizen Representative.~~

8. (1) Each Board consists of five Members as follows:

- (a) 5 Citizen Representatives; and
- (b) 2 alternate Citizen Representatives.

Quorum

- 9. (1) Quorum is a majority of Members.
- (2) The Board must not sit in even numbered panels.
- (3) The majority decision constitutes the decision of the Board.

Appointments

- 10. (1) In selecting Members, preference may be given to local residents; however, it is also recognized that non-residents who own property or have a business in the City also have a stake in the community.
- (2) Former Members, former Council Members, and former City employees may apply for appointment for either Board after a two year hiatus from that capacity, with exceptions to be made at the discretion of Council.
- (3) The Chief Elected Official is not a Member of the Board unless specifically appointed under this bylaw.

- (4) All Members are appointed for three-year terms and serve on hearings for appeals and/or reviews filed during their term.
- (5) Where a Board position is left vacant for any reason, Council may appoint a replacement for the remainder of that term. Council may also alter the terms of appointment of any Member.
- (6) A Member may be re-appointed to a Board at the expiration of the Member's term but may not serve more than two consecutive terms, with exceptions to be made at the discretion of Council;
- (7) A Member may resign from a Board at any time by giving written notice to the Designated Officer.
- (8) Council may remove any Member from a Board for cause or misconduct on the recommendation of the Designated Officer.

Hearings

- 11. (1) Hearings will be held at such time and place as determined by the Board.
- (2) Public notice of a Board hearing will be given in the manner provided for in the MGA and subordinate legislation.
- (3) The proceedings of the Board must be conducted in public. However, the Board may close to the public portions of a hearing in accordance with the MGA, the Freedom of Information and Protection of Privacy Act, and Policies of the Board.
- (4) The Board may deliberate and make its decisions in meetings closed to the public.

Chair and Vice Chair

- 12. (1) The Chair and Vice Chair will be:
 - (a) Chosen annually from among Members;
 - (b) The Chair will preside over and be responsible for the conduct of hearings. If the Chair is unable to perform the Chair's duties, the Vice Chair will perform them.
 - (c) Notwithstanding the above, the Chair may in his discretion delegate role of presiding over the conduct of a hearing to another Member.

Designated Officer

13. (1) The Designated Officer shall assign Members to hearings. Any Member assigned to and absent from three consecutive hearings to which the Member has been assigned, unless such absence is authorized by resolution of the Advisory Committee, will automatically forfeit his/her membership as of the date of the third consecutive hearing.
- (2) The Designated Officer may, at the request of the Chair sign orders, decisions and documents issued by the Board.
- (3) The Designated Officer may, at the request of the Chair sign documents issued by the Advisory Committee.
- (4) The Designated Officer will issue instructions to independent legal counsel for the Boards when required.

Remuneration

14. (1) Remuneration for Members and reimbursement of expenses, if any, will be set out in 'Schedule A'.

Fees

15. (1) Filing Fees payable by Applicants and/or Appellants will be set out in 'Schedule B'.
- (2) Fees and charges will be set out in 'Schedule B'.

PART II
RED DEER APPEAL AND REVIEW BOARD

16. (1) The functions and duties of the Red Deer Appeal and Review Board is to hear and to make decisions on appeals for which it is responsible under any City bylaw and in particular, arising under the following bylaws:
- (a) Alarm Bylaw;
 - (b) Business License Bylaw;
 - (c) Chicken Bylaw;
 - (d) Dog Bylaw;
 - (e) Escort Services Bylaw;
 - (f) Firearms Bylaw;
 - (g) Land Use Bylaw;
 - (h) Limousine and Sedan Bylaw;
 - (i) Taxi Bylaw;
 - (j) Utility Bylaw.
- (2) When the Board receives an appeal where the enabling bylaw is silent as to the Board's authority, the Board may confirm, deny or vary the thing being appealed.

Delegation of Authority

17. (1) In addition, under s. 203(1) of the MGA, the Board is given the authority and shall exercise the power of Council in respect of applications for review arising under s. 547 of the MGA
- (2) Where in the opinion of the Board, a Request to Review under section 547 of the MGA involves a matter of significant public policy to The City of Red Deer, the Board may refer the review to Council.

Filing an Appeal or Review

18. (1) An appeal or a review is commenced by mailing or delivering to the Designated Officer of the Board a Notice of Appeal or a Request to Review in the form established by the Board from time to time, with the applicable fee.

- (2) The Notice of Appeal or Request to Review must be received by the Designated Officer within the time frames set out in the MGA, the bylaw or thing that is being appealed. Where there is no time frame set out, the Notice of Appeal must be received within fourteen (14) days of the date the Appellant was notified of the issue to which an appeal is sought.

PART III
SUBDIVISION AND DEVELOPMENT APPEAL BOARD

Functions and Duties

19. (1) The Subdivision and Development Appeal Board will perform the functions and duties of a subdivision and development appeal board in accordance with the MGA.

Training

20. (1) Members will meet the training requirements set out in the MGA to be qualified to participate in a hearing.

Designated Officer

21. (1) The Legislative Services Manager is the Designated Officer of the Board, and has the duties as set out in the MGA and this Bylaw.
- (2) The Designated Officer will meet the training requirements set out in the MGA and will perform the duties and functions as set out in the MGA.
- (3) A subdivision or development appeal is commenced by mailing or delivering to the Designated Officer a Notice of Appeal in the form established by the Board from time to time, within the time specified in the MGA with the applicable fee.

PART IV**Repeal**

22. (I) Bylaw 3487/2012 is repealed.

Transitional

23. (I) Board Members holding office at the date this bylaw comes into full force shall continue to hold office until the expiry of their terms in accordance with their appointment under the Appeal Boards Bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 18 day of March 2019.

READ A SECOND TIME IN OPEN COUNCIL this 18 day of March 2019.

READ A THIRD TIME IN OPEN COUNCIL this day of 2019.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2019.

MAYOR

CITY CLERK

SCHEDULE A

REMUNERATION

- I. Members receive the following remuneration when attending hearings and legislated training.

Up to 3 hours	3 to 6 hours	Over 6 hours
104.00	203.00	267.00

These amounts will increase to match the percentage salary increase granted to management staff, rounded up to the next dollar. (current as July 2017)

2. Members will be reimbursed for mileage when attending legislated training outside of the City of Red Deer, in accordance with The City's Expenses and Remuneration Policy.

SCHEDULE B

FEES:

1. Filing Fee: Seventy-Five (\$75.00) dollars
2. When required by the Board to be advertised: Seventy-Five (\$75.00) dollars
3. There is no fee for applications of the Red Deer Appeal and Review Board for a Review arising under s. 547 of the MGA.
4. Where a person may be affected by a subdivision or development but does not have a legal or equitable claim in the site, or is not the agent of the person having such interest: there is no fee.
5. Fees may be waived or refunded at the discretion of the Designated Officer.

CHARGES:

The following charges apply:

1. copy of the audio recording from a hearing: \$20 / each piece of digital equipment
2. transcript of the audio from a hearing: actual costs incurred
3. photocopies:

Black and white:	\$0.25/page
Color	\$0.35/page



Council Decision – August 19, 2019

DATE: August 22, 2019
TO: Samantha Rodwell, Deputy City Clerk
FROM: Frieda McDougall, Legislative Services Manager
SUBJECT: Appeal Boards Bylaw 3619/A-2019

Reference Report:

Legislative Service, dated July 19, 2019

Bylaw Reading:

At the Monday, August 19, 2019 Regular Council Meeting, Council gave first reading to the following Bylaw:

Bylaw 3619/A-2019- a bylaw to amend the Appeal Boards Bylaw to change the board membership.

Report back to Council:

Yes.

Comments/Further Action:

This bylaw will come for consideration of second and third reading at the Monday, September 3, 2019 Council Meeting.

A handwritten signature in blue ink that reads 'Rodwell'.

for Frieda McDougall
Manager

- c. Director of Corporate Services
Appeals Coordinator
Corporate Meeting Administrator



August 2, 2019

Emergency Services Department Fireworks Bylaw 3626/2019

Consideration of First Reading of Bylaw

Emergency Services

Report Summary & Recommendation:

In May of 2019, the *National Fire Code - 2019 Alberta Edition* replaced the previous *Alberta Fire Code*. The intent of this new code was to harmonize the provincial fire regulations with the federal fire regulations. However, while the *Alberta Fire Code* regulated consumer fireworks and was enforced by the City's Fire Safety Codes Officers, the *National Fire Code* does not regulate consumer fireworks and so cannot be enforced by the City. This means that Alberta municipalities must enact a bylaw if they wish to continue to regulate and enforce fireworks.

At the Monday July 8th, 2019 Regular Council meeting, Council directed administration to prepare a bylaw that restricts the sale and use of fireworks and replicates the practices that have been in place in Red Deer for the past 35 years.

The attached Fireworks Bylaw 3626/2019 (the "Bylaw") has been prepared to reflect the direction made by Council on July 8th, 2019 and we recommend that Council approve 1st reading.

The proposed Bylaw does not ban all fireworks use within the City. It ensures that fireworks are used safely and responsibly by qualified persons. The proposed Bylaw has been simplified and updated.

Proposed Resolution

That Bylaw 3626/2019 be read a first time.



Report Details

Background:

Why is a bylaw required?

The manufacture, import, sale and use of fireworks is regulated by the federal *Explosives Act*. The fireworks that are regulated include fireworks used by professionals for events such as Canada Day or New Year's celebrations (display fireworks), fireworks used for stage shows and movies (pyrotechnics) as well as fireworks that are intended to be used for the private enjoyment of individuals (known as consumer fireworks but sometimes called family fireworks).

The *Explosives Act* is enforced by Federal Explosives Inspectors, not by the City. There are currently two inspectors assigned to an area that includes British Columbia, Alberta and the Northwest Territories. The Federal Explosives Inspectors generally do not respond to complaints regarding consumer fireworks, as their primary function is to deal with high hazard fireworks. The expectation, at the federal level, is that consumer fireworks should be regulated and enforced across Canada at a local level by individual municipalities.

For the past 35 years, the City has relied on the province's regulation of fireworks under the *Alberta Fire Code*, and has used its Fire Safety Code Officers for enforcement of the *Alberta Fire Code*. In May of 2019 the provincial regulation switched from the *Alberta Fire Code* to the *National Fire Code - 2019 Alberta Edition*. The reason for the switch was to harmonize the provincial fire regulations with federal fire regulations.

However, the switch in fire codes left the City without any consumer fireworks regulations to enforce. The City cannot enforce the federal *Explosives Act*, and the new fire code, the *National Fire Code - 2019 Alberta Edition*, no longer regulates consumer fireworks. If the City wishes to regulate fireworks in the same manner as it has done in the last 35 years, the City needs to pass a bylaw that regulates the sale and use of consumer fireworks. As the proposed bylaw is outside of the *Safety Codes Act*, it would be enforced by Bylaw Officers, not Fire Safety Code Officers.

Consumer Fireworks

Due to the explosive nature of fireworks, which elevates the risk of personal injury and damage to property, Emergency Services' past practice has prohibited the use of consumer fireworks apart from a permit. It is recommended that the City continue to regulate consumer fireworks in this manner, with an exception for the sale and use of sparklers that now, do not require a permit for consumer use.

Discussion:

On July 8th, 2019 Emergency Services presented 3 options to Council for direction, Council passed the following resolution:



Resolved that Council of The City of Red Deer having considered the report from Emergency Services dated June 24, 2019 re: Regulating Fireworks in Red Deer Discussion and Request for Direction from Council hereby endorses Option 3 (Restrict Sale and Use – replicate the practices that were in place in Red Deer for the previous 35 years (Fireworks bylaw and local enforcement). and directs Administration to prepare a bylaw that supports the intent of the option.

Following is a general description of the key components of the proposed Bylaw, and the impact of each.

Regulatory body:

The Bylaw will allow the City to regulate the sale and use of fireworks to Certified Fireworks Operators.

Enforcement:

The Bylaw will allow the City to regulate the use of fireworks which including safety plans for review and enforcement for non-compliance.

Schedule 'B' Fines for the City of Red Deer Bylaw 3626/2019 consistently fall within or under the parameters for fines as compared to other Alberta municipalities. See Appendix A.

Public Safety:

The Bylaw will help in keeping citizens safe by not allowing indiscriminate use of fireworks at any time. Fireworks will only occur in approved locations with proper fallout zones for public safety.

Consultation:

Red Deer Emergency Services (RDES) has promoted dialogue with the Canadian National Fireworks Association (CNFA) who advocate for the use of consumer fireworks by the general public. RDES has also engaged in conversations with the Fire Marshals Guild of Alberta including the City's municipal counterparts such as Medicine Hat, Airdrie, Sylvan Lake and Red Deer County.

Awareness of the City's intent to create a bylaw has arisen in the local media and has been displayed on the City's social media platform. Citizen concern letters have been received and answered in regards to safety and a bylaw.

Sale of fireworks:

The Bylaw will prohibit the sale of fireworks within the City.

Use of Fireworks:

Consumer fireworks can be used with a permit that ensures responsible use by a qualified person. This Bylaw would allow a certified fireworks operator to apply for events such as, but not limited to, weddings, anniversaries, and cultural events.



The City expects that a fireworks permit will be issued 2 business days after the City receives a completed fireworks permit application form.

Under the former *Alberta Fire Code*, fireworks were restricted in City limits at all times and could only be used with a permit. A bylaw was not necessary at that time as all fireworks were provincially regulated under the *Alberta Fire Code* which was enforced by the City using Safety Code Officers in the Fire Discipline.

Administration has followed Council's direction and has exempted sparklers from requiring a permit.

The Bylaw has been simplified, updated and is consistent with Council's direction.

A FAQ has been developed and prepared in consultation with Communications & Strategic Planning.

Recommendation:

It is recommended that Council give first reading to the attached *Fireworks Bylaw 3626/2019* which reflects Council's direction to prepare a bylaw that follows the intent of option #3 to restrict the sale and use of fireworks.

Attached:

City of Red Deer Bylaw No. 3626/2019

Appendix A– Municipal comparators of firework bylaw fines

BYLAW NO. 3626/2019

WHEREAS, pursuant to section 7 of the *Municipal Government Act*, RSA 2000, c M-26, a council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property and for any services provided by or on behalf of the municipality;

AND WHEREAS, pursuant to section 8 of the *Municipal Government Act* a council may pass bylaws to regulate or prohibit activities, industries or things and to establish a system of licenses, permit or approvals including the establishment of fees;

AND WHEREAS Council of the City of Red Deer recognizes that fireworks are explosive devices and the sale, possession and use of fireworks by Persons not properly trained and authorized creates an unacceptable risk to life, health, safety and property;

AND WHEREAS Council of the City of Red Deer has deemed it necessary for the safety and well-being of the community to regulate Fireworks within the City of Red Deer;

NOW THEREFORE COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

PART I – TITLE, PURPOSE AND DEFINITIONS**Title**

1. This bylaw may be referred to as the “Fireworks Bylaw”.

Purpose

2. The purpose of this bylaw is to regulate the sale, possession and use of Fireworks within the City for the safety and well-being of the community.

Definitions

3. In this bylaw, unless the context otherwise requires:

- (a) **“Consumer Fireworks”** means fireworks which are designed for recreational use and are classified as low-hazard fireworks within the Explosives Act but does not include sparklers;
- (b) **“Discharge”** means to fire, ignite, explode or set-off or cause to be fired, ignited, exploded or set-off;
- (c) **“Display Fireworks”** means fireworks that are designed for professional use and are classified as high-hazard within the Explosives Act;
- (d) **“Explosives Act”** means the *Explosives Act*, RSC. 1985, c. E-17, as amended;
- (e) **“Fire Ban”** means a prohibition on all burning, including the Discharge of all Fireworks, issued by the City;
- (f) **“Firecracker”** has the same meaning as in the National Fire Code 2019 – Alberta Edition;

- (g) **"Fireworks"** includes Consumer Fireworks, Display Fireworks and Pyrotechnics but does not include Firecrackers;
- (h) **"Fireworks Permit"** means a permit granted by the City Manager pursuant to this bylaw that authorizes the permit holder to possess, store, purchase or Discharge Fireworks within the City;
- (i) **"Fireworks Supervisor"** means a Person who has, at the minimum, a valid and subsiding fireworks operator certificate (display supervisor) issued pursuant to the Explosives Act;
- (j) **"Municipal Tag"** means a document alleging an offence issued pursuant to the authority of a bylaw of the City;
- (k) **"Person"** means an individual or a body corporate and includes a partnership or association unless the context explicitly or by necessary implication otherwise requires;
- (l) **"Prohibited Fireworks"** means Firecrackers and the items included on the most recent list of prohibited fireworks as published from time to time under the Explosives Act;
- (m) **"Provincial Fire Administrator"** means the Person who has authority under the Safety Codes Act to provide written confirmation on behalf of the Province for any matter governed within the fire discipline;
- (n) **"Provincial Offences Procedure Act"** means the *Provincial Offences Procedure Act*, RSA 2000, c P-34, as amended;
- (o) **"Pyrotechnician"** means a Person who has, at the minimum, a valid and subsiding fireworks operator certificate (pyrotechnician) issued pursuant to the Explosives Act;
- (p) **"Pyrotechnics"** has the same meaning as special effects pyrotechnics in the *Explosives Regulations, 2013*, SOR/2013-2011;
- (q) **"Safety Codes Act"** means the *Safety Codes Act*, RSA 2000, c S-1, as amended; and
- (r) **"Violation Ticket"** has the same meaning as in the Provincial Offences Procedure Act, RSA 2000, c P-34, as may be amended.

PART II – REQUIREMENTS

Requirements

- 4. No Person shall sell, display, possess or Discharge any Prohibited Fireworks.
- 5. No Person may possess, store or Discharge Fireworks within the City without a Fireworks Permit.
- 6. No Person shall store, possess or Discharge Fireworks in an unsafe manner or in a manner that creates a nuisance, taking into account the noise, danger of fire and explosion and risk

of death, injury and damage to persons and property inherent in the storage, possession or Discharge of Fireworks.

7. No Person shall Discharge Fireworks on or into any highway, street, lane, park or any other public place within the City unless authorized to do so by a Fireworks Permit.
8. No Person shall display, offer for sale or sell Fireworks within the City.

PART III – FIREWORKS PERMIT

Permit Application

9. Every Person applying for a Fireworks Permit must provide, to the satisfaction of the City Manager:
 - (a) a completed Fireworks Permit application form;
 - (b) name and contact information of the proposed permit holder and confirmation that the proposed permit holder is a Fireworks Supervisor or Pyrotechnician, as applicable;
 - (c) name and contact information of the sponsoring organization, if applicable;
 - (d) written confirmation that the property owner/lessee/agent of the land where the event will occur consents to the Discharge of Fireworks on the land;
 - (e) a description of the Fireworks event and a site plan that includes all information as may be required by the City Manager;
 - (f) the fee in the amount as set out in Schedule “A”;
 - (g) liability insurance in a form and amount acceptable to the City Manager, naming the City as an additional insured;
 - (h) any additional required permits or approvals as determined by the City Manager; and
 - (i) any additional information required by the City Manager.

Issuance of Permit

10. The City Manager shall issue a Fireworks Permit only when all requirements under Section 9 have been met.
11. The City Manager may impose any terms and conditions on a Fireworks Permit as are deemed appropriate or necessary in the circumstances:
 - (a) to ensure compliance with the purpose and intent of this bylaw and any other legal requirements; and
 - (b) to take into consideration safety and environmental matters.

Refusal to Issue, Suspension or Cancellation

12. The City Manager may refuse to issue a Fireworks Permit or suspend or cancel a Fireworks Permit that has been issued, if:

- (a) there is a substantial risk to life, safety or property;
- (b) the requirements of Section 9 have not been met;
- (c) incorrect or insufficient information is submitted with respect to Fireworks Permit;
- (d) there is non-compliance with the Explosives Act or Safety Codes Act;
- (e) there is a contravention of any condition under which the Fireworks Permit was issued;
or
- (f) the Fireworks Permit was issued in error.

13. When the City Manager refuses to issue a Fireworks Permit, the City Manager shall provide written notice to the applicant within 10 calendar days after the application is denied. The notice shall include a statement of the reasons the application was denied.

Fireworks Permit Holder Obligations

14. A Person to which a Fireworks Permit has been issued must:

- (a) comply with the terms and conditions of the Fireworks Permit and any other related permit;
- (b) shall not Discharge Fireworks if there is a Fire Ban in place;
- (c) produce a copy, upon request, of the Fireworks Permit and all applicable fireworks operator certificates at the location of the Fireworks show; and
- (d) immediately notify the City of any change to any information provided to the City.

Fireworks Permit

15. A Fireworks Permit shall expire as per the terms and conditions on the permit.

Fireworks Permit Transfer

16. A Fireworks Permit is not transferable.

PART IV- INSPECTIONS**Inspections**

17. The City Manager may, at any reasonable hour of the day, and without prior notice to the permit holder, conduct an inspection of the event site.

18. In addition to all other rights of inspection granted to the City under any other legislation, the City Manager may:

- (a) require the production, for inspection purposes, of any document or anything relevant to the inspection;
 - (b) remove the document or anything relevant to the inspection for the purpose of making copies;
 - (c) alone or in conjunction with a Person possessing special or expert knowledge, make observations, examine, and review anything that pertains to any permit issued pursuant to this bylaw; and
 - (d) perform an inspection to investigate or respond to a complaint or inquiry.
19. The permit holder shall provide the City with free and clear access to the event site for inspections.
20. The City Manager may request that the permit holder pause or delay the Fireworks part of the event until the inspection is complete.
21. The City shall comply with any safety requirements or personal protection equipment required by the permit holder.
22. The City shall provide the results of the inspection to the permit holder upon written request.

PART V – FEES

Fees

23. The fees payable for any permit issued pursuant to this bylaw, or any other fees within this bylaw, shall be as set out in **Schedule “A”**.

PART VI – OFFENCES AND PENALTIES

Obstruction

24. No Person shall obstruct or hinder another Person in the exercise or performance of their duties or powers pursuant to this bylaw or other applicable legislation.

Offence

25. A Person who contravenes this bylaw, or authorizes or directs another Person to contravene this bylaw, is guilty of an offence.

Vicarious Liability

26. For the purposes of this bylaw, an act or omission by an employee or agent of a Person is deemed also to be an act or omission of the Person if the act or omission occurred in the course of the employee's employment with the Person, or in the course of the agent's exercising the powers or performing the duties on behalf of the Person.

Corporations

27. When a corporation commits an offence under this bylaw, every principal and director 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 has been prosecuted for the offence.

Fines and Penalties

28. Any Person who contravenes any provision of this bylaw is guilty of an offence and is liable, on summary conviction, to the fine set out in Schedule "B".
29. When a penalty is not specified under this bylaw, a Person who is guilty of an offence is liable to a fine not exceeding \$10,000.00.
30. A Person who is found guilty of an offence is liable to the imposition of a penalty for the offence that is in addition to a fine so long as the penalty relates to a fee, cost, rate, toll or charge that is associated with the conduct that gives rise to the offence.
31. If a Person is found guilty of an offence, the court may, in addition to any fine or other penalty imposed, order the Person to comply with this bylaw, a permit, an approval or other authorization issued under this bylaw, or a condition of any of them.

Continuing Offence

32. In the case of an offence that is of a continuing nature, a contravention constitutes an offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine of \$100.00 for each day the offence continues.

Municipal Tag

33. A Municipal Tag may be issued to any Person where there are reasonable and probable grounds to believe the Person has contravened any provision of this bylaw.
34. If a Municipal Tag is issued in respect of an offence the Municipal Tag must specify:
- (a) the name of the Person;
 - (b) the offence;
 - (c) the fine amount;
 - (d) that the fine amount shall be paid within 14 days of the issuance of the Municipal Tag;
and
 - (e) any other information as may be required.

Payment in Lieu of Prosecution

35. Where a Municipal Tag is issued in respect of an offence, the Person to whom the Municipal Tag is issued may, in lieu of being prosecuted for the offence, pay the fine specified within the time period indicated on the Municipal Tag.

Violation Ticket

36. If a Municipal Tag has been issued and if the specified fine has not been paid within the prescribed time, a Violation Ticket may be issued pursuant to the *Provincial Offences Procedure Act*.

37. Despite Section 36, a Violation Ticket may be immediately issued to any Person where there are reasonable and probable grounds to believe that Person has contravened any provision of this bylaw.

38. If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:

- (a) impose the specified penalty established by this bylaw for the offence and permit a Person to make a voluntary payment; or
- (b) require a Person to appear in court without the alternative of making a voluntary payment.

Voluntary Payment

39. A Person who commits an offence and who wishes to plead guilty may:

- (a) if a Violation Ticket has issued in respect of the offence; and
- (b) if the Violation Ticket includes a specified penalty as established by this bylaw for the offence;

plead guilty to the offence by making a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the Violation Ticket, the specified penalty set out on the Violation Ticket.

PART VII – GENERAL

Powers of the City Manager

40. Without restricting any other power, duty or function granted by this bylaw, the City Manager may:

- (a) carry out any inspections to determine compliance with this bylaw;
- (b) take any steps or carry out any actions required to enforce this bylaw;
- (c) take any steps or carry out any actions required to remedy a contravention of this bylaw;
- (d) establish forms for the purposes of this bylaw;
- (e) refund or waive fees;
- (f) waive any application requirements;
- (g) require additional information, revised information, additional fees and/or a new application with respect to a change under Section 14(d);
- (h) alter or revoke the terms and conditions of a permit after it has been issued and approve the extension of the term of a permit;
- (i) impose new terms and conditions in a permit after it has been issued; and

(j) delegate any powers, duties or functions under this bylaw.

Proof of Permit

41. The onus of proving that a permit has been issued in relation to any activity otherwise regulated, restricted or prohibited by this bylaw is on the Person alleging the existence of such a permit.

Proof of Exemption

42. The onus of proving that a Person is exempt from the provisions of this bylaw requiring a permit is on the Person alleging the exemption.

Legal Duty

43. Nothing in this bylaw, including the issuance of a permit, any approval, and any inspections conducted pursuant to this bylaw, relieves a Person from complying with any Federal or Provincial law or regulation, other City bylaw, or any requirement of any lawful permit, approval, order or license.

Effective Date

44. This bylaw comes into force on the day it is passed.

READ A FIRST TIME IN OPEN COUNCIL this day of 2019.

READ A SECOND TIME IN OPEN COUNCIL this day of 2019.

READ A THIRD TIME IN OPEN COUNCIL this day of 2019.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2019.

MAYOR

CITY CLERK

SCHEDULE "A"
FEES

Service	Fee
Per Fireworks Permit	\$58.25
Per inspection of event site	\$116.50
Per inspection of the event site (after hours)	\$233.00

SCHEDULE "B"
FINES

SECTION	DESCRIPTION OF OFFENCE	FIRST OFFENCE	SECOND OFFENCE	THIRD AND SUBSEQUENT OFFENCE
4	Selling, displaying, possessing or Discharging prohibited Fireworks	\$250.00	\$500.00	\$1000.00
5	Discharging Fireworks without a Fireworks Permit	\$250.00	\$500.00	\$1000.00
6	Storage, possession or Discharge of Fireworks in an unsafe manner or manner that creates a nuisance	\$250.00	\$500.00	\$1000.00
7	Discharge of Fireworks on or into a highway, street, lane, park or any other public place	\$500.00	\$1000.00	\$5000.00
8	Unauthorized sale or display of Fireworks	\$250.00	\$500.00	\$1000.00
14(a)	Failure to comply with a Fireworks Permit	\$500.00	\$2,000.00	\$10,000.00

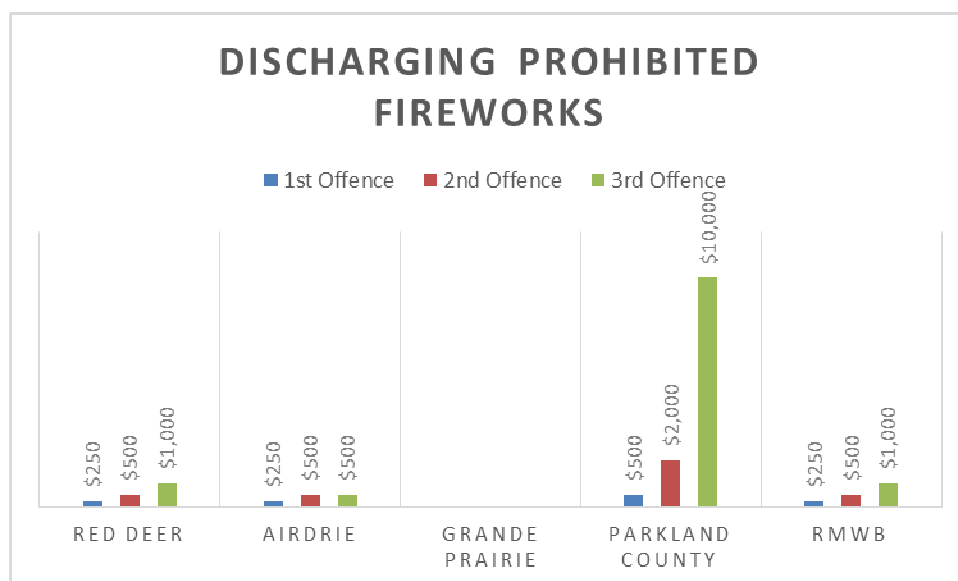
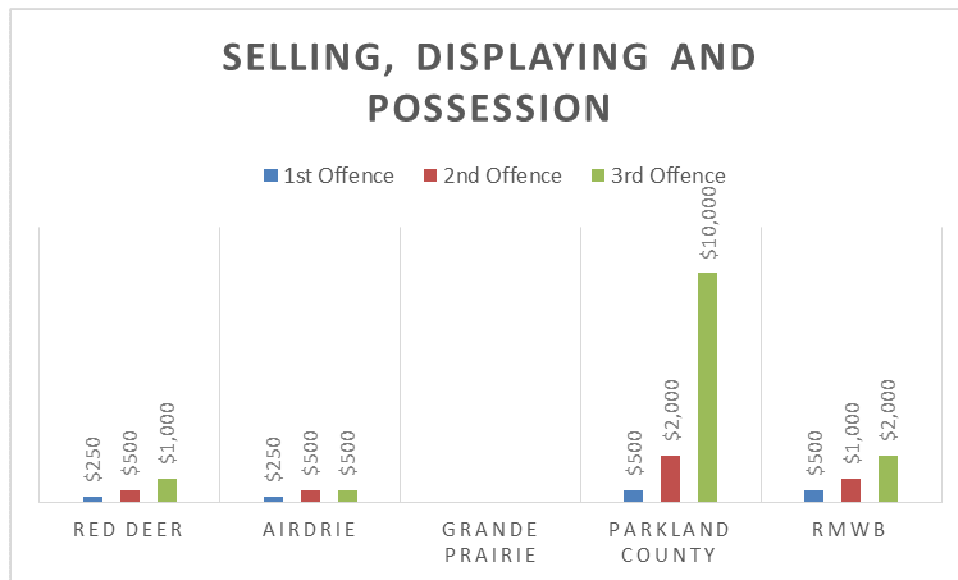


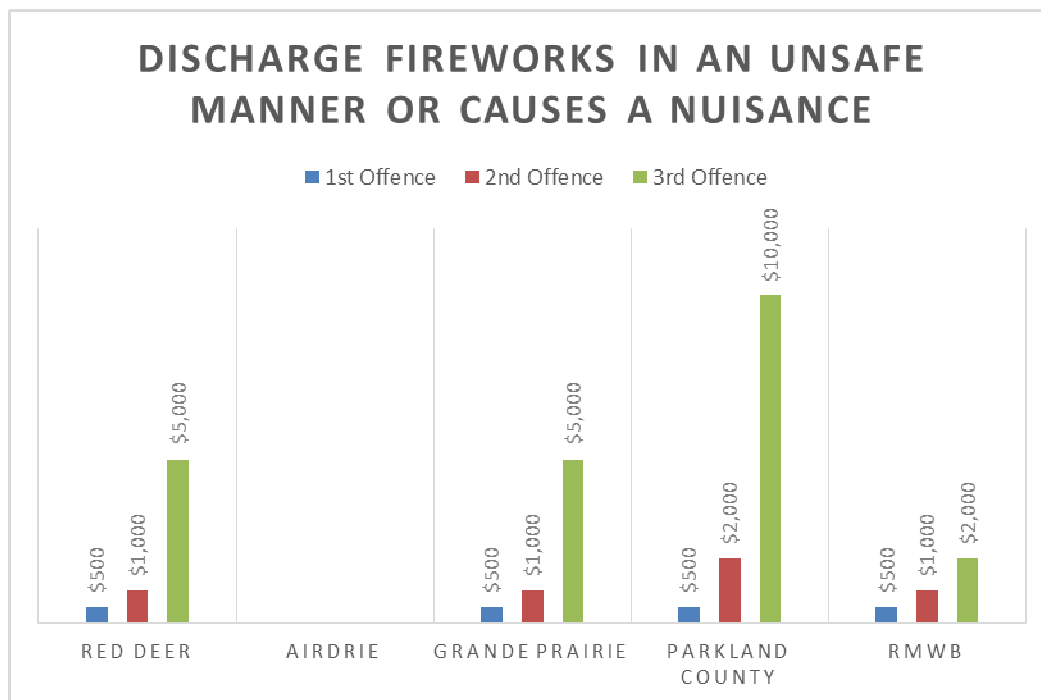
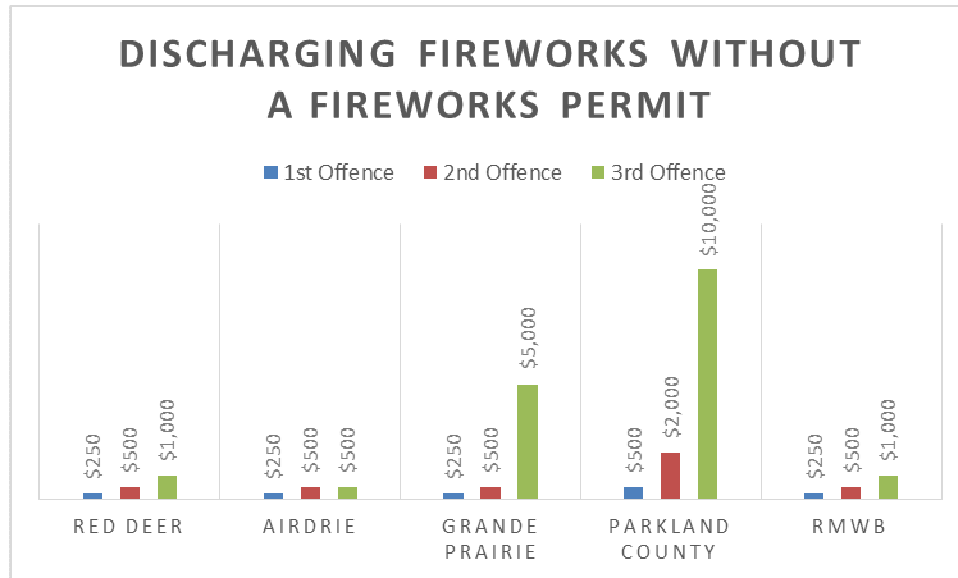
APPENDIX A

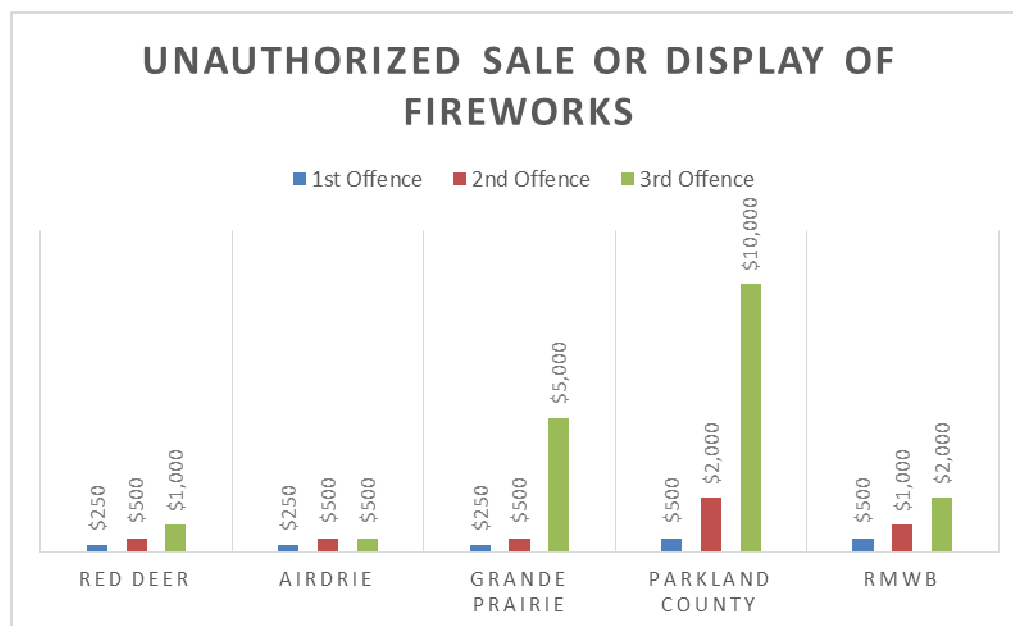
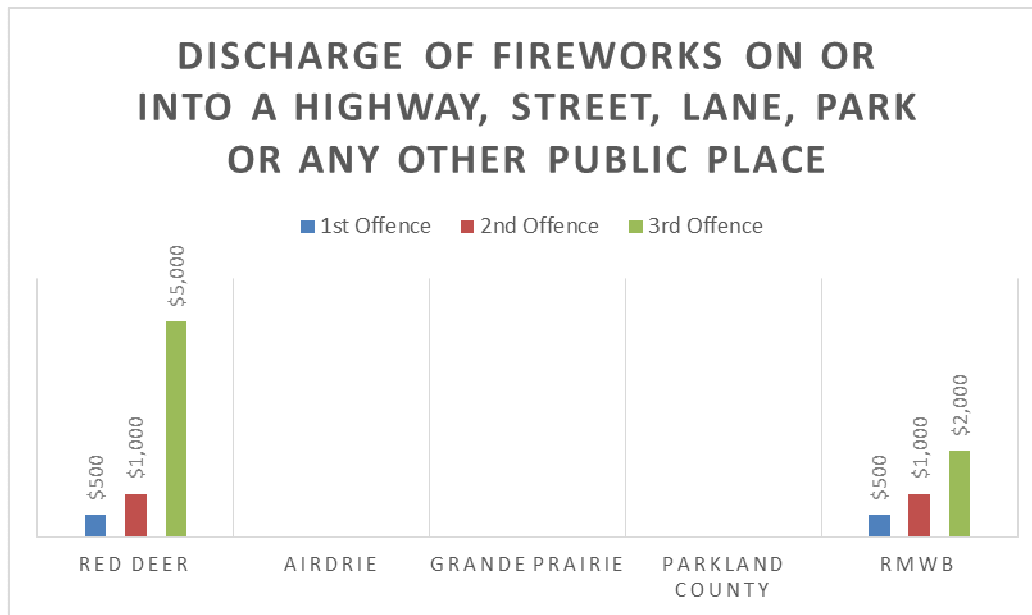
EMERGENCY SERVICES

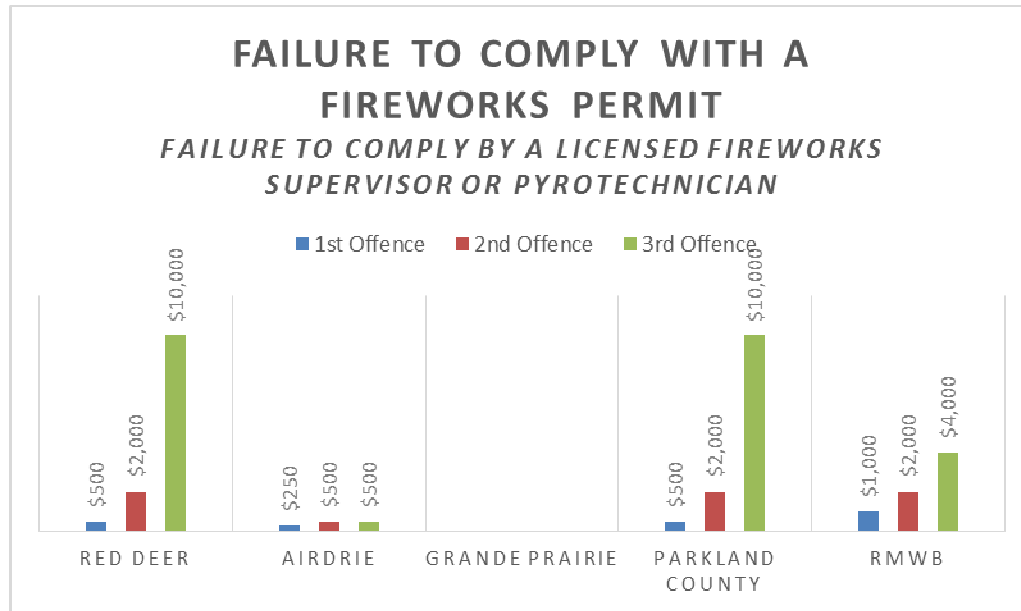
Comparators of fines from firework bylaw from The City of Red Deer, The City of Airdrie, The City of Grande Prairie, Parkland County and the Regional Municipality of Wood Buffalo (RMWB). Limited data is provided as many of these municipalities are still in the process of completing their bylaws for Council's final approval.

The City of Red Deer consistently falls within or under the fine parameters from other municipalities that have a firework bylaw in place.











August 13, 2019

Proposed Fireworks Bylaw 3626/2019

The proposed Fireworks Bylaw is intended to ensure that fireworks are used safely and responsibly by persons with proper education and training relating to the use and sale of explosive materials.

1. Why is a bylaw required?

Since May 2019, The National Fire Code - 2019 Alberta Edition no longer provides regulations for the sale and use of fireworks as previous fire codes did. This means that a bylaw is required to regulate fireworks for the safety of residents.

The fireworks regulation will include display fireworks (used by professionals for events such as Canada Day), pyrotechnics (used for stage shows and movie effects), as well as consumer fireworks used by the public.

2. Why is this bylaw coming to Council?

On July 8, 2019 Emergency Services presented three options to City Council for direction. Council endorsed the option pertaining to the restricted sale and use of fireworks – replicating the practices that were in place in Red Deer for the previous 35 years.

The following information pertains to the proposed Fireworks Bylaw (3626/2019):

Buying and Using Fireworks

3. Does the Fireworks Bylaw put a ban on fireworks?

No. The intent of the proposed Fireworks Bylaw is to ensure that fireworks are used safely and responsibly by qualified persons with proper training.

4. What types of fireworks are allowed?

The following are allowed for use in Red Deer:

- Consumer fireworks (low-hazard): a Fireworks Permit is required and will only be granted to qualified persons as per the Explosives Act.
- Pyrotechnics (Special Effects): a Fireworks Permit is required and will only be granted to qualified persons as per the Explosives Act.
- Display fireworks (high-hazard): a Fireworks Permit is required and will only be granted to qualified persons as per the Explosives Act.



- Sparklers: a permit is not required for private citizens to use sparklers.

Selling Fireworks

5. Are fireworks allowed to be sold?

The sale of fireworks will be prohibited within the City as has been the practice for the past 35 years.

6. Does the public need a permit to use fireworks?

Permits will be required as follows:

- Display Fireworks and Pyrotechnics - A permit to purchase and discharge may be issued to qualified persons as per the Explosives Act for special events (for example: Canada Day, New Years, concerts, etc.)
- Consumer Fireworks - A permit to purchase and discharge may be issued to qualified persons as per the Explosives Act for a special event only (for example: wedding, anniversary, etc.)
- Sparklers - A permit is not required to purchase or discharge sparklers.
- Most permits are issued within two business days.

Permits

7. How do I get a permit?

Requests for a permit can be submitted to Emergency Services - Fire Prevention Bureau at prevention@reddeer.ca.

Every person applying for a Fireworks Permit must provide:

- a completed application as per Natural Resources Canada "Display Fireworks Manual";
- any fees required;
- any additional required permits or approvals;
- any additional information required by The City.

8. Do I need a permit to sell sparklers?

No, a permit is not required to sell sparklers.

9. How much does a permit cost?

The following fees apply when applying for a permit to use fireworks:

Service	Fee
Per permit	\$58.25
Per inspection	\$116.50
Per inspection (after hours)	\$233.00



Safe use, storage and disposal

10. I want to report unsafe or illegal use of fireworks. Who should I contact?

If someone is using fireworks or firecrackers illegally or in an unsafe manner, please report to Red Deer Emergency Services by calling 9-1-1.

11. I have fireworks at home and did not know I was supposed to have a permit. What should I do?

Under the proposed bylaw, you may not store fireworks without a Fireworks Permit. If you have fireworks at home, the most important thing is to ensure they are disposed of safely. Fireworks are explosives and improperly storing fireworks could lead to serious problems in the event of a fire.

Please contact Red Deer Emergency Services at 403-346-5511 to enquire about dropping off your fireworks for safe disposal.

12. What happens if I do not follow the rules?

All reported unsafe or illegal activity with fireworks will be investigated. Education is the preferred means for compliance. Fines may be issued for repeat offenders and serious life safety concerns.

-end-

For more information, please contact:

Wes Van Bavel
Fire Marshal
The City of Red Deer
403-356-2457

Communications & Strategic Planning
The City of Red Deer
403-342-8147



Canadian National Fireworks Association
PO Box 1238
Aldergrove, BC
V4W 2V1

Tel: 604-853-2255
Toll Free: 1-855-652-CNFA (2632)
Fax: 604-852-3469
nationalfireworks.ca

July 23, 2019

Mayor Veer and Members of Council
The City of Red Deer
Box 5008
Red Deer, Alberta T4N 3T4

Re. Red Deer Fireworks By-law

Dear Mayor Veer and Members of Council,

As the leading voice in the fireworks industry, the Canadian National Fireworks Association (CNFA) advocates for its' members through government engagement. CNFA's mission is to promote fair access and safety in the sale and use of fireworks through public education, advocacy with regulators and membership compliance. My name is Perry Logan, Executive Director of the CNFA, and I attended the City Council meeting on July 8th, 2019 on behalf of our organization.

From our understanding, Council has directed Fire Chief McMullen to prepare a fireworks bylaw that endorses Option 3, as presented in your Council package. Option 3, essentially bans the use of federally approved and regulated legal fireworks. In preparation for the Council package, the CNFA collaborated with Chief McMullen to develop option 2 presented to Council, which would allow consumer fireworks to be used for two holidays and sold for a period of time leading up to each. CNFA has other solutions to offer to Council that can restrict but not ban the use of fireworks within city limits.

Banning any legal product in Canada creates confusion among users and has inherited risks for the jurisdictions who enact such bans. In our experience, banning bylaws do not eliminate the safety concerns of Council nor does it hinder users from accessing products through many means since they are in fact, legal Canadian products. The CNFA has a history of working with municipalities to address specific issues to find a solution that better addresses the concerns of Council. We feel there are industry specific questions we can help clarify by meeting to discuss these concerns.

CNFA requests a meeting with the Red Deer Council in advance of a first reading for your fireworks bylaw. CNFA was directed by City staff to work with Chief McMullen, which we will continue to do, but also believe a meeting can help satisfy your concerns by demonstrating how the association can provide public safety education, retailer certification courses and work with manufacturers on product packaging.



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nationalfireworks.ca

To celebrate this past Canada Day in Red Deer, retailers sold over 20,000 kilograms of firework products to meet consumer demand. Based on industry pricing it created over \$500,000 in new business and up to 3700 firework packages were sold legally within city limits. Our research shows there were no injuries reported.

Additionally, in April, a phone survey conducted in Red Deer indicated that 73% of Red Deer residents believe they should be able to purchase and celebrate with consumer fireworks for special events. In this survey residents were asked if they have ever used consumer fireworks within the city of Red Deer and 63% of the respondents said they had. The demand for regulated use of fireworks was shown through both the means of this survey, and the sales of fireworks over this past Canada Day in Red Deer.

I look forward to the opportunity to meet with you to provide you with the fireworks industry's perspective as it relates to the safe sale and use of fireworks in Canada. I am confident we will provide you and your Council colleagues all information needed to make your final decision. In the meantime, we will continue our conversations with Chief McMullen and assist as necessary.

I am available at your earliest convenience to arrange a time where we can discuss the information presented and I look forward to your response.

Sincerely,

Perry Logan

Perry Logan
Executive Director
Canada National Fireworks Association.



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V4W 2V1

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nationalfireworks.ca

August 16, 2019

Dear Mayor Veer and Members of Council
The City of Red Deer, Box 5008
Red Deer, Alberta T4N 3T4

Dear Mayor Veer and Members of Council,

In response to the first reading of Fireworks Bylaw 3626/2019 on Agenda line 5.2 for the August 19, 2019 Council Meeting, the Canadian National Fireworks Association (CNFA) requests that Council explore alternative solutions to the recommended banning bylaw before you. The CNFA asks that your Council consider allowing for limited and regulated sale and use of consumer fireworks on designated dates throughout the year such as New Year's Eve, Canada Day, Victoria Day, Chinese New Year and Diwali. With help from the CNFA, we believe the City of Red Deer can successfully enact an enforceable bylaw that restricts, but does not ban, the use of consumer fireworks and allows residents to celebrate special holidays safely; contrary to what is presented to you in Fireworks Bylaw 3626/2019.

The CNFA is proposing a bylaw concept that has been successful in many other jurisdictions across Canada. Cities such as Toronto, Ottawa, Vancouver and St. John's all allow for regulated use of consumer fireworks for the general public on certain holidays such as Canada Day, Victoria Day and Halloween. From our experience, we have found there is no "one size fits all" consumer fireworks bylaw. Based on questions we have received in the past, we have provided the following information for your consideration in the regulation of fireworks.

Community Interest

In April, 2019, an independent phone survey conducted in Red Deer indicated that 73% of Red Deer residents believe they should be able to purchase and celebrate with consumer fireworks for special events. In this survey, residents were asked if they have ever used consumer fireworks within the city of Red Deer and 63% of the respondents said yes. Subsequently, in June 2019 the same independent phone survey was conducted province-wide and found that 66% of Alberta residents polled across 16 municipalities believed consumer fireworks should be allowed for purchase and use for specific holidays.

Use of fireworks in your community

Municipalities across Alberta have diverse regulations relating to the sale and use of consumer fireworks; even more so with the recent changes to the Alberta Fire Code. The Association has been proactive in reaching out to municipalities and has found that many are waiting to see what others will do in order to set the standard for regulating the fireworks industry. That being said, the City of Edmonton already allows retail firework sales year-round. Plus, Edmonton residents



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can discharge consumer fireworks within city limits without being a “qualified professional” by obtaining a permit from the City.

Determining when fireworks should be used depends on the specific celebratory traditions of the community. For example, Toronto allows for year-round sales of consumer fireworks and allows open use on Canada Day, Victoria Day and Diwali. The rest of the year, the City requires consumers to obtain a permit. In Vancouver, residents use consumer fireworks to celebrate Halloween and can purchase them the week leading up to October 31st.

Sale of fireworks in your community

Another example is the City of Brampton that, with the help of the CNFA, created a bylaw in 2016 that is very similar to our proposal to your Council. Brampton allows the sale of fireworks on four occasions per year (Canada Day, Victoria Day, New Year’s Eve and Diwali) with seven days of retail sales leading up to each holiday. Fireworks can only be discharged on the designated celebratory dates themselves. The bylaw includes the time restriction of 11pm and the distance of firing radius cannot exceed ten feet. Based on the City’s concerns that some firework products available in the city required setback distances that exceeded the majority of residential lot sizes, the CNFA worked with members to provide specific products to meet smaller lot size needs in order to keep from a complete ban. Family packs with height restrictions are the only consumer fireworks available for purchase and use within the City of Brampton and this example could be replicated in the City of Red Deer.

Like most Canadians, Alberta residents enjoy celebrating with fireworks and will continue to find sources to purchase products. Allowing for local sales of consumer fireworks by reputable retailers creates opportunities for the City and the CNFA to work together to ensure safe sales and use. Otherwise, residents who wish to use fireworks will continue to purchase their products online, on First Nations reserves or in other municipalities across the province, where you cannot ensure federally-authorized products are being sold and used safely in your community.

Safety Education

The CNFA can also assist the City in ensuring retailers are properly equipped to practise the safe sale of fireworks. In Vancouver the CNFA has been hosting vendor workshops for the past several years where retailers are educated on federal and municipal regulations relating to the storage, transportation, display, sale and use of consumer fireworks. Participants of the workshop receive a certificate recognized by the Vancouver Fire Department to be displayed in their stores. Your Council could mandate participation in this type of workshop as a condition of their business license. The CNFA can provide our workshop presentation for you and your Council’s review.

The CNFA has also worked closely with the City of Vancouver to promote fireworks safety education in the annual Halloween safety press conference put on by their Police and Fire



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Departments, where the CNFA responds to media inquiries about fireworks products and the industry. The Vancouver Fire Department also uses a checklist created by the Association during their site visits to retail stores to ensure adherence to regulations. These are educational resources that the CNFA could also provide to the City of Red Deer.

The CNFA follows guidelines set by the Canadian Safety Council and support their assertion that injuries from fireworks come primarily from improper handling and a disregard to safety and product guidelines. Our role is to ensure retailers and consumers have access to proper training and education to minimize any risks.

Economic Impact

Economic impact for a community is another key factor to consider. Consumer firework sales exceeded \$450 million in Canada in 2017 and during Canada Day, Red Deer citizens purchased over \$500,000 of fireworks products. We estimate that per consumer, the average amount of products purchased was \$333.00 for Canada Day celebrations. There were no serious injuries or property damage reported during that time period.

We ask that you consider the facts put forward by the CNFA in this letter before approving an essential ban on consumer fireworks in the City of Red Deer. Using the City of Brampton's fireworks bylaw as a model to give direction to your Council could be an encompassing approach to satisfying the expressed concerns of setback distances and small lot sizes.

The CNFA has worked very hard over the past several years to become a valued partner of Councils and Fire Departments across the province and we believe we can further strengthen this partnership, if given the opportunity. The CNFA understands it has a responsibility to provide vast amounts of safety education on multiple levels in order to maximize safety and enjoyment of the general public and we take that seriously as an association.

We ask that your Council allow us to continue to work with Chief McMullen to develop a bylaw that supports our outlined recommendations as directed by your Council.

Sincerely,

Perry Logan
Executive Director
Canadian National Fireworks Association



Council Decision – August 19, 2019

DATE: August 22, 2019
TO: Ken McMullen, Emergency Services Manager
FROM: Frieda McDougall, Legislative Services Manager
SUBJECT: Fireworks Bylaw 3626/2019

Reference Report:

Emergency Services, dated August 2, 2019

Bylaw Reading:

At the Monday, August 19, 2019 Regular Council Meeting, Council gave first reading to the following Bylaw:

Bylaw 3626/2019 – a bylaw to regulate the sale, possession and use of Fireworks within the city for the safety and well-being of the community.

Resolutions:

At the Monday, August 19, 2019 Council Meeting, the following resolutions were introduced:

Resolved that Council of The City of Red Deer having considered Fireworks Bylaw 3626/2019 hereby directs administration bring back potential amendments on the following at second reading:

- Section 3(h) to add location criteria and principles in determining acceptable locations within the city of Red Deer for the discharge of fireworks in accordance with Fireworks Bylaw 3626/2019.

Resolved that Council of The City of Red Deer having considered Fireworks Bylaw 3626/2019 hereby directs administration bring back potential amendments on the following at second reading:

- Schedule B - Failure to comply with a Fireworks permit by deleting "\$10,000.00" and replacing with "\$5,000.00"

Report back to Council:

Yes.

Comments/Further Action:

This bylaw will come for consideration of second and third reading at the Monday, September 3, 2019 Council Meeting.



for

Frieda McDougall
Manager

- c. Director of Protective Services
Corporate Meeting Administrator



Council Decision – August 19, 2019

DATE: August 22, 2019
TO: Kristy Svoboda, Director of Human Resources
FROM: Frieda McDougall, Legislative Services Manager
SUBJECT: Human Resource Matter

Reference Report:

Legislative Services, dated June 24, 2019

Resolution:

At the Monday, August 19, 2019 Regular Council Meeting, Council passed the following Resolutions:

Resolved that Council of The City of Red Deer hereby agrees to add consideration of a Human Resource Matter – FOIP 24(1)(b)(i) – Advice from Officials as discussed In Camera, to the August 19, 2019 City Council Agenda.

Resolved that Council of The City of Red Deer having considered Human Resource Matter – FOIP 24(1)(b)(i) – Advice from Officials hereby endorses the revised recommendation as discussed in camera and agrees that the contents of the report will remain confidential as protected by the Freedom of Information and Protection of Privacy Act, Section 24(1)(b)(i).

Report back to Council:

Yes.

Comments/Further Action:

No.

A handwritten signature in blue ink, appearing to read 'Frieda McDougall'.

for Frieda McDougall
Manager