

## BYLAW 3-2014

### **A BYLAW OF STRATHCONA COUNTY IN THE PROVINCE OF ALBERTA TO PROHIBIT THE DISCHARGE AND USE OF FIREARMS AND WEAPONS WITHIN DESIGNATED AREAS OF STRATHCONA COUNTY.**

WHEREAS the *Municipal Government Act*, R.S.A. 2000, c. M-26, provides that a Council of a municipality may pass bylaws respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS the *Municipal Government Act* provides that a Council of a municipality may pass bylaws respecting people, activities and things in, on or near a public place or place that is open to the public;

AND WHEREAS the *Municipal Government Act* provides that a Council of a municipality may pass bylaws respecting the enforcement of bylaws made under the *Municipal Government Act* or any other enactment including any or all of the matters listed therein;

NOW THEREFORE THE COUNCIL OF STRATHCONA COUNTY in the Province of Alberta, duly assembled, enacts as follows:

#### **SECTION 1 - SHORT TITLE**

1. This Bylaw may be cited as "The Firearm Control Bylaw".

#### **SECTION 2 - DEFINITIONS**

2. In this Bylaw:
  - 2.1 **"Council"** means the Council of Strathcona County;
  - 2.2 **"County"** means Strathcona County;
  - 2.3 **"County Bylaw Enforcement Officer"** means a person appointed as such by the Chief Commissioner pursuant to the *Municipal Government Act*, to enforce the County Bylaws, and includes a member of the Royal Canadian Mounted Police and, when authorized, a Peace Officer.
  - 2.4 **"County Land Use Bylaw"** means Strathcona County Land Use Bylaw 8-2001 as amended or replaced from time to time;
  - 2.5 **"County Pest Inspector"** means a person appointed as such by the Chief Commissioner pursuant to the *Agricultural Pests Act*, R.S.A 2000, c. A-8;
  - 2.6 **"Damage Control Licence"** means a licence issued by a Fish and Wildlife Division district office, provided to qualified personnel that

provide legal authority to hunt or trap nuisance wildlife in an attempt to minimize damage to private property.

- 2.7 **"Firearm"** means a Firearm as defined in the *Criminal Code of Canada*, R.S.C. 1985, c. C-46, as amended or repealed and replaced from time to time;
- 2.8 **"Firearm Discharge Licence"** means a licence issued by a County Pest Inspector to allow a Person to control Problem Wildlife on their private property;
- 2.9 **"Muzzle Loading Rifle"** means a rifled bore or smooth bore firearm designed to be loaded from the muzzle and uses black powder or pyrodex as a propellant;
- 2.10 **"Problem Wildlife"** means any bird or animal that is defined as wildlife in the *Wildlife Act*, RSA 2000, c. W-10, as revised from time to time, and which is destroying or harming or is likely to destroy or harm any land, livestock or property within the County;
- 2.11 **"Rural Hamlet Boundaries"** means the area defined within the Strathcona Rural Hamlet Boundaries Bylaw 40-2009 of Antler Lake, Ardrossan, Collingwood Cove, Half Moon Lake, Hastings Lake, Josephburg, North Cooking Lake and South Cooking Lake;
- 2.12 **"Shotgun"** means a smooth bore or rifled bore firearm designed to fire pellets or slugs;
- 2.13 **"Special Control Area"** means all that certain area located within the following described boundaries, which said area is outlined in red on Schedule "A", attached hereto and forming part of this Bylaw:

Commencing at the North Saskatchewan River at the North West corner of Section 26-53-23-W4, thence east a distance of two miles to the North West corner of Section 30-53-22-W4, thence south along Highway 21 a distance of three miles to Highway 16, thence east along Highway 16 a distance of six miles to the North West corner of Section 7-53-21-W4, thence south a distance of eight miles to the North West corner of Section 31-51-21-W4, thence west a distance of two miles to the North West corner of Section 35-51-22-W4, thence south a distance of approximately two and one-half miles to Highway 14, thence westerly along Highway 14 a distance of approximately eight miles to the South West corner of Section 4-52-23-W4, thence north along Highway 14 a distance of four miles to the North West corner of Section 21-52-23-W4, thence westerly along Highway 14 a distance of approximately two miles to the municipal boundary of the City of Edmonton, thence

north along the municipal boundary of the City of Edmonton a distance of approximately one and one-half miles to the North West corner of Section 31-52-23-W4, thence west along Highway 16A a distance of approximately one-half miles to the municipal boundary of the City of Edmonton, thence north along the municipal boundary of the City of Edmonton a distance of approximately one and one-half miles to the North Saskatchewan River, thence northerly along the North Saskatchewan River a distance of approximately three miles to Highway 16, thence east along Highway 16 a distance of approximately three miles to the North West corner of Section 11-53-23-W4, thence north along the municipal boundary of the City of Edmonton a distance, of three miles to the point of commencement;

- 2.14 **"Urban Service Area"** means that area within the boundaries of the Hamlet of Sherwood Park as declared by Ministerial Order No. 761/95 dated December 6, 1995, or as expanded by Ministerial Order or by Bylaw or resolution of Council from time to time.
- 2.15 **"Weapon"** means any device other than a firearm that propels a projectile by means of an explosion, spring, air, gas, string, wire or elastic material or any combination of those things.

### **SECTION 3 –EXEMPTIONS**

3. This Bylaw shall not apply to:

- 3.1 A County Pest Inspector or County Bylaw Enforcement Officer appointed by Council, who may be required to use or discharge a Firearm or Weapon in the operation of their duties as such Inspector or Bylaw Enforcement Officer;
- 3.2 A person who uses or discharges a Firearm or a Weapon at a shooting range or gun club or any similar facility which is designed and operated in accordance with the County Land Use Bylaw and all federal, provincial and municipal laws and regulations.

### **SECTION 4 –DISCHARGE LICENCE**

- 4.1 An Owner or Occupant may apply for a Firearm Discharge Licence in person to a County Pest Inspector.
- 4.2 Upon receipt of an application for a Firearm Discharge Licence, a County Pest Inspector will inspect the property where the applicant intends to discharge the Firearm or Weapon.

- 4.3 Upon completion of the inspection, the County Pest Inspector may, in his sole and absolute discretion grant a Firearm Discharge Licence or grant a Firearm Discharge Licence upon such additional terms and conditions as the County Pest Inspector deems necessary to ensure the proper control of Problem Wildlife.
- 4.4 A County Pest Inspector may refuse to grant a Firearm Discharge Licence if the applicant:
  - 4.4.1 free-ranges poultry;
  - 4.4.2 does not take all other reasonable measures to manage Problem Wildlife;
  - 4.4.3 does not have a Damage Control Licence when one is required.
- 4.5 A Firearm Discharge Licence shall not be transferable.
- 4.6 Firearm Discharge Licences issued pursuant to this Bylaw are valid for such period of time as shall be determined and set by the County Pest Inspector and the Firearm Discharge Licence shall have endorsed thereon the period of time for which the said Licence is valid.
- 4.7 A County Pest Inspector, in his sole and absolute discretion, may terminate, suspend or cancel a Firearm Control Licence at any time.

## **SECTION 5 –OFFENCES**

- 5.1 No person shall use or discharge a Firearm or a Weapon on any land owned by the County.
- 5.2 No person shall use or discharge a Firearm within the Urban Service Area, the Rural Hamlet Boundaries Area and/or the Special Control Area except as follows:
  - 5.2.1 A person may use or discharge or cause to be used or discharged a Shotgun on land owned or leased by them pursuant to and as the holder of a valid and subsisting Firearm Discharge License, issued by a County Pest Inspector to control Problem Wildlife.
  - 5.2.2 Within the Special Control Area, a person may use or discharge an authorized Shotgun, Muzzle Loading Rifle, Crossbow and/or Bow and Arrow pursuant to and as the holder of a valid and subsisting license issued by the Minister responsible for the *Wildlife Act* RSA 2000, c. W-10 when hunting big game as defined by, and in accordance with, that Act and the *Wildlife Regulation* AR 143/97.

- 5.2.3 A person may use or discharge a shotgun pursuant to and as the holder of a valid and subsisting Damage Control Licence, issued by the Minister responsible for the *Wildlife Act*, RSA 2000, c. W-10, to hunt migratory birds for the purpose of crop protection.
- 5.3 No person shall use or discharge a Firearm or a Weapon or cause a projectile from a Firearm or a Weapon to pass within 183 meters of any occupied building.
- 5.4 Section 5.3 does not apply to the Owner or Occupant of the land, which is situated outside of the Urban Service Area, the Rural Hamlet Boundaries Area and/or the Special Control Area on which the occupied building is situated or a person authorized to perform the activity by the Owner or Occupant.

## **SECTION 6 –PENALTIES**

- 6.1 Any person who contravenes any provisions of this Bylaw is guilty of an offence and is liable to penalty as set out in Schedule "B" herein.
- 6.2 Notwithstanding Section 6.1 of this Bylaw, any person who commits a second or subsequent offence under this Bylaw within one (1) year of committing the first offence may be liable to a fine of not less nor more than the sum as set out in Schedule "B" of this Bylaw.
- 6.3 Under no circumstances shall any Person contravening any provision of this Bylaw be subject to the penalty of imprisonment.
- 6.4 Where a contravention of this Bylaw is of a continuing nature, the County Bylaw Enforcement Officer may issue further Violation Tags, provided that no more than one Violation Tag shall be issued for each day that the contravention continues.
- 6.5 Where a Violation Tag is issued pursuant to this Bylaw, the Person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the County the penalty specified on the Violation Tag.
- 6.6 Nothing in this Bylaw shall prevent a County Bylaw Enforcement Officer from immediately issuing a Violation Ticket for the mandatory Court appearance of any Person who contravenes any provision of this Bylaw.

## **SECTION 7 - VIOLATION TAGS**

- 7.1 A County Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any person who the County

Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

- 7.2 A Violation Tag may be issued to such person:
  - 7.2.1 either personally, or
  - 7.2.2 by mailing a copy to such person at his last known post office address.
- 7.3 The Violation Tag shall be in a form approved by the Chief Commissioner and shall state:
  - 7.3.1 the name of the person;
  - 7.3.2 the offence;
  - 7.3.3 the appropriate penalty for the offence as set out in this Bylaw;
  - 7.3.4 that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag;
  - 7.3.5 any other information as may be required by the Chief Commissioner.
- 7.4 Where a contravention of this Bylaw is of a continuing nature, the County Bylaw Enforcement Officer may issue further Violation Tags, provided that no more than one Violation Tag shall be issued for each day that the contravention continues.
- 7.5 Where a Violation Tag is issued pursuant to this Bylaw, the Person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the County the penalty specified on the Violation Tag.
- 7.6 Nothing in this Bylaw shall prevent a County Bylaw Enforcement Officer from immediately issuing a Violation Ticket for the mandatory Court appearance of any Person who contravenes any provision of this Bylaw.

## **SECTION 8 - VIOLATION TICKET**

- 8.1 If the penalty specified on a Violation Tag is not paid within the prescribed time period then a County Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, RSA 2000, c. P-34.
- 8.2 Notwithstanding Section 7.1 of this Bylaw, a County Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, RSA 2000, c. P-34, as amended, to any person who the County Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

## **SECTION 9 - SEVERABILITY PROVISION**

- 9.1 Should any provision of this Bylaw be invalid, then such provision shall be severed and the remaining Bylaw shall be maintained.

## **SECTION 10 – REPEAL & EFFECTIVE DATE**

- 10.1 This Bylaw hereby repeals Bylaw 11-2007.

- 10.2 This Bylaw shall come into force and effect upon approval of the Minister responsible for the Wildlife Act and upon on the date of third reading and being signed.

Read a first time this 22 day of April, 2014.

Read a second time this 22 day of April, 2014.

Roxanne Carr

Mayor

Glenna Kemp

Director, Legislative & Legal Services

May 2, 2014

Date Signed

Pursuant to the Section 74 of the *Municipal Government Act*, this bylaw is hereby approved:

DATED at the City of Edmonton, this 11 day of June, 2014.

Minister Responsible for the Wildlife Act.

Read a third time this 8 day of July, 2014 and finally passed.

Roxanne Carr

Mayor

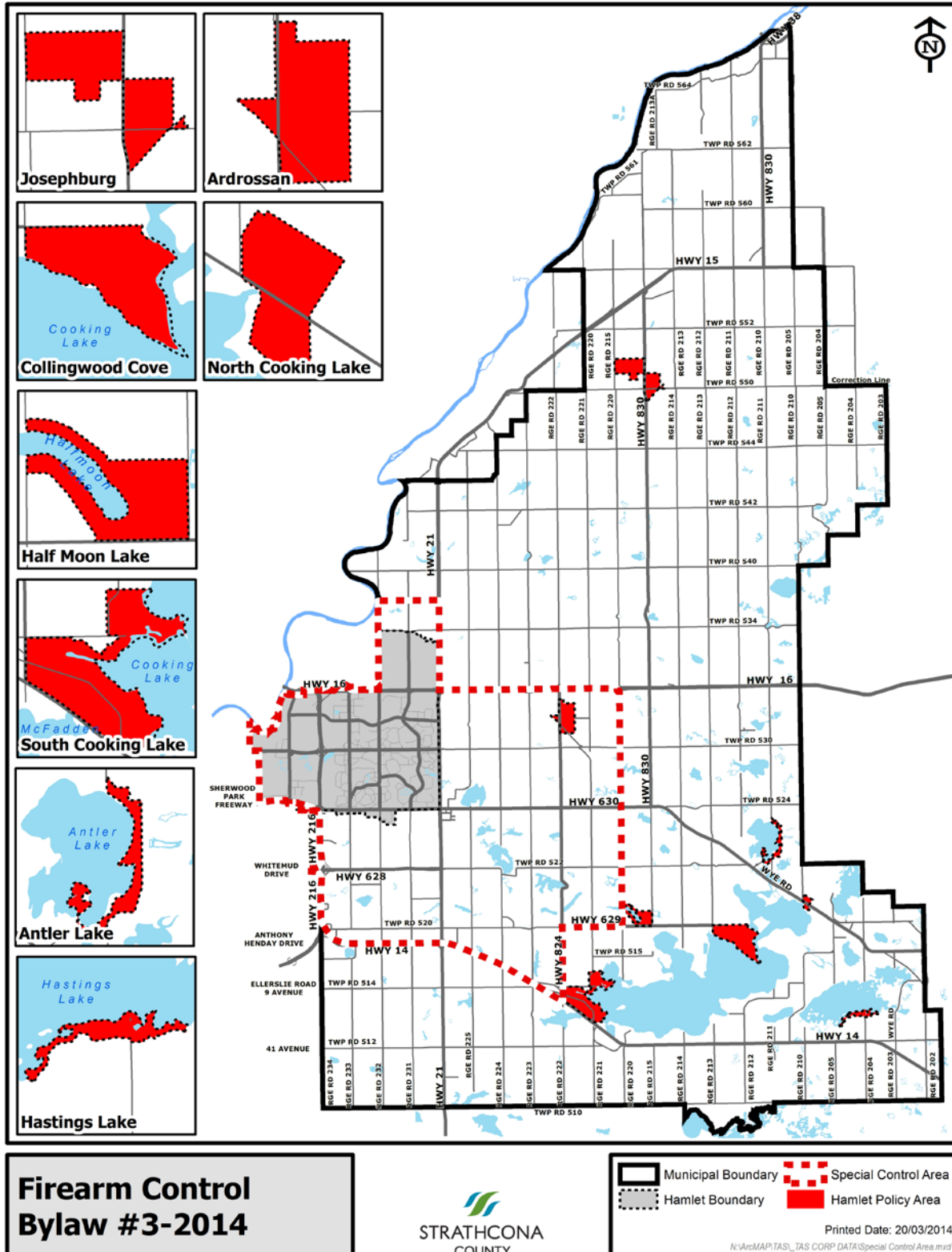
Glenna Kemp

Director, Legislative & Legal Services

July 15, 2014

Date Signed

SCHEDULE "A"





**SCHEDULE "B"****PENALTIES**

<b>OFFENCE</b>	<b>SECTION</b>	<b>PENALTY</b>
Discharge Firearm or Weapon -		
On County Land	5.1	\$250.00
In Urban Service Area	5.2	\$250.00
In Hamlet Policy Area	5.2	\$250.00
In Special Control Area	5.2	\$250.00
Discharge a Firearm or Weapon or cause a projectile from a Firearm or Weapon to pass within 183 meters of an Occupied Building	5.3	\$350.00
Second or subsequent Offence within one year	6.2	Double the above