

## 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.

#### (CONSOLIDATED)

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* 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;

Amended by Bylaw 40-2017

- 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- 2.7 **"Firearm"** means a Firearm as defined in the *Criminal Code of Canada*, R.S.C. 1985, c. C-46, as amended or repealed and replaced from time to time;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 Area"** 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, as set out in Schedule "A" attached to and forming part of this Bylaw;
- Amended by Bylaw 40-2017
- 2.12 **"Shotgun"** means a smooth bore or rifled bore firearm designed to fire pellets or slugs;
- 2.13 **"Special Control Area"** means the area set out in Schedule "A" attached to and forming part of this Bylaw;
- Amended by Bylaw 40-2017
- 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, as set out in Schedule "A".
- 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 Discharge Licence at any time.

## **SECTION 5 – OFFENCES**

- 5.1 Subject only to the exemptions set out in Section 3 of this Bylaw; no person shall use or discharge a Firearm or a Weapon on any land owned by the County.
- 5.2 Unless otherwise permitted as set out in sub-section 5.2.1 or 5.2.2, no person shall use or discharge a Firearm or a Weapon within the Urban Service Area, the Special Control Area or the Rural Hamlet Boundaries Area.
- 5.2.1 Within the Urban Service Area, the Special Control Area and the Rural Hamlet Boundaries Area a person may use or discharge a Shotgun if:
- i) they have a valid Firearm Discharge Licence from the County; and
  - ii) they are on land they own or lease; and
  - iii) the purpose is to control Problem Wildlife.
- 5.2.2 Subject to sub-section 5.2.3, within the Special Control Area, including any part of the Urban Service Area also within the Special Control Area, a person may use or discharge a Shotgun, Muzzle Loading Rifle, Crossbow or Bow and Arrow if:
- i) they have a valid licence from the Minister responsible for the *Wildlife Act*; and
  - ii) the purpose is to hunt big game or migratory birds, as defined by the *Wildlife Act* and the *Wildlife Regulation*.
- 5.2.3 Section 5.2.2 does not apply to any part of the Rural Hamlet Boundaries Area that is also within the Special Control Area.
- Amended by Bylaw 40-2017
- 5.3 No person shall use or discharge a Firearm or a Weapon within 183 metres of any occupied building, or cause a projectile from a Firearm or a Weapon to pass within 183 metres of any occupied building.

- 5.4 Sub-section 5.3 does not apply if:
- i) the occupied building is on land outside of the Urban Service Area, the Special Control Area and the Rural Hamlet Boundaries Area; and
  - ii) the occupied building is on land the person owns or leases, or the person has permission from the owner or lessor of the land.

Amended by Bylaw 40-2017

## **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.

(NOTE: Consolidation made under Section 69 of the Municipal Government Act, R.S.A. 2000, c.L-21 and Bylaw No. 12005, and printed under the Chief Commissioner's authority)

Bylaw 3-2014, in force June 11, 2014

Amendments:

Bylaw 40-2017, in force September 11, 2017

**SCHEDULE "A"**

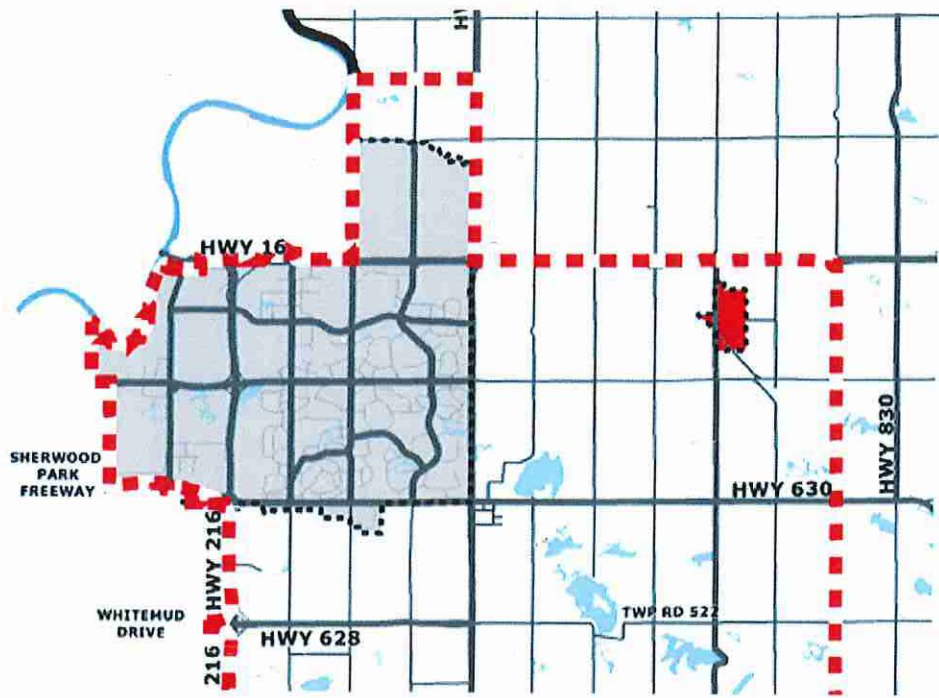


**SCHEDULE "B"**

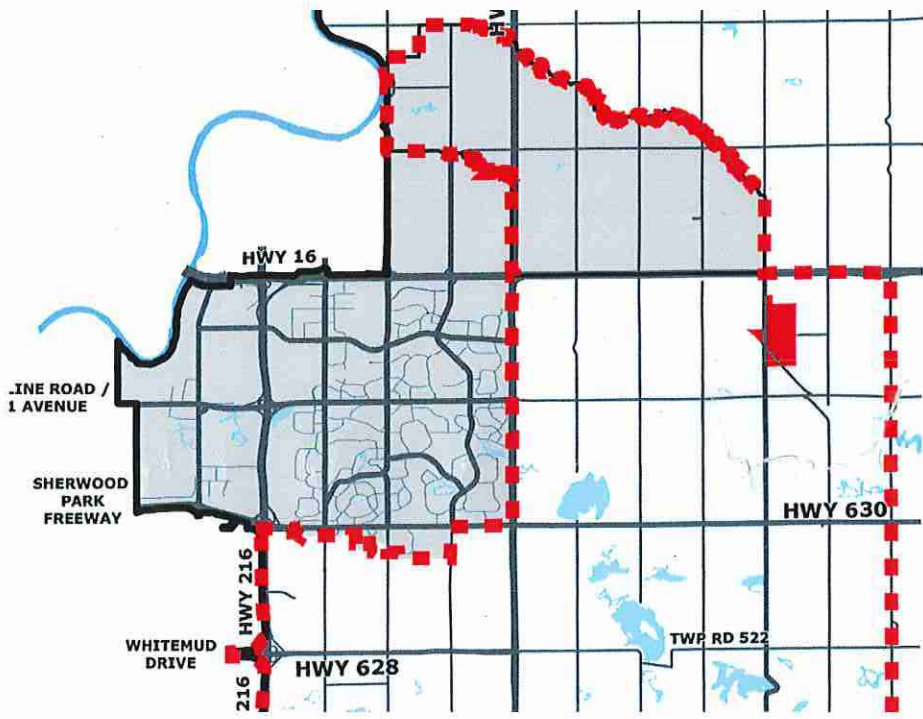
**PENALTIES**

<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 Rural 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

Amended by Bylaw 40-2017



Firearm Control Bylaw #3-2014



Firearm Control Bylaw #3-2014 (amended)