

BY-LAW NUMBER 2014/06

BY-LAW NO. 2014/06 is a by-law of the County of Wetaskiwin No. 10 in the Province of Alberta, to prohibit the discharge and use of firearms within specified areas of the County of Wetaskiwin No. 10.

WHEREAS: Section 7 of the Municipal Government Act, RSA 2000, c. M26, as amended, provides that a Council of a municipality may pass bylaws which make provision for the regulation of any matter or thing for the protection of life or property;

AND WHEREAS: Section 74 of the Municipal Government Act, RSA 2000, c.M-26, as amended, states "A bylaw of a municipal district prohibiting in all or a part of the municipal district the shooting or use of a firearm or other device that propels a projectile does not come into force until the bylaw has been approved by the Minister responsible for the *Wildlife Act*."

AND WHEREAS: the Council of the County of Wetaskiwin wishes to prohibit the shooting and use of firearms and/or weapons or other devices that propel a projectile in designated areas of the County of Wetaskiwin No. 10;

NOW THEREFORE: the Council of the County of Wetaskiwin No. 10, duly assembled,

Hereby Enacts as Follows:

1. **TITLE**

This by-law shall be cited as "Discharge of Firearms" By-law

2. **DEFINITIONS**

In this By-law:

2.1 **"Community Event"** means a scheduled event open to the general public that is organized, advertised and controlled by a non-profit community society;

2.2 **"Community Event Permit"** means a permit requested by a non-for profit community society and states the following:

- (a) Type of community event,
- (b) Dates and place of event,
- (c) Adequate liability insurance must be provided by the organization holding the event,
- (d) The organization will agree to indemnify and hold harmless the County of Wetaskiwin No, 10, its employees and agents of and from any loss, cost, claims, expenses, action or demands of any nature whatsoever arising out of the Organizers exercise of the permission herein granted.

2.3 **"Council"** means the Council of the County of Wetaskiwin No. 10;

2.4 **"County"** means County of Wetaskiwin No. 10;

2.5 **"County By-law Enforcement Officer"** under Section 555

and 556, pursuant to the Municipal Government Act, RSA 2000, c.M-26, to enforce the County By-laws, and includes a member of the Royal Canadian Mounted Police, and when authorized, a Community Peace Officer;

- 2.6 **"County Land Use By-law"** means County of Wetaskiwin No. 10 Land Use By-law 95/54 as amended or replaced from time to time, which regulates and controls the use and development of land and buildings within the municipality;
- 2.7 **"Firearm"** as defined in the Criminal Code of Canada, Section 2 (or amendments thereto), "means a barrelled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing bodily injury or death to a person, and includes any frame or receiver of such a barrelled weapon and anything that can be adapted for use as a firearm".
- 2.8 **"Hamlet Policy Area"** means the area defined within the County of Wetaskiwin No. 10 Municipal Development Plan By-law 98/55 which addresses the future land use within the County, the manner of and the proposals of future development in the County, or as expanded by Ministerial Order or by By-law or resolution of Council from time to time.
- 2.9 **"Livestock"** as defined in Stray Animals Act, Section 1, (d) (or amendments thereto); "means:
- (i) any horse, head of cattle, sheep, swine, goat, mule or ass, or
 - (ii) any other animal specified in the regulations as livestock to which this Act and the regulations apply".
- 2.10 **"Problem Wildlife"** as defined in the Wildlife Act, Section (1) (or amendments thereto) "means:
- (a) "animal" means a vertebrate, other than a human being or fish;
 - (a.1) "big game" means animals of a kind prescribed as such;
 - (b) "bird of prey" means a bird of a kind prescribed as such;
 - (b.01) "controlled animal" means an animal of a kind prescribed as such;
 - (b.2) "dog" means a domestic dog (*canis domesticus*);
 - (c) "endangered animal" means an animal of kind prescribed as such;
 - (c.02) "endangered species" means
 - (i) a kind of endangered animal.
- 2.11 **"Weapon"** as defined in the Wildlife Act, Section 1 (w) "weapon means a firearm or any other device that propels a projectile by means of an explosion, spring, air, gas, string, wire or elastic material or any combination of those things".

3. SPECIFIED AREAS

No person shall use or discharge:

- 3.1 A Firearm or Weapon on any land owned or leased by the County described as follows:
 - A) County Transfer Stations, Landfill Sites and Waste Water Property,
 - B) County Operated Parks
 - C) County Gravel Pits
 - D) County of Wetaskiwin owned land;
 - E) All subdivisions approved by the County of Wetaskiwin No. 10 pursuant to County Land Use By-laws and amendments thereto that are **not located** within an Agricultural General (AG) District or Severed Agricultural (SA) District, Rural Residential (RR), Watershed Protection (WP), Rural Conservation (RC), Wizard Lake Watershed District (WLW);
 - F) Hamlets within the County,
 - G) Property owned by the Province of Alberta,
 - H) Property owned by the Government of Canada.
- 3.2 A Firearm or Weapon that would cause a projectile from the above noted to pass within 183 meters of any occupied building,
- 3.3 Section 3.2 does not apply to the owner or occupant of the land on which the building is situated or a person authorized to perform the activity by the owner or occupant.

4. EXEMPTIONS

This By-law shall not apply to:

- 4.1 A County By-law Enforcement Officer or Member of the Royal Canadian Mounted Police, who may be required to use or discharge a Firearm or Weapon in the operation of their duties as such;
- 4.2 A person who uses or discharges a Firearm, or Weapon at a shooting range or gun club or any similar facility which is designed and operated in accordance with the County Land Use By-law and all federal, provincial and municipal laws and regulations;
- 4.3 The discharge of weapons at a site or place where problem wildlife or domestic animals are present and being hunted by a Peace Officer or to an individual who has been given

authority pursuant to a Damage Control Licence under the Wildlife Act, R.S.A. 2000, Chapter W-10 and amendments thereto have been granted and regulations thereunder, issued for such purpose by the department of the Alberta Provincial Government responsible for the manage of wildlife within the Province.

- 4.4 A non-profit community society who has applied for a community event permit, and the permit has been approved by resolution by County Council.

5. PENALTY

- 5.1 A County By-law Enforcement Officer may enforce the provisions of this By-law, and may issue a Violation Ticket to any person who violates any provision of this By-law.
- 5.2 The Violation Ticket shall be in a form normally used by a County By-law Enforcement Officer in the issuance of notices of offence, which form will conform with the Provincial Offences Procedures Act, S.A. 1988, c.P-21.5, as amended, or repealed and replaced from time to time.
- 5.3 Any person who violates any provision of this By-law is guilty of an offence and is liable on summary conviction to:
- (a) For a first offence, to a fine or not more than Five Hundred (\$500.00) dollars or in default of payment of the fine and costs, to imprisonment for three (3) months;
 - (b) For a second or subsequent offence within twelve (12) months, to a fine of not less than Five Hundred (\$500.00) and not more than Fifteen Hundred (\$1,500.00) or in default of payment of the fine and costs, to imprisonment for six (6) months.

6. SEVERABILITY

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

7. REPEAL & EFFECTIVE DATE

- 7.1 This By-law hereby repeals By-law 2007/69;
- 7.2 This By-law shall come into full force and effect upon third and final reading thereof.

READ: A First time this 1st day of April A.D. 2014

READ: A Second time this 1st day of April A.D. 2014

READ: A Third time and finally passed this 1st day of April A.D. 2014.

Original Signed

REEVE

Original Signed

CHIEF ADMINISTRATIVE OFFICER

Pursuant to Section 74 of the Municipal Government Act, this By-law is hereby approved:

DATED at the City of Edmonton, in the Province of Alberta, this

_____ day of _____, A.D., 2014.

Original Signed

Minister of Sustainable Resource Development