

ALBERTA BEACH

Bylaw # 237-12 "Weapons Bylaw"

BEING A BYLAW OF ALBERTA BEACH, IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE REGULATION AND CONTROL OF THE CARRYING, DISCHARGE, DISPLAY, AND USE OF FIREARMS AND WEAPONS WITHIN THE VILLAGE OF ALBERTA BEACH.

WHEREAS, under the provision of Section 7 (a) of the Municipal Government Act, Revised Statutes of Alberta (R.S.A.) 2000, c.M-26, and amendments thereto, the 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 purpose of this Bylaw is to regulate the conduct and activities of people in public places to promote safe, enjoyable, and reasonable use of such property for the benefit of all citizens of the municipality;

AND WHEREAS, under the provisions of Section 42 of the Provincial Offences Procedure Act, RSA 2000, Chapter P-34, and amendments thereto, and under the provisions of Section 7 (i) of the Municipal Government Act, Revised Statutes of Alberta (R.S.A.) 2000, c.M-26, and amendments thereto, the Council of a Municipality may by bylaw provide for the payment of violation tickets or summons out of court;

AND WHEREAS, the Council of Alberta Beach deems it desirable in the best interest of the public to prohibit or control the discharge of firearms and use of weapons within the Municipality of Alberta Beach.

NOW THEREFORE the Council of the Village of Alberta Beach duly assembled and under the authority of the Municipal Government Act, as amended, hereafter enacts the following:

1. TITLE

1.1 This Bylaw may be cited as the **"Weapons Bylaw"**.

2. DEFINITIONS

2.1 In this Bylaw,

- a. **"Chief Administrative Officer"** means the Chief Administrative Officer of Alberta Beach or, his or her designate.
- b. **"Council"** means the Council of the Village of Alberta Beach.
- c. **"Dwelling-house"** means as defined in the Criminal Code of Canada, Section 2 (or amendments thereto) means the whole or any part of a building or structure that is kept or occupied as a permanent or temporary residence, and includes:
 - (i) a building within the curtilage of a dwelling-house that is connected to it by a doorway or by a covered and enclosed passage-way, and
 - (ii) a unit that is designed to be mobile and to be used as a permanent or temporary residence and that is being used as such a residence.
- d. **"Firearm"** as defined in the Criminal Code of Canada, Section 2 (or amendments thereto), "means a barreled 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 barreled weapon and anything that can be adapted for use as a firearm or any items that resembles or is used as the items that are defined by this section".
- e. **"Firearms Discharge Permit"** means a permit issued by the Village allowing the use of firearms within the Village.
- f. **"Municipal Government Act"** means the Municipal Government Act, R.S.A. 2000, c. M-26, as amended or replaced from time to time.
- g. **"Peace Officer"** means a Police Officer, R.C.M.P. Member, Provincial Peace Officer, Community Peace Officer and Bylaw Enforcement Officer.

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- h. **"Public Safety Concern"** is any activity from which a person viewing that activity feels warranted to contact any agency or agency representative and advise them of their concerns or a Peace Officer viewing an activity that in his/her opinion would cause an ordinary person to be concerned about public safety.
- i. **"Owner"** means:
- (i) a person as who is registered on title at the Land Titles Offices;
 - (ii) a person who is recorded as the owner of the property on the assessment roll of Alberta Beach;
 - (iii) person who has purchased or otherwise acquired the property, whether purchased or otherwise acquired from the owner or from another purchase, and has not become the registered owner thereof;
 - (iv) a person controlling the property under construction; or
 - (v) a person who is the occupant of the property under a lease, rental, license, or permit.
- j. **"Person"** means an individual and includes a firm, partnership, joint venture, proprietorship, corporation, association, society and any other legal entity.
- k. **"Property"** means any lands, buildings, structures or premises, or any personal property located thereupon, within the municipal boundaries of Alberta Beach.
- l. **"Village"** means the Municipality of Alberta Beach.
- m. **"Weapon"** means anything used, designed to be used or intended for use;
- (a) in causing death or injury to any person, or
 - (b) for the purpose of threatening or intimidating any person; or
 - (c) a device causing public concern and may include firearms, knives, air guns, air rifles, air pistols, conductive energy devices, replica firearm, B.B. or pellet guns, sling shots, paintball guns of any type, any aerosol device designed or used for personal protection, all types of archery equipment, gas/air powered guns including devices commonly referred to as potato guns.

3. VIOLATIONS

3.1

- (a) No person shall discharge a firearm within the Village without a valid "Firearms Discharge Permit".
- (b) No person shall discharge a firearm with a valid "Firearms Discharge Permit" but failing to meet the conditions of the permit.
- (c) No person shall possess a loaded firearm within the Village unless under the authority of a "Firearms Discharge Permit."
- (d) No person shall use, display or have any weapon to cause public concern in the Village.
- (e) If a person fails to produce a valid "Firearms Discharge Permit" to a Peace Officer upon demand from the Peace Officer it shall be a violation of this Bylaw.
- (f) Nothing within this Bylaw shall apply to any Peace Officer while in the performance of their duties and responsibilities in the Village.

4. PERMISSIONS

4.1

- (a) A person holding a valid "Firearms Discharge Permit" issued in writing from the Village Chief Administrative Officer may discharge a firearm in the Village as per the condition(s) of the permit.
- (b) A person with all valid required paperwork and qualifications requirements from all Provincial and Federal Government may apply in writing to the Chief Administrative Officer for the "Firearms Discharge Permit" to discharge a firearm in the Village. The application in writing will cover but not be limited to:

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- i. Date, time of start and end of the permit;
 - ii. Names, addresses and Firearm certification numbers of all persons discharging a firearm;
 - iii. All corporation information including a copy of company registration if applicable;
 - iv. A full description of the reasoning for discharging a firearm in the Village;
 - v. The location including a drawing of the area permit is to be issued to;
 - vi. The emergency contact information;
 - vii. Verification of liability insurance, in an amount of Five (5) Million Dollars listing the Village as an additional insured;
 - viii. Payment of the designated application fee, and
 - ix. Any other information deemed necessary by the Chief Administrative Officer.
- (c) No "Firearms Discharge Permit" issued in any other municipality shall be valid to discharge firearms in the Village.
- (d) "Firearms Discharge Permit" will only be issued for a calendar year or less.
- (e) Permit, in the form of a signed approved "Firearms Discharge Permit" document giving permission to display and discharge a firearm in the Village. The Firearms Permit must be present on person discharging or displaying a firearm.
- (f) The Chief Administrative Officer may choose not to issue a "Firearms Discharge Permit" to anyone if, in their opinion, such intended use may create a risk of life, safety, or property or the display is not in the best interest of the Public.
- (g) The Chief Administrative Officer may attach any terms and conditions in a "Firearms Discharge Permit" that he or she deems appropriate.
- (h) The Chief Administrative Officer may choose to revoke any previously issued "Firearms" Discharge Permit" for reasons of non-compliance or per Section 2.6 with any part of this bylaw.
- (i) A copy of the "Firearms Discharge Permit" issued under Section 2.1 with conditions must be present at the time of the display or discharge and provided to a Peace Officer when requested.

5. **ENFORCEMENT**

5.1

- (a) A Peace Officer with reasonable and probable grounds may seize, take, remove or cause to be seized, taken or removed any firearms or weapon being held, or possessed, or used in contravention of this Bylaw.
- (b) On reasonable and probable grounds a Peace Officer may enter and inspect any place, other than a dwelling, in which firearms or weapons are stored, transported or used and may open and inspect any room, container, vehicle, or package that the Peace Officer has reasonable and probable grounds to believe contains firearms or weapons in contravention of this Bylaw.

5.2

- (a) A Justice who, on ex parte application to a justice is satisfied by information on oath that:
 - i. a weapon in respect of which this Bylaw has been contravened,
 - ii. anything in which a weapon referred to in paragraph (a) is contained or concealed,
 - iii. any offence related property, or

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- iv. anything that will afford evidence in respect of an offence under this Bylaw is in a place may, at any time, issue a warrant authorizing a peace officer, at any time, to search the place for any such weapon or thing and to seize it.
 - (b) Where a peace officer who executes a warrant issued under subsection (a) has reasonable and probable grounds to believe that any person found in the place set out in the warrant has on their person any weapon or thing set out in the warrant the peace officer may search the person for the weapon or thing and seize it.
- 5.3 Any person who obstructs, interferes with, or hinders, a Peace Officer in the performance of the Peace Officer's duties pursuant to this Bylaw is guilty of an offence pursuant to this Bylaw.
- 5.4 Nothing in this Bylaw shall be read as intending to replace any provision under the Safety Codes Act or Regulations, Federal or Provincial Acts or Regulations or the Criminal Code of Canada.
6. **PENALTIES**
- 6.1
- (a) A breach of this Bylaw is an offence.
 - (b) An individual who is convicted of an offence pursuant to this Bylaw for which no specific penalty has been provided is liable to a fine of not less than \$250.00 and not more than \$10,000.00 or imprisonment for a period not exceeding Sixty (60) Days unless such fine and cost including the cost of committal are sooner paid.
 - (c) Where a Peace Officer has reasonable grounds to believe that a person has violated any provision of this Bylaw, the Peace Officer may commence Court proceedings against such person by issuing the person a Part 2 violation ticket pursuant to the provisions of the Provincial Offences Procedure Act.
 - (d) When a conviction under this Bylaw becomes final any firearms or weapons and containers in respect of which the offence was committed that were seized as part of the penalty for the conviction, may be forfeited to the Village.
 - (e) If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
 - i. specify the fine amount established by this Bylaw in Schedule "A" for the offence; or
 - ii. require a person to appear in Court without the alternative of making a voluntary payment.


This Bylaw, will come into force and effect on the date of successful third reading and signing in accordance with Section 213 of the Municipal Government Act (R.S.A. 2000, c. M-26) as amended.

READ A FIRST TIME THIS 18TH DAY OF SEPTEMBER, 2012.

READ A SECOND TIME THIS 16TH DAY OF OCTOBER, 2012.

READ A THIRD AND FINAL TIME THIS 16TH DAY OF OCTOBER, 2012.

SIGNED BY THE MAYOR AND CHIEF ADMINISTRATIVE OFFICER THIS 16TH DAY OF OCTOBER, 2012.


Mayor, Lou Hudon


Chief Administrative Officer, Kathy Skwarchuk

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SCHEDULE "A"

3.1 (a) Discharge a firearm within the Village of Alberta Beach	\$500.00
3.1 (b) Discharge a firearm failing to meet the conditions of the Permit.	\$300.00
3.1 (c) Possess a loaded Firearm	\$300.00
3.1 (d) Use, display or have any weapon to cause public concern	\$300.00
3.1 (e) Fails to produce a valid "Firearms Discharge Permit"	\$250.00
5.3 Obstructs, interferes with, or hinders, a Peace Officer	\$500.00