

BYLAW NO. 11-2011
PARKLAND COUNTY

BEING A BYLAW TO RESTRICT THE DISCHARGE OF SPECIFIC GUNS OR FIREARMS FOR SPECIFIC USES IN ANY SPECIFIED PART OR PARTS OF PARKLAND COUNTY

WHEREAS, under the provision of Section 7 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter 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, under the provisions of Section 42 of the Provincial Offences Procedure Act, Revised Statutes of Alberta 2000 Chapter P-34 and amendments thereto, and under the provisions of Section 7 of the Municipal Government Act 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, under the provisions of Section 74 of the Municipal Government Act, Revised Statutes of Alberta 2000 Chapter M-26 and amendments thereto, this bylaw does not come into force until the bylaw has been approved by the Minister responsible for the Wildlife Act, AND

WHEREAS, the Council of Parkland County deems it desirable in the best interest of the public to prohibit the discharge of guns or other firearms within specified part(s) of the County,

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

1. TITLE

This bylaw may be cited as "Discharge of Firearms Bylaw."

2. DEFINITIONS

In this Bylaw:

- 2.1 **"Council"** means the Council of Parkland County;
- 2.2 **"County"** means the municipality of Parkland County;
- 2.3 **"Domestic Animal"** means an animal of a species of vertebrates that has been domesticated by humans so as to live and breed in a tame condition and depend on humankind for survival;
- 2.4 **"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 with a velocity exceeding 500 ft/sec 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;"
- 2.5 **"Land Use Bylaw"** means Parkland County Land Use Bylaw 20-2009 as amended or replaced from time to time, which regulates and controls the use and development of land and buildings within the municipality;

- 2.6 **"Livestock"** as defined in Stray Animals Act Section 1(d), or amendments thereto, means:
- a) any horse, head of cattle, sheep, swine, goat, mule or ass, or
 - b) any other animal specified in the regulations as livestock to which this Act and the regulations apply;
- 2.7 **"Municipal Government Act"** means the Municipal Government Act, RSA, c. M-26 as amended or replaced from time to time;
- 2.8 **"Park"** means those reserve lands, recreational lands and other lands within the County which are owned by or controlled by the County and which do not form part of a Highway;
- 2.9 **"Peace Officer"** as defined in the Provincial Offenses Procedure Act, RSA 2000, Section 1(K), as amended from time to time;
- 2.10 **"Person"** includes a corporation, an individual, and the heirs, executors, administrators or other legal representatives of an individual;
- 2.11 **"Problem Wildlife"** means:
- a) "animal" as defined in the Wildlife Act, Section 1
 - b) "big game" as defined in the Wildlife Act, Section 1
 - c) "bird of prey" as defined in the Wildlife Act, Section 1
 - d) "controlled animal" as defined in the Wildlife Act, Section 1
 - e) "endangered animal" as defined in the Wildlife Act, Section 1, or
 - f) "endangered species" as defined in the Wildlife Act, Section 1.
- 2.12 **"Provincial Offenses Procedures Act"** means the Provincial Offenses Procedures Act, RSA 2000, c. P-34 and the regulation thereof, as amended or replaced from time to time;
- 2.13 **"Violation Ticket"** means a ticket issued pursuant to Part II of the Provincial Offenses Procedures Act, RSA 2000, c. P-34, as amended and Regulations thereunder;
- 2.14 **"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 on any land described as follows:

- a) Parks;
- b) All those portions of Townships 50 and 51, Ranges 25 and 26 west of the 4th Meridian and that portion of Section 36, Township 50, Range 27 west of the 4th Meridian, Sections 13, 14, 23, 24, 25, 26, 35 and 36 in Township 51, Range 27 west of the 4th Meridian that lie within the boundaries of Parkland County excepting Section 31, Township 50, Range 26 west of the 4th Meridian;
- c) All multi-parcel residential subdivisions approved by Parkland County and zoned country residential pursuant to the Land Use Bylaw and

amendments thereto;

d) Hamlets within the County;

3.2 A Firearm that would cause a projectile from the above noted to pass within 183 meters of any occupied building.

4. EXEMPTIONS

This Bylaw shall not apply to:

- 4.1 A Peace 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 Land Use Bylaw and all federal, provincial and municipal laws and regulations.
- 4.3 Parkland County Wildlife Habitats described as:
 - a) SE 17-51-06-W5 as more particularly described in Certificate of Title: 205-A-162;
 - b) NW 26-51-06-W5 as more particularly described in Certificate of Title: 782-055-787;
 - c) SE 16-54-06-W5 as more particularly described in Certificate of Title: 15-A-126;
 - d) NW 16-54-06-W5 as more particularly described in Certificate of Title: 41-0-70;
 - e) NW 28-53-07-W5 as more particularly described in Certificate of Title: 67-A-97;
 - f) SE 13-54-07-W5 as more particularly described in Certificate of Title: 88-A-97;
 - g) SW 13-54-07-W5 as more particularly described in Certificate of Title: 89-A-97;
 - h) NW 13-54-07-W5 as more particularly described in Certificate of Title: 184-A-191;
 - i) NE 13-54-07-W5 as more particularly described in Certificate of Title: 87-A-97;
 - j) NW 33-51-04-W5 as more particularly described in Certificate of Title: 137-0-168; OR
 - k) NE 16-51-05-W5 as more particularly described in Certificate of Title: 240-A-158.
- 4.5 A person when it becomes necessary to shoot problem wildlife for the purposes of protecting persons and property on lands registered or occupied by said person, or a person authorized to perform the activity by the Owner or Occupant.
- 4.6 A person where he or she is a bona fide farmer who is in receipt of a special permit to destroy birds for protection of crops offences.

5. PENALTY

- 5.1 A Peace Officer may enforce the provisions of this Bylaw, and may issue a Violation Ticket to any person who violates any provision of this Bylaw.

- 5.2 The Violation Ticket shall be in a form normally used by a Peace 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 Bylaw 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 Bylaw become invalid, void, illegal or otherwise not enforceable, it shall be considered separate and severable from the Bylaw 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 Bylaw hereby repeals Bylaws No. 16-2009, No. 26-71, No. 7-72 and No. 8-72.
- 7.2 This Bylaw shall come into full force and effect upon third and final reading thereof.

READ a First time this 26th day of April A.D. 2011.

READ a Second time this 28th day of June A.D. 2011.

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

DATED at the City of Edmonton, in the Province of Alberta, this 21ST day of MARCH, A.D. 2012.



**Minister of
Sustainable Resource Development**

READ a Third time and finally passed this _____ day of _____ A.D. 2012.

Mayor

**Manager of
Legislative and Administrative Services**