

BYLAW 779/18  
TOWN OF ELK POINT #043

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A BYLAW OF THE MUNICIPALITY OF THE TOWN OF ELK POINT, IN THE  
PROVINCE OF ALBERTA TO PROHIBIT THE DISCHARGE OF FIREARMS.

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WHEREAS, the Municipal Government Act, R.S.A. (the "Act") authorizes the Council to establish Bylaws controlling and regulating the use of all public places;

NOW THEREFORE, the Council for the Town of Elk Point in the Province of Alberta duly assembled enacts that:

**TITLE:**

1. This Bylaw may be referred to as the "Firearms" Bylaw.

**DEFINITIONS:**

2. In this Bylaw, unless the content otherwise requires:
  - a. "**Act**" means the *Municipal Government Act* RSA 200 c-M-26 and regulations made under the *Municipal Government Act* as amended;
  - b. "**Bylaw Enforcement Officer**" means the person appointed by the Chief Administrative Officer for the purpose of enforcing compliance of Town Bylaws;
  - c. "**Chief Administrative Officer**" means the Chief Administrative Officer of the Town of Elk Point regardless of any subsequent title that may be conferred on that officer by Council or statute, or his/her designate;
  - d. "**Council**" means the Municipal Council of the Town of Elk Point
  - e. "**Firearm**" means any barreled weapon from which any shot, bullet or other missile can be discharged and that is capable of causing serious bodily injury or death to a person and includes any frame or receiver of such barreled weapon and anything that can be adapted for use as a Firearm;
  - f. "**Peace Officer**" means a Community Peace Officer or a member of the Royal Canadian Mounted Police;
  - g. "**Person**" means a natural Person, corporation, partnership, proprietorship and company;
  - h. "**Town**" means the Town of Elk Point, a Municipal Corporation in the Province of Alberta, or the geographical area contained within the boundaries of the Town of Elk Point, as the context may require;
  - i. "**Violation Tag**" means a tag or similar document issued by the Town pursuant to the Act;



- j. **“Violation Ticket”** means a ticket issued pursuant to Part II of the *Provincial Offences Procedures Act*, RSA 2000, c P-34, as amended and any regulations thereto.

**GENERAL:**

3. No person, except those specifically exempt in Section 4 below, shall discharge any Firearm within the Town of Elk Point.
4. This Bylaw shall not apply to the following:
  - a. Any member of the Royal Canadian Mounted Police (RCMP) while acting in the course of duty;
  - b. Any other member of a provincial or local police force acting in the course of duty where such members are authorized to carry Firearms;
  - c. Any employee or agent duly authorized to act as dog catcher while using a tranquilizer gun to immobilize animals for capture;
  - d. Any approved shooting range;
  - e. Any sporting event where written permission has been obtained from Council prior to the holding of such an event.

**PENALTIES AND OFFENCES:**

5. Any person who contravenes any provision of this Bylaw is guilty of an offence and shall pay a specified penalty as outlined in Schedule “A” attached and may have the Firearm confiscated for a period not more than sixty (60) days.

**ENFORCEMENT:**

6. A Bylaw Enforcement Officer or a Peace Officer is for the purposes of enforcement of this Bylaw, a Designated Officer of the Town of Elk Point.
7. Any person who breaches any provision of the Bylaw is guilty of an offence and liable:
  - a. Upon the issuance of a Violation Tag to the specified penalty as listed on Schedule “A” attached to and forming part of this Bylaw; or,
  - b. Upon summary conviction to a fine of not less than the amount specified on Schedule “A” attached to and forming part of this Bylaw for each offence, exclusive of costs.
  - c. A Bylaw Enforcement Officer or a Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person who has contravened any provision of this Bylaw.
8. A Violation Tag shall be deemed to be sufficiently served if:
  - a. Served personally on the accused; or,



- b. Mailed to the address of the registered owner of the property concerned or to the person concerned; or,
  - c. Served personally upon the manager, secretary, receptionist or other officer or person apparently in charge at any premises of a licensee accused, or by mailing a copy to such licensee by registered mail.
9. Violation Tag shall state:
- a. The name of the Person;
  - b. The municipal or legal description of the land on or near where the offence took place;
  - c. The offence;
  - d. The penalty for the offence set out on Schedule "A" of the Bylaw;
  - e. That the penalty shall be paid within fourteen (14) days from the issuance of the Violation Tag;
  - f. Any other information deemed necessary by the Chief Administration Officer or by the provisions of the Act or the *Provincial Offences Procedure Act*, RSA 2000, c P-34 as amended.
10. Where a breach of this Bylaw is of a continuing nature, further Violation Tags may be issued by a Peace Officer and the offender shall be subject to a penalty for each subsequent offence as outlined in Schedule "A".
11. Where a Violation Tag has been issued for breach of any provision of this Bylaw, the Person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the City the penalty specified on the Violation Tag.
12. Where a Violation Tag has been issued for breach of any provision of this Bylaw the penalty shall be reduced as outlined in Schedule "A" if paid to the Treasurer within five (5) days of the date of issuance.
13. Nothing in the Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket.
- a. If a person upon whom a Violation Tag is served above fails to pay the voluntary payment within the time specified, a Peace Officer is hereby authorized and empowered to use a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, RSA 2000, c P-34, as amended, or as repealed and replaced from time to time.
  - b. Any person who is guilty by way of summary conviction of an offense under the provisions of this Bylaw shall be liable for a fine of not less than the amount specified for that particular breach of this Bylaw, plus associated court costs pursuant to Part II of the *Provincial Offences Procedure Act*, RSA 2000, c P-34, as amended, or as repealed from time to time.

**SEVERABILITY:**

14. It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid, all other provisions herein shall remain valid and enforceable.



**REPEAL OF BYLAW:**

15. That Bylaw No. 51/53 and amendments thereto be hereby repealed.

**EFFECTIVE DATE:**


16. This Bylaw shall take effect at the date of final passing thereof.

Read a FIRST time this 24<sup>TH</sup> day of September, A.D., 2018.

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Mayor 

\_\_\_\_\_  
Chief Administrative Officer 

Read a SECOND time this 22 day of October, A.D., 2018.

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Mayor 

\_\_\_\_\_  
Chief Administrative Officer 

Read of THIRD and FINAL time this 22 day of October, A.D., 2018.

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Mayor 

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Chief Administrative Officer 

BYLAW 779/18  
SCHEDULE "A"

**PENALTIES:**

**PART I**

For any contravention of any provision of Bylaw No.: 779/18

	Penalty:
First Offence	\$500.00
Second Offence	\$1000.00

**PART II**

When payment to the Treasurer has been received within five (5) days of the date of issuance.

	Penalty:
First Offence	\$500.00
Second Offence	\$1000.00