

**TOWN OF MORINVILLE
PROVINCE OF ALBERTA
BYLAW 15/2010**

FIREARMS BYLAW

A BYLAW OF THE TOWN OF MORINVILLE, IN THE PROVINCE OF ALBERTA, TO PROHIBIT THE DISCHARGE AND USE OF FIREARMS AND PROHIBITED WEAPONS WITHIN THE BOUNDARIES OF THE TOWN OF MORINVILLE

WHEREAS the Municipal Government Act gives Municipalities the power to enact bylaws and impose fines and penalties for infractions of their bylaws;

WHEREAS the Town of Morinville wishes to prohibit the discharge and use of firearms and dangerous weapons within the Town of Morinville to protect and preserve the life and property of residents within the Town.

NOW THEREFORE the Municipal Council of the Town of Morinville, Alberta, duly assembled hereby enacts as follows:

1.0 This bylaw may be cited as the Firearms Bylaw.

2.0 Definitions

- 2.1 **"ANTIQUE FIREARMS"** means The *Criminal Code* definition of antique firearms as firearms manufactured before 1898 that were not designed or re-designed to discharge rim-fire or centre-fire ammunition, or firearms prescribed as antique firearms in the *Criminal Code* regulations.
- 2.2 **"CAO"** means the Chief Administrative Officer of Morinville, Alberta, appointed by Council, or the Director(s) or Department(s) designated by the Chief Administrative Officer.
- 2.3 **"COUNCIL"** means the Council of Morinville.
- 2.4 **"FIRE ARM"** means any weapon defined by the Criminal Code of Canada and the Firearms Act of Canada.
- 2.5 **"INSPECTIONS AND LICENSING INSPECTOR"** means Enforcement Services acting in the position of Inspections and Licensing Inspector for Morinville, or a person designated to act on the Inspector's behalf.
- 2.6 **"MORINVILLE"** means the Town of Morinville
- 2.7 **"PEACE OFFICER"** means a member of the Royal Canadian Mounted Police (RCMP), a Community Peace Officer of Morinville Enforcement Services, or a Sheriff pursuant to the Public Security Peace Officer Program and the Peace Officer Act of Alberta.
- 2.8 **"REPLICA FIREARM"** means a device that was designed and intended to look exactly or almost exactly like a real firearm (except for an antique firearm) but that is not a real firearm. Most replicas cannot discharge projectiles at all, or only discharge projectiles that cannot cause serious harm. Devices that discharge projectiles that can cause serious bodily injury are not replicas.

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3.0 Use And Transportation Of Firearms

- 3.1 No person shall discharge any firearm with the boundaries of the Morinville.
- 3.2 No person shall transport any loaded firearm within the boundaries of the Morinville.
- 3.3 No person shall transport a restricted firearm without an Authorization to Transport (ATT) from the Chief Firearms Officer of the province where the firearm is located or where it will be entering Canada. Persons shipping firearms by licensed carriers or transporting restricted firearms personally do not require an Authorization to Transport.
- 3.4 Persons storing, displaying, transporting, and handling firearms shall follow the Firearms Act, section 117(h) Storage, Display, Transportation and Handling of Firearms regulations that deal with storage, display, transportation and handling of non-restricted, restricted and prohibited firearms along with the applicable sections of the criminal Code of Canada.

4.0 Exceptions

- 4.1 This bylaw shall not apply to a Peace Officer or other class of persons who require the use of firearms to carry out the responsibilities of their lawful occupations.
- 4.2 This bylaw does not apply to 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 there under, issued for such purpose by the Department of the Alberta Provincial Government responsible for the management of wildlife within the province.
- 4.3 This bylaw shall not apply where the Inspections and Licensing Inspector in consultation with the RCMP authorizes the use of firearms for pest control, scientific research, archery and firearm practice, historic events or other similar activities on such reasonable conditions as the Inspections and Licensing Inspector deems necessary on order to endure public safety. The Inspector shall notify the Detachment Commander of the Morinville RCMP Detachment or his/her designate for consultation in the authorization of such use of firearms.
- 4.4 This bylaw shall not apply to any accredited educational institution for indoor training in the use of firearms.

5.0 Request for Authorization

- 5.1 Notwithstanding the above noted sections, the RCMP Detachment Commander may authorize the discharge of a firearm or gun for animal control purposes, special events or within the range facilities of a gun club or similar organizations.

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- 5.2 An authorization under the above noted subsection shall be in writing and may be in the form of a specific authorization or an annual permit for a specified location, event or activity.
- 5.3 Subject to subsection (2) an authorization under this section may be granted, with or without conditions, where, having regard to the circumstances and location of the discharge activity, it is deemed, in the absolute discretion of the RCMP Detachment Commander, to be in the public interest.
- 5.4 The RCMP Detachment Commander may further delegate any authority under this section to a designated person or position in the Morinville RCMP Detachment.

6.0 Penalties

- 6.1 Except as otherwise provided herein, every person who contravenes any provisions of this bylaw is guilty of an offence, and shall be liable on Summary Conviction to a fine of not more than One Thousand dollars (\$1,000.00) for a first offence and a fine of two thousand dollars (\$2,000.00) for a second offence.

Every person who contravenes any provisions of this bylaw, as enumerated in Schedule "A" herein, is guilty of an offence and shall be liable on Summary Conviction to the penalty specified therein for such offence.

7.0 Violation Tickets

- 7.1 A Peace 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 to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provisions of this bylaw.

8.0 Ticket Evidence of Service

- 8.1 A violation ticket shall be deemed to be sufficiently served if:

8.1.1 in compliance with the Provincial Offences Procedure Act 2000 Ch P-34 S32 (1) if an offence notice is served by the Peace Officer who issued it, the Peace Officer shall complete and sign a certificate of service on the violation ticket that the Peace Officer personally served the offence notice on the person charged and the Peace Officer shall indicate the date of service;

8.1.2 in compliance with the Provincial Offences Procedure Act 2000 Ch P-34 S 30(1-2) 31(1-6) and 32(1) a violation ticket under this part must include:

- certificate of offence; and
- an offence notice.

- 8.4 A certificate of offence:

8.4.1 shall be completed and signed by a Peace Officer who believes on reasonable and probable grounds that an offence has been committed;

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- 8.4.2 shall be filed with a clerk prior to the initial appearance date indicated on the violation ticket; and
- 8.4.3 does not need to be sworn.
- 8.5 An offence notice shall:
- 8.5.1 indicate the specified penalty for the offence;
- indicate how and when the defendant may respond to the offence notice; and
 - that the defendant may be convicted in the defendant's absence without a hearing if the defendant fails to respond to the violation ticket by the initial appearance date indicated on the offence notice, or if the defendant pleads not guilty and fails to appear in court in person or by an agent on the defendant's trial date.
- 8.6 An offence notice shall be served on a defendant:
- 8.6.1 in the case of a defendant who is an individual, by delivering it personally to the defendant;
- 8.6.2 in the case of a defendant that is a municipality by delivering it personally to the Chief Elected Official or CAO of the municipality;
- 8.6.3 in the case of a defendant that is a Metis settlement, by delivering it personally to the Settlement Chair or the Settlement Administrator;
- 8.6.4 in the case of a defendant that is a corporation other than a municipality or Metis settlement:
- (a) by sending it by single registered mail to the registered office of the corporation; or
 - (b) by delivering it personally to the Manager, Secretary, or other Executive Officer of the corporation or the person apparently in charge of a branch office of the corporation at an address held out by the corporation to be its address.
- 8.7 Where an offence notice is mailed to a defendant and the date of the mailing of the offence notice is set out in the related certificate of offence:
- 8.7.1 that offence notice is in the absence of evidence to the contrary deemed to have been served on the defendant on the seventh day from the date of mailing as set out in the certificate of offence.
- 8.8 Evidence of Service
- 8.8.1 If an offence notice is served by the Peace Officer who issued it, the Peace Officer shall complete and sign a certificate of service on the violation ticket that the Peace Officer personally served the offence notice on the person charged and the Peace Officer shall indicate the date of service.

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8.8.2 A certificate of service does not need to be sworn.

8.8.3 Service is posted in a conspicuous place on the land referred to on the notice.

9.0 Duty to Enforce

9.1 Each Peace Officer is hereby charged with the duty of enforcing the provisions of this bylaw.

10.0 Severability

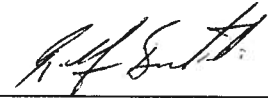
10.1 If any section or sections of this bylaw or parts thereof are found in any court of law to be illegal or beyond the power of Council to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts thereof shall be deemed to be severable and all other sections or parts of this bylaw shall be deemed to be separate and independent there from and to be enacted as such.

That Firearms and Dangerous Weapons Bylaw 9-1996 is hereby rescinded when Bylaw 15/2010 receives third and final reading.

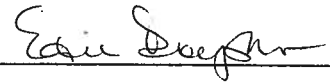
READ a first time this 13th day of July, 2010

READ a second time this 24th day of August, 2010

READ a third and finally passed this 24th day of August, 2010



R. Lloyd Bertschi
Mayor



Edie Doepker
CAO