

CITY OF ST. ALBERT

BYLAW 36/2017

Being a Bylaw to provide for the Protection of Persons and Property within the City of St. Albert.

WHEREAS section 7 of the Municipal Government Act, RSA 2000 cM-26, as amended, authorizes Council to pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

NOW THEREFORE the City of St. Albert hereby ENACTS AS FOLLOWS:

PART 1

Title

1. This Bylaw may be referred to as "The Protection of Persons and Property Bylaw".

Definitions and Interpretation

2. In this Bylaw:
 - (a) "Bylaw" means a City bylaw, and includes any amendments thereto;
 - (b) "Bylaw Enforcement Officer" means an individual appointed as such in accordance with Bylaw 21/2003, the *Bylaw Enforcement Officer Bylaw*, and includes any amendments thereto or replacements thereof;
 - (c) "City" means the City of St. Albert, a municipal corporation in the Province of Alberta;
 - (d) "City Manager" means the City's chief administrative officer or designate;
 - (e) "Firearm" means any device from which any shot, bullet, or other projectile capable of causing bodily injury or death can be discharged including but not limited to air guns, BB guns, sling shots, bows and arrows, and gas powered guns;
 - (f) "Municipal Violation Tag" means a City-issued notice that alleges an offence and provides a Person with the opportunity to pay an amount to the City in lieu of prosecution for the offence;

- (g) “Peace Officer” means a Person employed for the purposes of preserving and maintaining the public peace, and includes
 - i. a provincially-appointed Peace Officer pursuant to the Peace Officer Act;
 - ii. a provincially appointed Police Officer pursuant to the Police Act;
 - iii. a Bylaw Enforcement Officer authorized to enforce this Bylaw in accordance with his or her appointment; and
 - iv. a regular member of the Royal Canadian Mounted Police;
- (h) “Person” includes any individual, corporation, society, association, partnership, or firm;
- (i) “Public Place” means any property, whether publicly or privately owned, to which members of the public have access as of right or by express or implied invitation, whether on payment of any fee or not;
- (j) “Violation Ticket” means a violation ticket issued in accordance with the *Provincial Offences Procedure Act R.S.A. 2000, c.P-34*, as amended.

PART 2

Public Conduct

- 3. (1) No Person shall cause a disturbance in or near a Public Place.
- (2) For the purpose of greater certainty, causing a disturbance as referred to in subsection (1) means, in the opinion of a Peace Officer, the activity has or is likely to interrupt a settled and peaceful public condition, some examples which include but are not limited to the following:
 - (a) swearing or use of obscene, offensive language;
 - (b) loitering in any way that obstructs others;
 - (c) fighting; or
 - (d) screaming or shouting.

PART 2

Use of Firearms

- 4. (1) No Person shall use or discharge any Firearm within the City limits.
- (2) Section 4 (1) does not apply to:

- (a) Peace Officers who may be required to use a firearm in the operation of their duties;
- (b) a Person who uses or discharges a firearm at a shooting range or gun club or any similar facility which is designed and operated in accordance the Land Use Bylaw and all other Federal, Provincial and municipal laws and regulations; and
- (c) a Person who has been given authorization pursuant to section 5.

PART 3

Permitted Exemptions

- 5. (1) A Person may make a written application to the City Manager for a permit allowing for the use or discharge of a Firearm provided that such use is compliant with all other applicable Federal and Provincial legislation.
- (2) Any application to the City Manager made pursuant to section 5(1) must be made in writing and in a form approved by the City Manager.
- (3) The City Manager may, in writing, alter, suspend or revoke a permit issued in accordance section 5(1) if:
 - (a) the permit was issued in error;
 - (b) the permit was issued based on incorrect information supplied to the City;
 - (c) the permit issued is in violation of any other legislation; or
 - (d) circumstances exist whereby the City Manager, acting reasonably, determines that the permit should be altered, suspended or revoked.

PART 4

Offence

- 6. A Person who contravenes any provision of this Bylaw is guilty of an offence.

Continuing Offence

- 7. In the case of an offence that is of a continuing nature, a contravention of a provision of this Bylaw constitutes a separate offence with respect to each day, or part of a day, during which the contravention continues, and a Person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each separate offence.

Fines and Penalties

8. A Person who is guilty of an offence under this Bylaw is liable:
- (a) to a fine in an amount of \$250 for any offence under this Bylaw; or
 - (b) on summary conviction, to a fine not exceeding \$10,000.00 or to an order of imprisonment for not more than 1 year, or both.

Municipal Violation Tag

9. (1) A Peace Officer may issue, with respect to an offence under this Bylaw, a Municipal Violation Tag specifying the fine amount established by this Bylaw.
- (2) Where a Municipal Violation Tag is issued, the fine amount indicated thereon may be paid as directed in lieu of prosecution.

Violation Ticket

10. (1) A Peace Officer may issue, with respect to an offence under this Bylaw, a Violation ticket:
- (a) specifying the fine amount established by this Bylaw; or
 - (b) requiring an appearance in court without the option of making a voluntary payment.
- (2) Where a Violation Ticket specifies a fine amount, a voluntary payment equal to the specified fine amount may be made as directed.

PART 5

Bylaw Coming Into Effect

11. This Bylaw shall take effect, and Bylaw 11/63 shall be repealed, upon the signing and passing of this Bylaw

READ a first time this _____ day of _____, 2017.

READ a second time this _____ day of _____, 2017.

READ a third and final time this _____ day of _____, 2017.

SIGNED AND PASSED this _____ day of _____, 2017.

MAYOR

CHIEF LEGISLATIVE OFFICER

DRAFT