

CITY OF PRINCE ALBERT

BYLAW NO. 6 OF 2019

*A Bylaw of the City of Prince Albert
to regulate the discharge of firearms and dangerous
weapons within the City of Prince Albert.*

NOW THEREFORE THE COUNCIL OF THE CITY OF PRINCE ALBERT
IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:

SHORT TITLE

1. This Bylaw may be cited as "The Discharge of Firearms and Dangerous Weapons Bylaw."

PURPOSE

2. The purpose of this Bylaw is:
 - (a) to regulate the discharge of firearms and dangerous weapons within the City of Prince Albert.

DEFINITIONS

3.
 - (a) "**Bylaw Enforcement Officer**" means any member of the Prince Albert Police Service and any Special Constable appointed by the Chief of Police;
 - (b) "**Chief of Police**" means the Chief of Police of the Prince Albert Police Service and anyone authorized to act on behalf of the Chief of Police;

- (c) **“Firearm”** means any device from which any shot, bullet, missile or other projectile can be discharged and that is capable of causing bodily injury or death and, without limiting the generality of the foregoing, includes a rifle, shotgun, pistol, revolver, spring gun, pellet gun, air gun, longbow, compound bow, crossbow or slingshot; and
- (d) **“Dangerous Weapon”** means:
- (i) any device designed to be used for the purpose of injuring, immobilizing or otherwise incapacitating any person or animal by the discharge therefrom of:
 - A. tear gas, Mace or other gas; or
 - B. any liquid, spray, powder or other substance that is capable of injuring, immobilizing or otherwise incapacitating any person, and, without limiting the generality of the foregoing, includes bear spray;
 - (ii) any device that is designed to be capable of injuring, immobilizing or incapacitating any person or animal by discharging an electrical charge produced by the means of the amplification or accumulation of the electrical current generated by a battery, and, without limiting the generality of the foregoing, includes a TASER;
- (e) **“Police Officer”** means:
- (i) A sworn member of the Prince Albert Police Service;
 - (ii) Any person appointed pursuant to *The Police Act, 1990* as a special constable or peace officer; or
 - (iii) A member appointed pursuant to the *Royal Canadian Mounted Police Act*.

ADMINISTRATION AND ENFORCEMENT

4. The Chief of Police is authorized to:
 - (a) Administer and enforce the provisions of this Bylaw; and,
 - (b) Delegate to any police officer or bylaw enforcement officer any power, duty or function assigned to the Chief of Police by this Bylaw.

PROHIBITION

5. Subject to Section 6 of this Bylaw:
 - (a) No person shall cause, permit or allow the discharge of a firearm within the City of Prince Albert;
 - (b) No person shall discharge a firearm in such a manner so that the projectile thereby released crosses the corporate limits of the City of Prince Albert; and
 - (c) No person shall discharge a dangerous weapon within the City of Prince Albert.

EXCEPTIONS

6.
 - (a) This Bylaw shall not apply to the Prince Albert Police Service or any Police Officer or Bylaw Enforcement Officer of the Prince Albert Police Service who is engaged in the performance of his or her duties.
 - (b) Subject to subsection (2), nothing in this bylaw applies to prohibit the discharge of a firearm by the following persons:
 - (i) A person who has been appointed or designated by Prince Albert City Council as a pest control officer for the purposes of enforcing *The Pest Control Act* or its successor legislation within the City of Prince Albert;

- (ii) A peace officer, Conservation Officer or member of the Canadian Armed Forces authorized by municipal, provincial or federal law to carry and use firearms while engaged in the performance of his or her duties;
- (iii) An employee or expressly authorized agent of the Prince Albert Municipal Airport engaged in the control of wildlife on airport lands in accordance with federal law governing the operation of an airport;
- (iv) Any person having authority under a statute of Canada or Saskatchewan to have in his or her possession a firearm when such firearm is discharged under the authority of his or her duty and within the scope of his or her duty;
- (v) Members of a *bona fide* gun club or range, archery club or range or rifle range or similar organization engaged in target practice on lands owned and occupied by that club or range and which club and range has received all necessary zoning or planning approvals from the City of Prince Albert and which operates in accordance with all applicable federal, provincial and municipal legislation and enactments;
- (vi) A person firing blank ammunition for the purpose of starting or controlling a sporting event of a similar nature to foot racing, bike racing, golf; or
- (vii) a person firing blank ammunition for or in connection with lawful use in a motion picture, television, stage production or historical display and which production or display has received prior written approval for such discharge from the officer in charge of the Prince Albert Detachment of the Royal Canadian Mounted Police; and

- (viii) a person who has been granted a special exemption from this bylaw by the Council of the City of Prince Albert, being an exemption other than an exemption listed in (a) through (f) above, and who is in possession of, and produces upon demand evidence in writing of the Council approval of such exemption.
- (c) Persons exempted pursuant to subsection (6) (i), (iii), (vi), (vii) and (viii) above shall notify the Prince Albert Police Service before displaying firearms in public or firing audible shots within the City of Prince Albert.

OFFENCES AND PENALTIES

- 7. (a) Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to:
 - (i) a fine of not more than \$2,000.00; or
 - (ii) imprisonment for a term of not more than six months; or
 - (iii) to both such fine and imprisonment; and
 - (iv) in default of payment is liable to imprisonment for a term, or an additional term of not more than six months.
- (b) Where a Police Officer believes on reasonable or probable grounds that a person is committing or has committed an offence under Section 5 of this bylaw, the Police officer may seize the firearm or dangerous weapon involved in such offence.
- (c) If a Police Officer seizes a firearm pursuant to subsection 7(b) the Police Officer shall, within thirty clear days institute proceedings against the person believed to have committed the offence or deliver possession of the seized firearm to the owner of the firearm.
- (d) Notwithstanding anything contained in subsection 7(c) if the owner of the firearm is fifteen years of age or younger, possession of the seized firearm shall not be given to the owner but possession shall be given to the owner's parent or guardian.

- (e) If a firearm is seized pursuant to subsection 7(b) and proceedings are instituted within the time specified, possession of the firearm shall not be delivered to the owner or the owner's parent or guardian unless and until the court has adjudicated the Defendant in the proceedings not guilty of the offence.
- (f) A dangerous weapon seized pursuant to subsection 7(b) shall be disposed of by the Prince Albert Police Service regardless of whether proceedings are instituted.

SEVERABILITY

8. Each provision of this Bylaw is independent of all other provisions. If any provision is declared invalid by a Court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.

REPEAL

9. Bylaw No. 19 of 1961 of The City of Prince Albert is hereby repealed.

COMING INTO FORCE

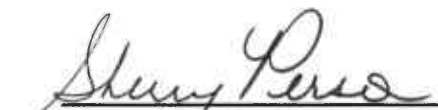
10. This Bylaw shall come into force and take effect on the day of its final passing.

INTRODUCED AND READ A FIRST TIME THIS 25th DAY OF February, A.D., 2019.

READ A SECOND TIME THIS 25th DAY OF February, A.D., 2019.

READ A THIRD TIME AND PASSED THIS 18th DAY OF March, A.D., 2019.


MAYOR


CITY CLERK