

THE CORPORATION OF THE TOWNSHIP OF SPRINGWATER

BY-LAW 2010 - _____

A By-Law to prescribe standards for the discharge of firearms within the limits of the Township of Springwater.

WHEREAS pursuant to Section 119 of the *Municipal Act* S.O. 2001, as amended, a municipality may pass a by-law for the purpose of public safety, prohibit or regulate the discharge of guns or other firearms, air guns, spring guns, crossbows, long bows or any other weapon thereof in the municipality or in any defined areas thereof; and

WHEREAS pursuant to Section 128 of the *Municipal Act* S.O. 2001, as amended, a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisance; and

WHEREAS the Council of the Corporation of the Township of Springwater deems it expedient to pass a by-law regulating the discharge of firearms and air guns within the limits of the Township of Springwater;

NOW THEREFORE, the Council of the Corporation of the Township of Springwater enacts as follows:

1. DEFINITIONS:

1.1. The following definitions shall be used for the purpose of this by-law:

“Animal” includes a member of the class Mammalia (mammals), Aves (birds), Reptilia (reptiles) or Amphibia (amphibians) but does not include a human being.

“Animal Control Officer” includes a person or persons appointed or engaged by the Township for the purpose of animal control and includes the Corporation's Municipal Law Enforcement Officer(s)

“Clerk” shall mean the Clerk of the Corporation of the Township of Springwater.

“Council” shall mean the council for the Corporation of the Township of Springwater;

“Firearm” includes a gun, air gun, spring gun, pellet gun, airsoft gun, paintball gun, bow or crossbow.

“Highway” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

“Lands” means a parcel of land described as a lot or block on a registered plan of subdivision or by lot and concession, metes and bounds or reference plan in a registered deed or transfer of land.

“Officer” means a police officer, municipal law enforcement officer or other person appointed by by-law to enforce the provisions of this By-law.

“Person” includes a corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law.

“Public Property” shall mean property that is owned by the Township, the County of Simcoe or any other public authority.

“Shooting Club” means a non-profit organization whose activities include target practice or target shooting competitions using restricted firearms or prohibited handguns at an identified approved shooting range. (*club de tir*)

“Shooting Range” means a place that is designed or intended for the safe discharge, on a regular and structured basis, of firearms for the purpose of target practice or target shooting competitions. (*champ de tir*)

“Township” means the Corporation of the Township of Springwater or the land within the geographic limit of the Corporation of the Township of Springwater as the contexts requires.

2. GENERAL PROHIBITIONS

- 2.1 No person shall discharge or permit the discharge of a firearm within the Township except in accordance with the provisions of this by-law.
- 2.2 No person shall discharge a firearm, upon any lands within the Township without the written authorization of the owner or occupier of such lands.
- 2.3 No person shall possess a loaded firearm upon any highway, municipal road allowance or park within the Township.
- 2.4 No person shall discharge a firearm upon any lands that is less than four (4) hectares (9.88 acres) in size within the Township.
- 2.5 No person shall discharge a firearm within three hundred (300) metres of the boundary of public property.
- 2.6 No person shall discharge a firearm at any time on Sunday.

- 2.7 Notwithstanding Section 2.6, a person may discharge a bow, crossbow, or air gun that is not audible from the limits of the boundaries of the lands on which the bow, crossbow or air gun is being discharged.
- 2.8 No person shall discharge a firearm during the period from half an hour after sunset to half an hour before sunrise Monday through Saturday, inclusive, within the Township.
- 2.9 No person shall discharge a firearm on any lands to cause a shot, bullet, bolt, arrow or projectile, as the case may be to pass over:
- a) A highway, municipal road allowance, public trail or public property;
 - b) Abutting lands unless the abutting lands may be used for the discharge of a firearm in accordance with the provisions of this by-law and the written consent of the owner or occupier of the abutting lands has been obtained within one year prior to the date on which the firearm was discharged.

3. EXEMPTIONS

3.1. General

This by-law does not apply to an Officer, an Animal Control Officer, an authorized employee of the Humane Society, or other person duly authorized to use a firearm while engaged in the performance of his duties.

3.2. Agricultural Activities

This by-law does not apply to an owner or tenant of a lands designated and zoned for agricultural purposes where the primary use of the lands is for agricultural activities and the discharge of a firearm on the lands is for the sole purpose of destruction of rodents, to humanely destroy an animal in distress, or within the meaning of the *Farming and Food Production Protection Act, 1998, S.O. 1998, c.1* as amended, and the *Livestock, Poultry and Honey Bee Protection Act, R.S.O. 1990, c. L.24, as amended*.

3.3. Hunting purposes

- a) This by-law does not apply to any person engaging in hunting activities in accordance to the *Fish and Wildlife Conservation Act, 1997*.
- b) Notwithstanding Section 3.3 (a) no person shall conduct gun hunting on a Sunday as set out in Ontario Regulation 2406 section 66 (1) made under the *Fish and Wildlife Conservation, Act, S.O. 1997*.

3.4. Organized Shooting Ranges and Shooting Clubs

- a) This by-law does not apply to any person who is a member of a federally or provincially regulated and licensed shooting range, shooting club or archery club in the course of permitted club activities.
- b) Notwithstanding Section 3.4 (a) the no person shall discharge or permit the discharge of a firearm at a federally or provincially regulated and licensed shooting range, shooting club or archery club during the following times:
 - i) From 6:00 p.m. Sunday to 9:00 a.m. Monday
 - ii) From 8:00 p.m. to 9:00 a.m. Monday to Friday
 - iii) From 9:00 p.m. Friday to 9:00 a.m. Saturday
 - iv) From 6:00 p.m. Saturday to 12:00 p.m. Sunday

4. GRANTING OF AN EXEMPTION BY COUNCIL

4.1 Application to Township

Notwithstanding any provision contained in this by-law, any person may make an application to Council of the Township to be granted an exemption permit from any provision of this by-law. The Township may refuse to grant an exemption or may grant the exemption applied for or may grant an exemption of lesser effect. An exemption permit shall specify a time period, not in excess of one (1) month, during which it is effective and may contain such terms and conditions as the Township deems appropriate.

4.2 Details of Application for Exemption Permit

Every person applying for an exemption permit shall at least thirty (30) business days prior to the Council meeting at which the request for exemption is to be considered, submit to the Clerk of the Township the following:

- a) a completed application form as provided by the Township;
- b) the fee as listed on Schedule 1 of this By-law.

4.3 Circulation of Notice of Exemption Application

- a) The Clerk shall circulate notice fourteen (14) days prior to the Council meeting to all landowners within one hundred and twenty (120) metres of the lands subject to the exemption application.

- b) The notice shall contain the following:
 - i) Name of the applicant
 - ii) The lands subject to the exemption request
 - iii) Purpose of the exemption request
 - iv) The date or dates for which the exemption is sought
 - iv) The date and time the matter will be considered by Council
 - v) Contact information should the individual wish to address Council regarding the exemption request.

4.3 Decision

In deciding whether to grant an exemption permit, Council shall give the applicant and any person opposed to the application an opportunity to be heard and may consider such other matters as it deems appropriate.

4.4 Breach

No person shall breach any of the terms or conditions of an exemption permit issued by the Township. Where a breach occurs it shall render the exemption permit null and void.

5. SEVERABILITY

- 5.1 If a court of competent jurisdiction declares any section or part of this By-law invalid, it is the intention of Council that the remainder of the By-law shall continue in force.

6. POWER OF ENTRY

- 6.1 An Officer may enter upon land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the provisions of this By-law are being complied with.

7. RESTRICTIONS/CONDITIONS

- 7.1 Notwithstanding any provision of this By-law, an Officer shall not enter or remain in any room or place actually being used as a dwelling, unless:
 - a) the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and, if refused, may only be made under the authority of an order issued under Section 438 of the *Municipal Act*, a warrant issued under Section 439 of the *Municipal Act*, or a warrant under Section 386.6 of the *Municipal Act*.
 - (b) an order issued by a provincial judge or justice of the peace under Section 438 of the *Municipal Act*, is obtained;

- (c) a warrant issued by a provincial judge or justice of the peace under section 439 of the *Municipal Act*, is obtained;
- (d) a warrant issued by a provincial judge or justice of the peace under section 386.3 of the *Municipal Act*, is obtained;

8. ENFORCEMENT AND PENALTY PROVISIONS

- 8.1 The enforcement of this By-law shall be conducted by an Officer.
- 8.2 No person shall hinder or obstruct an Officer in the enforcement of this By-law.
- 8.3 Any person who is alleged to have contravened any section of this By-law shall identify themselves to an Officer upon request, failure to do so shall be deemed to have hindered or obstructed an Officer in the execution of his duties.
- 8.4 Every person who contravenes any provision of this by-law is guilty of an offence.
- 8.5 Every director or officer of a corporation who knowingly concurs in the contravention of any provision of this by-law by the corporation is guilty of an offence.
- 8.6 A person who is convicted of an offence is liable:
 - a) on a first offence, to a fine of not less than \$250 and to a fine of not more than \$50,000, and
 - b) on a second and each subsequent offence, to a fine of not less than \$500 and a fine of not more than \$100,000.

9. SHORT TITLE

- 9.1 This By-law may be cited as the “Discharge of Firearms By-law”.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS ___th DAY OF MONTH, 2010.

Tony Guergis, Mayor

John Daly, Clerk

SCHEDULE '1' TO BY-LAW 2010 - ____

Category	Fee
Application for Exemption	\$100.00

Working Document