

**THE CORPORATION OF THE NATION
MUNICIPALITY
DISCHARGE OF FIREARMS
BY-LAW # 30-2021**

**BEING A BY-LAW TO PROHIBIT OR REGULATE THE DISCHARGE
OF FIREARMS IN THE NATION MUNICIPALITY**

WHEREAS the *Municipal Act*, S.O. 2001, c.25, section 119 provides authority to a local municipality, for the purpose of public safety to prohibit or regulate the discharge of guns, firearms, air guns, spring-guns, cross-bows, long-bows and any other weapon.

AND WHEREAS the Council of the Corporation of The Nation Municipality deems it necessary and desirable for the protection of persons and property to pass a By-Law to prohibit and regulate the discharge of firearms within the geographic limits of the Corporation of the Nation Municipality for the purpose of public safety;

NOW THEREFORE the Municipal Council of the Corporation of The Nation Municipality hereby enacts as follows.

DEFINITIONS

1. For the purpose of this By-Law, the following terms shall have the corresponding meaning:

"Chief of Police" means the officer in charge of any detachment of the Ontario Provincial Police either providing police services to the area municipality by agreement, or otherwise having jurisdiction in the municipality.

"Corporation of The Nation Municipality" means the municipal corporation known as The Nation Municipality or the geographic area of The Nation Municipality, as the context requires;

"Firearm" means any class or type of gun or other firearm including a shotgun, rifle, air-gun, spring-gun, and any class of bows or cross-bows and any other barreled weapon from which any shot, bullet, missile or other projectile may be discharged; and that is capable of causing bodily injury or death to a person;

"Farmer" means a farmer as defined in the *Farming and Food Protection Act*, S.O. 1998, c.1, as amended;

"Highway" means a common and public highway, street, avenue, parkway, driveway, square, 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;

"Navigable Water" means navigable water as defined in the *Navigable Waters Protection Act*, R.S.C. 1985, Chap., c.N-22;

"Peace Officer" means,

- a) a Police Officer as defined in the *Police Services Act*, R.S.O. 1990, c.P.15, as amended;
- b) Conservation Officer appointed to enforce the *Fish and Wildlife Conservation Act*, 1997, S.O. 1997, c 41, as amended;
- c) a Municipal Law Enforcement Officer appointed to enforce the By-Laws of the Municipality;
- d) a Peace Officer as defined in the *Criminal Code*, R.S.C. 1985, c. c-46, as amended;
- e) a member or officer of the Royal Canadian Mounted Police Force;
- f) a member or officer of the Canadian Armed Forces;

"Trapper" means a person who is the holder of a valid trapping license issued by the Ministry of Natural Resources;

INTERPRETATION

SEVERABILITY

2. It is declared that if any section, subsection, part or parts thereof of this By-Law be declared by any Court of Law to be invalid unenforceable, illegal or ultra vires, such section, subsection, part or parts shall be deemed to be severable and all other parts hereof are declared to be separate and independent and enacted as such.

REGULATIONS

DISCHARGE OF FIREARMS

3. (1) No person shall discharge a firearm in those areas being hamlets, villages, village limits, subdivisions, or any other built up area of the Nation Municipality or on any navigable water located within or adjacent to the areas mentioned above.

(2) Furthermore, no person shall discharge a firearm;
 - a) on, over or across any highway or portion thereof;
 - b) on, over or across any public land within The Nation Municipality including parks, **the St-Albert Conservation area**, property owned by The Nation Municipality, school property, recreational areas, community center, community sports facility;

- c) within 300 meters of any place of worship, community center, community sports facility, public hall or school property;

EXEMPTIONS

- 4. Despite Sections 3, this By-Law shall not restrict or regulate the discharge of firearms by the following:
 - a) a peace officer in the performance of his or her duty;
 - b) a person appointed as a Municipal Law Enforcement Officer or as an agent for The Nation Municipality or a provincial or federal government agency for the purpose of destroying sick, injured or vicious animals in the performance of their stated duties;
 - c) a farmer or his or her agent, in order to destroy livestock in connection with farming practices, to scare or destroy animals that are found in the act of killing or injuring livestock or poultry and wildlife destroying his or her property in accordance with the *Migratory Birds Convention Act*, 1994, c 22 and the *Fish and Wildlife Conservation Act*, 1997, S.O. 1997, c 41, as amended,
 - d) members of a bona fide gun club, rifle range, or skeet club in a specific area, zoned for the purpose and, where applicable, only with the prior approval of the Firearms Office, Ontario Ministry of Public Safety and Security;
 - e) members of a bona fide archery club in a specific area, zoned for the purpose and, where applicable, in accordance with the rules and regulations of the Ontario Archery Association;
 - f) a facility operated by or for a municipal, provincial or federal police force;
 - g) a person firing blank ammunition for or in connection with lawful use in a motion picture, television, stage productions and historical displays or educational programs of a public museum;
 - h) a person firing blank ammunition for animal training purposes or for the purpose of starting or controlling a sporting event of a similar nature to foot racing, sailing or golf;
 - i) a person discharging any class of bow or cross bow for target practice provided that such activity and the location is authorized by Council.

OFFENCES AND PENALTIES

Any person who contravenes any of the provisions of this By-Law is guilty of an offence.

Every person who is convicted of an offence under any provisions of this By-Law is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c P.33, as amended.

PROHIBITION ORDER

When a person has been convicted of an offence under this By-Law:

- a) the Ontario Court of Justice; or
- b) any court of competent jurisdiction

may, in addition to any other penalty imposed on the person convicted, make an order prohibiting the continuation or repetition of the offence by the person convicted.

ADMINISTRATION & ENFORCEMENT

This By-Law shall be enforced by the Chief of Police and the Municipal By-Law Enforcement Officers of the The Nation Municipality.

EFFECTIVE DATE

Mayor

Clerk