

THE CORPORATION OF THE CITY OF TEMISKAMING SHORES

BY-LAW NO. 2009-081

**BEING A BY-LAW TO REGULATE AND CONTROL
THE DISCHARGE OF FIREARMS
WITHIN THE CITY OF TEMISKAMING SHORES.**

WHEREAS the Council of the Corporation of the City of Temiskaming Shores at its Regular Council / Committee of the Whole Meeting acknowledged receipt of Supplemental Administrative Report PDS-011-01-2009 and passed a resolution authorizing staff to submit the final draft by-law to Control the Discharge of Firearms within the City of Temiskaming Shores for Council's consideration of First and Second Readings;

AND WHEREAS under Section 8 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS under Section 9 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS under Section 10 (2) 6 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may pass by-laws with respect to matters of health, safety and well-being of persons;

AND WHEREAS Section 119 of the Municipal Act, S.O. 2001, c. 25, as amended, provides that a municipality may for the purpose of public safety, prohibit or regulate the discharge of guns or other firearms, air-guns, spring-guns, cross-bows, long bows or any other weapon;

AND WHEREAS Section 425(1) of the Municipal Act, S.O. 2001, c. 25, as amended, provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the Act is guilty of an offence;

AND WHEREAS Section 429(1) of the Municipal Act, S.O. 2001, c. 25, as amended, provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under the Act;

NOW THEREFORE the Council of The Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That Council adopts a by-law to regulate and control the discharge of firearms within the City identified as Schedule "A", attached hereto and forming part of this by-law;
2. That all by-laws respecting firearms and the discharge of firearms enacted by the former Town of Haileybury (more specifically By-law 1907-71 and By-law 2000-78), the former Town of New Liskeard, and the former Township of Dymond, and amendments thereto, are hereby repealed.
3. That the Clerk of the City of Temiskaming Shores is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the by-law and schedule, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.
4. That this by-Law shall come into force and take effect on the date of its final passing.

Read a FIRST and SECOND time this 7th day of July, 2009.

Mayor

Clerk

Read a THIRD time and FINALLY passed this 16th day of March, 2010.

Mayor

Clerk

THE CORPORATION OF THE CITY OF TEMISKAMING SHORES

SCHEDULE “A” TO BY-LAW NO. 2009-081

**BEING A BY-LAW TO REGULATE AND CONTROL THE DISCHARGE OF
FIREARMS WITHIN THE CITY OF TEMISKAMING SHORES**

INDEX

PART 1 – GENERAL PROVISIONS

SECTION

1.1	Short Title	5
1.2	Scope	5
1.3	Enforcement	5
1.4	Conflicts with other By-law	5

PART 2 - DEFINITIONS

SECTION

2.1	Agent	5
2.2	Agent of the City	5
2.3	By-law Enforcement Officer	5
2.4	City	5
2.5	Conservation Officer	5
2.6	Council	6
2.7	Firearm	6
2.8	Fish and Wildlife Conservation Act	6
2.9	Livestock, Poultry and Honey Bee Protection Act	6
2.10	Municipality	6
2.11	Non Restrictive Zone	6
2.12	Permitted Firearm	6
2.13	Person	6
2.14	Police Officer	6
2.15	Prohibited Zone	6
2.16	Provincial Offences Act	6
2.17	Shotgun Only Zone	6

PART 3 – REGULATIONS

SECTION		
3.1	Prohibition	6
3.2	Shotgun Only Zone Exception	6
3.3	Non Restrictive Zone Exception	6

PART 4 – EXEMPTIONS

SECTION		PAGE
4.1	Police Officer, Conservation Officer, Agent of the City	7
4.2	Land Owner or Agents	7
4.3	Trapper	7
4.4	Indoor Archery	7

PART 5 – PENALTIES

SECTION		
5.1	General Penalties	7

PART 6 - VALIDITY

SECTION		
6.1	Validity of By-law	8

APPENDICES

APPENDIX		
1	Set Fines for By-law 2009-081	9
2	Zone Map	10

**PART 1
GENERAL PROVISIONS**

SECTION

1.1 Short Title

This By-Law shall be cited as the “*Firearms By-law*”.

1.2 Scope

The provisions of this By-law shall apply to all property within the geographic limits of the *City*, except where other wise provided.

1.3 Enforcement

This By-law shall be enforced by a *By-law Enforcement Officer* or *Police Officer*.

1.4 Conflicts with other by-law

Where a provision of this By-law conflicts with a provision of another by-law in force in the *City*, the provisions that establishes the higher standard in terms of protecting the health, safety and welfare of the general public and the environmental well being of the municipality, shall prevails to the extent of the conflict.

**PART 2
DEFINITIONS**

Definitions of words, phrases and terms used in this By-law that are not included in the list of definitions in this section shall have the meanings which are commonly assigned to them in the context in which they are used in this By-law.

The words, phrases and terms defined in this section have the following meaning for the purposes of this By-law.

SECTION

2.1 “**Agent**” means an agent pursuant to the Fish and Wildlife Conservation Act S.O. 1997, c. 41, Section 31 as amended and Ontario Regulation 665/98, Section 132 as amended.

2.2 “**Agent of the Municipality**” means an individual duly appointed by *Council* whose responsibilities relate to wildlife control.

2.3 “**By-law Enforcement Officer**” means the *person* or *persons* duly appointed by *Council* as Municipal Law Enforcement Officers for the purpose of enforcing regulatory by-laws of the *City*.

2.4 “**City**” means the Corporation of the City of Temiskaming Shores.

2.5 “**Conservation Officer**” means a conservation officer under the *Fish and Wildlife Conservation Act*.

2.6 “**Council**” means the Municipal *Council* of the City of Temiskaming Shores.

- 2.7 “**Firearm**” means any type of gun or other firearms, shotgun, rifle, air-gun, pellet gun, spring gun, cross-bow, long-bow, compound bow or any class or type thereof or anything that can be adapted for use as a firearm.
- 2.8 “**Fish and Wildlife Conservation Act**” means the Fish and Wildlife Conservation Act, S.O. 1997, c. 41 as amended.
- 2.9 “**Livestock, Poultry and Honey Bee Protection Act**” means the Livestock, Poultry and Honey Bee Protection Act, R.S.O. 1990, c. L 24 as amended.
- 2.10 “**Municipality**” means the land within the geographic limit of the *City*.
- 2.11 “**Non Restrictive Zone**” means the area in the *municipality* identified as such in Appendix “2” attached hereto and forming part of this Schedule.
- 2.12 “**Permitted Firearm**” means a shotgun, air-gun, pellet gun, spring gun, cross-bow, long-bow or compound bow.
- 2.13 “**Person**” means an individual, firm or corporation.
- 2.14 “**Police Officer**” means a member of the Ontario Provincial Police Service.
- 2.15 “**Prohibited Zone**” means the area in the *municipality* identified as such in Appendix “2” attached hereto and forming part of this Schedule.
- 2.16 “**Provincial Offences Act**” means the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.
- 2.17 “**Shotgun Only Zone**” means the area in the *municipality* identified as such in Appendix “2” attached hereto and forming part of this Schedule.

PART 3 REGULATIONS

SECTION

- 3.1 No *person* shall discharge a *firearm* within the *municipality*.
- 3.2 Notwithstanding Section 3.1, no *person* shall be permitted to discharge a *permitted firearm* on those properties located in the *Shotgun Only Zone* identified in Appendix “2” attached hereto and forming part of this Schedule, unless such a *person* has oral or written permission from the owner of the property.
- 3.3 Notwithstanding Section 3.1, no *person* shall be permitted to discharge a *firearm* on those properties located in the *Non Restrictive Zone* identified in Appendix “2” attached hereto and forming part of this Schedule, unless such a *person* has oral or written permission from the owner of the property.

PART 4

EXEMPTIONS

SECTION

- 4.1** The provisions of this by-law shall not apply to a *Police Officer, Conservation Officer* or *Agent of the Municipality* during the lawful execution of their duties.
- 4.2** Except within the *Prohibited Zone*, the provisions of this by-law shall not apply to a *person* or an *agent* used by the *person*, provided that the discharge of the *firearm* takes place within the confines of property owned by the *person* and the discharge of the *firearm* is for the sole purpose of dealing with wildlife under the terms prescribed by Section 31 of the *Fish and Wildlife Conservation Act*, or dogs under Section 2 of the *Livestock, Poultry and Honey Bee Act*.
- 4.3** The provisions of this by-law shall not apply to a licensed trapper while engaged in trapping activities upon property which he/she owns or upon which he/she has permission from the owner to trap.
- 4.4** The provisions of this by-law shall not apply to *persons* engaged in indoor archery.

PART 5

PENALTIES

SECTION

5.1 General Penalties

Any *person* who contravenes, suffers or permits any act or thing to be done in contravention of, or neglects to do or refrains from doing anything required to be done pursuant to any provisions of this By-law or any permit or order issued pursuant thereto, commits an offence and except where specifically provided in Appendix "1", shall be liable to a fine of not more than \$5,000.00.

Where an offence is a continuing offence, each day that the offence is continued shall constitute a separate and distinct offence.

PART 6
VALIDITY

SECTION

6.1 Validity of By-law

If any section, clause, or provision of this By-law, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not effect the validity of the By-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

THE CORPORATION OF THE CITY OF TEMISKAMING SHORES
Appendix “1” OF Schedule “A”
TO FIREARMS BY-LAW NO. 2009-081

PART 1 PROVINCIAL OFFENCES ACT
SET FINES

Item	COLUMN 1 Short form wording	COLUMN 2 Offence creating provision or Defining offence	COLUMN 3 Set fine
1	Discharge a <i>firearm</i> within <i>prohibited zone</i> .	Sch. A, section 3.1	\$200.00
2	Discharge a <i>firearm</i> on private property (shotgun only zone) without permission from owner of such property.	Sch. A, section 3.2	\$200.00
3	Discharge a <i>firearm</i> on private property (non-restrictive zone) without permission from owner of such property.	Sch. A, section 3.3	\$200.00

Note: The general penalty provision for the offences listed above is Schedule A section 5.1 of By-law No. 2009-081 a certified copy of which has been filed.

