

**THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING**

**BY-LAW 2011/39**

**BEING A BY-LAW TO REGULATE THE DISCHARGE OF FIREARMS WITHIN  
THE MUNICIPALITY OF WEST NIPISSING**

**WHEREAS** By-law 2002/66 to regulate the discharge of firearms and fireworks was adopted on October 15, 2002;

**AND WHEREAS** at the request of the West Nipissing Fire Department, the Council for the West Nipissing Municipality now deems it expedient to pass separate by-laws for the regulation and discharge of firearms and fireworks;

**NOW THEREFORE THE COUNCIL OF THE MUNICIPALITY OF WEST NIPISSING ENACTS AS FOLLOWS:**

**DEFINITIONS AND INTERPRETATION**

**1. DEFINITIONS**

In this by-law:

- 1.1 **"Chief of Police"** means the Chief of Police of the Municipality of West Nipissing or authorized representatives;
- 1.2 **"Farm"** means any occupied land used for the purpose of generating an income for livelihood from the raising of livestock or cash crops;
- 1.3 **"Farmer"** means a person whose occupation is farming on land that he or she is entitled to occupy, and,
  - a. who has livestock or poultry on the land,
  - b. who is tilling or cultivating the land for crops, or
  - c. who is engaging in arboriculture or horticulture for commercial purposes;
- 1.4 **"Firearm"** means any gun, pistol, revolver, rifle or other device that is capable of firing bullets or other projectile through a metal tube by use of gun powder, forced air or other chemicals or a spring device, crossbows, longbows and compound bows;
- 1.5 **"Highway"** means 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;
- 1.6 **"Municipality"** means the Municipality of West Nipissing;
- 1.7 **"Navigable water"** means navigable water pursuant to the Navigable Waters Protection Act, R.S.C.1985, Chap. N-22;
- 1.8 **"Peace officer"** means:
  - a) a police officer as defined in the Police Services Act, R.S.O. 1990, Chap. P.15, as amended,
  - b) conservation officer appointed to enforce the Fish and Wildlife Conservation Act, 1997, S.O. 1997, Chap. 41, as amended,
  - c) a municipal law enforcement officer appointed pursuant to section 15 of the Police Services Act to enforce the by-laws of the Municipality,
  - d) a peace officer as defined in the Criminal Code,

- e) a member of the Royal Canadian Mounted Police Force, or any person appointed pursuant to paragraph 7(1)(d) of the Royal Canadian Mounted Police Act, R.S. 1985, c. R-10, as amended, to enforce or carry out the enforcement of the National Capital Commission Traffic and Property Regulations, C.R.C., Chap. 1044, as amended.

1.9 **“Rural Area”** means: any lands designated in the West Nipissing Official Plan as either Rural or Agricultural;

1.10 **“Settlement Areas”** means any lands so designated in the West Nipissing Official Plan;

## **2. INTERPRETATION**

2.1 It is declared that if any section, subsection or part or parts thereof be declared by any Court of Law to be bad, illegal or ultra vires, such section, subsection or part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

## **REGULATIONS**

### **3. DISCHARGE OF FIREARMS**

3.1 The discharge of firearms within the municipal boundaries of the Municipality of West Nipissing shall be regulated as follows, notwithstanding that the discharge of such firearms must adhere to all Federal and Provincial laws and regulations in regard to discharging firearms in a safe manner:

- a) The discharge of firearms, including air-guns and spring guns, is prohibited within the Settlement Areas of the Municipality of West Nipissing.
- b) In Rural areas, centre-fire and rim-fired rifles must be discharged according to the following:
  - i) must be at least 150 meters from a residence, commercial or industrial site.
  - ii) must adhere to all Federal and Provincial laws and regulations in regard to discharging firearms in a safe manner.
- c) Sections a) and b) do not apply to any residence in Rural areas being used as a hunt camp during hunting season, or on a bona fide farm, however individuals.
- d) This by-law shall not apply to the discharge of any firearm on any firing range under the direction and control of any Department or Agency of the Government of Canada, of the Government of the Province of Ontario, or of a police force established under the Police Services Act.

3.2 No person shall discharge a firearm,

- a) on, over or across any highway or portion thereof;
- b) on, over or across public land, except lands under the jurisdiction of the Crown, within the Municipality of West Nipissing including parks, conservation areas, forestry lands, school property, recreational areas, but not including, an unopened road allowance, and
  - i) within 450 meters of any place of worship, public hall or school property;

- ii) within 450 meters of land on a registered plan of subdivision once an application for a building permit has been received by the Municipality of West Nipissing.

3.3 No person shall discharge a long bow or cross bow within 200 metres of:

- a) any place of worship, public hall or school property; or
- b) land on a registered plan of subdivision once an application for a building permit has been received by the Municipality of West Nipissing.

#### **4. EXEMPTIONS**

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 Municipality of West Nipissing or for a municipal animal control officer, provincial or federal government agency for the purpose of destroying sick, injured or vicious animals in the performance of this stated duty;
- c) a farmer or his/ her agent, in order 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, Chap.22 and the Fish and Wildlife Conservation Act, 1997, S.O. 1997, Chap. 41, as amended,
- d) members of a bona fide gun club, archery 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) a facility operated by or for a municipal, provincial or federal police force.

#### **OFFENCES AND PENALTIES**

##### **5. OFFENCES**

Any person who contravenes any of the provisions of this by-law is guilty of an offence.

##### **6. FINES**

Every person who is convicted of an offence under this by-law is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990 Chap. P.33, as amended.

##### **7. 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 thereafter

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**

8. **ENFORCEMENT**

This by-law shall be enforced by the Chief of Police.

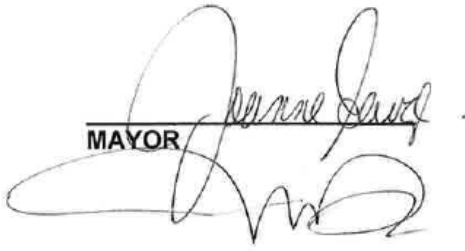
9. **SHORT TITLE**

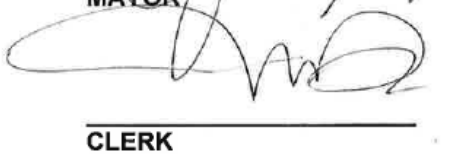
This by-law may be referred to as the "Discharge of Firearms By-law".

10. **REPEAL**

By-laws 2002/66 and amending by-law 2003/23 are hereby repealed.

**ENACTED AND PASSED THIS 12<sup>th</sup> DAY OF JULY 2011 AS WITNESSED BY THE SEAL OF THE CORPORATION AND THE HANDS OF ITS PROPER OFFICERS.**

  
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MAYOR

  
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CLERK

**SCHEDULE 'A' TO BY-LAW 2011/39  
BEING A BY-LAW TO REGULATE THE DISCHARGE OF FIREARMS WITHIN  
FIREWORKS IN THE MUNICIPALITY OF WEST NIPISSING**

**PART I – PROVINCIAL OFFENCES ACT**

By-law 2011/39 Firearms By-law

<b>ITEM</b>	<b>COLUMN 1 SHORT FORM WORDING</b>	<b>COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE</b>	<b>COLUMN 3 SET FINE</b>
1	Discharge firearm within urban area	Sec. 3.1	\$ 300.00
2	Discharge firearm on highway/portion of highway	Sec. 3.2 a)	\$ 300.00
3	Discharge firearm over highway/portion of highway	Sec. 3.2 a)	\$ 300.00
4	Discharge firearm across highway/portion of highway	Sec. 3.2 a)	\$ 300.00
5	Discharge firearm on public land	Sec. 3.2 b)	\$ 300.00
6	Discharge firearm over public land	Sec. 3.2 b)	\$ 300.00
7	Discharge firearm across public land	Sec. 3.2 b)	\$ 300.00
8	Discharge firearm within 450 meters of place of worship	Sec. 3.2 b) i)	\$ 300.00
9	Discharge firearm within 450 meters of public hall	Sec. 3.2 b) i)	\$ 300.00
10	Discharge firearm within 450 meters of school property	Sec. 3.2 b) i)	\$ 300.00
11	Discharge firearm within 450 meters of land on registered plan of subdivision once application for building permit received	Sec. 3.2 b) ii)	\$ 300.00
12	Discharge long bow within 200 meters of place of worship	Sec. 3.3 a)	\$ 300.00
13	Discharge long bow within 200 meters of public hall	Sec. 3.3 a)	\$ 300.00
14	Discharge long bow within 200 meters of school property	Sec. 3.3 a)	\$ 300.00
15	Discharge long bow within 200 meters of land on registered plan of subdivision once building permit received	Sec. 3.3 b)	\$ 300.00
16	Discharge cross bow within 200 meters of public hall	Sec. 3.3 a)	\$ 300.00
17	Discharge cross bow within 200 meters of school property	Sec. 3.3 a)	\$ 300.00
18	Discharge cross bow within 200 meters of place of worship	Sec. 3.3 a)	\$ 300.00
19	Discharge cross bow within 200 meters of land on registered plan of subdivision once building permit received	Sec. 3.3 b)	\$ 300.00

Note: The penalty provision for the offences indicated above is Section 61 of the Provincial Offences Act, R.S.O. 1990, P. 33