

THE CORPORATION OF THE TOWNSHIP OF AMARANTH

BY-LAW NUMBER 50 -2022

BEING A BY-LAW TO REGULATE THE DISCHARGE OF FIREARMS WITHIN THE TOWNSHIP OF AMARANTH

**WHEREAS** Section 119 of the Municipal Act, 2001, as amended, provides authority to a local municipality, for the purpose of public safety, prohibit or regulate the discharge of guns, firearms, air guns, spring-guns, cross-bows, long-bows and any other weapon;

**WHEREAS** subsection 23.1(1) of the Municipal Act, 2001, as amended, a municipality is authorized to delegate its powers and duties under the Act, subject to certain restrictions;

**WHEREAS** Section 425 of the Municipal Act, 2001, as amended, provides that a person who contravenes a by-law is guilty of an offence;

**WHEREAS** Section 429 of the Municipal Act, 2001, as amended, a municipality may establish a system of fines for offences under a by-law;

**WHEREAS** Section 436 of the Municipal Act, 2001, as amended, a municipality may pass a by-law providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not there is compliance with a by-law, direction, order or condition of a license;

**AND WHEREAS** the Council of the Township of Amaranth deems it advisable to the health, safety and welfare of residents and visitors to regulate the discharge of firearms with the limits of the Township;

**NOW THEREFORE** the Council of Corporation of The Township of Amaranth hereby enacts as follows:

**PART I – DEFINITIONS**

1.1 For the purpose of this by-law:

“Council” means the Council of the Township of Amaranth;

“Firearm” includes any type of gun or similar barrelled device from which any shot, bullet or projectile can be discharged and that is capable of causing bodily injury or death and/or damage to property;

“Gun Club” or “Shooting Range” means a bona fide gun club or range, registered and regulated by the Firearms Act, S.C. 1995, c.39, the use and location of which is permitted pursuant to the applicable zoning by-law, site plan control and building requirements and any other applicable federal, provincial and municipal laws;

“Land” includes any public or private property, premises, grounds, yards, or vacant lot and includes land owned by a Conservation Authority;

“Officer” means a police officer, by-law enforcement officer, officer appointed under the Fish and Wildlife Conservation Act, 1997 or Conservation Authorities Act, or any other person appointed to enforce the provisions of this by-law;

**PART II - GENERAL PROHIBITIONS**

- 2.1 No person shall discharge, cause to be discharged or allow to be discharged a firearm on any land except with the express permission (written permission is the preferred method) of the owner or occupier of the land.
- 2.2 No person shall discharge, cause to be discharged or allow to be discharged a firearm within 100 metres of a building or structure whether occupied or not without the express permission (written permission is the preferred method) of the owner or occupier of the lands.
- 2.3 No person shall discharge, cause to be discharged or allow to be discharged a firearm over the boundary of abutting land without the express permission (written permission is the preferred method) of the owner or occupier of the abutting lands.
- 2.4 No person shall discharge a firearm without having in his or her possession any provincial or federal licence required to permit him or her to carry and discharge a firearm.
- 2.5 Where a contravention of this by-law has occurred, every owner of the land shall take reasonable precautions to prevent the continuation or repetition of the contravention on such land.
- 2.6 No person shall breach any of the terms or conditions of an exemption permit issued by the Township. Where a breach is caused or permitted by the applicant, such breach shall immediately render the exemption permit null, void and subject to enforcement.

### **PART III – EXEMPTIONS**

- 3.1 Exempted individuals include an Officer, an agent of the Township or a person appointed by a provincial or federal government agency for the purpose of destroying sick, injured or vicious animals in the performance of this stated duty;
- 3.2 Exempted individuals include a person lawfully hunting following all provincial rules and regulations as per the Fish and Wildlife Conservation Act;
- 3.3 Exempted individuals include a farmer or their agent discharging a firearm on land owned by the farmer in order to scare or destroy animals that are found in the act of killing or injuring livestock or poultry or destroying their property, provided that such discharge complies with any of the following:
  1. Migratory Birds Convention Act, 1994 (Canada);
  2. Fish and Wildlife Conservation Act, 1997; or
  3. Protection of Livestock and Poultry from Dogs Act.
- 3.4 Exempted individuals include a trapper licensed by the Ministry of Natural Resources in accordance with the Fish and Wildlife Conservation Act, 1997 to hunt and trap fur-bearing mammals.
- 3.5 A person discharging a firearm at an approved gun club or shooting range which is approved by the Chief Firearms Officer (C.F.O.).

### **PART IV – APPLICATION FOR EXEMPTION PERMIT**

- 4.1 Notwithstanding Part II of this By-Law, any person may make application to the Clerk of the Township requesting an exemption permit from such provisions of this By-Law.
- 4.2 The Clerk presents request to Council who may grant such exemption, grant an alternative exemption or refuse such exemption. The council may impose specific conditions on any exemption granted pursuant to this By-Law.

- 4.3 Every person applying for an exemption permit shall submit a complete application in the form provided by the Township to the Clerk.
- 4.4 An exemption permit granted shall specify the time-period for the exemption during which it is effective and may contain such conditions as set out by the Clerk or Council.
- 4.5 The applicant shall take all reasonable actions to notify all persons who may be affected by the granting of an exemption prior to the effective date.
- 4.6 Council or their designate is to respond to exemption permit request within two (2) Council meetings.

#### **PART V – ENFORCEMENT AND PENALTIES**

- 5.1 The enforcement of this By-law shall be conducted by an Officer.
- 5.2 An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the By-law is complied with.
- 5.3 Every person who contravenes any provision of this By-law is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended and the Municipal Act, 2001, as amended.
- 5.4 Any person who is charged with an offence under this By-law or every director or officer of a corporation, who knowingly concurs in the contravention by a corporation by the laying of an information under Part III of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended and is found guilty of the offence is liable pursuant to the Municipal Act, 2001, as amended to the following:

- (a) on a first offence, to a fine not more than \$50,000.00; and
  - (b) on a second offence and each subsequent offence, to a fine of not more than \$100,000.00
- 5.5 Every person who is issued a Part 1 offence notice or summons upon conviction is guilty of an offence under the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended, and this By-law and shall be subject to a fine, to a maximum as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
- 5.6 No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law.

- 5.7 Every person who is alleged to have contravened any of the provisions 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 or her duties.

#### **PART VI – SEVERABILITY**

- 6.1 If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid the remainder of the By-Law shall continue to be valid and remain in force.
- 6.2 This By-law shall be superseded by all Provincial and Federal statutes, regulation and laws relating to this handling and discharge of firearms.

#### **PART VII – SHORT TITLE**

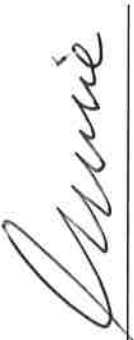
- 7.1 This by-law may be referred to as the “Discharge of Firearms” by-law.

**PART VIII – EFFECTIVE DATE**

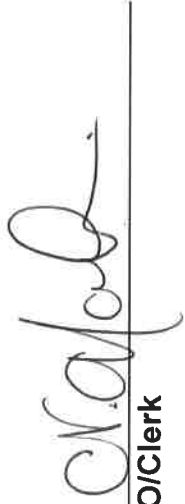
8.1 This By-law shall come into force and effect on the day it is passed.

BY-LAW READ A FIRST AND SECOND TIME THIS 15 DAY OF June 2022.

BY-LAW READ A THIRD TIME AND PASSED THIS 15 DAY OF June 2022.



Head of Council



CAO/Clerk

## PROVINCIAL OFFENCES ACT

### Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 50-2022 for The Corporation of the Township of Amaranth, attached hereto is the set fine for that offence. This Order is to take effect August 31, 2022.

Dated at Hamilton, this 31<sup>st</sup> day of August 2022.



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Paul R. Currie  
Regional Senior Justice  
Central West Region

THE CORPORATION OF THE TOWNSHIP OF AMARANTH

PART I Provincial Offences Act

By-law 50-2022: A By-law to Regulate the Discharge of Firearms withing the Township of Amaranth

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining Offence	COLUMN 3 Set Fine
1	Allow/Cause/Discharge of a firearm without permission of owner or occupier	Section 2.1	\$500.00 \$300.00
2	Allow/Cause/Discharge of a firearm within 100 metres of building or structure	Section 2.2	\$500.00 \$300.00
3	Allow/Cause/Discharge of a firearm over boundary of abutting land	Section 2.3	\$500.00 \$300.00
4	Discharge firearm no licence to carry or discharge	Section 2.4	\$500.00 \$300.00
5	Breach terms and conditions of exemption permit	Section 2.6	\$500.00 \$300.00
6	Hinder/Obstruct Officer exercising a power or duty under this By-law	Section 5.6	\$500.00 \$300.00

(NOTE: The general penalty provision for the offences listed above is Section 5.3 of By-law No. 50-2022, a certified copy of which has been filed.)