

THE CORPORATION OF THE TOWN OF GORE BAY

BY-LAW NO. 2018-13

BEING A BY-LAW TO PROHIBIT THE DISCHARGE OF FIREARMS AND BOWS WITHIN THE TOWN OF GORE BAY.

WHEREAS Paragraph 11(2) 6 of the Municipal Act, 2001, as amended, enables a municipality to pass a by-law to protect the health, safety and well-being of its residents;

WHEREAS Section 119 of the Municipal Act, 2001, as amended, enables a municipality to pass a by-law for the purpose of public safety, to prohibit or regulate the discharge of guns or other firearms, including air guns, cross-bows, long-bows or any other weapon; and,

WHEREAS the Council of The Town of Gore Bay determines that the discharge of firearms and bows could create a safety hazard for the public;

AND WHEREAS farmers are experiencing damage to agricultural crops caused by nuisance deer;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF GORE BAY ENACTS AS FOLLOWS:

1. DEFINITIONS

a) For the purpose of this By-law the following definitions shall apply:

- 1.1 "Bow" means a long bow, re-curve bow, cross bow or any class thereof, from which any arrow or any other projectile can be discharged and that is capable of causing bodily injury to any *Person*;
- 1.2 "Firearm" means any weapon from which any shot, bullet or other missile can be discharged and that is capable of causing bodily injury or death to any *Person* and includes a sling shot, air gun, paint ball gun and spring gun;
- 1.3 "Deer stand" means an elevated structure built for the purpose of lodging a person or persons for the purpose of discharging a firearm and/or restricted firearm which may or may not be attached to a tree.
- 1.4 "Owner" includes
 - i) the registered owner of the land,
 - ii) the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used,
 - iii) the lessee or tenant of the land,
 - iv) the occupant of the land, or
 - v) the licensee of the land.

1.5 "Peace Officer" includes a municipal by-law enforcement officer, police officer, animal

2. PROHIBITIONS

- 2.1 No person shall discharge or authorize to be discharged a *firearm, restricted firearm, or bow* within the municipal boundaries of the *Town* except in accordance with this by-law.
- 2.2 No person shall discharge a *Firearm, Restricted Firearm* or a *Bow* within the municipal boundaries of the *Town* within 300 metres of any residential or commercial building, public building or park or private park, a public street, sidewalk, trail or open space or the premises of an educational institution or of a religious institution, including but not limited to any building, structures or grounds related thereto.

3. EXCEPTIONS

- 3.1 This by-law shall not apply to:
- a) any *Peace Officer* acting in the course of their duty under the authority of their employment;
 - b) any Person or organization that for ceremonial, educational purposes or other purposes has obtained advance permission from the CAO of the Town.
 - c) an owner, or persons authorized by the owner, of lands indicated in yellow on the map attached hereto and marked as Schedule "A" and forming part of this By-law No. 2018-13 provided that only a restricted firearm as defined herein is used and the discharge of a restricted firearm is discharged from a deer stand as defined in Section 1.3 and subject to paragraph 2.2 of this by-law;

4. ENFORCEMENT

- 4.1 The provisions of this By-law may be enforced by a *Peace Officer* or any *Person* appointed to enforce the by-laws of the Town.
- 4.2 No person shall hinder or obstruct, or attempt to hinder or obstruct a *Peace Officer* or other *Person* so authorized who is performing a duty or exercising a power under this By-law pursuant to Section 426 of the Municipal Act, 2001.

5. SEVERABILITY

- 5.1 Notwithstanding that any clause or any part or parts thereof or Schedule of this By-law may be found by any court of law to be invalid or beyond the power of the Council to enact, such clause, Schedule or part or parts thereof shall be deemed to be severable, and all other clauses and Schedules of this By-law, or parts thereof, are separate and independent therefrom and enacted as such.

6. INTERPRETATION

9. PENALTY

9.1 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 and the Municipal Act 2001, as each may be amended from time to time.

10. REPEAL

10.1 By-law 2007-22, as amended, is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 9th DAY OF April , 2018.

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MAYOR

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CLERK

