

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 10-2004

Being a by-law to regulate the discharge of firearms and bows within the Town of Kingsville

WHEREAS Section 119 of the Municipal Act, S.O. 2001, c. 25, for the purpose of public safety provides that By-laws may be passed by the Councils of local municipalities to regulate the discharge of firearms and bows in the municipality or any defined area thereof;

AND WHEREAS it is deemed expedient and in the public interest to prohibit the discharge of guns, firearms, air guns, spring-guns, cross-bows and long-bows or any class or type thereof in the municipality or in any defined area thereof;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:

1. In this By-law:

"BOW" means a weapon consisting of a curved, sometimes re-curved, stave of a resilient material, strung taut from end to end and used to launch an arrow, a bolt, a quarrel or any similar projectile, and that is capable of causing bodily injury or death to a person and includes cross-bows, long-bows, re-curve bows and compound bows, or any such other reconfiguration, adaptation or modification of any bow. A Bow does not include a child/adolescent toy bow;

"BUILDING" shall include any structure whether temporary or not or permanent, having a roof supported by columns or walls or supported directly on the foundation and used or intended for sheltering any use or occupancy but shall not include a fence, trailer, camping trailer, truck camper, motor home, or tent;

"CORPORATION" means the Corporation of the Town of Kingsville;

"COUNCIL" means the Municipal Council of The Corporation of the Town of Kingsville;

"FARMER" means a person whose chief occupation is farming and, who is living upon and tilling his or her own land, or land to the possession of which he or she is for the time being entitled, or who is a settler engaged in clearing land for the purpose of bringing it to a state of cultivation ('exploitant agricole');

"FIREARM" means a barreled weapon from which any shot, bullet or other projectile can be discharged and is capable of causing bodily injury or death to a person, and includes any frame or receiver of a barreled weapon and anything that can be adapted for use as a Firearm, including air guns, spring-guns, or any class or type thereof; and

"TOWN" means the geographical area within the municipal boundary limits of the Town of Kingsville.

DISCHARGE PROHIBITED

2. No person shall discharge, cause to be discharged, or allow to be discharged:

- a) a Firearm or a Bow in those parts of the Town of Kingsville, as set forth in Schedules "A" and "B", attached hereto and forming part of the By-law; and

- b) a gun greater than a IO-gauge or any rifle greater than 6 millimetres (.243) in diameter carrying a varmint style projectile of more than 75 grains in weight; and
- c) full metal jacket bullets.

EXEMPTIONS

3.1 This By-law is not intended to interfere in the exercise of the lawful rights and privileges granted or in the performance of duties imposed upon a member of a police force, pursuant to and in accordance with the *Police Services Act*, R.S.O. 1990, c.P.15, as amended and regulations thereto, or like Acts and regulations of the Province of Ontario and Government of Canada.

3.2 This By-law further does not apply:

- a) so as to prohibit the discharge of Firearms and/or Bows in the Town, when the discharge occurs in shooting, rifle or archery ranges which;
 - (i) are within a Building constructed so that there is no danger of any bullet or projectile discharged or fired therein, passing out of the Building; and
 - (ii) where a minimum of \$1,000,000.00 public liability insurance is carried; and
 - (iii) all necessary and proper safety precautions are taken to the satisfaction of the Kingsville O.P.P. or such other person or persons as are designated by Council to enforce the provisions of this By-law; and
 - (iv) is situated in a location which is in conformity with the provisions of the Town Official Plan and Zoning By-law; and
 - (v) where application in Form "I", as attached hereto and forming part of this By-law has been filed with, and has subsequently received written approval of the Council.
- b) to any person who, upon application and approval of the said Form "I" receives permission of Council to conduct a special community event in a circumstance, or in a manner different from that of Section 3.2(a) hereof;
- c) to a Farmer, as defined in Section 1.1 of this By-law:
 - (i) for the purpose of controlling wildlife posing a threat to crops or livestock located on the Farmer's land with the use of rifles up to a 6 millimetres (.243) diameter carrying a varmint style projectile of not more than .75 grains in weight; or
 - (vi) for the purpose of hunting in season pursuant to any current and valid licence under the *Fish and Wildlife Conservation Act*, S.O. 1997, c. 41, as amended and Part II, O. Reg. 665/98 Sections 2 to 21, as amended, or any successor legislation thereto; and

This subsection is intended to include a member of the Farmer's family who resides with the Farmer, as well as a person who has received authorization by a Farmer; and

- d) to rifles larger than 6 millimetres (.243) diameter which can be used for sighting in purposes only.

3.3 The decision of the Council is final and binding with respect to any application under this By-law.

ENFORCEMENT

4.1 The Kingsville O.P.P., or other person or persons designated by Council, shall enforce the provisions of this By-law.

PENALTIES

5.1 Every person who contravenes any provision of this By-law is guilty of an offence and shall, upon conviction thereof, be liable to a fine or not more than \$5,000.00, recoverable under the *Provincial Offences Act*, R.S.O., 1990 c.P.33, as amended.

5.2 The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

REPEAL

6.1 Any By-law or parts of any By-law of the former Corporation of the Town of Kingsville, the former Corporation of the Township of Gosfield South and the former Township of Gosfield North, inconsistent with this By-law are hereby repealed.

ENACTMENT

7.1 This By-law shall come into force and take effect on the day of the final passing thereof.

READ A FIRST AND SECOND TIME THIS 26th DAY OF APRIL, 2004.

READ A THIRD AND FINAL TIME AND PASSED THIS 26th DAY OF APRIL, 2004.

MAYOR, Nelson Santos

CLERK, Linda Burling