

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

OFFICE CONSOLIDATION OF BY-LAW 2005-329

Consolidated on May 29, 2006

Passed by Council on December 13, 2005

Amendments:

- | | | |
|--------------------|----------------|-----------------------------------|
| 1) By-law 2006-041 | March 14, 2006 | Section 4.00 |
| 2) By-law 2006-059 | April 11, 2006 | Section 4.01 |
| 3) By-law 2006-081 | May 9, 2006 | Section 1.01 (e) and Section 4.01 |

Note: This consolidation is prepared for convenience only. For accurate reference the original by-laws should be reviewed.

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2005 - 329

A BY-LAW TO REGULATE THE DISCHARGE OF FIREARMS

Recitals

1. Council considers it advisable to regulate the discharge of firearms within the municipality for the purpose of public safety.
2. The *Municipal Act, 2001*, Section 119 states that a local 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.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2005-329.

Section 1.00: Definitions

1.01 **Definitions:** In this by-law,

- (a) "**bow**" means a longbow, compound bow, re-curve bow, or any class of, or cross-bow;
- (b) "**City**", "**City of Kawartha Lakes**" or "**Kawartha Lakes**" means The Corporation of the City of Kawartha Lakes;
- (c) "**City Clerk**" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the *Municipal Act, 2001*;
- (d) "**Council**" means the council of the City of Kawartha Lakes.
- (e) "**firearm**" or "**firearms**" means a barreled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death, and includes but is not limited to, rifles, air-guns, or pellet guns; (2006-081, effective May 9/06)
- (f) "**Manager of Building and Municipal Law Enforcement**" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;
- (g) "**municipal law enforcement officer**" means a person appointed by Council under section 15 of the *Police Services Act* to enforce the by-laws of the City;
- (h) "**officer**" means a person appointed to enforce any federal or provincial legislation;
- (i) "**police officer**" means a chief of police or other police officer in a police service which is responsible for enforcing the by-laws of the City;

1.01 **Interpretation:**

- (a) The regulations established by this by-law respecting the discharge of firearms apply throughout the City, except as otherwise provided.
- (b) The attached Schedules form part of the by-law and are enforceable as such.

- (c) The words “includes” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.
- (d) Nothing in this By-law shall be interpreted so as to alleviate the need for individuals to comply fully with all applicable Provincial and Federal legislation and regulations.

1.02 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.03 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: General Provisions

- 2.01 No person, other than an officer or police officer who is carrying out their duties, shall discharge a firearm or bow within the limits of the City of Kawartha Lakes, except as provided in Section 3 and Section 4.
- 2.02 No owner or occupier of property shall permit the discharge of a firearm or bow on property which they own or occupy, except as provided for in Section 4.
- 2.03 No person permitted under this by-law to discharge a firearm or bow shall fail to ensure that projectile(s) discharged from the firearm or bow will not leave the property from where the discharge took place.

Section 3.00: Specific Provisions

3.01 **Specific Provisions:** No person, other than an officer or police officer who is carrying out their duties, shall discharge a firearm or bow in the designated areas as set out in this Section.

Area Description
Geographic Township of Bexley – Cottages and Homes Along the shoreline known as Long Point
Geographic Township of Laxton, Digby and Longford – <ul style="list-style-type: none"> • that portion of the east half of Lot 6, Concession 9, presently in use as the municipal waste disposal site • Lot 12 and Lot 13, Concession 5, Township of Laxton, Lot 21, Lot 22, Lot 23, Lot 24 and Lot 25, Concession 1, Township of Digby and bounded on the westerly side of Highway 503 and on the easterly side by the shoreline of Head Lake and the Head River and on the northerly side by the allowance for road between the first and second concessions of Digby • Within any parkland
Geographic Township of Somerville – north-east corner of Lot 13, Concession 4, Township Dump Site
Geographic Township of Verulam –South of Sturgeon Lake and the Little Bob River
All areas designated within the applicable official plan as “Urban”
All areas designated within the applicable official plan as “Hamlet”

Section 4.00: Exemptions

- 4.01 **General Exemptions:** The regulations established by this by-law do not apply to the activities and matters described below:
- a) target archery or target practice with firearms, including testing, the location and use of which is lawful with applicable zoning and building

- requirements and any other applicable federal, provincial and municipal laws. (2006-081, effective May 9,/06)
- b) the discharge of a firearm or bow by an individual or authorized individual while on his or her own lands provided that the purpose of the discharge is to protect persons or property from the immediate danger of attack from animals and provided the person discharging the firearm or bow holds firearms licenses required by law. (2006-081, effective May 9/06)
 - c) a federally regulated and licensed shooting range, or firearms business, the use and location of which is lawful with applicable zoning and building requirements and any other applicable federal, provincial and municipal laws. (2006-081, effective May 9/06)
 - d) persons exercising his or her rights under the *Livestock, Poultry and Honey Bee Protection Act*, R.S.O. 1990, Chapter L.24, or any successor thereof, and such person exercises due care for the safety of persons and property in such exercise. (2006-081, effective May 9/06)
 - e) such person is the owner of the property or a person authorized by the owner of the property and such person discharges the firearm or bow on such owned property for the purpose of either protecting the owner's agricultural crops or destroying any animal or pest that the property owner reasonably believes is of imminent harm to any person or the owner's livestock, poultry or pets. (2006-081, effective May 9/06)

4.02 **Specific Exemptions:** The regulations established by this by-law do not apply to the activities and matters described below, in areas other than those described in Section 3.00, provided all applicable provincial and federal legislation and regulations are complied with:

- a) the discharge of a firearm or bow by an individual or authorized individual while on his or her own lands provided that the purpose of the discharge is to protect livestock or produce from the immediate danger of attack from animals and provided the person discharging the firearm or bow holds all hunting and firearms licences required by law.
- b) The discharge of a firearm or bow by an individual or authorized individual who holds all hunting and firearms licences required by law, for the purpose of hunting.
- c) No exemptions shall apply to any area described in Section 3.00.

4.03 **Approved Shooting Ranges:** The regulations established by this by-law do not apply to the shooting range locations noted below, provided all applicable provincial and federal legislation, regulations and inspections for a shooting range facility/ activity are complied with:

- a) 67 King Street, West, Omemee, Ontario.
- b) North half of Lot 7, concession 2, Geographic Emily Township.
(2006-041, effective March 12/06)

Section 5.00: Enforcement and Penalties

- 5.01 **Enforcement:** This by-law may be enforced by every police officer and by every municipal law enforcement officer who reports to the Manager of Building and By-Law Enforcement.
- 5.02 **Obstruction:** No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this by-law.
- 5.03 **Offences:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, upon conviction, is liable to a fine as provided in the *Provincial Offences Act* and to any other applicable penalty.
- 5.04 **Multiple Offences:** The conviction of a person for the contravention of any provision of this by-law shall not operate as a bar to the prosecution against the same person for any subsequent contravention of this by-law.
- 5.05 **Court Order:** If this by-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is

imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

Section 6.00: General Provisions

- 6.01 **Administration:** The City Clerk is responsible for the administration of this by-law.
- 6.02 **Designation of Officers:** The Manager and all Municipal Law Enforcement Officers who report to the Manager are designated as officers for the purpose of this by-law.
- 6.03 **Effective Date:** This by-law comes into force on the day that it receives third reading and is passed.

By-law read a first, second and third time, and finally passed, this 13th day of December, 2005.

Mayor

Clerk