

THE CORPORATION OF THE TOWNSHIP OF ESSA

BY-LAW 2007 - 82

A By-law of the Corporation of The Township of Essa to prohibit and regulate the discharge of firearms within the limits of the municipality, and to repeal By-law 96-56.

WHEREAS Section 119 of the *Municipal Act*, 2001, S.O. 2001, Chapter 25, as amended, provides that, for the purpose of public safety, a local municipality may prohibit or regulate the discharge of guns or other firearms, air-guns, spring-guns, crossbows, long-bows, or any other weapon; and

WHEREAS the Council of the Township of Essa deems it expedient and advisable for the protection of persons, property and livestock to exercise the said power to the extent hereinafter provided;

NOW THEREFORE the Council of the Corporation of the Township of Essa enacts as follows:

DEFINITIONS

1. For the purposes of this By-law:

“Council” means the Council of the Corporation of the Township of Essa;

“Farmer” means farmer as defined in the Farming and Food Production Protection Act, 1998, S.O. 1998, C.1, as amended;

“Municipal Law Enforcement Officer” means a by-law officer appointed by the Township of Essa;

“Noxious Animal” means an animal that is physically harmful and destructive

“Peace Officer” has the same meaning as it has in the Criminal Code, R.S.C. 1985, c.C-46, as amended;

“Permitted Firearm” means a firearm that is a shotgun, a muzzle-loading gun, an air gun, a spring gun, a cross bow, a compound gun, a long bow, a recurve bow or a paintball marker gun;

“Police Officer” means an officer of the Ontario Provincial Police;

“Public Facility” means a parcel of land on which is situated a cemetery, church, community center, community sports facility or school, or other facility owned by the municipality;

“Public Trail” means a pathway or designated travel corridor which is open to use by the general public for the purposes of walking, biking, hiking, cross country skiing or other means of active recreational travel;

“Settlement Area” means urban or rural settlement areas within the municipality that are built up areas where development is concentrated and which have a mix of land uses; and lands which have been designated for development in an official plan over the long term planning horizon. In cases where designated growth areas are not available, the settlement area may be no larger than the area where development is concentrated.

“Township” means the Corporation of the Township of Essa.

GENERAL PROVISIONS

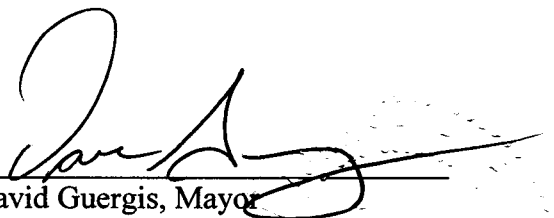
2. No person shall discharge any permitted firearm within the geographic limits of the Township of Essa save and except as may be expressly provided for in this by-law.
3. No person shall discharge any firearm at any location within the geographic limits of the Township of Essa which is:
 - (a) within those areas set forth as Settlement areas within the Township of Essa as defined herein, or as set out in Schedule “A” of the Zoning By-law 2003-50 which forms part of this by-law;
 - (b) on a Provincial highway, County road, Township road or public trail;
 - (c) within fifty metres of any portion of a Provincial highway, County road, Township road or a public trail if the direction of the shot, bullet, bolt, arrow or projectile would intersect or run parallel to the aforesaid portion of highway, road or public trail;
 - (d) within the boundaries of a public facility; or
 - (e) within three hundred metres (300 m) from any Public facility.
4. Subject to Section 3 of this By-law, a permitted firearm may be discharged on a parcel of land:
 - (a) by a person who is the registered owner of a parcel of land or who is personally and directly accompanied by the owner of a parcel of land provided that such discharge:
 - (i) is undertaken for practice purposes only; and

- (ii) is undertaken at least 300 metres away from any dwelling unit that may be located on any adjacent parcel of land.
 - (b) by a person who is bona fide hunter actively engaged in hunting during a permitted season who has been issued such necessary licenses and permits as may be required by the laws of Canada, the Province of Ontario and the Corporation of the Township of Essa, provided that such person has obtained the prior written consent of the registered owner of the parcel of land on which the firearm is discharged. Such consent must have been obtained within one year of the date of the occasion on which the firearm is discharged.
5. Notwithstanding Section 3 of this By-law, a Firearm may be discharged:
- (a) by a farmer on a parcel of land owned or occupied by the farmer if the purpose of the discharge of the firearm is to protect his crops or to control troublesome or noxious animals or birds on the land;
 - (b) by a person in the course of an organized shooting competition, practice or training event, provided that:
 - (i) such competition, practice or training event has received the prior written approval of Council at least thirty days prior to the competition, practice or training event in question;
 - (ii) a copy of the approval is maintained on the site of the competition, practice or training event and is available at all times for inspection by any peace officer, municipal law enforcement officer or police officer who requests to inspect same; and
 - (iii) the approval in fact is produced for inspection by such officer immediately after the request is made to such person.
 - (c) by a person who is a member of a federally or provincially regulated and licensed incorporated gun, shooting or archery club in the course of club activities, provided that:
 - (i) the discharge of the firearm takes place on a range, the location of which has been approved by the Council prior to the discharge of the firearm in question, and for which a Business License has been issued by the Township.
 - (ii) where necessary by law, the location has been approved by the Solicitor General for Ontario prior to the discharge of the firearm in question;


- (iii) evidence of Council's approval and evidence of the Solicitor General's approval, as the case may be, is maintained on the range and available for inspection at all times by any appointed officer requesting to inspect same, and;
 - (iv) evidence of approval is produced for inspection by a Peace Officer or Police Officer immediately after a request is made to such person.
- 6. Every person that discharges a firearm on any parcel of land on which a person may lawfully discharge a firearm in accordance with this By-law, shall act to ensure that no shot, bullet, bolt, arrow or projectile, as the case may be, passes over:
 - (a) any Provincial highway, County road, Township road, public trail or public facility;
 - (b) any adjacent parcel of land unless that adjacent parcel of land may be lawfully used by such person for the discharge of a firearm, and the person has obtained the prior written consent of the owner or occupier of the adjacent parcel of land within one year from the date on which the firearm is discharged.
- 7. None of the provisions of this By-law shall apply to prohibit the discharge of a firearm by:
 - (a) a Peace officer or Police officer in the lawful execution of his duties;
 - (b) a member of the Canadian Armed Forces in the lawful execution of his duties; and
 - (c) a person licensed by the Ministry of Natural Resources to carry out duties as assigned to regulate and remove nuisance animals.
- 8. Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to the penalties prescribed pursuant to the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended.
- 9. Where a form of words or expression are prescribed in this By-law, deviations not affecting the substance or calculated to mislead do not vitiate them.
- 10. It is hereby declared that, notwithstanding any section, subsection, clause, paragraph or provision of this By-law or parts thereof which may be declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of Council to enact, such section or sections or parts thereof shall be deemed to be severable, and that all other sections or parts of this By-law are separate and independent and enacted as a whole. Same shall not affect the validity or enforceability of any other provision of this By-law or the By-law as a whole.

11. Unless the contrary intention appears in this by-law, words importing the masculine gender only shall include females as well as males and the converse.
12. "May" shall be construed as permissive.
13. "Shall" shall be construed as imperative.
14. This by-law shall be enforced by Township's By-Law Enforcement Officers and the Nottawasaga Detachment of the Ontario Provincial Police.
15. Township of Essa By-law No. 96-56 is hereby repealed.
16. This By-law shall come into force and effect on the date it is finally passed.

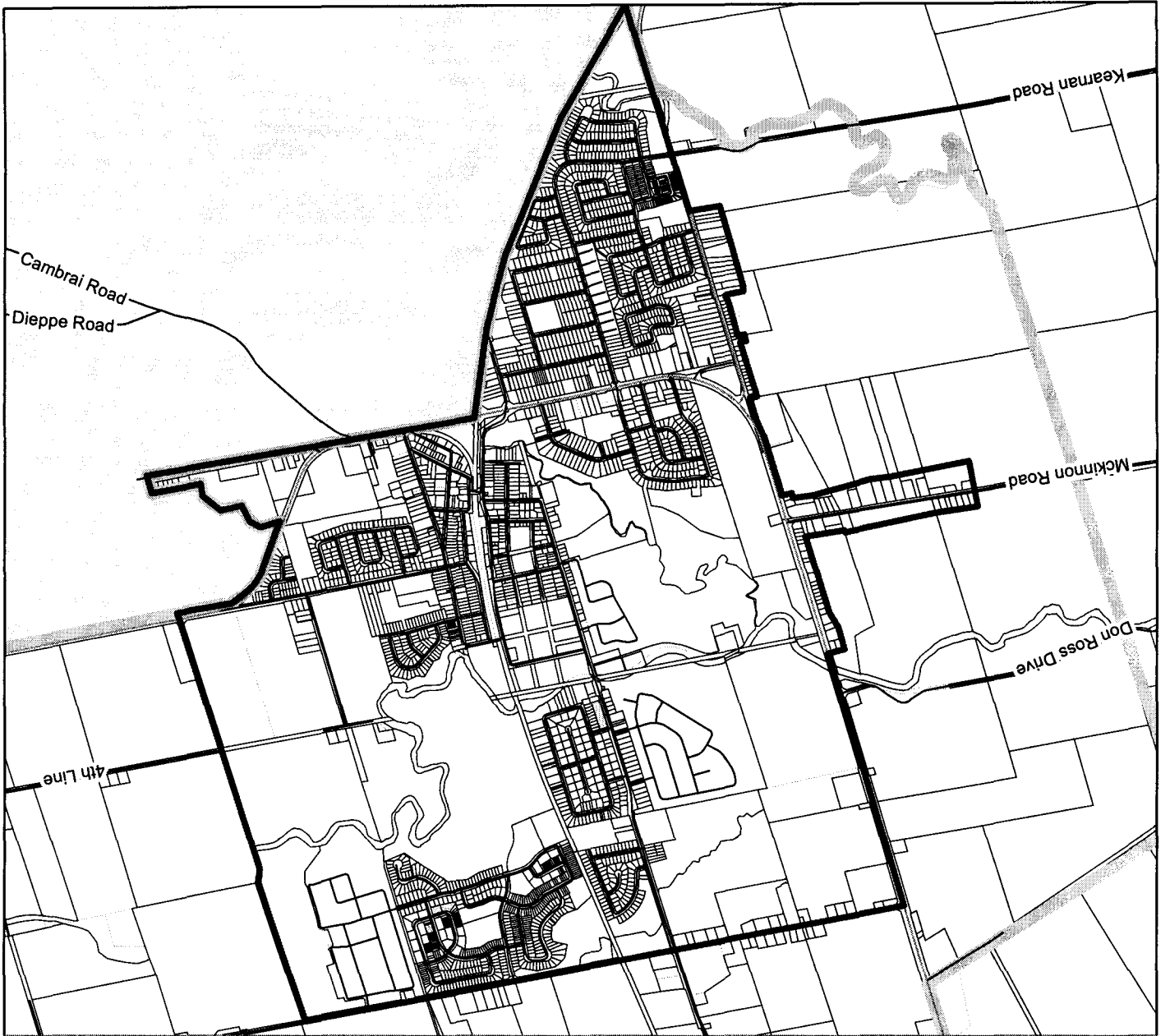
READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED on this the Nineteenth day of December 2007.



David Guergis, Mayor



Carol O. Trainor, Clerk



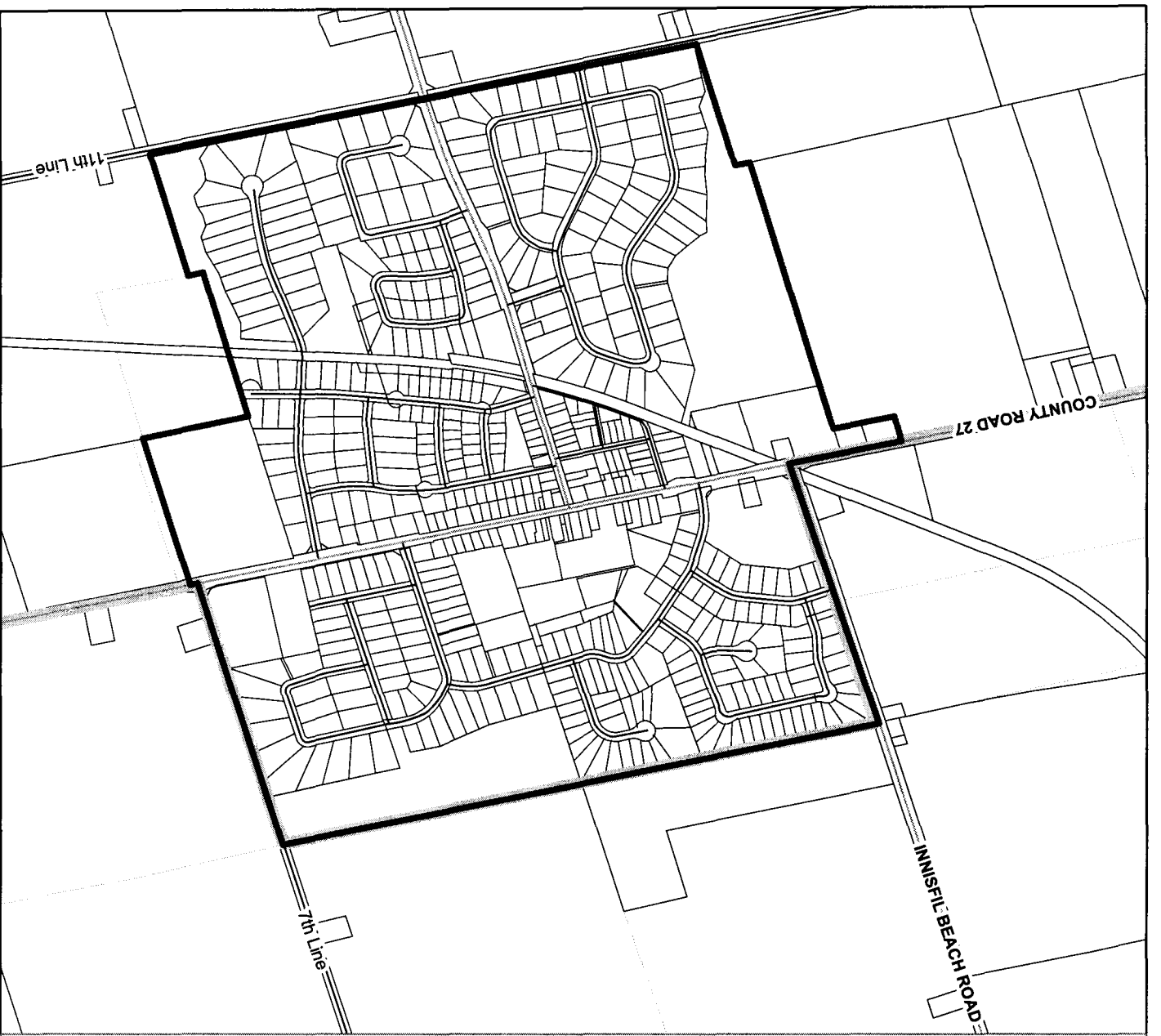
Angus M-1

Settlement

Boundary

— Boundary Line





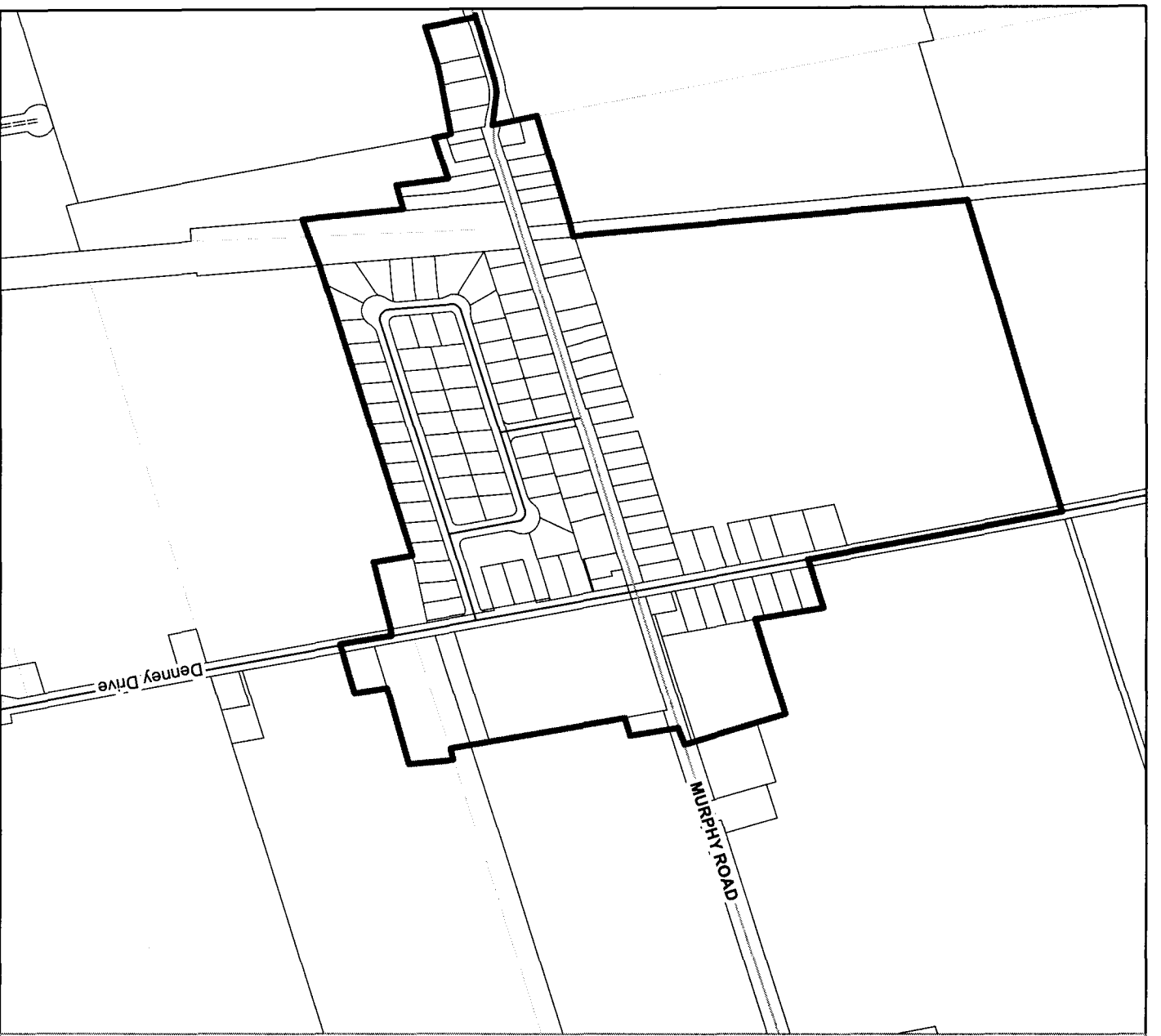
Thornton M.A.

Settlement

Boundary

— Boundary Line





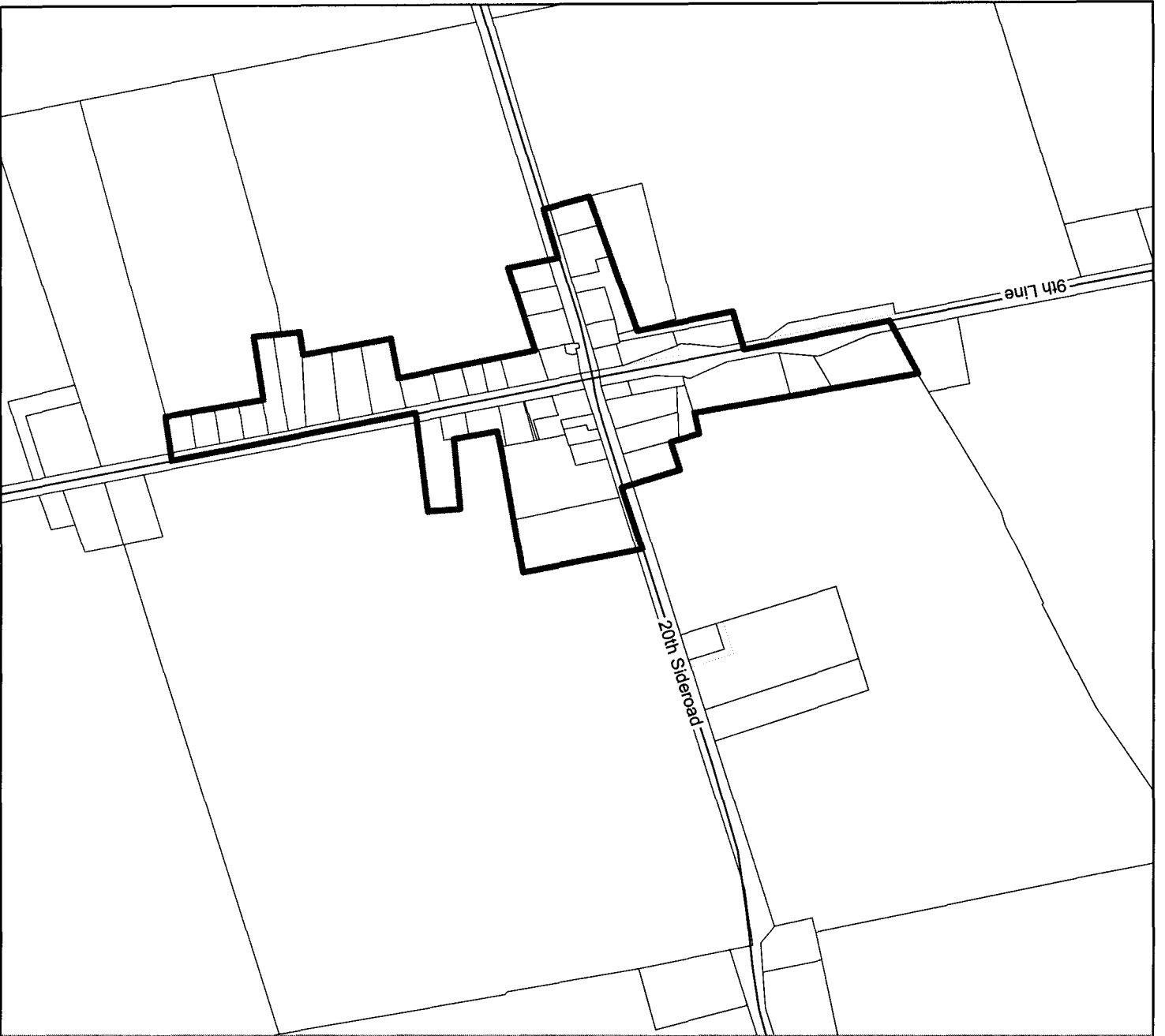
Baxter M-3

Settlement

Boundary

— Boundary Line





Ivy

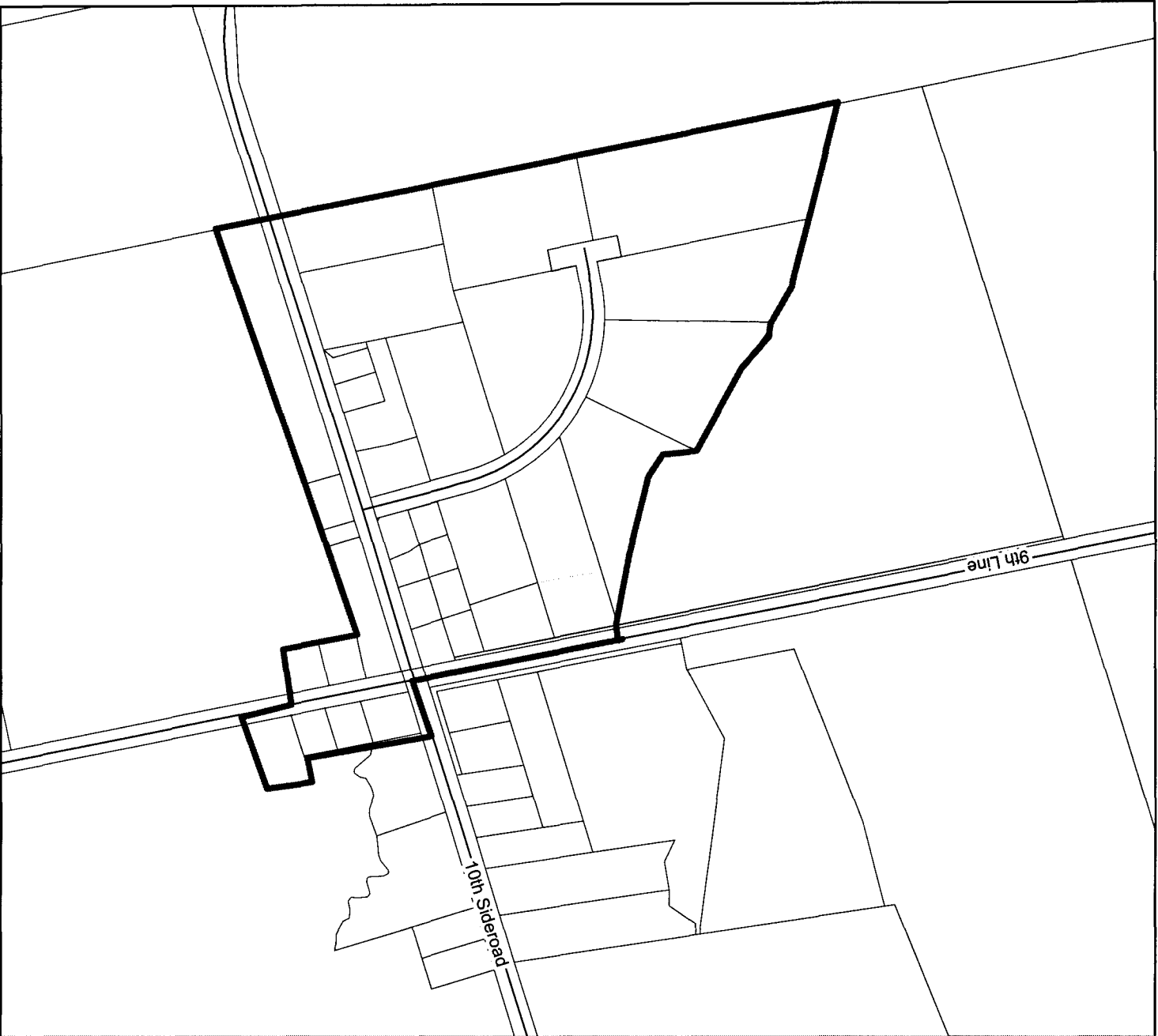
M-4

Settlement

Boundary

— Boundary Line



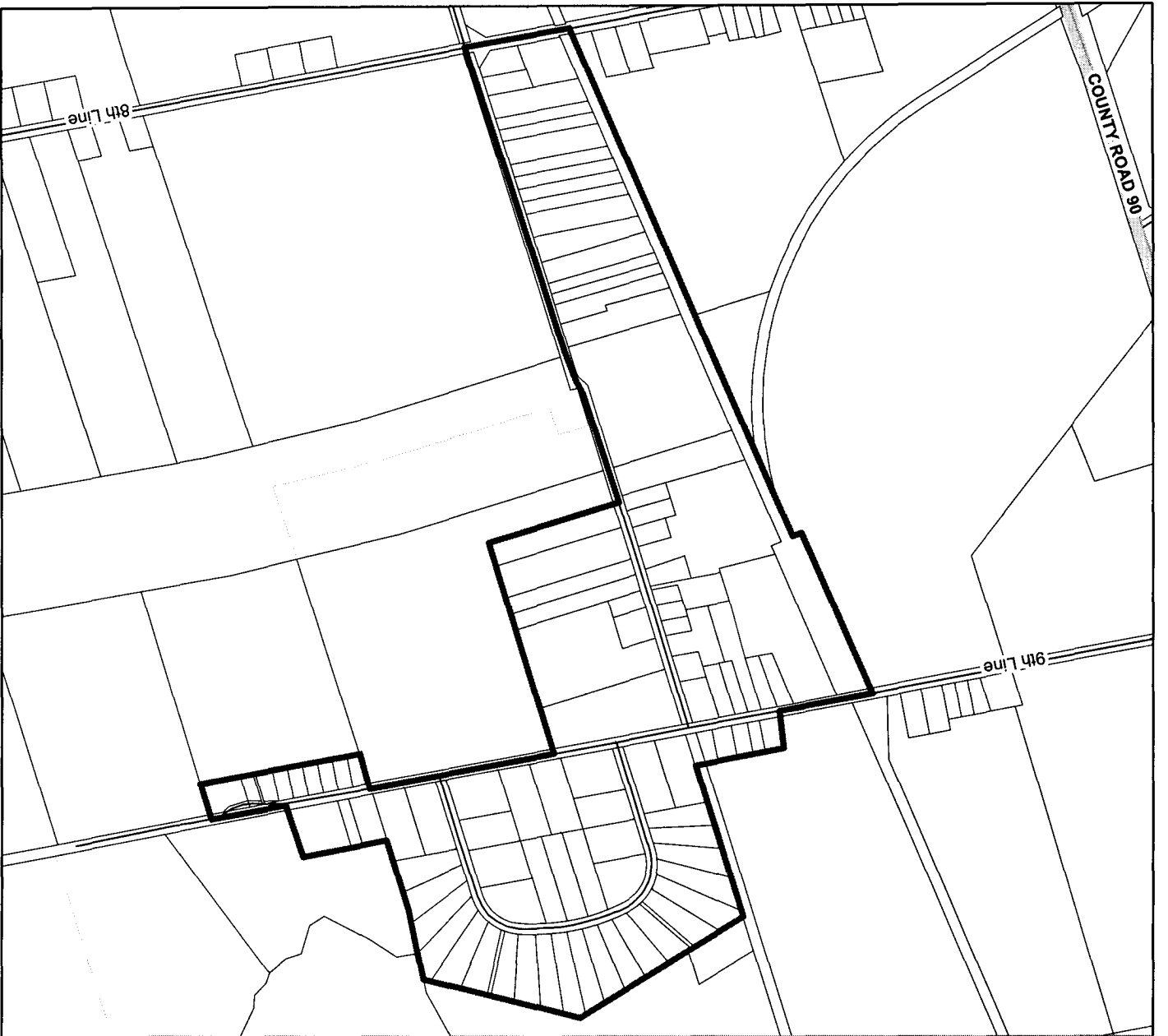


Egbert
Settlement
M-5

Boundary

— Boundary Line



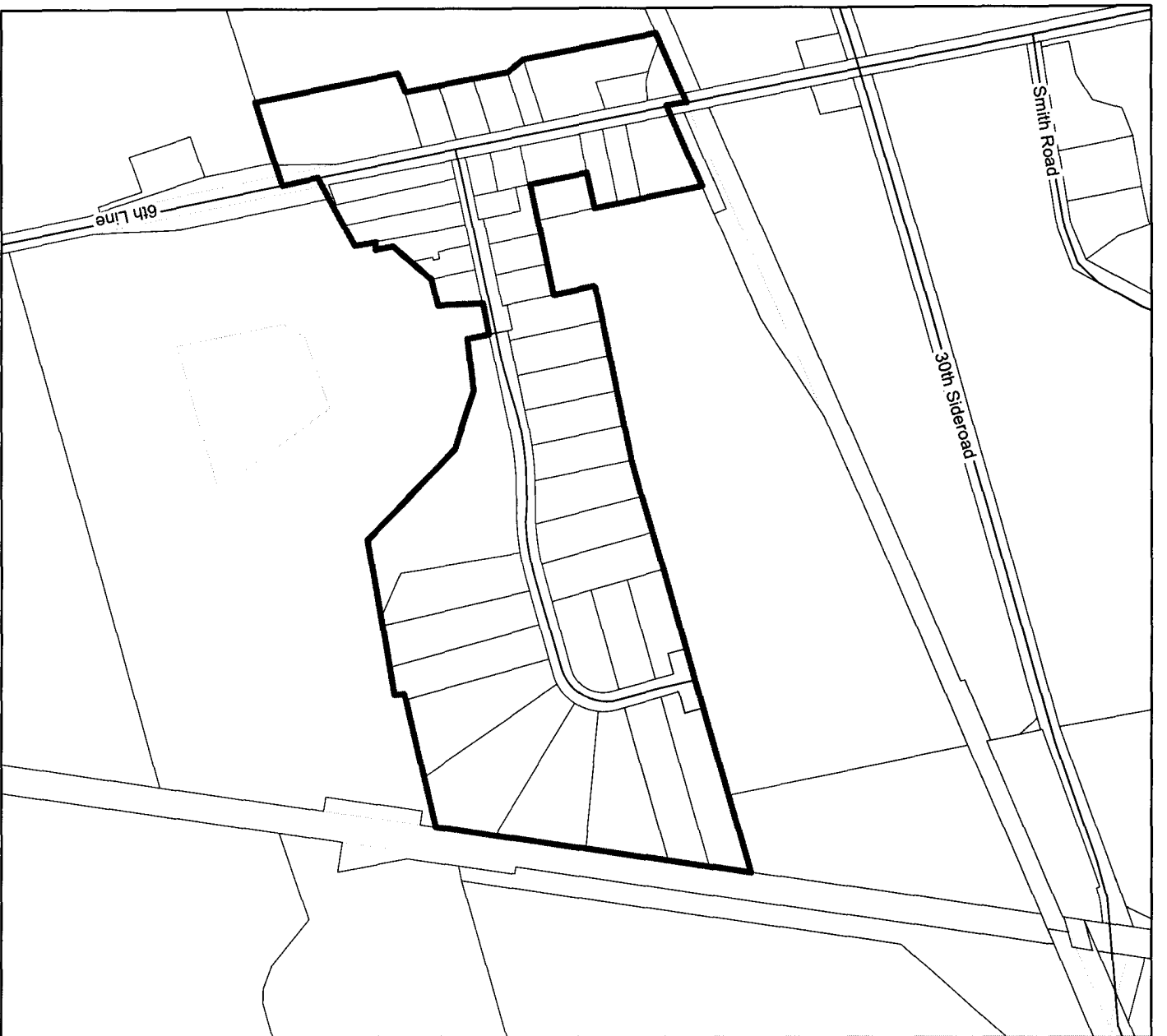


Colwell M-10

Settlement Boundary

— Boundary Line





Utopia

M-7

Settlement

Boundary

— Boundary Line

