

## THE CORPORATION OF THE TOWNSHIP OF CRAMAHE

### BY-LAW 06-72

**Being a By-law to prohibit and regulate the discharge of firearms, air-guns, spring-guns, cross-bows, long-bows in the Township of Cramahe.**

WHEREAS Section 119 of the *Municipal Act R.S.O. 2001* provides that for the purposes of public safety By-laws may be passed by the Council of a local municipality for prohibiting or regulating the discharge of firearms, air-guns, spring-guns, cross-bows, long-bows, or any class or type thereof, in the municipality or in any defined area thereof.

AND WHEREAS The Corporation of the Township of Cramahe it desirable to exercise the said power to the extent hereinafter provided;

NOW THEREFORE the Council of The Corporation of the Township of Cramahe enacts as follows:

1. For the purposes of this By-law the term:
  - (a) “animal control officer” means a person or persons employed or appointed to provide animal control services in the Township of Cramahe;
  - (b) “agricultural land” means those lands zoned for any one or more agricultural purposes by the Zoning By-law;
  - (c) “Council” means the Council of the Township of Cramahe;
  - (d) “farm” means an area of land used primarily for the purpose of raising crops, livestock or poultry;
  - (e) “farmer” means a person or persons who occupy a farm and who owns, leases or manages it;
  - (f) “firearm” includes a “firearm” as defined in Section 2 of the Criminal Code, R.S.C. 1985, c.C-46, as amended and an air-gun, a cross-bow, a long bow and compound bow;
  - (g) “peace officer” has the same meaning as it has in the Criminal Code, R.S.C. 1985, c.C-46 as amended;
  - (h) “police officer” has the same meaning as it has in the Ontario Police Services Act, R.S.O. 1990, cP.15;
  - (i) “residential land” means those lands zoned for residential purposes by the Zoning By-law;
  - (j) “Zoning By-law” means Township of Cramahe By-Law number 99-26 as amended, and the Village of Colborne By-Law number 94-05 as amended;

- (k) “public centres” refers to, but is not limited to schools, churches, and community centres.

2.1 No person shall discharge any firearm at any location in the Township of Cramahe which is within:

- (a) three hundred metres from any portion of parcel of land which is zoned as residential by the Zoning By-law; or
- (b) fifty meters from any portion of a highway if the direction of shot, bullet, bolt or arrow, would intersect or run parallel to the aforesaid portion of the highway; or
- (c) three hundred meters from any public center.

2.2 A firearm may be lawfully discharged:

- (a) by a farmer or a member of a farmer’s family who discharges a firearm where the farmer occupies a farm which is located on land zoned as agricultural land, environmental protection land, or a holding zone by the Zoning By-law, if the purpose of the discharge of the firearm is to control troublesome or noxious animals or birds on the farm;
- (b) by a person who has in his possession at all times while engaged in hunting such necessary valid licenses and permits required by the Dominion of Canada, the Province of Ontario and the Corporation of the Township of Cramahe to permit him or her to carry and discharge a firearm on land designated as agricultural land, environmental protection land or a holding zone by the Zoning By-law provided that:
  - (1) the firearm that is discharged is not a prohibited firearm;
  - (2) such person has obtained the prior written consent of the owner or occupier of the aforesaid land which consent is dated not more than one year prior to the date of the occasion on which he discharges the firearm in question;
  - (3) the written consent is in the possession of the person who discharges the firearm;
  - (4) the written consent is produced for inspection by such peace officer immediately after his request therefore is made to such person;
- (c) by a person in the course of an organized shooting competition or shooting practice, provided that:

- (1) such competition or practice has received the prior approval of the Council at least thirty days prior to the competition or practice in question;
  - (2) a copy of the resolution of the Council granting such approval is maintained at the site of the competition or practice available at all times for inspection by any peace officer or police officer who asks to inspect the same, and;
  - (3) the resolution is produced for inspection by such peace officer or police officer immediately after the request therefore is made to such person;
- (d) by a person who is a member of an incorporated gun, shooting or archery club in the course of club activities, provided that:
- (1) the discharge of the firearm takes place on a range the location of which has been approved by resolution of the Township of Cramahe Council adopted prior to the discharge of the firearm in question;
  - (2) where necessary by law, the location has been approved by the Solicitor General for Ontario, prior to the discharge of the firearm in question;
  - (3) a copy of the resolution of the Council and the evidence of the Solicitor General's approval is maintained on the range available for inspection at all times by any peace officer or police officer asking to inspect same, and;
  - (4) the resolution and evidence of approval are produced for inspection by the peace officer immediately after his request therefore is made to such person;
- (e) where permitted by law, on land which is owned by Her Majesty the Queen in Right of the Province of Ontario by a bona fide hunter actively engaged in hunting during a permitted season to whom has been issued such necessary licenses and permits required by the laws of the Dominion of Canada, the Province of Ontario and the Corporation of the Township of Cramahe;

provided that in no case referred to in paragraphs 2(2)(a) to (e) inclusive may any person discharge a firearm at any location in the Township of Cramahe which is within:

- (1) three hundred meters from any portion of a parcel of land which is zoned as residential land by the Zoning By-law; or

- (2) fifty meters from any portion of a highway if the direction of shot, bullet, bolt or arrow would intersect or run parallel to the aforesaid portion of the highway; or
  - (3) three hundred meters from any public center.
3. Notwithstanding any other provision of this By-law, each person who discharges a firearm shall so act as to ensure that no shot, bullet, bolt or arrow, as the case may be, passes over an adjacent parcel or parcels of land except those parcels of land that may be lawfully used by such person for the discharge of a firearm under this By-law and the person discharging the firearm has received the prior written approval of each adjacent owner or occupant of the adjacent parcel or parcels of land in question.
4. None of the provisions of this By-law apply to prohibit the discharge of a firearm by:
  - (a) a peace officer in the lawful execution of his/her duties;
  - (b) a police officer in the lawful execution of his/her duties;
  - (c) an animal control officer in the lawful execution of his/her duties;
  - (d) a member of the Canadian Armed Forces in the lawful execution of his duties; and
  - (e) a person licensed by the Ministry of Natural Resources and authorized by the Clerk of the Township of Cramahe to carry out duties as assigned to regulate and remove nuisance animals.
5. It is declared that if any section, paragraph or clause contained in this By-law should be held by a Court of competent jurisdiction to be invalid in whole or in part, the validity of other sections, paragraphs, or clauses contained in this By-law shall not be affected, the intention of Council being that all other sections, paragraphs and clauses contained in this By-law are to be considered to be valid and enforceable.
6. Every person who contravenes any provision of this By-law is guilty of an offence and shall, upon conviction, be liable to punishment as provided under the *Provincial Offences Act*.

By-law read a first time this \_19th\_ day of \_\_December\_\_\_\_\_, 2006

By-law read a second time this \_\_19th\_ day of \_\_December\_\_\_\_\_, 2006

By-law read a third time and finally passed this \_\_19th\_\_ day of \_\_December\_\_\_\_\_, 2006

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Mayor

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Clerk-Administrator