

**THE CORPORATION OF THE TOWN OF BLIND RIVER
BY-LAW NO. 21-66**

**BEING A BY-LAW TO REGULATE THE DISCHARGE OF
FIREARMS WITHIN THE TOWN OF BLIND RIVER, ONTARIO,
CANADA AND TO REPEAL BY-LAW NUMBERS 1668 and 15-34,
AS AMENDED**

WHEREAS Section 9 of the Municipal Act, 2001 S.O. 2001, c.25 provides a municipality the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Section 11 of the Municipal Act, 2001 S.O. 2001, c.25 provides that municipalities may provide any service or thing that the municipality considers necessary or desirable for the public, including the passing of by-law within the respective sphere of jurisdiction;

AND WHEREAS Sections 23 of the Municipal Act, 2001 S.O. 2001, c.25 authorizes a municipality to delegate certain powers and duties;

AND WHEREAS Section 119 of the Municipal Act, 2001 S.O. 2001, c.25 authorizes a local municipality for the purpose of public safety to prohibit or regulate the discharge of firearms;

AND WHEREAS Section 425 of the Municipal Act, 2001 S.O. 2001, c.25 authorizes a municipality to provide offences for a contravention of a by-law;

AND WHEREAS Section 429 of the Municipal Act, 2001 S.O. 2001, c.25 authorizes a municipality to establish a system of fines under a by-law;

NOW THEREFORE the Council of the Corporation of the Town of Blind River hereby enacts as follows:

WHEREAS the Council of the Corporation of the Town of Blind River ENACTS

as Follows:

Short Title

This By-law may be cited as the "Firearms Discharge By-Law"

Definitions

"Firearm(s) shall mean any type of device from which a projectile can be discharged and that is capable of causing serious bodily injury or death, including, but not limited to, handguns, shotguns, rifles, air or pellet guns, paintball guns, spring-guns, bows, long-bows, compound bows and crossbows.

“Highway” shall mean a common and public highway and includes a street, public land and road allowance and any bridge, trestle, viaduct or structure that forms part of a highway and all lands between the lateral boundaries;

“Law Enforcement Officer” shall mean a Police Officer, a member of the Armed Forces of Canada, a Peace Officer, an Officer appointed under the Fish and Wildlife Conservation Act or the Town’s Municipal By-law Enforcement Officer.

“Livestock Product” shall be defined as in the Livestock and Livestock Products Act, R.S.O. 1990, c.L.20, as amended, or any successor legislation thereto;

“Non-Urban Area” shall mean the areas not highlighted in Schedule “A”;

“Occupier” Shall include,

A person who is in physical possession of premises. Or

A person who has responsibility for and control over the condition of premises or the activities there carried on, or control over persons allowed to enter the premises, even if there is more than one occupier of the same premises;

“Recreational Trail” shall mean a property that is open to the general public for permitted recreational trail uses, and includes any bridge, trestle, viaduct or structure that forms part of a trail and on all lands between the lateral boundaries;

“Target” shall mean and animal, reptile, bird or object;

“Shooting Range” a location that is designed or intended for the safe discharge, on a regular and structured basis, of the firearms for the purpose of shooting at an object to be aimed at in shooting practice or contests;

“Urban Area” shall mean the areas in the Town of Blind River, as highlighted in Schedule “A” attached hereto which forms a part of this by-law;

“Town” shall mean the Corporation of the Town of Blind River, and its geographical boundaries;

“Wildlife” shall be as determined in the Fish and Wildlife Conservation Act, 1997, S.O. 1997, c.41, as amended, or any successor legislation thereto.

Interpretation

3.1 The regulations established by this by-law apply to the discharge of firearms on all lands and waters with the boundaries of the Town.

3.2 The attached Schedule “A” form part of this By-law.

3.3 Nothing in this by-law shall be interpreted as reducing or eliminating the need for full compliance with the provisions of all applicable federal and provincial statutes and regulations relating to firearms.

Regulations

Urban Area

No person shall discharge, cause to be discharged, or allow to be discharged, a firearm in the urban area of the Town as defined in Schedule "A".

Non-Urban Area

4.2 No person shall discharge, cause to be discharged, or allow to be discharged, a firearm in Non-Urban Area of the Town unless the said person is a property owner, occupier, or his/her agent, and that person believes on reasonable grounds, that wildlife is threatening to injure or is injuring that person's property, including, but not limited to crops, livestock product, pets or person(s) on that property and provided that the discharge of the firearm is not within 150 metres, or at any target within 150 metres of any building or structure (occupied or not).

Compliance

4.3 No person shall discharge or cause to be discharged, or allow to be discharged, a firearm on any property on which the discharge of firearms is permitted unless he or she is in compliance with the provisions of the (Canada) Criminal Code; the (Canada) Firearms Act, any and all other federal or provincial legislation and municipal by-laws relating to firearms.

4.4 No person shall discharge or cause to be discharged, or allow to be discharged, a firearm on any private property on which the discharge of firearms is permitted unless he or she is:

4.4.1 the owner or occupier of the property, or

4.4.2 has the express written permission of the owner or occupier of the property.

General

Although the provisions of section 4.2, 4.3 allow for the discharge of firearms in certain specified circumstances, no person shall discharge, cause to be discharged or allow to be discharged a firearm in Non-Urban Area of the Town of Blind River;

(i) on any property owned or occupied by the Town, without express permission by the Town;

(ii) on or within 150 metres, or at any target within 150 metres, of any property used for the purposes of a school, place of worship, day nursery, community recreation centre or park;

(iii) within 150 metres, or at any target within 150 metres of any building or structure (occupied or not).

on, across or within 30 metres, of any highway, private road or recreational trail

Exemptions

Despite the provisions of sections 4 & 5 of this by-law, nothing in the by-law shall serve to prohibit the discharge of a Firearm by:

A Law Enforcement Officer or other body operating under the authorization of a Municipal, Provincial or Federal government during the performance of their authorized duties.

Any person, while lawfully discharging a firearm at a rod and gunclub, gun club, skeet club or a shooting range which is operating in compliance with all federal and provincial legislation and all municipal by-laws and wherein all necessary and property safety precautions have been implemented to the satisfaction of the Ontario Provincial Police and full approval has been obtained by the Chief Firearms Officer of Ontario.

A person firing blank ammunition which does not discharge a projectile, for or in connection with its lawful use, in any of the following activities; a motion picture, television or stage production, historical re-enactment or display, starting or controlling a sporting event or in connection with special honour guard tribute by the Royal Canadian Legion or similar community-based event, provided that the person has obtained Town approval and any appropriate permits.

An establishment or business providing "paint ball gaming", at a location zoned for this purpose and duly authorized pursuant to the Town of Blind Rivers Zoning By-law, as amended.

Enforcement and Penalties

7.1 The applicable Law Enforcement Officer(s) is responsible for enforcing the provisions of this by-law;

7.2 A Law Enforcement Officer may enter upon land at any reasonable time for the purpose of enforcing the by-law or carrying out an inspection to determine compliance with the by-law;

7.3 Any person who contravenes any provision of this by-law is guilty of an offence; and, upon conviction is liable to a penalty in accordance with the Provincial Offences Act and to any other applicable penalties.

7.4 For the purpose of subsection 7.3 an offence is a subsequent offence if there has been a previous conviction under this by-law as prescribed by the Provincial Offences Act, R.S.O. 1990, C. P. 33, as amended, or any successor legislation thereto.

Validity

if a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof, other than the part which was declared to be invalid.

By-law 1668 and all amendments thereto are hereby repealed on the effective date of this By-law.

Effective Date

This By-law shall come into full force and effect on the date of the final passing.

PASSED IN OPEN COUNCIL THIS 15 DAY OF November, 2021.



MAYOR



CAO/CLERK

CERTIFICATION BY THE CLERK:

I, K. Scott, CAO/Clerk of the Corporation of the Town of Blind River, do hereby certify that the above is a true certified copy of By-Law No. 2021-66 which was passed in Open Council on the 15 Day of November, 2021.

K. SCOTT

