

**THE CORPORATION OF THE TOWN OF INNISFIL**

**BY-LAW NO. 055-09**

**A By-law of The Corporation of the Town of Innisfil to regulate the discharge of firearms pursuant to section 119 of the Municipal Act 2001, S.O. 2001 c. 25.**

Whereas Council adopted By-law A20 on 8 September, 1955 to regulate the discharge of firearms and is desirous of replacing this by-law; and

WHEREAS Federal and Provincial Laws control the Licensing and Safe and Legal use of firearms; and

Whereas firearms and bows used for hunting purposes are regulated Provincially in their type and caliber with regards to public safety; and

WHEREAS firearms used for Target practice are regulated provincially for public safety; and

WHEREAS Section 119 of the Municipal Act 2001, S.O. 2001 c.25, as amended confers upon Council the Power to pass by-laws to regulate the discharge of firearms within the Town of Innisfil; and

WHEREAS the Council of the Corporation of the Town of Innisfil has determined that it is appropriate and desirable to further regulate the discharge of firearms. Air rifles, bows and other potential weapons for the purpose of public safety.

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Town of Innisfil enacts the following:

**PART 1 – SHORT TITLE AND SCOPE**

**This by-law shall be known as “The Discharge of Firearms By-law”, a by-law to regulate the discharge of firearms, air rifles, air pistols and bows within the Town of Innisfil.**

**PART 2 - DEFINITIONS**

**For the purpose of this by-law, the following words shall have the meaning giving herein:**

**Air Rifle or Air Pistol means** a rifle or pistol that is worked by compressed air and shoot(s) pellet(s) or dart(s).

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**Bow** means an object that projects arrows or any similar projectile powered by the elasticity of the bow and includes cross bows, long bows, re-curve bows compound bows or any variation thereof;

**Conservation Officer** means a Conservation Officer or Deputy Conservation Officer appointed pursuant to the *Fish and Wildlife Conservation Act, 1997*;

**Council** means the Council of the Corporation of the Town of Innisfil;

**Defined Areas** includes all lands shown as Defined Areas on Schedule “A” to this By-law.

**Educational Property** includes Town Libraries, school facilities operated by a school board, a private school, a university, a provincial college, a private college, or an outdoor area owned by the school board when in use for instructional purposes whether or not the area is adjacent to a school building;

**Firearm** means a firearm as defined in the Criminal Code of Canada but does not include a prohibited firearm.

**Peace Officer** means a member of a Regional, Provincial or Federal Police Force or the Canadian Armed Forces;

**Protection of Person** means the killing, capturing or harassing of wildlife on a person’s land that a person believes is about to cause imminent harm to a person.

**Protection of Property** means the killing, capturing or harassing of wildlife found damaging or destroying property on a person’s own land, that a person believes is about to damage or destroy property on their own land;

**Public Property** means those parts of lands, buildings, streets or other locations owned or under the jurisdiction of the Town.

**Town** means the Corporation of the Town of Innisfil.

**Town Boundary** means the geographic area comprising the Town of Innisfil.

**PART 3 - GENERAL REGULATIONS**

**3.1 Discharge of Firearms, Air Rifles, Air Pistols, or Bows Prohibitions**

No person shall discharge any **Firearm, Air Rifle, Air Pistol or Bow** within the Town Boundary outdoors unless they are in compliance with all applicable Federal, Provincial Acts or regulations and Municipal by-laws and;

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- 3.1(a) At a Federally or Provincially regulated and Licensed business, the use of which is lawful in accordance with all applicable Federal or Provincial Acts or regulations and Municipal laws; or
- 3.1(b) If the discharge is for the Protection of persons or the Protection of Property; or
- 3.1(c) On any parcel of land which is within the Defined Areas smaller than 2 ha in size, except in accordance with 3.1(b); or
- 3.1(d) On any parcel of land which is within the Defined Areas larger than 2 ha in size; or
- 3.1(e) On any parcel of land outside of the Defined Areas.

**3.2 Proximity to Educational or Public Property**

No person shall discharge a **Firearm, Air Rifle, Air Pistol or Bow** outdoors on or within **200 meters** of the periphery of an Educational Property or Public Property except for:

- 3.2(a) A target shooting or archery event authorized by the owner of the Educational Property or Public Property under whose authority the aforementioned land may lie;
- 3.2(b) A Peace Officer or Conservation Officer acting under the Lawful course of their duties;

**PART 4 - GRANT OF EXEMPTION BY COUNCIL**

**4.1 Application to Council**

Notwithstanding anything contained in this by-law, any person may make application to Council to be granted an exemption from any of the provisions to this by-law with respect to the discharge of Firearms, Air Rifles, Air Pistols or Bows for which he/she may be prosecuted and Council, by resolution, may refuse to grant any exemption, or may grant the exemption applied for which may contain such terms and conditions as Council sees fit.

**4.2 Decision**

In deciding whether to grant the exemption, Council shall give the applicant and any other person opposed to the application, an opportunity to be heard and may consider such other matters as it sees fit.

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**4.3 Breach**

Breach by the applicant of any of the terms or conditions of any exemption granted by Council, shall render the exemption null and void.

**PART 5 – SEVERABILITY**

- 5.1 If a Court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

**PART 6-PENALTY**

- 6.1 Any Person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, or any amendment or successor legislation.

**PART 7 – REPEAL**

- 7.1 Innisfil By-law A20 passed the 8<sup>th</sup> day of September, 1955 is hereby repealed.

**READ A FIRST AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED THIS 21<sup>ST</sup> DAY OF OCTOBER, 2009.**

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**Brian H. Jackson, Mayor**

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**John D. Leach, Clerk**

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