

The Corporation of the Township of Guelph/Eramosa

By-law Number 8/2010

A By-Law to prescribe standards for the discharge of firearms within the limits of the Township of Guelph/Eramosa, and to repeal By-law 49/2006.

WHEREAS pursuant to Section 119 of the Municipal Act S.O. 2001, as amended, a municipality may pass a by-law for the purpose of public safety, prohibit or regulate the discharge of guns or other firearms, air guns, spring guns, crossbows, long bows or any other weapon thereof in the municipality or in any defined areas thereof; and

WHEREAS pursuant to Section 128 of the Municipal Act S.O. 2001, as amended, a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisance; and

WHEREAS the Council of the Corporation of the Township of Guelph/Eramosa deems it expedient to pass a by-law regulating the discharge of firearms and air guns within the limits of the Township of Guelph/Eramosa.

NOW THEREFORE, the Council of the Corporation of the Township of Guelph/Eramosa enacts as follows:

DEFINITIONS:

1. In this by-law,
 - a) **“Animal”** means a member of the class Mammalia (mammals), Aves (birds), Reptilia (reptiles) or Amphibia (amphibians) but does not include a human being;
 - b) **“Animal Control”** means to harass for the purpose of deterrence from damaging property, or to capture or kill an animal to prevent or stop damage to property;
 - c) **“Application”** means an application for exemption as provided for in this By-law;
 - d) **“Clerk”** shall mean the Clerk of the Corporation of the Township of Guelph/Eramosa;
 - e) **“Council”** shall mean the council for the Corporation of the Township of Guelph/Eramosa;
 - f) **“Firearm”** includes a gun, air gun, spring gun, pellet gun, bow or crossbow;
 - g) **“Person”** includes a corporation; and
 - h) **“Permit”** shall mean to allow, direct or cause the discharge of a Firearm

PROHIBITIONS

2. 1. No person shall discharge any Firearm, upon lands within the municipal boundaries of the Township of Guelph/Eramosa without the written authorization of the owner or occupier of such lands.
2. No person shall possess a loaded Firearm upon any street, highway, public lane, park or municipal road allowance within the limits of the Township of Guelph/Eramosa.
3. No person shall discharge any Firearm on a parcel of land in separate ownership that is less than 4 hectares (9.88 acres) in size, within the municipal boundaries of the Township of Guelph/Eramosa;
 - a) Notwithstanding subsection 2.3 of this section, this section shall not apply to a Person where provisions are provided for in the *Fish and Wildlife Conservation Act, 1997* and the *Livestock, Poultry and Honey Bee Protection Act, R.S.O. 1990 Chapter L.24.*
 - b) Notwithstanding subsection 2.3 of this section, Firearms may be discharged on parcels of land 0.4 hectares (0.99 acres) or greater in size for the purposes of Animal Control only where a person believes on reasonable grounds that an animal is damaging or is about to damage the persons property.
4. No Person shall discharge a Firearm at any time on Sunday, with the exception of a bow, crossbow, or air guns which are not audible from the limits of the boundaries of the property on which the air guns are being discharged;
 - a) Notwithstanding subsection 2.4 of this section, this section shall not apply to a Person who has applied for and received an exemption from Council, as provided for under the provisions of Section 3 of this By-law;
 - b) Notwithstanding subsection 2.4 of this section, this section shall not apply to a Person where provisions are provided for in the *Fish and Wildlife Conservation Act, 1997* and the *Livestock, Poultry and Honey Bee Protection Act, R.S.O. 1990 Chapter L.24.*
 - c) Notwithstanding subsection 2.4 of this section, this section shall not apply to a Person who discharges or allows to Permit the discharge of a Firearm on property at 4877 Wellington Road 29 known as the 'Guelph Rod and Gun Club', legally described as Part Lot 31 and 32, Concession 2 former Township of Nassagaweya as in NAS107775, Township of Guelph/Eramosa, where the following provisions shall apply:
 - i) Indoor range shooting shall be permitted from 9:00 a.m. to 10:00 p.m. 365 days in a year;
 - ii) No Person shall discharge a Firearm or Permit the discharge of a Firearm after 6:00 p.m. on a Friday;
 - iii) No Person shall discharge a Firearm or Permit the discharge of a Firearm at any time on a Sunday;

- iv) No Person shall discharge a Firearm or Permit the discharge of a Firearm on Monday, Tuesday, Wednesday, Thursday and Saturday during the period from one half hour after sunset to one half hour before sunrise or 9:00 p.m., whichever occurs first;
 - v) No Person shall discharge a Firearm or Permit the discharge of a Firearm on Christmas Day, Good Friday or on the Saturday of the annual Eden Mills Writers' Festival.
5. No Person shall discharge a Firearm during the period from one half hour after sunset to one half hour before sunrise Monday through Saturday, inclusive, within the municipal boundaries of the Township of Guelph/Eramosa;
- a) Notwithstanding subsection 2.5 of this section, this section shall not apply to a Person where provisions are provided for in the *Fish and Wildlife Conservation Act, 1997* and the *Livestock, Poultry and Honey Bee Protection Act, R.S.O. 1990 Chapter L.24*.
 - b) Notwithstanding subsection 2.5 of this section, this section shall not apply to a Person who discharges or allows to Permit the discharge of a Firearm on property at 4877 Wellington Road 29 'Guelph Rod and Gun Club', legally described as First Line E/S Concession 2 West Part Lot 32, where the provisions contained in subsection 2.4 c) shall apply.

EXEMPTION GRANTED BY COUNCIL

3. a) Any Person may make application to Council to be granted an exemption from Section 2, subsection 4 of this By-law with respect to discharging firearms outside the restricted day of the week as provided for in this By-law.
- b) Council may in its sole discretion and via resolution:
- i) refuse to grant any exemption;
 - ii) grant the exemption applied for, with or without conditions deemed appropriate by council; or,
 - iii) grant an exemption of lesser effect, with or without conditions deemed appropriate by council, and
 - iv) any exemption granted shall specify a time period during which the exemption shall be effective, not to exceed one month from the date of the passing of the resolution.
- c) Details of Application for Exemption
- The application mentioned in subsection (1) of this section shall be made in writing, in the form prescribed by the Clerk and shall contain the following:
- i) the name, address and telephone number of the applicant;
 - ii) the period of time for which the exemption is sought;

- iii) the reasons why the exemption should be granted;
 - iv) proof that the Person seeking the exemption has notified, in writing, all landowners within four hundred (400) feet or 121.92 metres around the entire perimeter of the subject property where the discharge of firearms will take place, that an exemption to the By-law is being sought;
- d) An application for exemption shall be accompanied by the non-refundable fee prescribed in Schedule "A" attached to this By-law.

e) Decision

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

f) Failure to Comply

Failure to comply with any of the terms or conditions of an exemption granted by Council shall render the exemption null and void.

g) Timeline

Every Person who applies for an exemption shall make application to the Clerk at least 30 business days prior to the Council meeting at which the request for exemption is to be addressed by Council.

OFFENCE

4. a) No person shall hinder or obstruct, or attempt to hinder or obstruct, a Police Officer or Municipal Law Enforcement Officer.
- b) It shall be an offence for any Person to contravene any provision of this By-law.

PENALTIES

5. a) Every Person who is convicted of an offence, under the provisions of this By-law, is liable to a fine of not more than \$5,000, exclusive of costs under the *Provincial Offences Act, R.S.O. 1990, c. P.33, s. 61*, as amended or any successor thereof.
- b) Any Person who contravenes any provision of this By-law, may in addition to any penalties pursuant to subsection 5 a), be liable to a fine in accordance with Schedule 'B' attached to the By-law.

VALIDITY

6. If a Court of competent jurisdiction declares any section or part of a section of this By-law invalid, it is the intention of Council that the remainder of the By-law shall continue to be in force.

SHORT TITLE

7. This By-law may be cited as the "Firearms By-law".
8. By-Law No. 49/2006 is hereby repealed.

READ a three times and finally passed
this **16th** day of February, **2010**.

Chris White, Mayor

Meaghen Reid, Clerk

SCHEDULE "A" TO BY-LAW 8/2010

Category	Fee
Application for Exemption	\$100.00

SCHEDULE B TO BY-LAW 8-2010

Township of Guelph/Eramosa

PART I Provincial Offences Act

By-law #08/2010

a by-law to prescribe standards for the discharge of firearms within the limits of the Township of Guelph/Eramosa, and to repeal by-law 49/2006.

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision	COLUMN 3 Set Fine (includes cost)
1	Discharge Firearm upon lands without written authorization	Section 2.1	\$375.00
2	Possess a loaded Firearm upon a street, highway or park	Section 2.2	\$375.00
3	Discharge Firearm on land less than 4 hectares (9.88 acres) in size	Section 2.3	\$275.00
4	Discharge Firearm on a Sunday	Section 2.4	\$275.00
5	Discharge Firearm on indoor range after 10:00 p.m.	Section 2.4 c) i)	\$275.00
6	Discharge Firearm on indoor range before 9:00 a.m.	Section 2.4 c) i)	\$275.00
7	Discharge Firearm after 6:00 p.m. on a Friday	Section 2.4 c) ii)	\$275.00
8	Discharge Firearm on a Sunday	Section 2.4 c) iii)	\$275.00
9	Discharge Firearm on Monday, Tuesday, Wednesday, Thursday or Saturday one half hour after sunset	Section 2.4 c) iv)	\$375.00
10	Discharge Firearm on Monday, Tuesday, Wednesday, Thursday or Saturday one half hour before sunrise	Section 2.4 c) iv)	\$375.00
11	Discharge Firearm on Monday, Tuesday, Wednesday, Thursday or Saturday after 9:00 p.m.	Section 2.4 c) iv)	\$375.00
12	Discharge Firearm on prohibited day	Section 2.4 c) v)	\$275.00
13	Discharge Firearm one half hour after sunset	Section 2.5	\$375.00
14	Discharge Firearm one half hour before sunrise	Section 2.5	\$375.00
15	Obstruct or attempt to hinder or obstruct a Police Officer	Section 4 a)	\$375.00
16	Obstruct or attempt to hinder or obstruct a Municipal Law Enforcement Officer.	Section 4 a)	\$375.00

NOTE: the general penalty provision for the offences listed above is *section 61* of the *Provincial Offences Act, R.S.O. 1990, c.P.33*