

THE CORPORATION OF THE TOWN OF TECUMSEH

BY-LAW NUMBER 2001-37

Being a by-law to prohibit and regulate the discharge of Firearms and Bows in the Town of Tecumseh.

WHEREAS Section 210.1 paragraph 36 of The Municipal Act R.S.O., 1990, c. M. 45, as amended, provides that By-laws may be passed by the councils of local municipalities for prohibiting and regulating the discharge of guns, firearms, air-guns, spring-guns, cross-bows and long-bows or any class or type thereof in the municipality or in any defined area thereof;

AND WHEREAS it is deemed expedient and in the public interest to prohibit the discharge of guns, firearms, air-guns, spring-guns, cross-bows and long-bows or any class or type thereof in the municipality or in any defined area thereof;

NOW THEREFORE THE COUNCIL OF CORPORATION OF THE TOWN OF TECUMSEH ENACTS AS FOLLOWS:

DEFINITIONS

1.1 In this By-law;

"Bow" means a weapon consisting of a curved, sometimes re-curved, stave of a resilient material, strung taut from end to end and used to launch an arrow, a bolt, a quarrel or any similar projectile, and that is capable of causing bodily injury or death to a person and includes cross-bows, long-bows, re-curve bows and compound bows, or any such other reconfiguration, adaptation or modification of any bow.

"Building" shall include any structure whether temporary or not or permanent, having a roof supported by columns or walls or supported directly on the foundation and used or intended for sheltering any use or occupancy but shall not include a fence, trailer, camping trailer, truck camper, motor home, or tent;

"Corporation" means the Corporation of the Town of Tecumseh;

"Council" means the Municipal Council of the Corporation of the Town of Tecumseh;

"Firearm" means a barrelled weapon from which any shot, bullet or other projectile can be discharged and is capable of causing bodily injury or death to a person, and includes any frame or receiver of a barrelled weapon and anything that can be adapted for use as a Firearm, including air guns, spring-guns, or any class or type thereof.

"Town" means the geographical area within the municipal boundary limits of the Town of Tecumseh.

DISCHARGE PROHIBITED

2.1 No person shall discharge, cause to be discharged, or allow to be discharged:

- (a) a Firearm or a Bow in any part of the Town:
 - (i) lying north of County Road 42 and east of Banwell Road;
 - (ii) lying and bounded by the west side of Oldecastle Road, the north side of Highway No. 3 and the east side of Walker Road.

- (iii) zoned for industrial use pursuant to Zoning By-law 85-18, as amended;
 - (iv) within 152 metres of any Building used, or intended for use, by a person; or
 - (v) on land or premises of which such person is not the owner or lawful tenant thereof without the authorization of the owner or lawful tenant of such land or premises;
- (b) a shot-gun larger than a 12 gauge or any other gun of greater calibre or projectile power than the rifle known as the 22 calibre lower-powered rifle;

EXEMPTIONS

- 3.1 This By-law is not intended to interfere in the exercise of the lawful rights and privileges granted, or the performance of duties imposed upon a member of a police force in the performance of duties pursuant to and in accordance with the *Police Act* 190, c.P.15, as amended and regulations thereto, or like Acts and regulations of the Province of Ontario or Government of Canada.
- 3.2 This By-law further does not apply:
- (a) so as to prohibit the discharge of Firearms in the Town, when the discharge occurs in shooting or rifle ranges or archery ranges which:
 - (i) are within a Building constructed so that there is no danger of any bullet or projectile discharged or fired therein, passing out of the building; and
 - (ii) where the Council is satisfied that public liability insurance to the limits specified by Council is carried; and
 - (iii) all necessary and proper safety precautions are taken to the satisfaction of the Ontario Provincial Police;
 - (iv) is situate in a location which is in conformity with the provisions of the Town Official Plan and Zoning By-law; and
 - (v) where application in Form "1", as attached hereto as Schedule "A", has been filed with, and has subsequently received written approval of the Council.
 - (b) to any person who, upon application in the said Form "1", receives permission of Council, to conduct a special community event in a circumstance, or in a manner different from that of Section 3.2 (a) hereof ;
 - (c) to a farmer, members of his/her family, or nominee of the farmer, within the confines of property classified as farmland on the assessment roll;
 - (i) for the purpose of controlling animals or birds deemed to be pests; or
 - (ii) for the purpose of hunting in season pursuant to any current and valid licence under the *Game and Fish Act*, R.S.O. 1980, Chapter 182, as amended, or any successor legislation thereto.

This subsection is extended to include a person who has received authorization by a farmer, a member of his/her family, or a nominee of the farmer, to discharge a Firearm or Bow within the confines of the property of farmer.

- 4.1 The decision of the Council is final and binding with respect to any application under this By-law.

ENFORCEMENT

- 5.1 Every person who contravenes any provision of this By-law is guilty of an offence and shall, upon conviction thereof, be liable to a fine of not more than \$5,000.00, exclusive of costs recoverable under the *Provincial Offences Act*, R.S.O. c. P. 33, as amended.
- 5.2 The Court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation of repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

REPEAL

- 6.1 By-law 82-47 of the former Corporation of the Town of Sandwich South, and By-law 302 of the former Corporation of the Village of St. Clair Beach, and By-law 872 of the former Corporation of the Town of Tecumseh, and any by-law or parts of any by-law of the said former Corporations inconsistent with this By-law, are hereby repealed.

ENACTMENT


- 7.1 This by-law comes into force on third reading thereof.

Read a first time this 12th day of June, 2001.

Read a second time this 28th day of August, 2001

Read a third time and finally passed this 28th day of August, 2001

"SEAL"


Ed Renaud, Mayor


S. M. Brophrey, Clerk

TOWN OF TECUMSEH



CLERK'S DEPARTMENT

Schedule "A"
By-law 2001 - 37
Form 1

Application To Council To Discharge Firearm or Bow

I, _____, declare that I am the owner of the premises situate at _____, described as Lot _____, Concession/Plan _____, Town of Tecumseh, Province of Ontario, and as such, have lawful authority to request the permission to use the above premises for the discharge of firearm(s) or bow(s).

The applicant is required to submit with this Form detailed plans and specification in quadruplicate which depict the enclosed area in which the firearm(s) or bow(s) are proposed to be discharged, and specifically:

- (1) the dimensions of the building and lands within which the event is proposed;
- (2) the proximity and use of adjacent lands and buildings;
- (3) the method of controlling traffic and parking, and
- (4) evidence of the proposed liability insurance coverage.

Dated at the Town of Tecumseh,
 this _____ day of _____,
 20____.

Owner _____

Date Received: _____
 Tecumseh O.P.P. _____
 Fire Chief _____

Date Circulated: _____
 Chief Building Official _____
 Planner _____

Notice To Applicant of Council Resolution

Date of Resolution _____
 Approved _____
 Approved with conditions _____
 Not approved _____

Date notice issued _____
 Clerk _____