

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2006-47

**Being a By-law to prohibit or regulate the discharge of
firearms within the Town of Amherstburg**

WHEREAS, the *Municipal Act*, 2001, S.O. 2001, c. 25, section 119, authorizes a local municipality, for the purpose of public safety, to prohibit or regulate the discharge of guns or other firearms, air-guns, spring-guns, cross-bows, long-bows, recurve bows or any other weapon;

AND WHEREAS it is deemed expedient by Council to prohibit or regulate the discharge of firearms within the Town of Amherstburg for the purposes of public safety;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF
THE TOWN OF AMHERSTBURG HEREBY ENACTS AS FOLLOWS:**

1. DEFINITIONS:

In this By-law:

- a) "Building" or "structure":
 - i. "Commercial" shall mean a building or structure in which the activities are primarily the buying and selling of merchandise or the provision of services;
 - ii. "Habitable" shall mean a building or structure that is designed for living, sleeping, eating or for any sanitary purposes and can be used at any time throughout the year, but does not include a derelict building or structure;
- b) "Corporation" means the Corporation of the Town of Amherstburg;
- c) "Council" means the Council of the Corporation of the Town of Amherstburg;
- d) "Educational site" means land or premises or an interest in land or premises required by a board for a school, playground, garden, gymnasium, school offices, parking areas or for any other educational purpose;
- e) "Park" means an area of land, consisting primarily of landscaped open space, used primarily for active or passive recreational purposes, with or without related recreational buildings, structures or facilities including, but not necessarily restricted to a recreational playground, a golf course, a driving range, a play area, a band stand, a skating rink, a horticultural greenhouse, a bowling green, a tennis or badminton court, a play field, a race track, a swimming area, a wading pool, a boating pond or lake, a watercourse, a campground, a refreshment booth, or a picnic area.
 1. "Public Park" means a park owned or controlled by a public agency.
 2. "Private Park" means a park other than a public park, regardless of whether or not such park is maintained or operated for gain or profit, but does not include an amusement park in which rides, games of chance and the sale of food, beverages, toys and souvenirs constitute the main uses.

3. "Amusement Park" means a recreational and amusement facility or site that may include a variety of buildings or structures directly related to recreational and amusement uses.

- f) "Farmer" means a farmer as defined in the *Farming and Food Protection Act*, 1998, S.O. 1998, c.1;
- g) "Firearm" means a firearm as defined in the *Criminal Code of Canada*, R.S. 1985, c. C-46, and shall include an air gun, pellet gun, bow, cross-bow or any other "permitted firearm";
- h) "Permitted Firearm" means a compound-bow, cross-bow, long-bow, recurve bow, shotgun, muzzleloader, BB gun, pellet gun or rifle with a calibre no larger than .243 or 6 mm.;
- i) "Person" means every natural person, firm, partnership, association, corporation or organization of any kind;
- j) "Prohibited Firearm Discharge Area" means the area identified as Restricted Area on Schedule "A" of this By-Law, or a parcel of land on which there exists an approved Plan of Subdivision and when servicing has commenced on that land.
- k) "Landowner" means owner or occupier of land.

2. FIREARM DISCHARGE PROHIBITED:

- a) No person shall discharge any firearm while that person is within the Prohibited Firearm Discharge Area.
- b) No person shall have in his possession any firearm while such firearm is loaded as defined in the Fish & Wildlife Conservation Act and capable of being discharged while that person is within the Prohibited Firearm Discharge Area.
- c) No person shall enter or discharge a firearm on any land without the permission of the landowner.
- d) Subsections a) and b) do not apply where a landowner has received permission from the Town CAO for temporary firearm discharge purposes as set out in subsection 3e).

3. FIREARM DISCHARGE PERMITTED:

- a) Subject to subsections c) and d), no person shall discharge a Permitted Firearm outside the Prohibited Firearm Discharge Area, unless such Permitted Firearm is discharged at least 100.0 metres away from any habitable or commercial building or structure. The Fish & Wildlife Conservation Act and Regulations supersede for distance from or over a Public Road Allowance.
- b) Notwithstanding subsection (a), no person shall discharge a Permitted Firearm outside the Prohibited Firearm Discharge Area, within 100.0 metres of a habitable or commercial building or structure, unless such person has obtained permission from all landowners within the said 100.0 metres, unless separated by a roadway. The Fish & Wildlife Conservation Act & Regulations supersede for distance from or over a Public Road Allowance.

- c) No person shall discharge a Permitted Firearm outside the Prohibited Firearm Discharge Area, unless such Permitted Firearm is discharged at least 200 metres away from any educational site. The Fish & Wildlife Conservation Act and Regulations will not supersede for distance from or over a Public Road Allowance.
- d) No person shall discharge a Permitted Firearm outside the Prohibited Firearm Discharge Area, unless such Permitted Firearm is discharged at least 200 metres away from any unfenced park and at least 150 metres away from a fenced park. The Fish & Wildlife Conservation Act and Regulations supersede for distance from or over a Public Road Allowance.
- e) Applications to have certain premises, or any part thereof, within the Prohibited Firearm Discharge Area approved for temporary firearm discharge purposes must be submitted to the Clerk of the Corporation of the Town of Amherstburg, by the owner of the said premises, upon the form annexed hereto as Schedule "B", and the approval of the Town CAO endorsed by his/her signature upon such application shall constitute a valid permit for such use. Each application so submitted shall be accompanied by three copies of plans and specifications for the conversion, alteration or erection of the said premises to such use, which plans and specifications shall be examined by the Chief Building Officer for the Town of Amherstburg, who shall endorse his approval or otherwise upon the said application before it is submitted to the CAO. The CAO shall have the option of submitting the application to Council for approval.

4. EXEMPTIONS:

The By-law shall not apply to:

- a) organized Gun Clubs, when the discharge occurs in firearm or archery ranges which;
 - (i) are within a building constructed so that there is no danger of a bullet or projectile discharged or fired therein passing out of the building; and
 - (ii) where a minimum of \$1,000,000.00 public liability insurance is carried; and
 - (iii) all necessary and proper safety precautions are taken to the satisfaction of the Amherstburg Police Department or such other persons or persons as designated by the Council to enforce the provisions of this By-law; and
 - (iv) is situated in a location which is in conformity with the provisions of the Town Official Plan and Zoning By-law; and
 - (v) where application in Schedule "B", as attached hereto and forming part of this By-law has been filed with and has subsequently received written approval of the Town CAO.
- b) premises used especially for that purpose, approved by the said Council; or
- c) a farmer, landowner or their agent as allowed and described by Provincial law outside the restricted area, for the protection of his or her crops, property or livestock; or
- d) Peace Officers entitled by law to carry restricted firearms, under circumstances which make the use of such guns or other firearms imperative for the preservation of life, property or to prevent the unnecessary suffering of animals.

- e) Police Officers as authorized under the Police Services Act.
- f) a person using a tranquilizing gun prescribed and as permitted in Ontario Regulation 665/98, made under the Fish & Wildlife Conservation Act, within the limits of the Town of Amherstburg to capture wild or stray animals, with the gun to be used only in extreme cases, and when possible, with a Police or Conservation Officer present to assist in the interest of public safety, and further that the gun is to be used only while performing his or her duties.
- g) rifles larger than 6 millimetres (.243) in diameter being discharged outside the Prohibited Firearm Discharge Area for sighting in purposes only, provided such rifles are discharged into an appropriate and safe backstop; or
- h) a private park, at the owner's discretion during the off season or when not in use.

5. SCHEDULES:

Schedules "A" and "B" attached hereto form part of this By-law.

6. ENFORCEMENT:

Police Officers of the Town of Amherstburg Police Service and By-law Enforcement Officers of the Corporation shall have the duty of enforcing the provisions of this By-law.

7. PENALTIES:

Every person who contravenes any provisions of this By-law is guilty of an offence and on conviction is liable to a fine as provided for by the *Provincial Offences Act*.

8. REPEAL:

Former Town of Amherstburg By-law 1344, as amended, (by Bylaw No. 2389) being a by-law to regulate the use of guns or other firearms, passed October 22, 1973, be and the same is hereby repealed; and

Former Township of Anderdon Bylaw 1503, being a Bylaw to prohibit the discharge of a shotgun with 350 feet of a dwelling; and

Former Township of Anderdon Bylaw Number 1920, being a Bylaw prohibiting the discharge of rifles within the Township of Anderdon; and

Former Township of Malden Bylaw No. 89-8, being a bylaw regulating the discharge of guns or other firearms, air-guns, spring-guns, cross-bows, long-bows or any class or type thereof in the Township of Malden.

This By-law shall come into force and take effect on the date of final passage thereof.

Passed this 19th day of June, 2006 .


MAYOR


CLERK

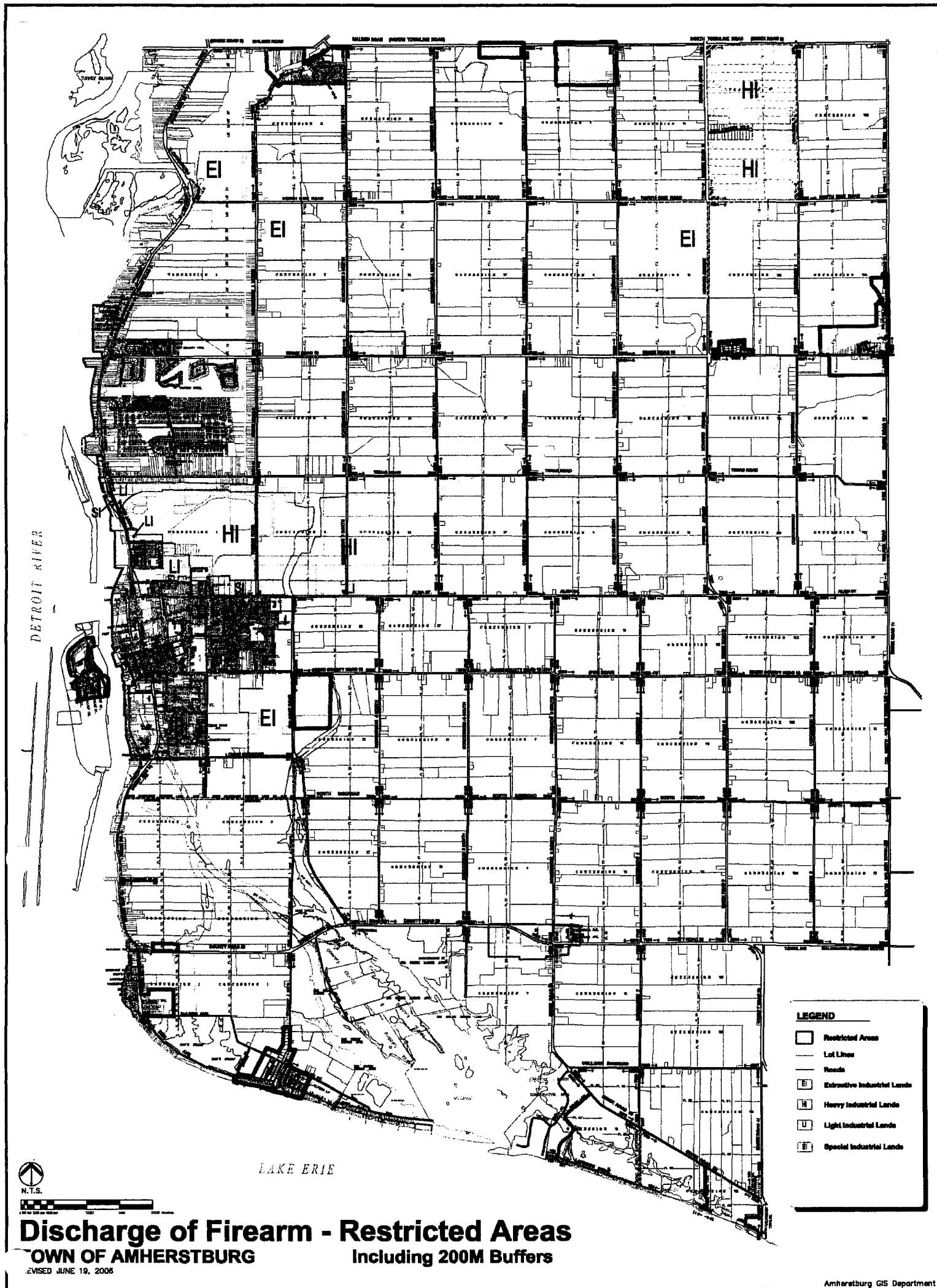
1st Reading: June 19, 2006
2nd Reading: June 19, 2006
3rd Reading: June 19, 2006

Certified to be a true copy of By-law
No. 2005-23 passed by Council of the
Town of Amherstburg on the
day of , .

Clerk

SCHEDULE "A"

BY-LAW NO. 2006-47



SCHEDULE "B"

BY-LAW NO. 2006-47

THE CORPORATION OF THE TOWN OF AMHERSTBURG

**APPLICATION FOR PERMIT TO DISCHARGE A GUN OR OTHER FIREARM WITHIN
THE PROHIBITED FIREARM DISCHARGE AREA**

Name and Address of Property Owner for which the permit application applies:

Home Phone: () _____ Email: _____

Name and Address of Applicant for which authorization is being requested to discharge a firearm within the Prohibited Firearm Discharge Area:

Same as Property Owner

Phone: () _____ Email: _____

Relationship with property owner: _____

Time period requested for issue of permit:

From the _____ day of _____, 20____ to the _____ day of _____, 20____

Reason for requesting permit: _____

To: CAO of the Town of Amherstburg

I, _____, owner of the premises situated at _____
(Property Owner)
and being composed of Part Lot Numbers _____ according to Registered Plan _____ for the
Town of Amherstburg, certify herewith the above information to be true and correct.

Owner Signature: _____ Date: ____ / ____ / ____

I, _____, hereby request a permit to discharge _____ within the
(Applicant) (Type of Firearm)
boundaries of the Prohibited Firearm Discharge Area at the above location, pursuant to the provisions of
Bylaw No. 2005-23 and certify herewith the above information to be true and correct. I understand that
the following conditions will apply if the application is granted:

1. Firearm Discharge Permit may be revoked at any time by resolution of the Council of the Town of Amherstburg.
2. Firearm Discharge Permit is not transferable to any other property or to any other persons other than those persons and property listed herein.
3. Firearm Discharge Permit will not be issued for a period of more than 12 months.
4. All other applicable Provincial Licenses must be obtained.

Applicant Signature: _____ Date: ____ / ____ / ____

(BUILDING DEPT. USE ONLY)

The use of the above premises for the discharge of firearms is approved

CBO Signature: _____ Date: ____ / ____ / ____

(COUNCIL USE ONLY)

This application is hereby approved by the CAO of the Corporation of the Town of Amherstburg

Permit Number: _____ Issue Date: ____ / ____ / ____

CAO Signature: _____