THE CORPORATION OF THE MUNICIPALITY OF SHUNIAH

BY-LAW NO. 2600-12

Being a By-law to prohibit and regulate the Discharge of certain Firearms, Bows, Crossbows, Air Guns And Spring Guns In The Municipality of Shuniah and to Repeal By-laws Numbered 1185, 1269, 1352, 1525, 1549, 1584 and 1965-99.

Recitals

a) Section 119 of the Municipal Act 2001, S.O. 2001, c.25 provides that the Council of a local municipality may, for the purpose of public safety, prohibit or regulate the discharge of guns or other firearms, air-guns, spring-guns, cross-bows, long-bows or any other weapon;

b) Council deems it necessary and desirable to exercise such power to provide for the safety of the general public and to prohibit the discharge of firearms in those areas of higher population densities.

THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF SHUNIAH ENACTS AS FOLLOWS:

1. **Section 1- Definitions**

1.1 For the purposes of this by-law:

Agricultural Land, means those lands zoned for any one or more agricultural purposes as permitted by the Zoning By-Law;

Bona Fide Hunter, means a person who has completed all required safety firearm courses and has obtained all necessary permits, licences and authorizations required by the Federal Government of Canada and the Provincial Government of Ontario and who has been licenced to hunt in the Province of Ontario.

Commercial, means those lands zoned as Commercial in the Zoning By-law or having a commercial business in operation,

Council, means the Council of the Corporation of the Municipality of Shuniah

Crown Land, means those lands owned by Her Majesty the Queen in Right of the Province of Ontario or Her Majesty the Queen in Right of Canada;

Farm, means an area of land whose permitted use includes agricultural uses as permitted by the Zoning By-Law and whose primary use is for the purpose of raising crops, livestock or poultry;

Farmer, means the person or persons who occupy a Farm and who owns, leases, manages or has the right to exercise the powers of any owner of such a Farm;

Firearm, means a firearm as defined by the Criminal Code of Canada and shall also include a bow and a cross bow, but does not include a Prohibited Firearm;

Industrial means any land zoned for Industrial operations.

Municipality, means the Corporation of the Municipality of Shuniah ;

Officer, means a Peace Officer as defined in the Criminal Code of Canada and shall include a Police Officer, Ministry of Natural Resources Officer, sworn in and for the Province of Ontario and a Provincial Offences Officer.

Prohibited Firearm, means a prohibited firearm as defined by the Criminal Code of Canada;

Prohibited Area means the lands defined where the discharge of firearms cannot occur at any time.

Range, means a bona fide firearm or archery shooting range authorized by the Province of Ontario and authorized by Council, where shooting competitions and practice are carried out by members of a Range or persons authorized by the Range.

Recreational, means all lands zoned with a Recreational designation.

Residential, means all lands zoned for residential purposes excluding the Rural, Zone [RU];

Zoning By-law, means the Zoning By-law Number 2038-00 and amendments thereto for the Municipality of Shuniah.

2. **Section 2- PROHIBITIONS**

2.1 No person shall discharge a Firearm anywhere within the Municipality except in accordance with this By-Law.

2.2 No person shall discharge a Firearm within the Municipality of Shuniah as described hereafter:

a) Within any Residential, Recreational, Industrial or Commercial Zoned property or on the abutting Municipal Road adjacent thereto.

b) Any land in any zone south of Hwy 11/17 in the MacGregor Ward.

c) The portions of land in any zone laying South of Compressor Station Road, east of Copenhagen Road to Hwy 527.

d) Any parcel of land in any zone having access from or butting Mount Baldy Road.

e) 100 metres (328 ft) from any school building, school yard, public park, playground, church, workshop, place of business, dwelling house, farm building, or other place where persons may be assembled or engaged in work of any kind.

2.3 No person shall discharge a Firearm within the Municipality which would allow the shot, bullet or bolt to pass over or into any adjacent parcel of land without the written consent of the owner of such adjacent property.

2.4 Notwithstanding Section 2.3 of this By-Law no shot, bullet or bolt shall be directed over or onto any Residential, Recreational, Commercial or Industrial Zoned Land.

3. **Section 3- General Provisions and Exceptions**

3.1 A firearm may lawfully be discharged on lands where the discharge of firearms is otherwise in accordance with this by-law and where lands are situated within

a) Rural Zone
b) Aggregate Zone
c) Aggregate Processing Zone
d) Use Limitation Zone
e) Lands surrounding Silver Lake

3.2 A Firearm may lawfully be discharged by a Farmer or resident of land which is located on Agricultural Land or Environmentally Protected Land if the purpose of discharging the Firearm is to control troublesome or noxious animals or birds on the Farm and such discharge is otherwise in accordance with this By-Law.

3.3 A Firearm may be discharged by a person who is a member of a Range or a person with permission of such a Range, in the course of Range activities provided:

a) the discharge takes place on a Range the location of which has all the required Federal, Provincial and Municipal approvals to operate at the location, as a Range and an amendment to this by-law designating it as outside the prohibited area has been passed by Council;

b) all required licenses, authorizations and other pertinent approvals including those licenses, authorizations and other pertinent approvals required by this By-Law, are available at the Range and are produced for inspection immediately if requested by an Officer

3.4 A Firearm may be discharged where permitted by Federal or Provincial legislation on land which is Crown Land, provided such discharge otherwise complies with the provisions of this By-Law.

3.5 A Firearm may be discharged by a Bona Fide Hunter actively engaged in hunting during a permitted season, who has been issued such necessary and required licenses, permits and consents that may be required by Federal, Provincial or Municipal legislation, including any licenses, permits and consents required by this By-Law, and such discharge otherwise complies with the provisions of this By-Law.

3.6 A Firearm may be discharged by an owner of land if it is believed, on reasonable grounds, that wildlife is damaging or is about to damage property but shall not include moose, woodland caribou, white-tailed deer and elk or any endangered and threatened species protected by the Endangered Species Act or any other prohibited animal or animal prohibited or protected by any other regulation or law.

3.7 Notwithstanding any part of this by-law, any such required licenses, permits and consents, including those licenses, permits and consents that may either by the Federal, Provincial, or any other Statutory Regulation or by this By-Law, at all times while engaged in hunting shall produce them for inspection immediately if requested by an Officer.

3.8 Notwithstanding Section 3.3 any legally existing Range in operation prior to the passing of this By-law is considered to conform to this By-law.

4. Section 4- Exemptions

4.1 The provisions of this By-Law do not apply to the discharge of a Firearm only by:

a) An Officer in the lawful execution of their duties; or

b) Members of the Canadian Armed Forces in the lawful execution of their duties. or

5. Section 5- Administration and Enforcement

5.1 This By-Law shall be administered and enforced by an Officer.

6. Section 6 – Penalties

6.1 Every person who contravenes any provision of this By-Law is guilty of an offence and upon conviction is liable to a fine as provided in Schedule "A" to this By-law pursuant to the Provincial Offences Act, R.S.O.1990, c.P.33,.

7. Section 7- Schedule

7.1 Schedule A attached hereto forms part of this By-Law.

8. Section 8 - Short Title

8.1 This By-Law may be referred to as the No Discharge of Firearms Bylaw.

9. **Section 9- Repeal Of By-Laws**

9.1 By- Laws 1185, 1269, 1352, 1525, 1549, 1584 and 1965-99 and any of its amendments are hereby repealed.

10. Section 10- Severability

10.1 If a court of competent jurisdiction should declare any section or part of any section of this Bylaw 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 Bylaw as being invalid and is hereby declared that the remainder of the Bylaw shall be valid and remain in force.

11. **Section 11- Enactment**

11.1 This By-Law shall come into force and take effect on:

a) Schedule "A" to this by-law being forwarded to and approved by the Senior Regional Justice of the Ontario Court of Justice;

b) The Third and Final reading thereof.

Read a First and Second Time this 26th Day of March 2012

Reeve

Clerk

Read a Third and Final Time this 14th Day of May 2012

Reeve

Clerk

OFFICE OF THE REGIONAL SENIOR JUSTICE
NORTHWEST REGION
ONTARIO COURT OF JUSTICE

COURTHOUSE
1805 EAST ARTHUR STREET
THUNDER BAY, ONTARIO P7E 2R6

CABINET DU JUGE PRINICIPAL RÉGIONAL
RÉGION DU NORD-OUEST
JUGE DE LA COUR DE JUSTICE DE L'ONTARIO

PALAIS DE JUSTICE
1805, RUE ARTHUR EST
THUNDER BAY (ONTARIO) P7E 2R6

TELEPHONE/TÉLÉPHONE (807) 625-1625
FAX/TÉLÉCOPIEUR (807) 625-1601

July 25th, 2012

Municipality of Shuniah
420 Leslie Avenue
Thunder Bay, Ontario
P7A 1X8

Attention: Nadene Hunley, Deputy Clerk

Dear Ms. Hunley:

RE: Municipality of Shuniah, Thunder Bay District
Part I Provincial Offences Act , By-law No. 2600-12: Firearms

Enclosed herewith is the original Order with original schedule of set fines for By-Law Number 2600-12, the Bylaws indicated in the schedules for the Municipality of Shuniah, Thunder Bay District, together with your certified copy of the By-law Number 2600-12.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

A copy of the Order and the schedule of the set fines are being held in the Office of the Regional Senior Justice at Ontario Court of Justice in Thunder Bay.

Yours truly,

The Honourable Marc L. Bode
Regional Senior Justice
Northwest Region

MLB:mz
Encls.
cc: Ms. Kerry-Lee Thompson, Crown Law Office, Toronto
Ms. Kathy Dallaire, POA Supervisor, Thunder Bay

MUNICIPALITY OF SHUNIAH
RECEIVED
JUL 31 2012
Per

OFFICE OF THE REGIONAL SENIOR JUSTICE
NORTHWEST REGION
ONTARIO COURT OF JUSTICE

COURTHOUSE
1805 EAST ARTHUR STREET
THUNDER BAY, ONTARIO P7E 2R6

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THUNDER BAY (ONTARIO) P7E 2R6

TELEPHONE/TÉLÉPHONE (807) 625-1625
FAX/TÉLÉCOPIEUR (807) 625-1601

July 25th, 2012

Ms. Kerry Lee Thompson
Crown Counsel, Crown Law Office
Ministry of the Attorney General
9th Floor, 720 Bay Street
Toronto, Ontario
M5G 2K1

Dear Ms. Thompson:

RE: Municipality of Shuniah, Thunder Bay District
Part I Provincial Offences Act , By-law No. 2600-12: Firearms

I have enclosed the following for your information:

1. Copy of signed Order and accompanying schedule of set fines for By-law No. 2600-12.

2. Copy of letter to Nadene Hunley, Deputy Clerk, Municipality of Shuniah.

Please note that a copy of the Order and the schedule of the set fines are being held in the Office of the Regional Senior Justice at Ontario Court of Justice in Thunder Bay. The original Order and schedule of set fines have been forwarded to the Municipality of Shuniah, Thunder Bay District.

Yours truly,

The Honourable Marc L. Bode
Regional Senior Justice
Northwest Region

MLB:mz
Encls.
cc:
Ms. Kathy Dallaire, POA Supervisor, Thunder Bay
✓Nadene Hunley, Deputy Clerk, Municipality of Shuniah

PROVINCIAL OFFENCES ACT

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite the offences in the attached schedules of offences under the Provincial Statutes and Regulations thereunder and By-law No. 2600-12, Part I, of the Municipality of Shuniah, Thunder Bay District, attached hereto are the set fines for these offences, to take effect July 25th, 2012.

Dated at Thunder Bay this 25th day of July, 2012.

The Honourable Marc L. Bode
Regional Senior Justice
Northwest Region

Part 1 Provincial Offences
Municipality of Shuniah
A By-law to Regulate and Prohibit the
Discharge of Firearms

Item	Column 1	Column 2	Column 3
	Short Form Wording	**Provision Creating or defining offence**	**Set Fine**
1.	**Discharge Firearm in a Residential Zone or on the abutting Municipal Road adjacent thereto.**	**Section 2.2 (a)**	**250.00**
2.	**Discharge Firearm in a Recreational Zone or on the abutting Municipal Road adjacent thereto.**	**Section 2.2 (a)**	**250.00**
3.	**Discharge Firearm in an Industrial Zone or on the abutting Municipal Road adjacent thereto.**	**Section 2.2 (a)**	**250.00**
4.	**Discharge Firearm in a Commercial Zoned property or on the abutting Municipal Road adjacent thereto.**	**Section 2.2 (a)**	**250.00**
5.	**Discharge Firearm on land south of Hwy 11/17 in the MacGregor Ward.**	**Section 2.2 (b)**	**250.00**
6.	**Discharge Firearm on land South of Compressor Station Road, east of Copenhagen Road to Hwy 527.**	**Section 2.2 (c)**	**250.00**
7.	**Discharge Firearm on land having access or butting Mount Baldy Road.**	**Section 2.2 (d)**	**250.00**
8.	**Discharge Firearm 100 metres (328 ft) from a school building or school yard, public park, playground, church, workshop, place of business, dwelling house, farm building, or other place where people assemble or work.**	**Section 2.2 (e)**	**250.00**

Note: The General Penalty Provisions for the Offences listed above is section 6 of By-law No. 2600-12 a certified copy of which has been filed.

Part 1 Provincial Offences
Municipality of Shuniah
A By-law to Regulate and Prohibit the
Discharge of Firearms

9.	**Discharge a Firearm to allow the shot, bullet or bolt over or into land without written consent of the owner.**	**Section 2.3**	**250.00**
10.	**Discharge a Firearm to allow the shot, bullet or bolt over or onto Residential, Recreational, Commercial or Industrial Zoned Land.**	**Section 2.4**	**250.00**

Note: The General Penalty Provisions for the Offences listed above is section 6 of By-law No. 2600-12 a certified copy of which has been filed.