

# The Corporation of the Town of Grimsby

## By-law No. 20-62

### A By-law to Prohibit and Regulate the Discharge of Firearms and Bows in the Town of Grimsby

**Whereas** Paragraph 11(2) 6 of the Municipal Act, 2001, as amended, enables a municipality to pass a by-law to protect the health, safety and well-being of its residents;

**And whereas** Section 119 of the Municipal Act, 2001, as amended, enables a municipality to pass a by-law for the purpose of public safety, to prohibit or regulate the discharge of guns or other firearms, including air guns, spring guns, cross-bows, long-bows or any other weapon;

**And whereas** the Council of The Corporation of the Town of Grimsby determines that the discharge of firearms and bows could create a safety hazard for the public;

**Now therefore** the Council of the Corporation of the Town of Grimsby enacts as follows:

#### 1. Short Title

- 1.1. This By-law shall be known as the Discharge of Firearms and Bows By-law.

#### 2. Definitions

For the purpose of this By-Law:

- 2.1. "Agricultural purposes" means the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; horse boarding; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures."
- 2.2. "Bow" means a long bow, compound bow, re-curve bow, cross bow, or any class thereof, from which any arrow or any other projectile can be discharged and that is capable of causing bodily injury or death to any Person;
- 2.3. "Firearm" means any weapon from which any shot, bullet or other missile can be discharged and that is capable of causing bodily injury or death to any Person and includes, but is not limited to, a sling shot, air gun, paint ball gun, and spring gun;
- 2.4. "Highway" means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct, or trestle, any part of which is intended for, or used by, the general public for the passage of vehicles;
- 2.5. "Livestock" as defined in Livestock and Livestock Products Act, R.S.O. 1990, c.L.20, as amended, or any successor legislation thereto;
- 2.6. "Peace Officer" includes a municipal law enforcement officer,

police officer, animal control officer or a provincial conservation officer;

- 2.7. "Person" includes a corporation and its directors and officers, and the heirs, executors, assignees and administrators or the other legal representatives of an individual and their respective successors and assignees;
- 2.8. "Problem Wildlife" means any bird or animal that is defined as wildlife in the Wildlife Act, RSA 2000, c. W-10, as revised from time to time, and which is destroying or harming or is likely to destroy or harm any land, livestock or property. For clarity, pestiferous birds does not include pheasants, geese, ducks, and other game birds;
- 2.9. "Public Land" includes parks, conservation areas, forestry lands, school property, and recreational areas;
- 2.10. "Public Centre" means land on a registered plan of subdivision, any place of worship, public hall or school property;
- 2.11. "Town" means the Corporation of The Town of Grimsby;

### **3. Prohibitions**

- 3.1. No Person shall discharge, cause to be discharged, or permit to be discharged a Firearm or a Bow in the Town except in accordance with this By-law;
- 3.2. No owner or occupier of a property shall permit the discharge of a Firearm or Bow on the property that they own or occupy except as provided for in this By-law; and,
- 3.3. Every Person that discharges a Firearm on any parcel of land on which a Person may lawfully discharge a Firearm in accordance with this By-law shall ensure that no shot, bullet, bolt, arrow or projectile passes over:
  - (a) any Highway, Public Land or Public Centre.

### **4. Exceptions**

This By-law shall not apply to:

- 4.1. Any Peace Officer acting in the course of their duty under the authority of their employment;
- 4.2. Any Person or organization that for ceremonial or other purposes has obtained advance permission from Council to perform any act otherwise prohibited under this By-law. This may include:
  - (a) A person firing blank ammunition for or in connection with lawful use in a motion picture, television, stage productions and historical displays or educational programs of a public museum;
  - (b) A person firing blank ammunition for the purpose of starting or controlling a sporting event of a similar nature to foot racing, sailing or golf.

- 4.3. Any Person in the course of an organized shooting competition, practice or training event provided that:
- (a) Such event has received the prior written approval of Council;
  - (b) A copy of the approval is maintained on the site of the event and is available at all times for inspection by any Peace Officer who requests to inspect same; and
  - (c) The approval is in fact produced for inspection by such Peace Officer immediately after the request is made.
- 4.4. Any Person who is a member of an incorporated gun, shooting or archery club in the course of club activities, provided that:
- (a) The discharge of the Firearm takes place on a range, the location of which has been approved by Council prior to the discharge of the firearm in question;
  - (b) Where necessary by law, the location has been approved by the Solicitor General for Ontario prior to the discharge of the Firearm in question;
  - (c) Evidence of Council's approval and evidence of the Solicitor General's approval is maintained on the range and available for inspection at all times by any Peace Officer; and,
  - (d) Evidence of approval is in fact produced for inspection by a Peace Officer immediately after a request is made.
- 4.5. The discharge of a Firearm by a Person on lands actively being used for Agricultural Purposes if the purpose of the discharge of the Firearm is for the protection or preservation of livestock or crops from Problem Wildlife, provided:
- (a) the type of gun used is a shot gun using shot no larger than 2 gauge; and,
  - (b) the discharge of the Firearm is not within one hundred and fifty (150) metres of a dwelling, public park or private park, a public open space or the premises of an educational institution, day nursery, or a religious institution, including but not limited to any building, structures or grounds (occupied or not) related thereto.

## **5. Enforcement**

- 5.1. The provisions of this By-law may be enforced by a Peace Officer or any Person appointed to enforce the by-laws of the Town; and,
- 5.2. No person shall hinder or obstruct, or attempt to hinder or obstruct a Peace Officer or other person so authorized who is performing a duty or exercising a power under this By-law pursuant to Section 426 of the Municipal Act, 2001.

## **6. Severability**

- 6.1. Notwithstanding that any clause or any part or parts of this By-law may be found by any court of law to be invalid or beyond the

power of the Council to enact, such clause, part or parts shall be deemed to be severable, separate and independent and enacted as such.

**7. Penalty**

7.1. Every person who contravenes any provision of this By-law is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the Provincial Offences Act and the Municipal Act, 2001, as each may be amended from time to time.

**8. Repeal**

8.1. By-law 76-38 be hereby repealed in its entirety.

**9. Effective Date**

9.1. This By-law comes into force and takes effect on August 17, 2020.

**Read a first time** this 17 day of August, 2020.

**Read a second and third time** and finally passed this 17 day of August, 2020.

---

J.A. Jordan, Mayor

---

S. Kim, Town Clerk