

The Corporation of the City of Kenora

By-Law Number 148- 2010

**A By-Law to Regulate the Discharge of Firearms, Air-Guns, Spring-Guns,
Cross-Bows, Long-Bows or Any Class or Type Thereof**

Whereas pursuant to Section 119 of the Municipal Act 2001, the Councils of municipalities may pass by-laws for the purpose of public safety, for prohibiting or regulating the discharge of guns or other firearms, air-guns, spring-guns, cross-bows, long-bows or any class or type thereof in the municipality or in any defined area thereof;

And Whereas it is deemed expedient for the purposes of public safety, to prohibit the discharge of guns or other firearms, air-guns, spring-guns, cross-bows, long-bows or any class or type thereof within defined areas of the City of Kenora;

And Whereas this By-law shall be referred to as the “Discharge of Firearms Bylaw”.

Now Therefore, the Council of the Corporation of the City of Kenora hereby enacts as follows:

1. Short Title

1.1 This by-law may be cited as the “Discharge of Firearms By-law”.

2. Definition / Interpretation

Definitions: In this By-law, unless stated otherwise, certain terms shall be defined as indicated in the lettered paragraphs of this section. When words appear in capital letters, the meanings prescribed in this section shall apply. When the words appear in regular case, they should be read as having their ordinary meanings.

(a) “Bear Wise Person” means a person duly designated and authorized by the Ministry of Natural Resources for the Province of Ontario to manage nuisance bears under the provincial Bear Wise Program.

(b) “City” means the Corporation of the City of Kenora, a municipal corporation pursuant to the Ontario *Municipal Act*.

- (c) **“Conservation Officer”** means a Conservation Officer or Deputy Conservation Officer of the Ontario Ministry of Natural Resources, or any other person duly authorized by law to enforce the Ontario Fish and Wildlife Conservation Act, R.S.O. 1997, or the Firearms Act, R.S.C. 1995, c.39.
- (d) **“Council”** means the elected Council of the Corporation of the City of Kenora.
- (e) **“Firearm”** means any gun or other firearm, air-gun, pellet gun, spring-gun, shotgun, cross-bow, long-bow, and any other barrelled weapon from which any shot, bullet, missile or other projectile may be discharged.
- (f) **“Municipal By-Law Enforcement Officer”** means a By-Law Enforcement Officer for the City of Kenora.
- (g) **“City of Kenora”** means the geographical area comprised of land, air and water which exists within the Corporation of the City of Kenora.
- (h) **“Officer”** means a Police Officer of the Ontario Provincial Police Service, a constable of the Royal Canadian Mounted Police, and a Municipal Law Enforcement Officer.

3. General

- 3.1 Number/Gender: All words and personal pronouns relating to words contained in this By-law shall be read and constructed with the number and gender of the person referred to in each case.
- 3.2 Headings: The headings of sections, paragraphs, clauses, and/or sentences in this By-law are inserted for ease of reference only and do not affect the interpretation of this By-law.
- 3.3 Severability: In the event that any of the provisions of this By-law are deemed invalid or void, in whole or in part, by any court or tribunal of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.
- 3.4 Schedules: The schedules and/or attachments to this By-law form an integral part of it.
- 3.5 Nothing in this by-law shall be interpreted as reducing or eliminating the need for full compliance with the provisions of all applicable Federal and Provincial statutes and regulations relating to firearms

4. Discharge Prohibition

No person shall discharge any firearm or any class or type thereof within that portion of the City of Kenora as outlined in the attached Schedule "A";

5. General Exemption

The following persons are exempt from the prohibition set out in Section 4 of this by-law:

- 5.1 Any employee of or person authorized by the Kenora Airport Authority Inc. while on the Kenora Airport property.
- 5.2 Any Officer while engaged in the performance of his or her duties.
- 5.3 A Bear Wise person while engaged in tranquilizing or destroying a bear.
- 5.4 A staff member of Correctional Services of Canada while in the performance of his or her duties.
- 5.5 An inspector or agent of the Ontario Society for the Prevention of Cruelty to Animals when duly authorized and in the actual and bona fide performance of his or her duties.

6. Exemption Permits:

- 6.1 A person may apply to council for an exemption to the provisions of Section 4 of this by-law.
- 6.2 An application for an exemption shall be made in writing, and shall set out the reasons for the proposed exemption, and the location and time of the exemption.
- 6.3 An exemption may be granted by council for any of the following persons or events on such terms and conditions as it deems appropriate:
 - a. Indoor or outdoor recreational activities relating to use of air guns and spring guns with a muzzle velocity not exceeding 500 feet/second.
 - b. Indoor or outdoor recreational activities relating to use of cross-bows and long bows and compound bows.

- c. Shows or exhibits selling or displaying any classes of firearms intended to be discharged, as approved by the Chief Firearms Officer of Ontario.
- d. Any other person or event as council may deem appropriate.

7. Administration

Police Officers, and where appropriate, the City's By-Law Enforcement Officers are responsible for enforcing the provisions of this by-law.

8. Offences

Every person who contravenes any of the provisions of this By-Law is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the Provincial Offences Act.

9. Effective Date

This By-Law shall come into force and take effect on the final passing thereof.

10. Repeal

By-Law Number 126-2010 of the Corporation of the City of Kenora, as amended, is hereby repealed.

By-Law Read a First and Second Time This 9th Day of August, 2010.

By-Law Read a Third and Final Time This 9th Day of August, 2010.

The Corporation of the City of Kenora:

.....**Mayor**
Leonard P. Compton

.....**Deputy Clerk**
Heather L. Kasprick

Schedule "B" to By-Law Number 148-2010

Simplified Wording and Set Fines

Item	Section	Wording	Fine
1	3.1	Discharge firearm in restricted area	200.00