

THE CORPORATION OF THE TOWN OF GRIMSBY

BY-LAW NO. 23-88

A BY-LAW TO REGULATE THE DISCHARGE OF FIREARMS AND BOWS IN
THE TOWN OF GRIMSBY

WHEREAS Section 9 of the *Municipal Act, 2001*, S.O. 2001, c.25 provides a municipality the capacity, rights, powers and privileges of a natural Person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Section 11 of the *Municipal Act, 2001* S.O. 2001, c.25 provides that municipalities may provide any service or thing that the municipality considers necessary or desirable for the public, including the passing of by-law within the respective sphere of jurisdiction;

AND WHEREAS Sections 23 of the *Municipal Act, 2001* S.O. 2001, c.25 authorizes a municipality to delegate certain powers and duties;

AND WHEREAS Section 119 of the *Municipal Act, 2001* S.O. 2001, c.25 authorizes a local municipality for the purpose of public safety to prohibit or regulate the discharge of Firearms;

AND WHEREAS Section 425 of the *Municipal Act, 2001* S.O. 2001, c.25 authorizes a municipality to provide offences for a contravention of a by-law;

AND WHEREAS Section 429 of the *Municipal Act, 2001* S.O. 2001, c.25 authorizes a municipality to establish a system of fines under a by-law;

NOW THEREFORE the Council of the Corporation of the Town of Grimsby hereby enacts as follows:

1.0 **SHORT TITLE**

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

2.0 **DEFINITIONS**

2.1 "**Bow**" means a long Bow, compound Bow, recurve 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 anyone;

2.2 "**Firearm**" means any type of device from which a projectile can be discharged and that is capable of causing serious bodily injury or death, including, but not limited to, handguns, shotguns, rifles;

2.3 "**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;

2.4 "**Livestock Product**" shall be defined as in the Livestock and Livestock Products Act, R.S.O. 1990, c.L.20, as amended, or any successor legislation thereto;

2.5 "**Officer**" means a Police Officer, Peace Officer, Municipal Law Enforcement Officer, Animal Control Officer, an Officer appointed under the *Fish and Wildlife*

Conservation Act, 1997 or Conservation Authorities Act;

2.6 "Owner" means a registered Owner, and includes an occupant, lessee, tenant or any other Person in charge of, or in control of premises;

2.7 "Person" means an Owner, who may be a natural Person, firm, corporation, partnership or association;

2.8 "Permitted Area" means the area in the Town of Grimsby as described in Schedule "A" attached hereto which forms a part of this By-law;

2.9 "Prohibited Area" means the areas in the Town of Grimsby as described in Schedule "A" attached hereto which forms a part of this By-law;

2.10 "Public Land" means parks, conservation areas, forestry lands, school property, and recreational areas;

2.11 "Recreational Trail" means a pathway or designated travel corridor which is open to use by the general public for the purposes of walking, biking, hiking, cross country skiing or other means of active recreational use;

2.12 "Shooting Range" a location that is approved by the Provincial Chief Firearms Officer, and is designed or intended for the safe discharge, on a regular and structured basis, of Firearms or Bows for the purpose of shooting at an object to be aimed at in shooting practice or contests;

2.13 "Target" means an animal, reptile, bird or object;

2.14 "Town" means the Corporation of the Town of Grimsby;

2.15 "Wildlife" shall be as defined in the *Fish and Wildlife Conservation Act, 1997, S.O. 1997, c.41*, as amended, or any successor legislation thereto.

3.0 INTERPRETATION

3.1 The regulations established by this By-law apply to the discharge of Firearms and Bows on all lands and waters within the boundaries of the Town.

3.2 The attached schedule "A" forms part of this By-law.

3.3 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 and Bows.

4.0 EXEMPTIONS

4.1 This By-law does not apply to:

- a) a peace officer, police officer or member of the Canadian Armed Forces in the performance of their duty;
- b) a person appointed as an animal control officer, municipal law enforcement officer, or as an agent for the Town or for a provincial or federal government agency for the purpose of destroying sick, injured or vicious animals as authorized in the performance of this stated duty;
- c) any Person, while lawfully discharging a Firearm at a rod and gun club, gun club, archery club, skeet club or a shooting range which is operating in compliance with all federal and provincial legislation and

all municipal By-laws and wherein all necessary and property safety precautions have been implemented to the satisfaction of the Niagara Regional Police and full approval has been obtained by the Chief Firearms Officer of Ontario;

- d) a facility operated by or for a municipal, provincial or federal police force;
- e) any device designed and intended by the person in possession therefore, for use exclusively for signalling, notifying of distress or firing stud cartridges, explosive-driven rivets or similar industrial ammunition;
- f) the firing of blank ammunition which does not discharge a projectile for or in connection with lawful use in a motion picture, television and stage productions, ceremonial military memorial services, military re-enactments and historical displays or educational programs, or for the purpose of starting or controlling a sporting event;
- g) an establishment or business providing "paint ball gaming" or indoor archery, at a location zoned for this purpose and duly authorized pursuant to the Town of Grimsby's Zoning By-law, as amended;
- h) a farmer or their agent discharging a firearm or bow on land owned by the farmer in order to scare or destroy animals that are found in the act of killing or injuring livestock or poultry or destroying their property, provided that such discharge complies with any of the following:
 - I. *Migratory Birds Convention Act, 1994 (Canada)*;
 - II. *Fish and Wildlife Conservation Act, 1997*;
 - III. *Protection of Livestock and Poultry from Dogs Act, 1990*.

5.0 GENERAL PROHIBITIONS

5.1 No Person shall discharge, or cause to be discharged, or allow to be discharged, a Firearm or Bow in a prohibited area of the Town as described in schedule "A" to this By-law.

5.2 No person shall discharge or cause to be discharged, or allow to be discharged, a Bow on any private property on which the use of the Bow is permitted, unless:

- a) it is the owner or occupier of the property;
- b) they have the expressed permission of the owner of the property;
- c) a hunter actively engaged in hunting during a permitted season to whom has been issued such necessary licenses and permits as may be required by the laws of Canada and the Province of Ontario, and provided that such person has obtained the prior expressed consent of the owner of the parcel of land on which the Firearm or Bow is discharged;
- d) setback 150 metres from a Prohibited Area, or at any target outside of 150 metres from a Prohibited Area of the town as described in Schedule "A" to this By-law;
- e) setback 8 metres from any highway, private road or recreational trail, or at any target outside of 8 metres from a highway, private road or recreational trail;

- f) setback 150 metres from a registered aerodome, or at any target outside of 150 metres from a registered aerodome;
- g) setback 150 metres from an occupied dwelling, building or structure, or at any target outside of 150 metres from an occupied dwelling, building or structure except with the expressed permission of the owner of the dwelling, building or structure.

6.0 ENFORCEMENT AND PENALTIES

6.1 An Officer may enter upon land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- a) this By-law;
- b) a direction or order made under this By-law.

6.2 An Officer carrying out an inspection under section 6.1 may:

- a) require the production for inspection of documents or things relevant to the inspection;
- b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- c) require information from any person concerning a matter related to the inspection.

6.3 If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order requiring the person who contravened the By-law, or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred to:

- a) discontinue the contravening activity; and/or
- b) do work to correct or prevent the contravention.

6.4 An order made under section 6.3 shall set out:

- a) reasonable particulars of the contravention adequate to identify the contravention and the location of the Land on which the contravention occurred;
- b) the date by which there must be compliance with the order.

6.5 An order issued under section 6.3 shall be served personally or by registered mail to the last known address on the person whom the Officer believes is contravening this By-law.

6.6 No person shall hinder or obstruct an Officer appointed to enforce this By-law, nor shall any person obstruct any employee or agent authorized to carry out work for the Town, specified in an order issued hereunder.

6.7 Every person who contravenes any provision of this By-law, is guilty of an offence and upon conviction is liable to the penalties prescribed under the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended.

6.8 A corporation has contravened a provision of this By-law, including and order issued under this By-law, every director and officer who knowingly concurred in such a contravention is guilty of an offence.

6.9 Every person who is guilty of an offence under this By-law shall be subject to the following penalties:

- a) Upon first conviction, to a fine of not less than \$500 and not more than \$100,000.00. However, a special fine may exceed \$100,000.00;
- b) Upon continuing offence, for each day or part of a day that the offence continues, a minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$10,000. However, despite section 6.9 a), the total of all of the daily fines for the offence is not limited to \$100,000; and
- c) Upon multiple offences, for each offence included in the multiple offence, a minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$10,000. However, despite section 6.9 a), the total of all fines for each included offence is not limited to \$100,000.

6.10 For the purpose of this By-law:

- a) "multiple offence" means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law; and
- b) An offence is a "continuing offence" if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.

7.0 REPEAL AND ENACTMENT


7.1 By-law No. 20-62, as amended is repealed in its entirety.

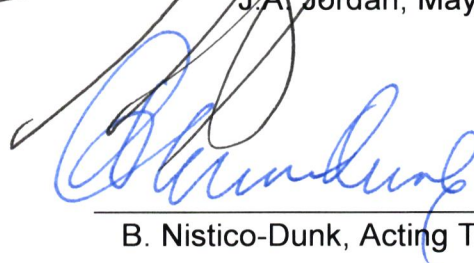
7.2 This By-law comes into force on the day it is passed.

8.0 VALIDITY

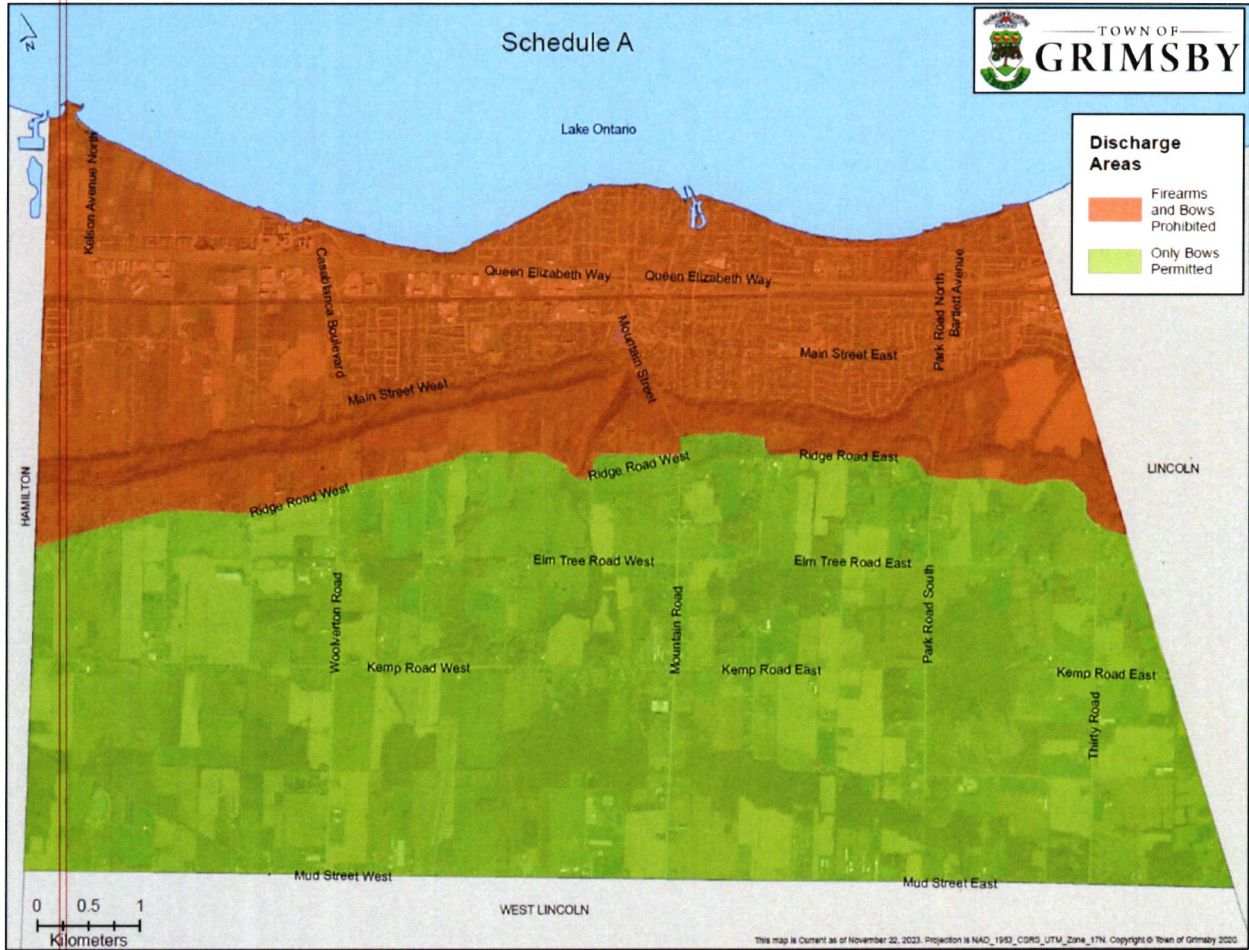
8.1 If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the part which was declared to be invalid.

Read a first time, considered, and passed this 6th day of November, 2023.

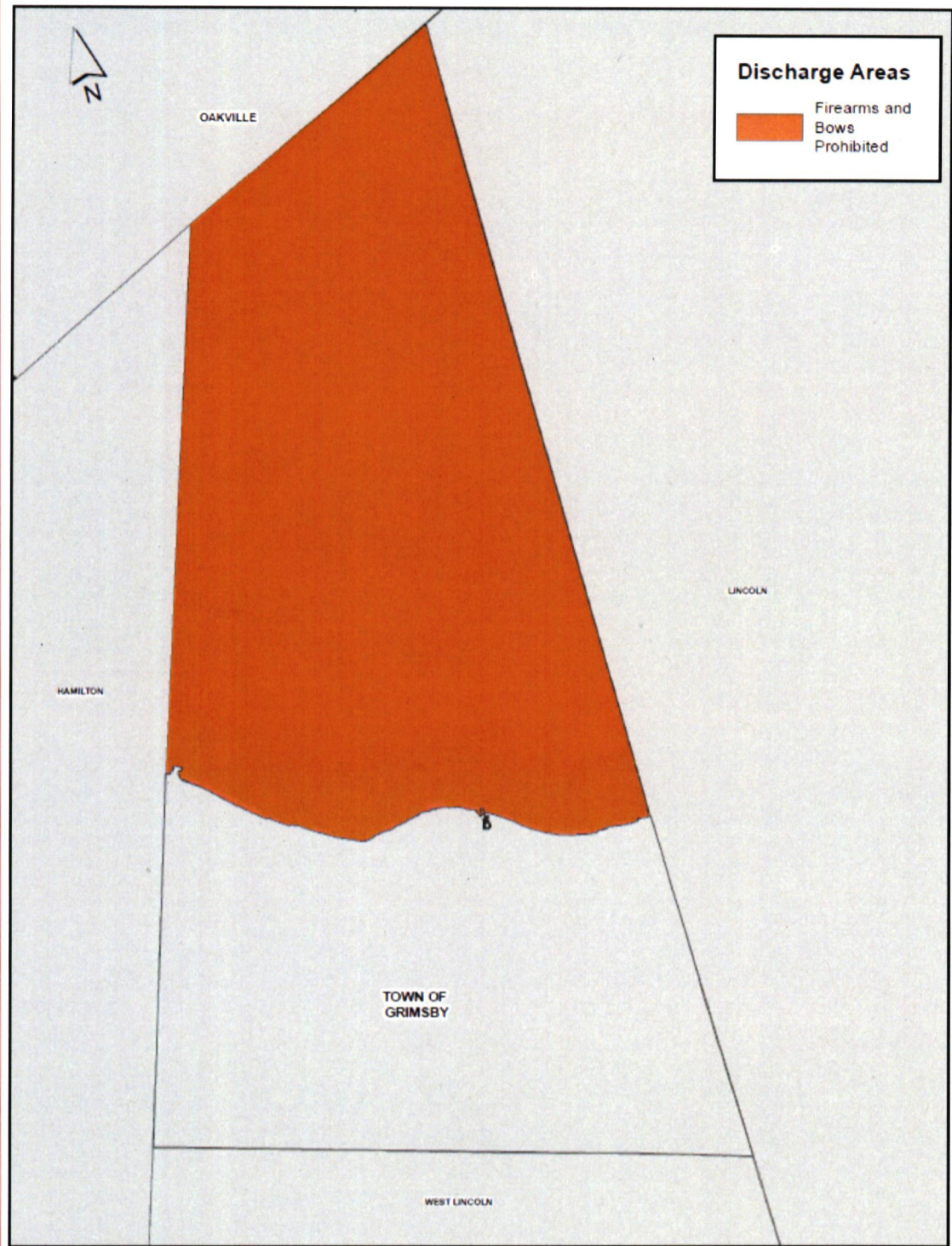

J.A. Jordan, Mayor


B. Nistico-Dunk, Acting Town Clerk

SCHEDULE "A"



TOWN OF GRIMSBY LAKE ONTARIO DISCHARGE AREAS



This map is Current as of November 22, 2023. Projection is NAD_1983_CRS_UTM_Zone_17N. Copyright © Town of Grimsby 2020.

SCHEDULE "B"

PART 1 PROVINCIAL OFFENCES ACT

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining Offence	COLUMN 3 Set Fine
1	Discharge or permit to discharge a firearm or bow in a prohibited area	5.1	\$1,000.00