

## TOWN OF CANORA

### Bylaw Number 12-16

#### ***A BYLAW TO PROVIDE FOR THE CONTROL AND REGULATIONS OF FIREARMS***

**WHEREAS** Section 8(1) of *The Municipalities Act* authorizes a council to pass any bylaw that is considered expedient for promoting the safety, health and welfare of the inhabitants;

**WHEREAS** the Council of the Town of Canora deems it expedient to provide for the control and regulation of firearms within the Town of Canora;

The Council of the Town of Canora, in the Province of Saskatchewan, enacts as follows:

#### **1. TITLE**

This Bylaw shall be referred to as the "Firearms Bylaw".

#### **2. DEFINITIONS**

In this Bylaw, unless the context otherwise requires, the word(s):

- a) "Council" means the council of the Town of Canora.
- b) "Firearm" means a firearm as defined in *The Criminal Code of Canada*.
- c) "Officer" means a member of the Royal Canadian Mounted Police or Bylaw Enforcement Officer appointed pursuant to Section 373 of *The Municipalities Act*.
- d) "Owner" means the owner of property or the person in charge or legal control of the property.
- e) "Person" means any individual, firm, company or partnership.
- f) "Pest Control Contractor" means any person appointed to trap, hunt and dispose of any pest animals.
- g) "Superintendent" shall mean the person in charge of the Public Works Department for the Town of Canora.
- h) "Town" shall mean the Town of Canora.

#### **3. REGULATIONS**

- a) No person shall discharge any firearm within the Town, except as provided elsewhere in this bylaw.
- b) No person shall discharge any firearm in such a manner so that the projectile crosses the corporate limits of the Town.
- c) This bylaw does not apply to peace officers as defined by *The Criminal Code of Canada*.

#### **4. PEST CONTROL**

- a) Council may appoint a Pest Control Contractor to trap, hunt and dispose of animals; and remove or destroy the den, house, nest, dam or usual place of habitation of any wildlife pursuant to subsections 4(b), 4(c), 4(d) and 4(e) of this bylaw.

- i) The appointment shall commence upon receipt of the requirements in subsection 4(b) of this bylaw; and
  - ii) The Town receiving a Nuisance Wildlife Control Permit from Saskatchewan Ministry of Environment.
- b) A Pest Control Contractor shall provide the town with:
- i) a criminal record check from the Royal Canadian Mounted Police;
  - ii) a copy of their current Firearms License (Possession Acquisition); and
- c) Pursuant to clause 6(2) of *The Wildlife Regulations, 1981*, a Pest Control Contractor may capture or kill any wildlife that is wounded, diseased, a danger to the public or a public nuisance.
- d) Pursuant to Clause 6(2) of *The Wildlife Regulations, 1981*, a Pest Control Contractor may remove or destroy the den, house, nest, dam or usual place of habitation of any wildlife that is causing or likely to cause damage to property.
- e) Pursuant to clause 13(3) of *The Wildlife Regulations, 1981*, a Pest Control Contractor may hunt those animals listed in clauses 4(1) (f), (g) and (h) of the *Wildlife Regulations, 1981* within 500 (five hundred) metres of any building, stockade or corral within the Town without the consent of the owner.
- f) Pursuant to clause 13(3.1) of *The Wildlife Regulations, 1981*, a Pest Control Contractor may hunt animals other than those listed in clauses 4(1) (f), (g) and (h) of the *Wildlife Regulations, 1981* within 500 (five hundred) metres of any building, stockade or corral within the Town without the consent of the owner.

## **5. VOLUNTARY PENALTY**

- a) Where an officer believes that a person has contravened any provision of this bylaw, the officer may issue a Bylaw Violation Notice for not less than \$100.00 nor more than \$500.00.
- b) Service of a Bylaw Violation Notice shall be by regular mail or by leaving at the person's last known address and such service shall be adequate for the purpose of this bylaw.
- c) A Bylaw Violation Notice shall be in such form as determined by the Town and shall state the section and the amount which will be accepted by the Town in lieu of prosecution.
- d) Upon payment of a Bylaw Violation Notice within fifteen (15) days from the issue, the person to whom the tag was issued shall not be liable for prosecution for the contravention in respect to which the tag was issued.
- e) Notwithstanding the provisions of this section, a person to whom a Bylaw Violation Notice has been issued pursuant to this section may exercise their right to defend any charge of committing a contravention of any provisions of this bylaw.

## **6. OFFENCES AND PENALTIES**

- a) A person who violates any provision of this bylaw or fails to comply therewith is guilty of an offence and shall be liable on summary conviction to a penalty not exceeding \$2,000.00 for individuals: \$5,000.00 for corporations.
- b) Where an officer on reasonable or probable grounds believes that a person is committing or has committed an offence under Section 3.0 of this bylaw, the officer may seize the firearm involved in such offence.
- c) If an officer seizes a firearm pursuant to subsection 6.2 the officer shall, within 30 (thirty) clear days institute proceedings against the person believed to have

committed the offence or deliver possession of the seized firearm to the owner of the firearm.

- d) Notwithstanding anything contained in subsection 6.3 if the owner of the firearm is 15 (fifteen) years of age or younger, possession of the seized firearm shall not be given to the owner but possession shall be given to the owner's parent or guardian.
- e) If a firearm seized pursuant to subsection 6.2 and proceedings are instituted within the time specified, possession of the firearm shall not be delivered to the owner or the owner's parent or guardian unless and until the court has adjudicated the Defendant in the proceedings not guilty of the offence.

## **7. SEVERABILITY**

If any sections, clause or provision of the Bylaw is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Bylaw in whole or in part, other than the section, clause or provision so declared to be invalid.

## **8. EFFECTIVE DATE**

This Bylaw shall come into force and have effect from and after the date of the final reading.

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*Mayor*

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*Town Administrator*

Introduced and read a first time this 6th day of November 2012.

Read a second and third time and adopted this 6th day of November 2012.