

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 10-2004

BEING A BY-LAW TO REGULATE THE DISCHARGE OF FIREARMS AND BOWS WITHIN THE TOWN OF KINGSVILLE

WHEREAS Section 119 of the Municipal Act, S.O. 2001, c. 25, for the purpose of public safety provides that By-laws may be passed by the Councils of local municipalities to regulate the discharge of firearms and bows in the municipality or any defined area thereof;

AND WHEREAS it is deemed expedient and in the public interest to prohibit the discharge of guns, firearms, air guns, spring-guns, cross-bows and long-bows or any class or type thereof in the municipality or in any defined area thereof;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:

1.1 In this By-law:

"BOW" means a weapon consisting of a curved, sometimes re-curved, stave of a resilient material, strung taut from end to end and used to launch an arrow, a bolt, a quarrel or any similar projectile, and that is capable of causing bodily injury or death to a person and includes cross-bows, long-bows, re-curve bows and compound bows, or any such other reconfiguration, adaptation or modification of any bow. A Bow does not include a child/adolescent toy bow;

"BUILDING" shall include any structure whether temporary or not or permanent, having a roof supported by columns or walls or supported directly on the foundation and used or intended for sheltering any use or occupancy but shall not include a fence, trailer, camping trailer, truck camper, motor home, or tent;

"CORPORATION" means the Corporation of the Town of Kingsville;

"COUNCIL" means the Municipal Council of The Corporation of the Town of Kingsville;

"FARMER" means a person whose chief occupation is farming and,
a) who is living upon and tilling his or her own land, or land to the possession of which he or she is for the time being entitled, or
b) who is a settler engaged in clearing land for the purpose of bringing it to a state of cultivation ('exploitant agricole');

"FIREARM" means a barreled weapon from which any shot, bullet or other projectile can be discharged and is capable of causing bodily injury or death to a person, and includes any frame or receiver of a barreled weapon and anything that can be adapted for use as a Firearm, including air guns, spring-guns, or any class or type thereof; and

"TOWN" means the geographical area within the municipal boundary limits of the Town of Kingsville.

DISCHARGE PROHIBITED

2.1 No person shall discharge, cause to be discharged, or allow to be discharged:

(a) a Firearm or a Bow in those parts of the Town of Kingsville, as set forth in Schedules "A" and "B", attached hereto and forming part of the By-law; and

(b) a gun greater than a 10-gauge or any rifle greater than 6 millimetres (.243) in diameter carrying a varmint style projectile of more than 75 grains in weight; and

(c) full metal jacket bullets.

EXEMPTIONS

3.1 This By-law is not intended to interfere in the exercise of the lawful rights and privileges granted or in the performance of duties imposed upon a member of a police force, pursuant to and in accordance with the Police Services Act, R.S.O. 1990, c.P.15, as amended and regulations thereto, or like Acts and regulations of the Province of Ontario and Government of Canada.

3.2 This By-law further does not apply:

- (a) so as to prohibit the discharge of Firearms and/or Bows in the Town, when the discharge occurs in shooting, rifle or archery ranges which;
 - (i) are within a Building constructed so that there is no danger of any bullet or projectile discharged or fired therein, passing out of the Building; and
 - (ii) where a minimum of \$1,000,000.00 public liability insurance is carried; and
 - (iii) all necessary and proper safety precautions are taken to the satisfaction of the Kingsville O.P.P. or such other person or persons as are designated by Council to enforce the provisions of this By-law; and
 - (iv) is situated in a location which is in conformity with the provisions of the Town Official Plan and Zoning By-law; and
 - (v) where application in Form "1", as attached hereto and forming part of this By-law has been filed with, and has subsequently received written approval of the Council.
- (b) to any person who, upon application and approval of the said Form "1" receives permission of Council to conduct a special community event in a circumstance, or in a manner different from that of Section 3.2(a) hereof;
- (c) to a Farmer, as defined in Section 1.1 of this By-law:
 - (i) for the purpose of controlling wildlife posing a threat to crops or livestock located on the Farmer's land with the use of rifles up to a 6 millimetres (.243) diameter carrying a varmint style projectile of not more than .75 grains in weight; or
 - (ii) for the purpose of hunting in season pursuant to any current and valid licence under the Fish and Wildlife Conservation Act, S.O. 1997, c. 41, as amended and Part II, O. Reg. 665/98 Sections 2 to 21, as amended, or any successor legislation thereto; and

This subsection is intended to include a member of the Farmer's family who resides with the Farmer, as well as a person who has received authorization by a Farmer; and

- (d) to rifles larger than 6 millimetres (.243) diameter which can be used for sighting in purposes only.

3.3.1 The decision of the Council is final and binding with respect to any application under this By-law.

ENFORCEMENT

- 4.1 The Kingsville O.P.P., or other person or persons as designated by Council, shall enforce the provisions of this By-law.

PENALTIES

- 5.1 Every person who contravenes any provision of this By-law is guilty of an offence and shall, upon conviction thereof, be liable to a fine of not more than \$5,000.00, recoverable under the Provincial Offences Act, R.S.O., 1990 c. P. 33, as amended.
- 5.2 The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

REPEAL

- 6.1 Any By-law or parts of any By-Law of the former Corporation of the Town of Kingsville, the former Corporation of the Township of Gosfield South and the former Township of Gosfield North, inconsistent with this By-law are hereby repealed.

ENACTMENT

- 7.1 This By-law shall come into force and take effect on the day of the final passing thereof.

READ A FIRST AND SECOND TIME THIS 26TH DAY OF APRIL, 2004.

READ A THIRD AND FINAL TIME AND PASSED THIS 26TH DAY OF APRIL, 2004.

**THE CORPORATION OF THE
TOWN OF KINGSVILLE**



MAYOR, NELSON SANTOS



CLERK, LINDA BURLING

THE CORPORATION OF THE TOWN OF KINGSVILLE

FORM 1 TO BY-LAW 10-2004

Application for Council Approval to Discharge Firearms or Bows

I, _____, declare that I am the owner of the premises situated at _____, described as Lot _____, Concession/Plan _____, Town of Kingsville, Province of Ontario, and as such, have lawful authority to request the permission to use the above premises for the discharge of Firearm(s) or Bow(s).

The applicant is required to submit with this form detailed plans and specifications in quadruplicate which depict the enclosed area in which the firearm(s) or bow(s) are proposed to be discharged, and specifically:

- (1) The dimension of the building and lands within which the event/activity is proposed;
- (2) The proximity and use of adjacent lands and buildings;
- (3) The method of controlling traffic and parking, and
- (4) Evidence of the proposed liability insurance coverage.

Dated at the Town of Kingsville

This _____ day of _____, _____
20____. Owner

Date Received: _____ Date Circulated: _____

Kingsville OPP: _____ Chief Building Official _____

Fire Chief: _____ Planner: _____

Notice to Applicant of Council Resolution

Date of Resolution: _____ Date Notice Issued: _____

Approved: _____

Approved with Conditions: _____ Not Approved: _____

Clerk: _____

SCHEDULE "A" TO BY-LAW 10-2004

TOWN OF KINGSVILLE

GENERAL PROHIBITIONS

1. Any and all Municipally owned properties, which shall include roads, road allowances, libraries, arenas, water plants, parks, marinas and sewage lagoons.(Refer to Schedule B)
2. Any and all Registered Plans of Subdivision in the Town of Kingsville.
3. All property south of Seacliff Drive, (County Rd. 20), and east of the Chrysler Canada Greenway to the Albuna Townline, (County Rd. 31), and all properties south of County Rd 20 west to the Wagle Creek. (Refer to Schedule B).
4. Any and all lands zoned for industrial, commercial, residential and institutional uses, and Parks and open spaces, pursuant to the Town's Zoning By-law, as amended; (Refer to Schedule B).
5. Lands shown hatched on Schedule 'B', being designated as Federal Crown Game Preserve by the Federal Government of Canada.
6. Lands within 152 meters of any building and/or residential unit used, or intended for use, by a person; or
7. On land or premises of which such person is not the owner or lawful tenant thereof without the authorization of the owner or lawful tenant of such land or premises.

ONTARIO COURT OF JUSTICE

PROVINCIAL OFFENCES ACT

PART I

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 each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 10-2004, of the Town of Kingsville, attached hereto is the set fine including costs, for those offences. This Order is to take effect October 14, 2004.

Dated at London this 14th day of October, 2004.

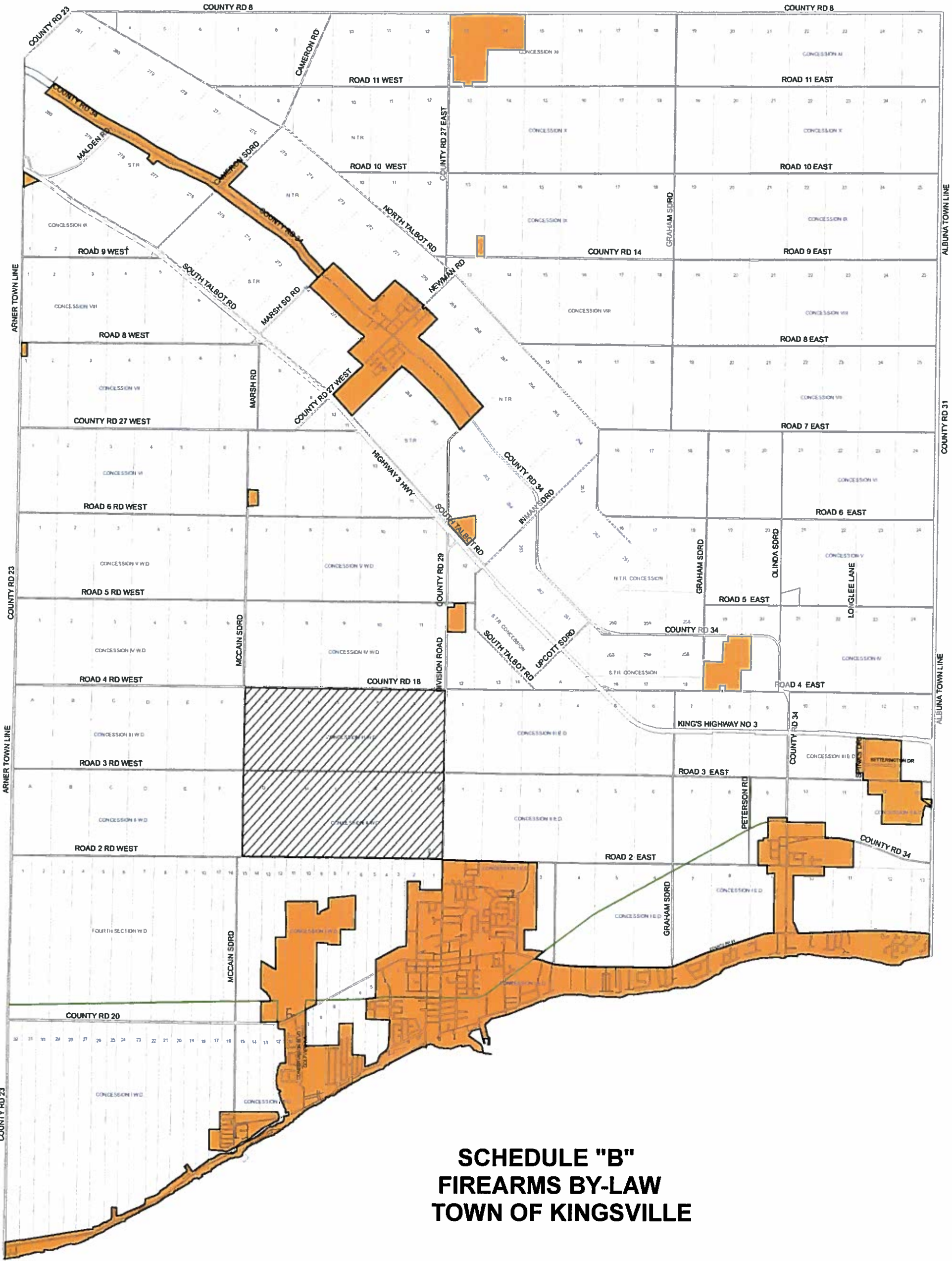


Alexander M. Graham
Regional Senior Justice
West Region

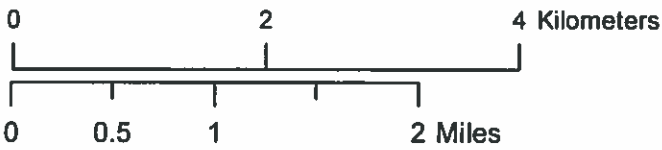
Part 1 Provincial Offences Act
THE CORPORATION OF THE TOWN OF KINGSVILLE
BY-LAW 10-2004
 Being a By-Law to regulate the
 discharge of Firearms and Bows in the
TOWN OF KINGSVILLE

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 OFFENCE CREATING PROVISION OR DEFINING OFFENCE	COLUMN 3 SET FINE (Includes costs)
1.	Discharge Firearm-prohibited area	2.1 (a)	\$105.00
2.	Cause to be discharged Firearm-prohibited area	2.1 (a)	\$105.00
3.	Allow to be discharged Firearm-prohibited area	2.1 (a)	\$105.00
4.	Discharge Bow-prohibited area	2.1 (a)	\$105.00
5.	Cause to be discharged Bow-prohibited area	2.1 (a)	\$105.00
6.	Allow to be discharged Bow-prohibited area	2.1 (a)	\$105.00
7.	Discharge gun greater than 10-gauge	2.1 (b)	\$105.00
8.	Cause to be discharged gun greater than 10-gauge	2.1 (b)	\$105.00
9.	Allow to be discharged gun greater than 10-gauge	2.1 (b)	\$105.00
10.	Discharge rifle greater than 6 mm. diameter	2.1 (b)	\$105.00
11.	Cause to be discharged rifle greater than 6 mm diameter	2.1 (b)	\$105.00
12.	Allow to be discharged rifle greater than 6 mm diameter	2.1 (b)	\$105.00
13.	Discharge full metal jacket bullets	2.1 (c)	\$105.00
14.	Cause to be discharged full metal jacket bullets	2.1 (c)	\$105.00
15.	Allow to be discharged full metal jacket bullets	2.1 (c)	\$105.00

Penalty provision for the offences indicated above is Section 5.1 of By-Law 10-2004, a certified copy of which is attached



**SCHEDULE "B"
FIREARMS BY-LAW
TOWN OF KINGSVILLE**



May 29, 2008

