

THE CORPORATION OF THE TOWN OF ESSEX

BY-LAW NO. 1070

BEING A BY-LAW TO PROHIBIT OR REGULATE THE
DISCHARGE OF FIREARMS WITHIN THE TOWN OF ESSEX

WHEREAS, the *Municipal Act, 2001*, S.O. 2001, c. 25, section 119, authorizes a local municipality, for the purpose of public safety, to prohibit or regulate the discharge of guns or other firearms, air-guns, spring-guns, cross-bows, long-bows, or any other weapon;

AND WHEREAS it is deemed expedient by Council to prohibit or regulate the discharge of firearms within the Town of Essex for the purposes of public safety;

NOW THEREFORE THE CORPORATION OF THE TOWN OF ESSEX HEREBY ENACTS AS FOLLOWS:

1. DEFINITIONS:

In this By-law:

- a) **"Bow"** means a weapon consisting of a curved, sometimes re-curved, stave of a resilient material, strung 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-curved bows and compound bows, or any such other reconfiguration, adaptation or modification of any bow.
- b) **"Building" or "Structure"**
 - i) **"Commercial"** shall mean a building or structure in which the activities are primarily the buying and selling of merchandise or the provision of services;
 - ii) **"Habitable"** shall mean a building or structure that is designed for living, sleeping, eating or for any sanitary purposes and can be used at any time throughout the year, but does not include a derelict building or structure;
- c) **"Corporation"** means the Corporation of the Town of Essex;
- d) **"Council"** means the Council of the Corporation of the Town of Essex;
- e) **"Educational site"** means land or premises or an interest in land or premises required by a board for a school, playground, garden, gymnasium, school offices, parking areas or for any other educational purpose;
- f) **"Farmer"** means a farmer as defined in the *Farming and Food Protection Act*, 1998, S.O. 1998, c.1;
- g) **"Firearm"** means a firearm as defined in the *Criminal Code of Canada*, R.S. 1985, c. C-46, and shall include an air gun, pellet gun, bow, cross-bow or any other "permitted firearm";
- h) **"Landowner"** means owner or occupier of land.
- i) **"Park"** means an area of land, consisting primarily of landscaped open space, used primarily for active or passive recreational purposes, with or without related recreational buildings, structures or facilities including, but not necessarily restricted to a recreational playground, a golf course, a driving range, a play area, a band stand, a skating rink, a horticultural greenhouse, a bowling green, a tennis or badminton court, a play field, a race track, a swimming area, a wading pool, a boating pond or lake, a watercourse, a campground, a refreshment booth, or a picnic area.

- i) **"Public Park"** means a park owned or controlled by a public agency.
- ii) **"Private Park"** means a park other than a public park, regardless of whether or not such park is maintained or operated for gain or profit, but does not include an amusement park in which rides, games of chance and the sale of food, beverages, toys and souvenirs constitute the main uses.
- iii) **"Amusement Park"** means a recreational and amusement facility or site that may include a variety of buildings or structures directly related to recreational and amusement uses.
- j) **"Permitted Firearm"** means a compound-bow, cross-bow, long-bow, recurved bow, shotgun, muzzleloader, BB gun, pellet gun or rifle with a calibre no larger than .243 or 6 mm.;
- k) **"Person"** means every natural person, firm, partnership, association, corporation or organization of any kind;
- l) **"Prohibited Firearm Discharge Area"** means the area identified as Restricted Area on Schedule "A" of this By-Law, or a parcel of land on which there exists an approved Plan of Subdivision and when servicing has commenced on that land;
- m) **"Town"** means the geographical area with the municipal boundary limits of the Town of Essex.

2. FIREARM DISCHARGE PROHIBITED:

- a) No person shall discharge any firearm while that person is within the Prohibited Firearm Discharge Area.
- b) No person shall discharge any firearm while that person is within 500 metres of any land zoned Residential or Institutional identified in the map insert titled "Gesto Urban Area" on Schedule "A" attached.
- c) No person shall have in his possession any firearm while such firearm is loaded as defined in the *Fish & Wildlife Conservation Act* and capable of being discharged while that person is within the Prohibited Firearm Discharge Area.
- d) No person shall enter or discharge a firearm on any land without the permission of the landowner.
- e) Subsections a) and c) do not apply where a landowner has received permission from the Town CAO for temporary firearm discharge purposes as set out in subsection 3e).

3. FIREARM DISCHARGE PERMITTED:

- a) Subject to subsections c) and d), no person shall discharge a Permitted Firearm outside the Prohibited Firearm Discharge Area, unless such Permitted Firearm is discharged at least 100.0 metres away from any habitable or commercial building or structure. The *Fish & Wildlife Conservation Act* and Regulations supersede for distance from or over a Public Road Allowance.
- b) Notwithstanding subsection (a), no person shall discharge a Permitted Firearm outside the Prohibited Firearm Discharge Area, within 100.0 metres of a habitable or commercial building or structure, unless such person has obtained permission from all landowners within the said 100.0 metres, unless separated by a roadway. The *Fish & Wildlife*

Conservation Act & Regulations supersede for distance from or over a Public Road Allowance.

- c) No person shall discharge a Permitted Firearm outside the Prohibited Firearm Discharge Area, unless such Permitted Firearm is discharged at least 200 metres away from any educational site. The *Fish & Wildlife Conservation Act* and Regulations will not supersede for distance from or over a Public Road Allowance.
- d) No person shall discharge a Permitted Firearm outside the Prohibited Firearm Discharge Area, unless such Permitted Firearm is discharged at least 200 metres away from any unfenced park and at least 150 metres away from a fenced park. The *Fish & Wildlife Conservation Act* and Regulations supersede for distance from or over a Public Road Allowance.
- e) Applications to have certain premises, or any part thereof, within the Prohibited Firearm Discharge Area approved for temporary firearm discharge purposes must be submitted to the Clerk of the Corporation of the Town of Essex, by the owner of the said premises, upon the form annexed hereto as Schedule "B", and the approval of the Town CAO endorsed by his/her signature upon such application shall constitute a valid permit for such use. Each application so submitted shall be accompanied by three copies of plans and specifications for the conversion, alteration or erection of the said premises to such use, which plans and specifications shall be examined by the Chief Building Officer for the Town of Essex, who shall endorse his approval or otherwise upon the said application before it is submitted to the CAO. The CAO shall have the option of submitting the application to Council for approval.

4. EXEMPTIONS:

The By-law shall not apply to:

- a) organized Gun Clubs, when the discharge occurs in firearm or archery ranges which;
 - (i) are within a building constructed so that there is no danger of a 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 Essex OPP or such other persons or persons as designated by the 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 Schedule "B", as attached hereto and forming part of this By-law has been filed with and has subsequently received written approval of the Town CAO.
- b) premises used especially for that purpose, approved by the said Council; or
- c) a farmer, landowner or their agent as allowed and described by Provincial law outside the restricted area, for the protection of his or her crops, property or livestock; or
- d) Peace Officers entitled by law to carry restricted firearms, under circumstances which make the use of such guns or other firearms imperative for the preservation of life, property or to prevent the unnecessary suffering of animals.

- e) Police Officers as authorized under the Police Services Act.
- f) a person using a tranquilizing gun prescribed and as permitted in Ontario Regulation 665/98, made under the *Fish & Wildlife Conservation Act*, within the limits of the Town of Essex to capture wild or stray animals, with the gun to be used only in extreme cases, and when possible, with a Police or Conservation Officer present to assist in the interest of public safety, and further that the gun is to be used only while performing his or her duties.
- g) rifles larger than 6 millimetres (.243) in diameter being discharged outside the Prohibited Firearm Discharge Area for sighting in purposes only, provided such rifles are discharged into an appropriate and safe backstop; or
- h) a private park, at the owner's discretion during the off season or when not in use.

5. SCHEDULES:

Schedules "A" and "B" attached hereto form part of this By-law.

6. ENFORCEMENT:

Police Officers of the Town of Essex OPP Service and By-law Enforcement Officers of the Corporation shall have the duty of enforcing the provisions of this By-law.

7. PENALTIES:

Every person who contravenes any provisions of this By-law is guilty of an offence and on conviction is liable to a fine as provided for by the *Provincial Offences Act*.

8. REPEAL

By-Law No. 385 of The Corporation of the Town of Essex is hereby repealed.

9. ENACTMENT

This By-Law comes into force and effect upon the final passing thereof.

READ A FIRST, A SECOND AND A THIRD TIME AND FINALLY PASSED THIS 7TH DAY OF FEBRUARY, 2011.

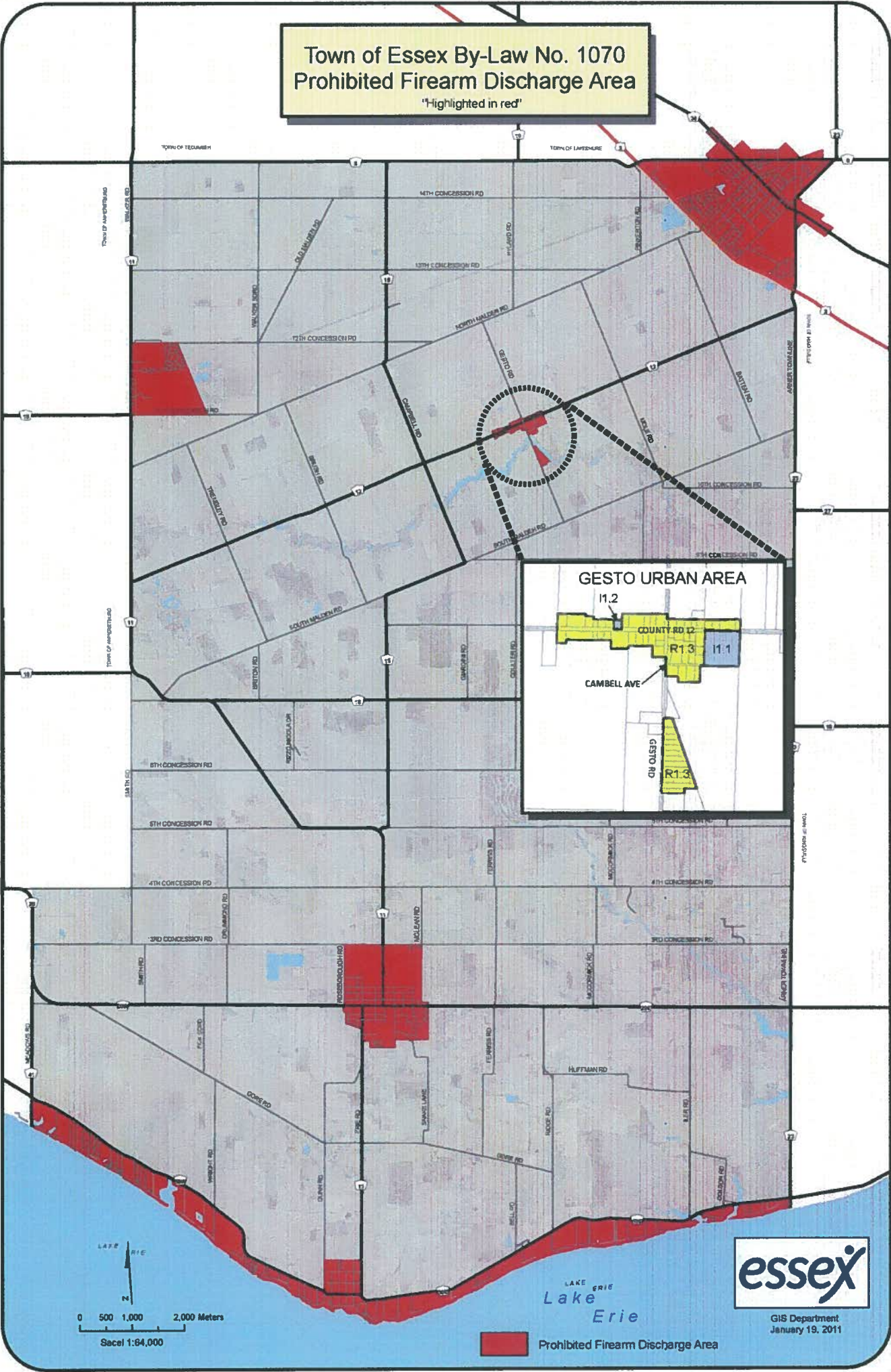


Mayor



Clerk/Deputy-Treasurer

SCHEDULE "A"
By-Law No. 1070



CB

SCHEDULE "B"

By-Law No. 1070

THE CORPORATION OF THE TOWN OF ESSEX

APPLICATION FOR PERMIT TO DISCHARGE A GUN OR OTHER FIREARM WITHIN THE PROHIBITED FIREARM DISCHARGE AREA

Name and Address of Property Owner for which the permit application applies:

Home Phone: _____ Email: _____

Name and Address of Applicant for which authorization is being requested to discharge a firearm within the Prohibited Firearm Discharge Area:

Same as Property Owner ☒

Phone: _____ Email: _____

Relationship with property owner:

Time period requested for issue of permit:

From the _____ day of _____, 20____ to the _____ day of _____, 20____.

Reason for requesting permit: _____

To: CAO of the Town of Essex

I, _____, owner of the premises situated at _____
(Property Owner)

and being composed of Lot or Part Lot Numbers _____ Registered Plan/Concession
No. _____ for the Town of Essex, certify herewith the above information to be true
and correct.

Owner Signature: _____ Date: _____ / _____ / _____

I, _____, hereby request a permit to discharge _____
(Applicant) (Type of Firearm)

within the boundaries of the Prohibited Firearm Discharge Area at the above location,
pursuant to the provisions of Bylaw No. 1070 and certify herewith the above information
to be true and correct. I understand that the following conditions will apply if the
application is granted:

1. Firearm Discharge Permit may be revoked at any time by resolution of the Council of the Town of Essex.
2. Firearm Discharge Permit is not transferable to any other property or to any other persons other than those persons and property listed herein.
3. Firearm Discharge Permit will not be issued for a period of more than 12 months.
4. All other applicable Provincial Licenses must be obtained.

Applicant Signature: _____ Date: ____/____/____

(BUILDING DEPT. USE ONLY)

The use of the above premises for the discharge of firearms is approved

CBO Signature: _____ Date: ____/____/____

(COUNCIL USE ONLY)

This application is hereby approved by the **CAO** of the Corporation of the Town of Essex

Permit Number: _____ Issue Date: ____/____/____

CAO Signature: _____