



# The Corporation of the Town of New Tecumseth

**By-law 2006-029  
(Consolidated – as amended)**

## **DISCHARGE OF FIREARMS BY-LAW**

**A by-law to regulate the discharge of firearms in  
the Town of New Tecumseth**

<b>Consolidation</b>		
Amendment No. 2	By-law No. 2013-074	June 10, 2013
Amendment No. 1	By-law No. 2007-192	October 15, 2007

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**THE CORPORATION OF THE TOWN OF  
NEW TECUMSETH  
BY-LAW  
Number 2006-029**

**"DISCHARGE OF FIREARMS BY-LAW"**

To regulate the discharge of firearms in the Town of New Tecumseth

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**WHEREAS** pursuant to Section 119 of the *Municipal Act, 2001*, as amended, a municipality may, for the purpose of public safety, prohibit or regulate the discharge of guns or other firearms, air-guns, spring-guns, cross-bows, long-bows or any other weapon;

**AND WHEREAS** The Corporation of the Town of New Tecumseth deems it expedient, for the purposes of public safety to prohibit and regulate the discharge of firearms in the Town of New Tecumseth;

**NOW THEREFORE** the Council of The Corporation of the Town of New Tecumseth enacts as follows:

1. That this By-law shall be cited as the "Discharge of Firearms By-law.
2. That for the purposes of this By-Law the following definitions apply:

"Bow" shall mean a longbow, compound bow, re-curve bow, or any class thereof or a crossbow.

"Conservation Officer" means:

1. A member of the Royal Canadian Mounted Police.
2. A game officer designated under the *Migratory Birds Convention Act, 1994* (Canada).
3. A park warden designated under the *National Parks Act* (Canada), if he or she is acting under the direction of a conservation officer appointed under subsection (1).
4. Any conservation officer appointed under the Fish and Wildlife Conservation Act by virtue of Section 28(o) of the Interpretation Act according to the terms of their appointment."

**(By-law No. 2007-192)**

"Council" means the Council of the Town of New Tecumseth.

"Buffer Lands" means all land, located in a 200-metre wide perimeter of a Residential Zone, the urban boundaries of the Alliston, Tottenham and Beeton communities, and any designated sensitive land use area as shown on the Map Schedules attached hereto.

**(By-law No. 2007-192)**

"Firearms" shall mean a barreled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death, and including, air guns, spring-guns, pellet gun or paint ball gun.

"Highway" includes 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 and includes the area between the lateral property lines thereof.

**(By-law No. 2007-192)**

“Immediate danger” for the purposes of Subsection 5(2), means a continuing and immediate danger posed by an animal to livestock, produce or property on farm lands or the fenced or penned area in which such livestock or produce may be located.

“Law Enforcement Officer” includes a police officer, a Provincial Offences Officer, a Municipal Law Enforcement Officer and Conservation Officer.

**(By-law No. 2007-192)**

“Livestock” includes cattle, poultry, swine and other domesticated animals.

“Prohibited Lands” means lands that are included within a Residential Zone according to the approved Town of New Tecumseth Zoning By-Laws, lands located within the urban boundaries of the Alliston, Tottenham and Beeton communities, and lands designated as sensitive land use areas as shown on the Map Schedules attached hereto.

“Roadway” means the part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and, where a highway includes two or more separate roadways, the term “roadway” refers to any one roadway separately and not to all of the roadways collectively.

**(By-law No. 2007-192)**

“Target Archery” means indoor or outdoor archery organized for sport in which the participant uses a bow to discharge arrows at a target for practice or competition, but does not include forms of archery known as field archery, ski archery, Clout archery, Flight archery, Popijay archery or Archery golf.

### 3. **GENERAL PROHIBITIONS**

- (1) No person shall discharge a firearm or bow within the limits of the Town of New Tecumseth, except as provided for in Section 5.
- (2) No owner or occupier of property shall permit the discharge of a firearm or bow on property, which they own or occupy, except as provided for in Section 5.
- (3) No person permitted under this By-law to discharge a firearm or bow shall permit a projectile(s) discharged from the firearm or bow to leave the property from where the discharge took place.
- (4) No person shall discharge a firearm or bow within one hundred (100) metres of a dwelling or any other building or structure used for human occupancy.
- (5) No person shall discharge a firearm or bow within (50) metres of a public highway.
- (6) No person shall discharge a firearm on Sundays.
- (7) No person shall obstruct a Law Enforcement Officer while such Law Enforcement Officer is engaged in his/her duties under this By-law.

### 4. **SCOPE**

This By-Law does not apply to:

- (a) Any duly authorized Law Enforcement Officer engaged in the performance of his/her duties including, any training exercises or exercising the authorities found within the *Fish and Wildlife Conservation Act* and any other person who is similarly authorized by the laws of Canada and of the Province of Ontario to possess and to discharge a firearm or bow in the performance of his/her duties.
- (b) Target archery, the location and use of which is lawful in accordance with applicable federal, provincial and municipal laws.

- (c) The indoor discharge of bows, air guns, spring guns, pellet guns and paintball guns provided the discharge takes place in a secure indoor location and no projectile thereby discharged shall leave the indoor location.
- (d) A federally regulated and licensed shooting range, gun shop, firearms dealer or gun club, the use and location of which is lawful and in accordance with applicable federal, provincial and municipal laws.

5. **EXEMPTIONS**

- (1) Subsections 3(1) and 3(2) of this By-law do not apply to:
  - (a) a person discharging a firearm who holds all hunting and firearms permits and licences required by law and who is engaged in hunting wildlife in accordance with the permits and licenses, providing that the discharge does not occur on Prohibited Lands or Buffer Lands.
  - (b) A person discharging a bow who holds all hunting and firearms permits and licences required by law and who is engaged in hunting wildlife in accordance with the permits and licences, providing that the discharge does not occur on Prohibited Lands or Buffer Lands.
  - (c) Any authorized cadet training program associated with the Canadian Armed Forces.
  - (d) A person discharging a firearm or bow or permitting the discharge of a firearm or bow on lands other than Prohibited Lands and Buffer Lands, and in accordance with this By-Law, provided such person is the lawful owner or occupier of such lands or such person has been expressly authorized by the lawful owner or occupier to do so.
  - (e) Any person or persons discharging a firearm for target practice, sighting or testing provided that such discharge may only occur between the hours of one half hour after sunrise and one half hour before sunset and for a maximum period of two (2) hours per day in one continuous period at any one location or place.
  - (f) Subject to Subsection 4(b), any person or persons discharging a bow for target practice, sighting or testing provided that such discharge may occur between the hours of one half hour after sunrise and one half hour before sunset.
- (2) Subsections 3(1), 3(2), 3(4), 3(5), and 3(6) of this By-law do not apply to:
  - (a) The discharge of a firearm or bow by an individual to protect livestock or produce from the immediate danger of attack from animals, provided that the individual is the owner, tenant or agent of the land or has the permission of the owner or tenant of the land.
  - (b) The discharge of a firearm or bow for the purpose of humanely destroying an animal in distress.
  - (c) A person, who is an Event Organizer, undertaking a military re-enactment exercise or practice that has been approved by the Town of New Tecumseth.
  - (d) A person firing blank ammunition for the purpose of starting or controlling a sporting event.
  - (e) An exemption for a special circumstance that has been approved by resolution of Council.
  - (f) The discharge of a firearm or bow by an individual if the individual believes on reasonable grounds that wildlife is damaging or is about to damage their property, provided the individual is the owner, tenant or agent of the land or has the permission of the owner, tenant of agent of the land.

**(By-law No. 2007-192)**

6. **REGULATIONS**

Notwithstanding Section 5, no person, where such person is not the lawful owner or occupier of the lands upon which the person carries a firearm or bow, shall fail to have in their possession and be able to produce, upon request of a Law Enforcement Officer, the current name, address and phone number of the lawful owner or occupier of the said lands or legal representative giving such person the permission to discharge a firearm or bow.

7. **ENFORCEMENT**

- (1) Any person who contravenes any provision of this By-law is, upon conviction, guilty of an offence and is liable to any penalty as provided by the Provincial Offences Act.
- (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 penalty imposed on the person convicted.

8. **REPEAL**

By-laws 2005-087 and 2005-129 shall be and the same are hereby repealed.

9. **ENACTMENT**

This by-law shall come into force and effect on the day it is passed.

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MAYOR

Office Consolidation

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CLERK