

**This is an office consolidation of By-law 59-11 and amendments thereto,
For accurate reference you should consult the original by-law that is
Retained by the Clerk**

**BY-LAW NUMBER 59-11
As amended by By-law 112-13, 192-15 and 159-17**

-of-

THE CORPORATION OF THE COUNTY OF BRANT

To regulate the discharge of firearms and bows

WHEREAS section 119 of the *Municipal Act, 2001*, S. O. 2001, c. 25, provides that a local municipality may for the purpose of public safety, prohibit and regulate the discharge of firearms, air-guns, cross-bows, and long-bows;

AND WHEREAS the Corporation of the County of Brant approved By-law No. 255-03 on the 16th of December 2003 to continue in force, by-laws of the former municipalities with respect to the discharge of firearms and bows;

AND WHEREAS it is deemed necessary to consolidate these by-laws;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE COUNTY OF BRANT HEREBY ENACTS as follows:

DEFINITIONS

1. In this by-law:

“Agricultural Operation” means an agricultural, aquacultural, horticultural, or silvicultural operation, as defined in the Farming and Food Production Protection Act, 1998, S.O. 1998,c.1 as amended, that is carried on in the expectation of gain or reward;

“Air-gun” means a *firearm* that is commonly know as a BB gun or pellet gun and that uses air (pneumatic system), spring (spring-air) or gas (CO₂/nitrogen) and includes air-guns that require registration under the *Firearms Act* as well as air-guns with a maximum muzzle velocity of less than 152.4 metres per second and a maximum muzzle energy less than 507 joules, that do not require registration under the *Firearms Act*, but are capable of causing bodily injury;

“Bow” means a curved or 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*;

“County” means the Corporation of the County of Brant or the geographic area of the Corporation of the County of Brant;

“compound bow” means a *bow* that uses a levering system, usually of cables and pulleys, to bend the limbs;

“cross-bow” means a *bow* fixed across a stock with a groove for the arrow or bolt and a mechanism for holding and releasing the string;

“*Detachment Commander*” means the Detachment Commander of the Brant County Detachment of the Ontario Provincial Police or their authorized representative;

“*firearm*” means a barreled instrument from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person, and includes but is not limited to, any frame or receiver of such a barreled instrument and anything that can be adapted for use as a *firearm* and includes an *air-gun*;

“*farmer*” means the owner or operator of an *agricultural operation*;

“*highway*” means highway as defined in the *Municipal Act, 2001, S.O. 2001, c. A 25*, as amended and includes but is not limited to, a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct, or trestle, and 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;

“*long-bow*” means a *bow* that is tall, roughly equal to the height of a person which allows a fairly long draw, with limbs that are relatively narrow so that they are circular or D-shaped in cross section;

“*occupier*” includes,

- a. a person who is in physical possession of premises, or
- b. a person who has responsibility for and control over the condition of premises or the activities there carried on, or control over persons allowed to enter the premises, even if there is more than one occupier of the same premises;

“*peace officer*” means,

- a. a police officer as defined in the Police Services Act, R.S.O. 1990, c. P.15, as amended,
- b. a conservation officer appointed to enforce the Fish and Wildlife Conservation Act, 1997, S. O. 1997, c. 41,
- c. a peace officer as defined in the Criminal Code,
- d. a member of the Royal Canadian Mounted Police Force;

“*re-curve bow*” means a *bow* that has tips that curve away from the archer when the *bow* is unstrung;

INTERPRETATION

2. (1) This by-law includes the Schedules annexed hereto and the Schedules are hereby declared to form part of this by-law.
- (2) It is declared that if any section, subsection or part or parts thereof be declared by a court of competent jurisdiction to be bad, illegal or ultra vires, such section,

subsection, part or parts shall be deemed to be severable and all are declared to be separate and independent and enacted as such.

DISCHARGE OF FIREARMS

3. (1) No person shall discharge a *firearm* or a *bow*, in any area that is shown as a "Discharge of Firearms Prohibited" area on any of the maps attached as Schedules "A-1" to "A-31" inclusive.
- (2) Section 3(1) does not apply to an *occupier* legally discharging a *firearm* or a *bow*, or to any person legally discharging a *firearm* or a *bow* with the occupier's permission, on land that is zoned agricultural in the County of Brant Zoning By-law.
- (3) No person shall discharge a *firearm* or a *bow* from a point on any watercourse, body of water or island that is within 100 metres of land where the discharge of firearms is prohibited by this bylaw.
4. (1) No person shall discharge a *firearm* or a *bow*,
 - a. on any land, without permission of the property owner,
 - b. on, over or across any *highway* or portion thereof,
 - c. on, over or across any land owned by the *County*, without the written permission of the *County*,
 - d. on, over or across any forestry lands owned by the *County* as described and shown on any of the maps attached as Schedules "B-1" to "B-7",
 - e. on or within 100 metres of land upon which is situated any place of worship, public hall, or school property,
 - f. on land zoned residential,
 - g. on any land on a registered plan of subdivision or plan of condominium once an application for a building permit has been received by the *County*,
 - h. within 100 metres of land on a registered plan of subdivision or plan of condominium once an application for a building permit has been received by the *County*,
- (2) No person shall possess or discharge a *firearm* or *bow* on, over or across the Trans Canada Trail or any recreational trail owned, operated or maintained by or on behalf of the *County*, except that possession is permitted in accordance with an established lawful right-of-way access over such trail.

EXEMPTIONS

5. Despite sections 3 and 4, this by-law shall not prohibit or regulate the possession or discharge of *firearms* or *bows* as follows:
- a. by a *peace officer* in the performance of his or her duty;
 - b. by a person appointed as an animal control officer or as an agent for the *County* or for a provincial or federal government agency for the purpose of destroying sick, injured or vicious animals in the performance of the stated duty, under the authority of the applicable license;
 - c. on property legally operated as a bona fide gun club, archery club, paintball facility, rifle range, or trap or skeet shooting club in a specific area zoned for that purpose and where applicable, only with the prior approval of the Chief Firearms Officer as defined in the *Firearms Act, 1995, c.39*;
 - d. at a facility operated by or for a municipal, provincial or federal police force;
 - e. by a person firing blank ammunition for or in connection with a lawful use in a motion picture, television, stage production, or historical displays or education programs of a public museum;
 - f. by a person firing blank ammunition for animal training purposes or for the purpose of starting or controlling a sporting event of a similar nature to foot racing, sailing or golf;
 - g. by a person discharging a *bow* at a target on private property, with the permission of the property owner, provided that:
 - i. the discharge is at a game species during legal hunting season for that species, the discharge is within the property, and there is no residential dwelling or occupied building within the range of the *bow*, or
 - ii. the discharge is at a target and the target is located a distance from the property line which is equal to or exceeds the range of the *bow*;
 - h. by a person discharging a *bow* on property used for educational purposes if it is for the purposes of archery instruction or an archery competition that is authorized by a board of education, an educational institution or the principal of a school that occupies the property;
 - i. with respect to the hunting of carp and coarse fish by bow and arrow in accordance with the *Fisheries Act* and its regulations;
 - j. any person engaged in a military re-enactment exercise provided that the safety measures have been reviewed by the Detachment Commander or their designate.

OFFENCE

6. Any person who contravenes any of the provisions of this by-law is guilty of an offence.

PENALTY

7. Every person who is convicted of an offence under this by-law is liable to the penalty provisions as provided for in the Provincial Offences Act, R.S.O. 1990 c. P.33, as amended.

PROHIBITION ORDER

8. When a person has been convicted of an offence under this by-law, the Ontario Court of Justice or any court of competent jurisdiction thereafter may in addition to any other penalty imposed on the person convicted, make an order prohibiting the continuation or repetition of the offence by the person convicted.

ENFORCEMENT

9. Police Officers of the Brant County Detachment of the Ontario Provincial Police and Conservation Officers as defined in the Fish and Wildlife Conservation Act, 1997, S.O. 1997, c.41 are authorized to enforce the provisions of this bylaw.

SHORT TITLE

10. This by-law may be referred to as the "Discharge of Firearms" by-law.

REPEAL

11. By-law Numbers 271-03, 272-03, 273-03, 274-03, 275-03, 276-03, and 277-03, are hereby repealed:

EFFECTIVE DATE

12. That this By-law comes into force and takes effect upon passage.

READ a first and second time, this 19th day of April, 2011.

READ a third time and finally passed in Council, this 19th day of April, 2011.

THE CORPORATION OF THE COUNTY OF BRANT

Mayor

Clerk