

**THE CORPORATION OF THE
TOWNSHIP OF WAINFLEET**

BY-LAW NO. 025-2013

Being a by-law to prohibit and regulate the discharge of guns and firearms in the Township of Wainfleet.

WHEREAS Section 119 of the Municipal Act, S.O. 2001, Chapter 25 as amended provides that a local 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 Council of the Corporation of the Township of Wainfleet deems it desirable to pass this by-law;

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

1. In this by-law:
 - a. "Animal Control Officer" means a person or persons employed or appointed to provide animal control services in the Township of Wainfleet;
 - b. "Council" means the Council of the Corporation of the Township of Wainfleet;
 - c. "Farmer" means farmer as defined in the Farming and Food Production Protection Act, 1998, S.O. 1998 c.1, as amended;
 - d. "Firearm" means a firearm as defined in the Criminal Code, R.S.C. 1985, c.C-46, as amended;
 - e. "Peace Officer" has the same meaning as it has in the Criminal Code, R.S.C. 1985, c.C-46, as amended;
 - f. "Police Officer" has the same meaning as it has in the Police Services Act R.S.O. 1990, c.P.15, as amended;
2. No Person shall discharge any firearm within the geographic limits of the Township of Wainfleet save and except as provided for in this by-law.
3. *Deleted as per Resolution No. C-145-2013*
4. No person shall discharge any firearm anywhere within those parts of Lots 12, 13 and 14 in the First Concession of the Township of Wainfleet together with that part of Lake Erie lying southerly of the limits of said Lots 12, 13 and 14 within 152.4 meters (500 feet) in perpendicular distance from the said southerly limits of said Lots all as more particularly described in Schedule "A" to this by-law.

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5. Notwithstanding Section 3. above, the discharge of firearms for historical re-enactments, with ammunition that is incapable of discharging a projectile, will be permitted for:
 - a. the Marshville Heritage Festival held on the Labour Day Long Weekend; and
 - b. for other events subject to approval of each individual event by Council.
 6. A person may discharge a firearm on a property other than that described in Sections 3. and 4. for the purpose of hunting or trapping, provided that the following conditions are met:
 - a. permission has been obtained from the current property owner;
 - b. a firearm is not discharged within 152.4 meters (500 feet) of a buildings on any adjacent property; and
 - c. uses only the class of Firearm permitted by the provincial and federal hunting regulations and at the times prescribed by the Ministry of Natural Resources and Forestry (MNRF) guidelines.
 7. A Farmer may discharge a Firearm on land owned or occupied by the Farmer if the purpose of the discharge of the Firearm is to protect his livestock, crops or produce from:
 - a. invasive or predatory animals; or
 - b. troublesome animals or birds; or
 - c. noxious animals or birds.
 8. A person may discharge a shotgun on a property other than that described in Sections 3 and 4 for practice purposes only provided that the following conditions are met:
 - a. permission has been obtained from the current property owner;
 - b. a firearm is not discharged within 152.4 meters (500 feet) of a buildings on any adjacent property; and
 - c. uses only the class of Firearm permitted by the provincial and federal hunting regulations and at the times prescribed by the Ministry of Natural Resources and Forestry (MNRF) guidelines.
 9. Notwithstanding Section 8 of this by-law, the provisions thereof shall not apply with respect to the discharge of a black powder firearm upon the lands more particularly described in Schedule "B" to this by-law, on the days and during the hours prescribed for the discharge of such firearms as set forth in Schedule "C" to this by-law.

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10. None of the provisions of this by-law shall apply to prohibit the discharge of a firearm by:
 - a. a Peace Officer in the lawful execution of his duties;
 - b. a Police Officer in the lawful execution of his duties;
 - c. an Animal Control Officer in the lawful execution of his duties;
 - d. a member of the Canadian Armed Forces in the lawful execution of his duties; and
 - e. a person licensed by the Ministry of Natural Resources to carry out duties as assigned to regulate and remove nuisance animals.
 11.
 - a. Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to the penalties prescribed pursuant to the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, or
 - b. An Officer may issue a penalty notice immediately upon evidence of a violation to the owner of the property in accordance with the AMPS By-law for Non-Parking Offences No. 027- 2019.
 12. If any provision, section, subsection or paragraph of this By-law is held to be invalid by a court of competent jurisdiction, it is hereby declared that all of the remainder of this By-law shall continue in full force and effect until repealed, re-enacted or amended, in whole or in part, or dealt with in whole or in part, or dealt with in any other way by Council.
 13. By-law No. 1499-97 shall be and is hereby repealed.
 14. This by-law shall come into force and take effect upon the day of its passage.

BY-LAW READ A FIRST TIME THIS 14TH DAY OF MAY, 2013.

BY-LAW READ A SECOND TIME THIS 14TH DAY OF MAY, 2013.

BY-LAW READ A THIRD TIME AND FINALLY PASSED THIS 28TH DAY OF MAY, 2013.

A. Jeffs, MAYOR

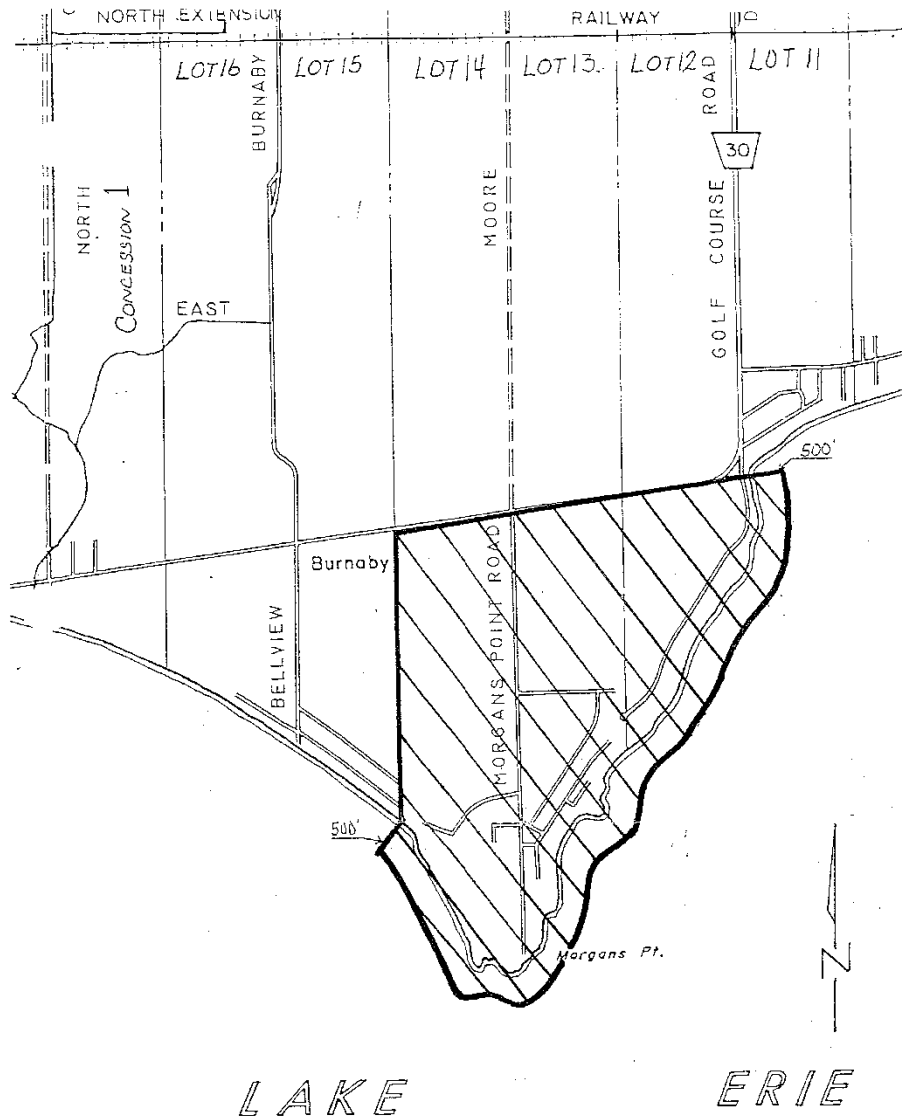
C.S. Luey, DEPUTY CLERK

SCHEDULE "A" TO BY-LAW NO. 025-2013

Being a description of those lands and areas referred to in Section 4 of the by-law for the purposes thereof.

DESCRIPTION

All and singular those certain parcels and tracts of land and premises situate, lying and being in the Township of Wainfleet, in the Regional Municipality of Niagara and being composed of all of the lands in Lots 12, 13 and 14 in the First Concession of the Township of Wainfleet lying south of the southerly limit of the Lakeshore Road, together with all that part of Lake Erie lying southerly of the south limits of said Lots 12, 13 and 14, within 500 feet in perpendicular distance from the said southerly limits of the said Lots 12, 13 and 14.



NOTE: For convenience and easy reference only a map of the subject area is attached hereto.

As Amended by By-law No. 039-2018 & By-law No. 041-2019

SCHEDULE "B" TO BY-LAW NO. 025-2013

Property located in Part of Lot 3, Concession 5, being Part 3, Plan 59R-1776 (Roll No. 2714 000 010 08200).

SCHEDULE "C" TO BY-LAW NO. 025-2013

Discharge of black powder firearms only.

1. Every Saturday of the year between the hours of 8:00 a.m. and 5:00 p.m.
2. And on the third weekend in July in each year, on Friday between 8:00 p.m. and 10:00 p.m. and on Sunday between 8:00 a.m. and 12:00 noon.

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. 025-2013, of the Township of Wainfleet, Niagara Region, attached hereto is the set fine for that offence. This Order is to take effect December 24, 2013.

Dated at Hamilton this 24th day of December 2013.



Sharon Nicklas
Regional Senior Justice
Central South Region

**PART 1 PROVINCIAL OFFENCES ACT
TOWNSHIP OF WAINFLEET
SET FINE SCHEDULE**

Offences and set fines under By-Law 025-2013, Discharge of guns and firearms

<u>Item</u>	<u>Column 1</u> Short Form Wording	<u>Column 2</u> Provision Creating or Defining Offence	<u>Column 3</u> Set Fine in \$
1.	Discharge firearm where prohibited	Section 4	500.00
2.	Discharge firearm on a property without permission of owner	Section 6 (a)	500.00
3.	Discharge firearm within 152.4 meters (500 feet) of a building on an adjacent property	Section 6 (b)	500.00
4.	Discharge a shotgun on a property without permission of current property owner	Section 8 (a)	500.00
5.	Discharge a shotgun within 152.4 meters (500 feet) of a building on any adjacent property	Section 8 (b)	500.00
6.	Discharge a shotgun during prohibited hours	Section 8 (c)	500.00
7.	Discharge of a black powder firearms where/when prohibited	Section 9	500.00

Note: The penalty provision from the offences indicated above is in accordance to Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33

JW
Dec 24/1

SCHEDULE "D" TO BY-LAW NO. 025-2013

Short Form Wording and Administrative Penalties.

Section	Short Form Wording	Penalty
4	Discharge firearm where prohibited	\$500.00
6	Discharge Firearm for hunting or trapping contrary to conditions	\$500.00
8 a.	Discharge shotgun on a property without permission of the owner	\$500.00
8 b.	Discharge shotgun within 152.4 meters (500 ft) of a building on an adjacent property	\$500.00
8 c.	Discharge a shotgun during prohibited hours	\$500.00
9	Discharge of a black powder firearms where/when prohibited	\$500.00