



# THE CORPORATION OF THE MUNICIPALITY OF RED LAKE

BY-LAW No. 37-2016

## TO PROHIBIT AND REGULATE THE DISCHARGE OF FIREARMS AND BOWS WITHIN CERTAIN AREAS OF THE MUNICIPALITY OF RED LAKE

**WHEREAS** pursuant to section 119 of the Municipal Act, 2001, S.O. C 25, as amended, 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;

**WHEREAS** the Council of The Corporation of the Municipality of Red Lake deems it necessary and desirable to exercise such power to provide for the safety of the general public; and

**NOW THEREFORE** the Council of The Corporation of the Municipality of Red Lake **HEREBY ENACTS AS FOLLOWS:**

### 1. Definitions

- 1.1 "Bow" means a curved or re-curved stave of a resilient material, strung taut from end to end and used to launch an arrow, bolt, quarrel or any similar projectile and includes cross-bows, long-bows, re-curve bows and compound bows.
- 1.2 "Building" means a structure, whether temporary or permanent, consisting of a wall, roof and floor or any of them used or intended for sheltering any use or occupancy, but shall not include a fence or a boundary wall. The word building shall include the whole of such structure or part thereof and shall include any building types as regulated by the Ontario Building Code.
- 1.3 "Firearm" means 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 includes: shotguns, rifles, air-guns, spring-guns or any class thereof and anything that can be adapted for use as a firearm.
- 1.4 "Law Enforcement Officer" means a police officer, conservation officer or a provincial offences officer.
- 1.5 "Prohibited Discharge Area" means the area in which a firearm or bow shall not be discharged.
- 1.6 "Private Park" means a recreational area other than a public park and may include, but not limited to, outdoor or indoor swimming pools, wading pools, snack bars, picnic areas, boating facilities, tennis courts, lawn bowling, gardens, or similar open spaces facilities, but excludes overnight camping areas.
- 1.7 "Public Open Space" means property made available for public use and may include, but not limited to, landscaped open space, pedestrian walkways, patios, decks, pools or similar areas.
- 1.8 "Public Park" means a recreational area or any land, and land covered by water and all portions thereof owned by or made available by lease, agreement, or otherwise to the Municipality of Red Lake, that is or hereafter may be established, dedicated, set apart or made available for use as a public open space or public golf course, and that has been or hereafter may be placed under the jurisdiction of the Municipality of Red Lake including any and all buildings, structures, facilities, erections, and improvements located in or on such land or any other recreation area owned or controlled by the Municipality of Red Lake.

**1. Definitions - Continued**

- 1.9 "Structure" means anything constructed or erected, the use of which requires location on the ground or attached to something having location on the ground. The definition of structure shall include, without limiting the generality of the foregoing, a travel trailer, a recreation vehicle, a temporary shelter, and a sewage disposal system, but does not include a sign, boundary wall, light standard, or fence.

**2. Interpretation**

- 2.1 This By-Law includes the Schedules annexed hereto and the Schedules are hereby declared to form part of this By-Law.
- 2.2 Each section of this by-law is an independent section and the holding of any section or part thereof by a body of competent jurisdiction to be unlawful, void or ineffective for any reason shall not be deemed to affect the validity of any other section or parts of sections of this By-Law.
- 2.3 Nothing in this By-Law shall be interpreted as reducing or eliminating the need for full compliance with the provision of all applicable Federal and Provincial legislation that relate to the use of firearms and bows.

**3. General Provisions**

- 3.1 No person shall discharge a firearm or bow within the Prohibited Discharge Area identified on the maps in Schedule A.
- 3.2 In areas not identified as a Prohibited Discharge Area on the maps in Schedule A, no person shall discharge a firearm or bow,
- a) within four hundred (400) meters of a public park, private park, public open space, any building or structure.
  - b) within eight (8) meters of the paved portion of Highway 618.
- 3.3 No person shall permit a discharged shot, bullet, pellet, arrow or similar projectile to stray into an area where discharging a firearm or bow is prohibited.

**4. Scope**

- 4.1 The provisions of this By-Law shall not apply to the following:
- a) Any duly authorized Law Enforcement Officer engaged in the performance of his or her duties, including any training exercises.
  - b) A person authorized by the Municipality of Red Lake to control nuisance wildlife.
  - c) A person authorized by Thunder Bay International Airports Authority Inc. to control wildlife at the Red Lake Airport, as defined within the fenced area surrounding the airport.

**5. Exemptions**

- 5.1 A federally regulated and licensed rifle range, the use and location of which is lawful with applicable zoning and building requirements and any other applicable federal, provincial and municipal laws.
- 5.2 A property used for educational purposes if it is for the purpose of archery instruction and the bow, arrow or other projectile are modified so that the discharged arrow or projectile is incapable of causing bodily injury or death to a person.

**6. Grant of Exemption by Council**

- 6.1 Notwithstanding any provisions of this By-law, any person may make application to Council to be granted an exemption from any of the provisions of this By-law by resolution and Council may grant or refuse to grant the exemption applied for, or may grant any exemption of lesser effect, and in granting any exemption Council may include such terms and conditions as it deems appropriate.
- 6.2 In deciding whether to grant an exemption, Council shall give the applicant and any other persons an opportunity to be heard and may consider such other information and matters as it considers appropriate.
- 6.3 A breach of any of the terms or conditions of any exemption granted by Council shall render the exemption immediately null and void and of no force or effect.

**7. Enforcement**

- 7.1 The OPP will enforce this By-Law upon the mutual consent of the Red Lake OPP Detachment Commander and Municipality or as directed in an agreement for the provision of policing services between the Municipality and the Province of Ontario under the Police Services Act.
- 7.2 Where appropriate, other Law Enforcement Officers are responsible for enforcing the provisions of this By-Law.

**8. Offence**

- 8.1 Any person who contravenes any provisions of this By-Law shall be guilty of an offence and upon conviction therefore shall be liable to a penalty as provided in the Provincial Offences Act.

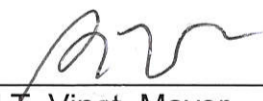
**9. Short Title**


- 9.1 This By-law may be cited as the Municipality of Red Lake's "Discharge of Firearms By-Law".

**10. Implementation**

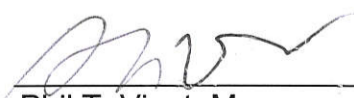
- 10.1 THAT By-Law Nos. 740-06 and 1200-09 are hereby repealed.
- 10.2 THAT this By-Law shall come into force and take effect on the date the Ministry of the Attorney General approves the Set Fines under By-Law No. 37-2016.


**READ a FIRST TIME and SECOND TIME** this 16th day of May, 2016.

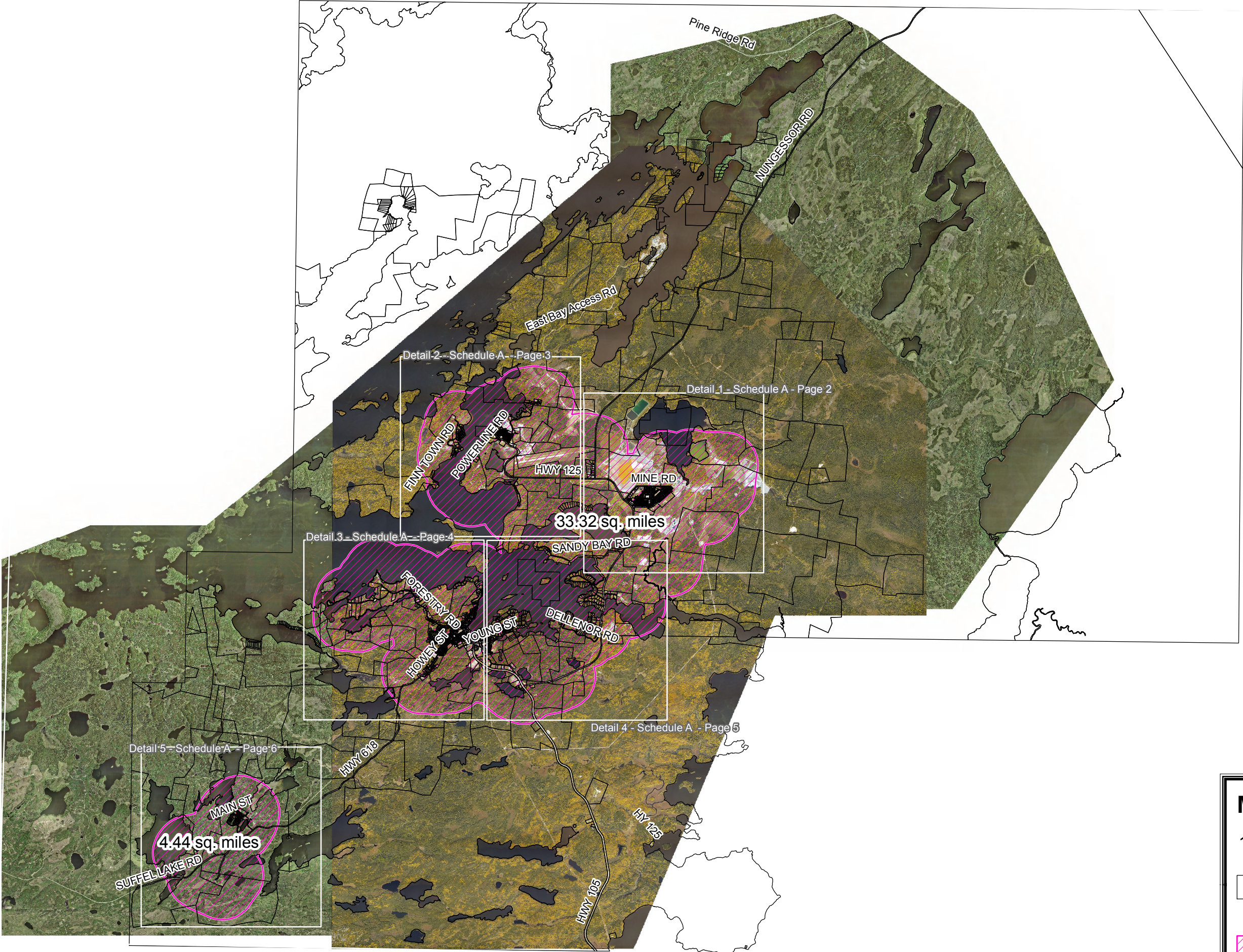
  
\_\_\_\_\_  
Phil T. Vinet, Mayor

  
\_\_\_\_\_  
Christine G. Goulet, Clerk

**READ a THIRD TIME and FINALLY PASSED** this 16th day of May, 2016.

  
\_\_\_\_\_  
Phil T. Vinet, Mayor

  
\_\_\_\_\_  
Christine G. Goulet, Clerk



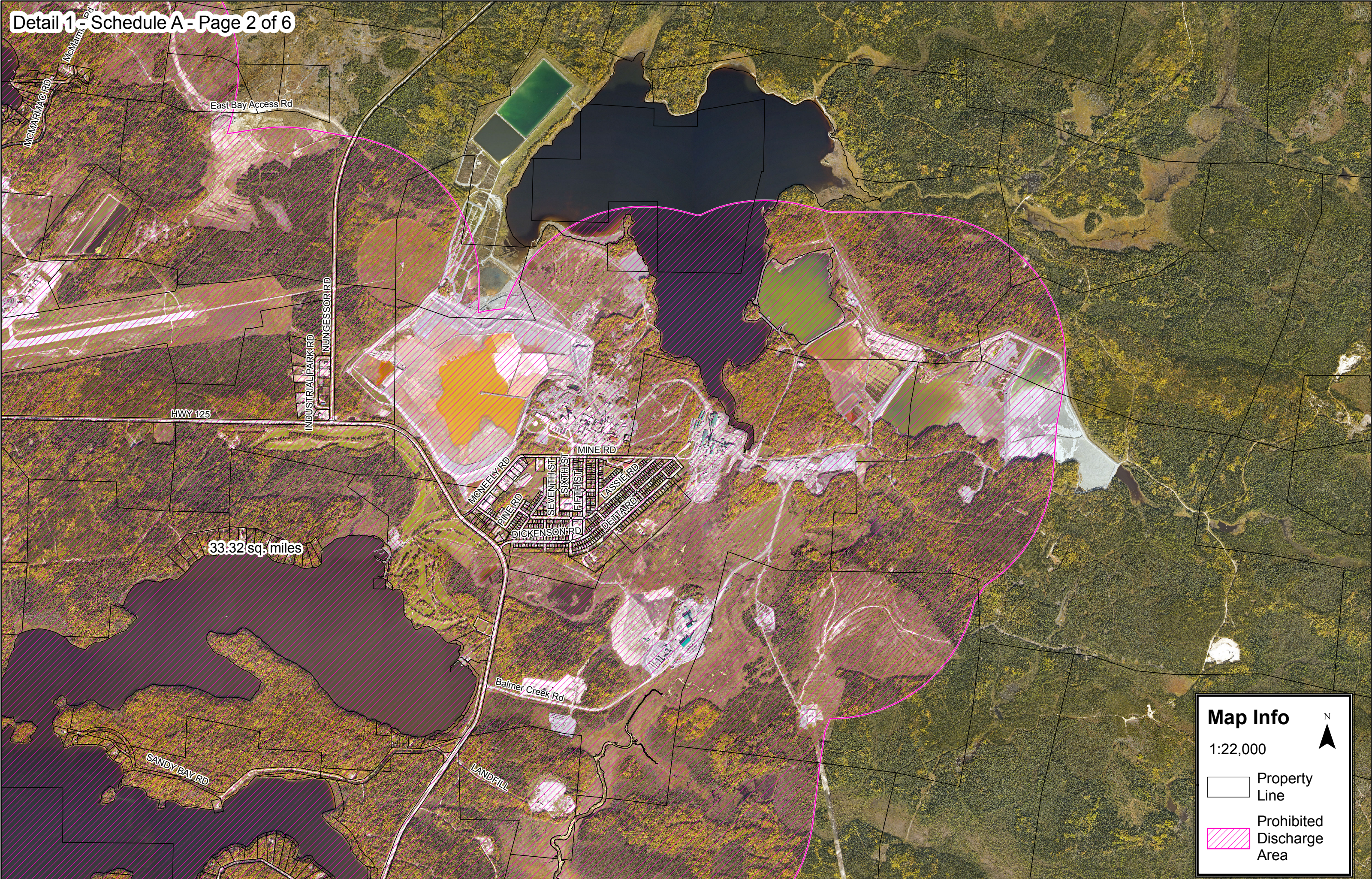
Map Info

1:117,000

Property Line


Prohibited Discharge Area


N




**Map Info**

1:22,000

 N

 Property Line

 Prohibited Discharge Area



**Map Info**

1:22,000

Property Line

Prohibited Discharge Area

N

**Detail 3 - Schedule A - Page 4 of 6**

**33.32 sq. miles**

**Map Info**

1:22,000


Property Line


Prohibited Discharge Area


Map labels include: SUNSET RD, ST PAUL BAY ACCESS RD, SKOOKUM BAY RD, FORESTRY RD, GOLDSHORE RD, LAKEMEW DR, McBOUGAIL ST, HOWEY BAY RD, DUNN DR, LAKE DR, Kelson Dr, YOUNG ST, PAISCK CR, BERRY DR, CHELSEA ST, HUGHES CRES, HWY 125, HWY 105, DISCOVERY RD, MILL RD, BIRKS DR, CHURCH ST, KENOR RD, LAYERTY RD, HASAGA ST, WESTERLUND ST, HOWEY ST, BUFFALO ST, and HWY 618.

**Map Info**

1:22,000


 N


 Property Line


 Prohibited Discharge Area

**Map Info**

1:22,000


 N


 Property Line


 Prohibited Discharge Area

**Map Info**

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 N


 Property Line


 Prohibited Discharge Area

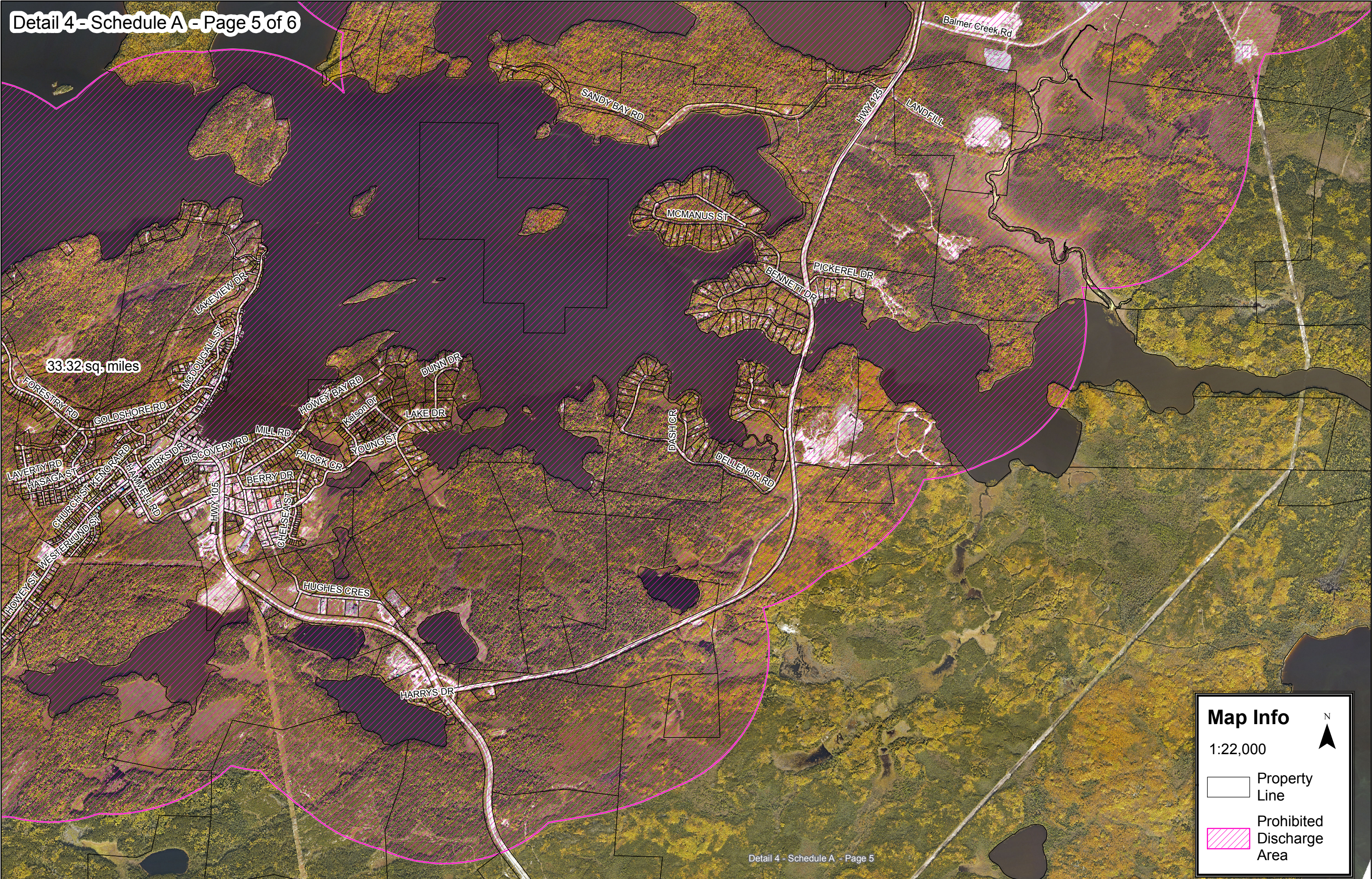
**Map Info**

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 Property Line

 Prohibited Discharge Area



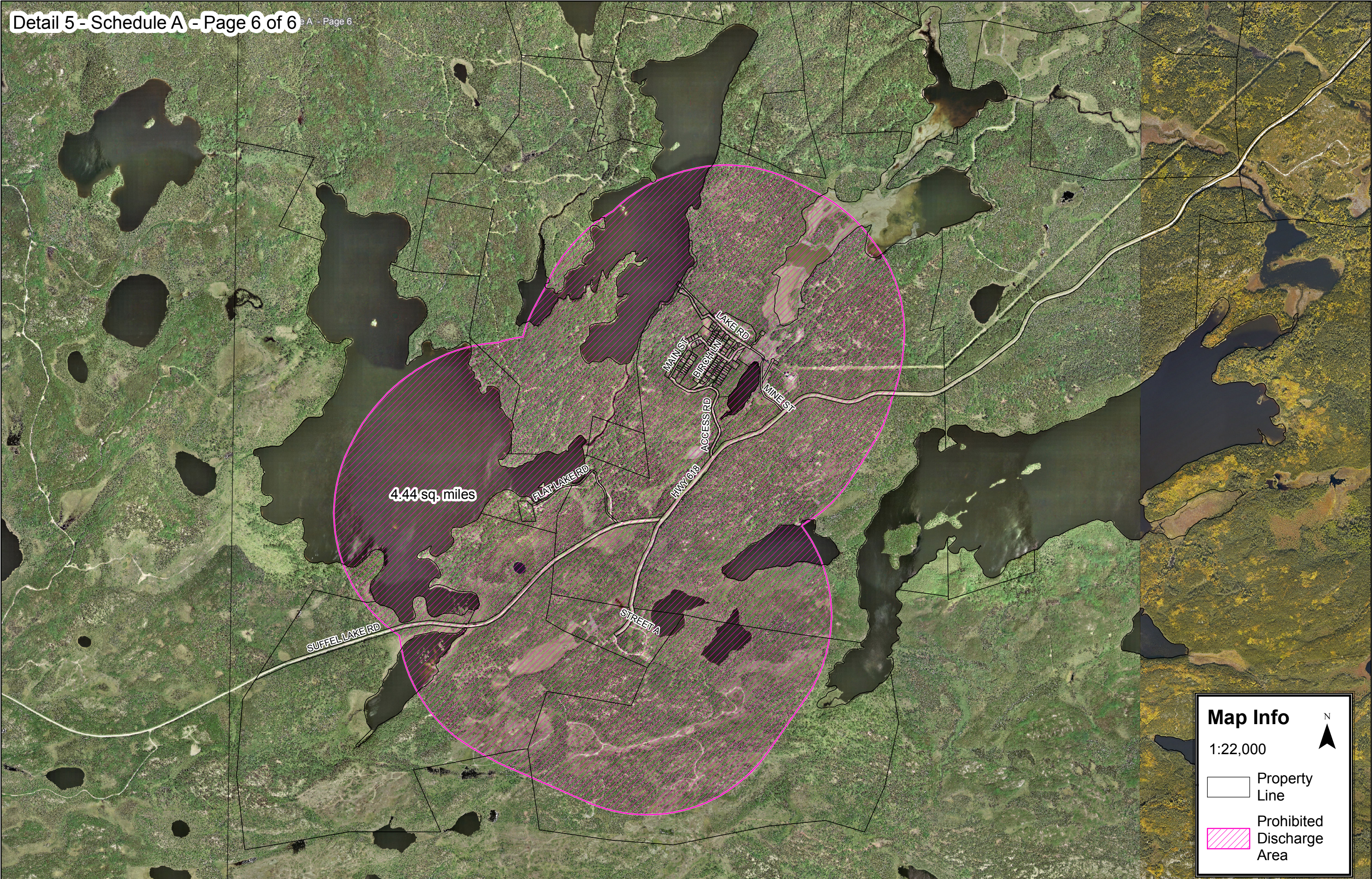
**Map Info**

1:22,000

Property Line

Prohibited Discharge Area

N



**Map Info**

1:22,000

Property Line

Prohibited Discharge Area

N

## SET FINES

### "Part 1 Provincial Offences Act"

#### Municipality of Red Lake By-Law No. 37-2016: Discharge of Firearms By-Law

Item	Column 1 (Short Form Wording)	Column 2 (Provision creating or defining offence)	Column 3 (Set fines)
1.	Discharged a firearm (bow) within the Prohibited Discharge Area.	Sec. 3.1	\$500.00
2.	Discharged a firearm (bow) within 400 meters of a public park (private park)(public open space)(building) (structure).	Sec. 3.2(a)	\$500.00
3.	Discharged a firearm (bow) within 8 meters of the paved portion of Highway 618.	Sec. 3.2(b)	\$500.00
4.	Permit a shot (bullet)(pellet) (arrow)(projectile) to stray into a prohibited area.	Sec. 3.3	\$500.00

"NOTE: The general penalty provision for the offences listed above is Section 8 of By-Law No. 37-2016, a certified copy of which has been filed and Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33."