



**THE CORPORATION OF THE TOWN OF ESPANOLA
BY-LAW 2722/16**

BEING A BY-LAW TO PROHIBIT AND REGULATE THE DISCHARGE OF
FIREARMS AND BOWS IN THE TOWN OF ESPANOLA
WITHIN THE AREA IDENTIFIED IN SCHEDULE 'A'

WHEREAS the Ontario *Municipal Act* 2001, S.O.2001, c.25, S.119 authorizes councils of municipalities to pass bylaws regulating or prohibiting the discharge of firearms;

AND WHEREAS the Town of Espanola deems it necessary to regulate the discharge of firearms within the area identified in Schedule 'A' for the purposes of public safety;

THEREFORE the Council of the Town of Espanola ENACTS AS FOLLOWS:

This Bylaw shall be known as the DISCHARGE OF FIREARMS BYLAW.

1 - DEFINITIONS

- 1.1 "**Bow**" means a weapon of curved, and sometimes recurved, stave of resilient material, strung taut from end to end and used to launch an arrow, bolt, quarrel or similar projectile, that is capable of causing bodily injury or death to a person, and includes cross bows, long bows, recurve and compound bows.
- 1.2 "**Firearm**" means any barreled weapon from which any shot, bullet or projectile or other missile can be discharged that is capable of causing bodily injury or death to a person and includes any frame or receiver of such a barreled weapon. This includes air-gun, spring-gun or any class or type thereof or any manual instrument which may be dangerous or which may cause injury to persons or property.

2 - DISCHARGE OF FIREARMS / BOWS

- 2.1 No person shall discharge, or cause to be discharged, a firearm or bow anywhere within the areas of the Town of Espanola identified in the attached Schedule 'A' except in accordance with this Bylaw.
- 2.2 No person shall discharge, or cause to be discharged, a firearm or bow such that the projectile will enter the area of the Town of Espanola identified in the attached Schedule 'A' except in accordance with this Bylaw.

3 – EXCEPTIONS

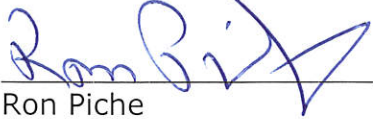
- 3.1 The provisions of this Bylaw shall not apply to any Peace Officer, Conservation Officer, Municipal Law Enforcement Officer or other body operating under the authorization of a Municipal, Provincial or Federal government during the performance of their authorized duties.
- 3.2 The prohibition and provisions of Section 2 of this Bylaw shall not apply to the Sgt Charles Golden Veterans Memorial Rifle Team (TEAM). Guidelines for this Exception are provided in Schedule 'B'.
- 3.3 No person shall own or operate a premises in the Town of Espanola being used for the purpose of the discharge of firearms or bows, unless such premises have been approved by Council of the Town of Espanola pursuant to this Bylaw for use especially for that purpose.
- 3.4 No person shall permit any person to discharge firearms or bows on their premises until such premises have been approved by Council of the Town of Espanola pursuant to this Bylaw for use especially for that purpose.
- 3.5 In order to have premises in the Town of Espanola approved by Council of the Town of Espanola for use as premises whereon firearms or bows may be discharged, the procedure is set out in section 3.6 to 3.8.
- 3.6 The owner of the premises or his/her agent, authorized in writing to do so, shall submit to the Clerk in writing a formal request for an exemption to this Bylaw outlining the specific circumstances for the request. The request shall be accompanied by plans and specifications for the preparation, conversion, alteration and / or erection of the said premises for such use.
- 3.7 The Clerk shall circulate the complete request to all Municipal Departments for comment and recommendations.
- 3.8 Once all Department comments and recommendations are received the Clerk shall prepare a report for Council consideration and a resolution either granting or rejecting approval of the premises for such use. Council reserves the right to approve the request with conditions.

4 - PENALTY

- 4.1 Every person who contravenes any provisions of this Bylaw is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act R.S.O. 1990, c. P.33.
- 4.2 Schedule 'C' Short Form Wording / Set Fines shall come into force and take effect immediately upon approval by the Ontario Court of Justice.

5. Bylaw 1332/98 is hereby repealed.

Read a first, second and third time and passed in open Council on the 14th day of June, 2016.

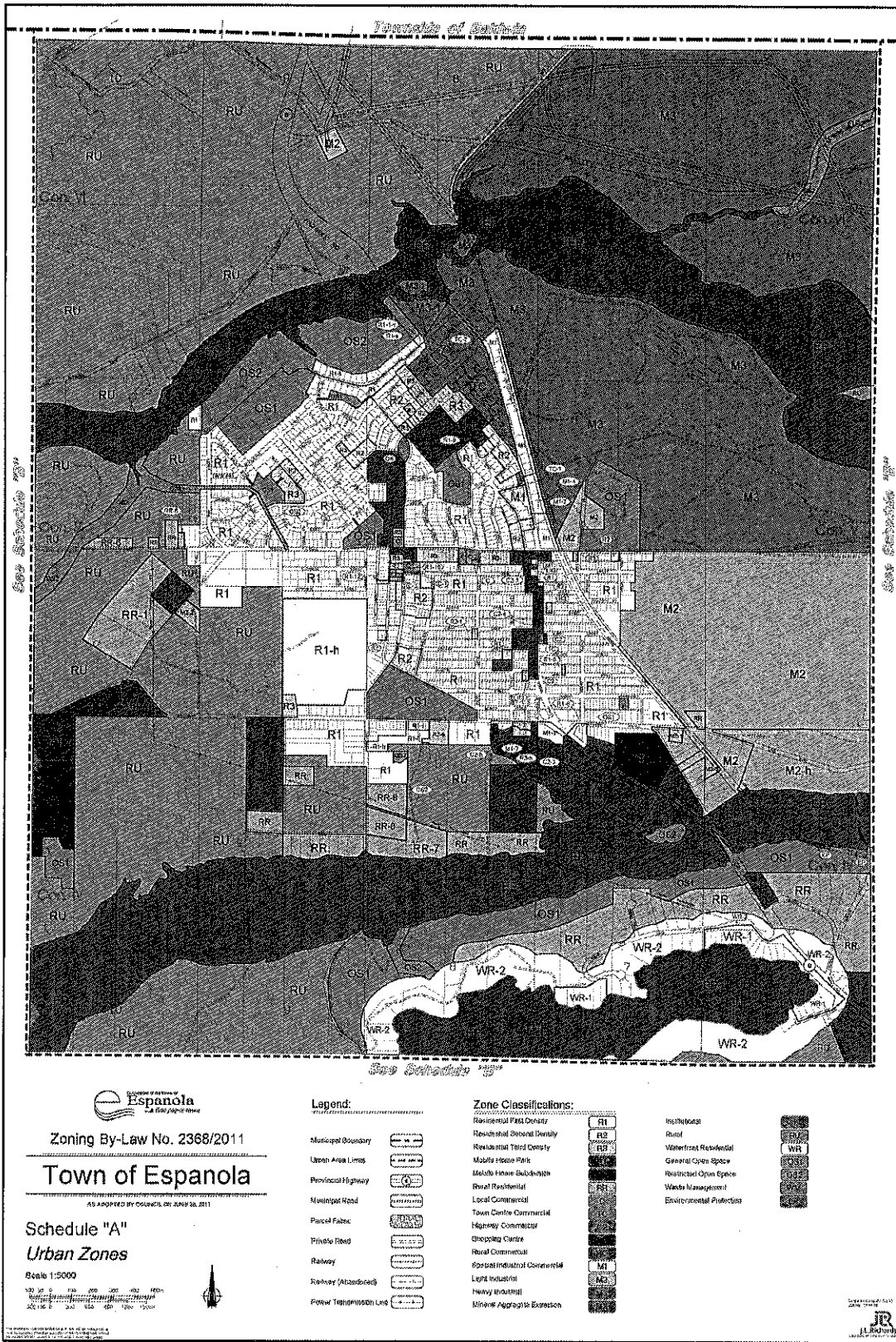


Ron Piche
Mayor



Paula Roque
Clerk

Schedule 'A'



Schedule 'B'

The prohibition and provisions of Section 2 of this Bylaw shall not apply to the Sgt Charles Golden Veterans Memorial Rifle Team (TEAM).

Guidelines for this Exception are provided as follows:

1. Exception is limited to and permits members of the Sgt Charles Golden Veterans Memorial Rifle Team to carry Lee Enfield rifles during Veteran graveside ceremonies and fire blank ammunition over the graves.
2. Exception requires a TEAM member to submit a letter to the Clerk's Office outlining all specifics to the event; including dates, times, location and number of participants. The letter will be reviewed and circulated to Municipal Departments requiring notification.
3. Exception for the TEAM is limited to the graveside memorial or funeral of Veteran's.
4. The Municipality reserves the right to revoke this Exception at any time.
5. Safety precautions will include:
 - 5.1 The rifles will remain stored safely, according to law with a designated TEAM member, in his vehicle and handed out by him/her to the TEAM members. After the ceremony the rifles shall be turned back into the designated member and stored securely in his vehicle.
 - 5.2 The blank ammunition will be purchased independently of any live ammunition and stored in a locked box. It will be issued to members just prior to the volley.
 - 5.3 The ammunition will be available for inspection at any time to any member of the Espanola Police Service should it be requested.



Schedule 'C'

Bylaw 2722/16, Discharge of Firearms

PART I Provincial Offences Act

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1	Discharge or cause to be discharged, a firearm or bow anywhere identified in Schedule 'A'.	Section 2.1	\$120.00
2	Discharge or cause to be discharged, a firearm or bow such that the projectile enters the area identified in Schedule 'A'.	Section 2.2	\$120.00
3	Own or operate a premises used for the purpose of the discharge of firearms or bows.	Section 3.3	\$120.00
4	Permit any person to discharge firearms or bows on their premises.	Section 3.4	\$120.00

NOTE: The penalty provision for the offences indicated above is Section 4.1 of Bylaw 2722/16, certified copy of which has been filed.