

TOWNSHIP OF WOOLWICH

BY-LAW NUMBER 108-2004

**A BY-LAW TO PROHIBIT OR REGULATE THE DISCHARGE
OF GUNS OR OTHER FIREARMS, AIR-GUNS, SPRING-GUNS, CROSS-BOWS,
LONG-BOWS OR ANY OTHER WEAPON WITHIN THE TOWNSHIP OF WOOLWICH**

WHEREAS Section 5 of the Municipal Act, 2001, as amended, specifies that a Municipal Council shall exercise its powers by by-law;

AND WHEREAS Sections 8 and 9 of the Municipal Act, 2001, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act or any other Act;

AND WHEREAS Section 11(2) of the Municipal Act, 2001, as amended, specifies in the Spheres of Jurisdiction the municipality may pass by-laws respecting matters in those Spheres of Jurisdiction;

AND WHEREAS Section 119 of the Municipal Act, 2001, as amended, permits the municipality for the purposes of public safety to 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 Woolwich feels it is in the interest of Public Safety to prohibit or restrict the use of firearms and other weapons within certain areas of the municipality;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WOOLWICH ENACTS AS FOLLOWS:

1. This by-law may be cited as the Firearms By-law.

2. **DEFINITIONS**

In this by-law:

(a) "Buffer Zone" includes all lands located in a 200-metre wide perimeter of the boundary of settlements and industrial/commercial areas defined in the Township of Woolwich Official Plan including Bast Place, Bloomingdale, Breslau and South Breslau Industrial Area, Conestogo, Crowsfoot Corner, Eldale, Elmira, Floradale, Heidelberg, Martin Grove, Maryhill, Mundil, St. Jacobs, Shantz Station, Stockyards Area, Weber, Winterbourne, and West Montrose.

(b) "Educational Property" includes school facilities operated by a Board of Education, a private school, a university, a provincial college, a private college or an outdoor area when in use for instructional purposes by a Board of Education, University or College, whether or not adjacent to a building.

- (c) “Firearm” means a barrelled weapon 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 any frame or receiver of such a barrelled weapon and anything that can be adapted for use as a firearm.
- (d) “Prohibited Area” includes all lands within the boundary of the settlements and industrial/commercial areas defined in the Township of Woolwich Official Plan including Bast Place, Bloomingdale, Breslau and South Breslau Industrial Area, Conestogo, Crowsfoot Corner, Eldale, Elmira, Floradale, Heidelberg, Martin Grove, Maryhill, Mundil, St. Jacobs, Shantz Station, Stockyards Area, Weber, Winterbourne, and West Montrose and the Region of Waterloo International Airport lands.
- (e) “Township” means the Township of Woolwich as shown on Schedule “A” attached to this by-law.
- (f) “Trail” means a groomed area for pedestrian traffic to which the public has access either explicitly or implicitly.

3. **GENERAL PROVISIONS**

- a) No person shall discharge a gun or other firearm, air-gun, spring-gun, cross-bow, long-bow or any other weapon:
 - i) from or across any private or public property in the Township without written permission of the property owner.
 - ii) from or across a public highway used or intended for use by the general public for the passage of persons or vehicles in the Township.
 - iii) from or across a trail used or intended for use by the general public for the passage of persons in the Township.
 - iv) from or across any educational property or within 200 metres of the periphery of any educational property in the Township.
 - v) without possessing all necessary licences and permits required by the laws of the Township of Woolwich, Province of Ontario and the Dominion of Canada.
 - vi) within 200 metres of the joint boundary between the City of Waterloo and the Township of Woolwich on properties identified as 1277 Snyder’s Flats Road and 1497 Snyder’s Flats Road;
 - vii) within 400 metres measured north or south or within 200 metres measured east or west of the intersection of Arthur Street North and Seiling Road.

- (b) No person shall have a gun or firearm, air-gun, spring-gun, cross-bow, long-bow or any other weapon in his or her possession:
 - i) on any public highway in the Township of Woolwich unless it is unloaded.
 - ii) on any private or public property in the Township of Woolwich without written permission of the property owner.

4. **PROHIBITED AREA PROVISIONS**

Notwithstanding any other provision of this by-law, no person shall discharge a gun or other firearm, air-gun, spring-gun, cross-bow, long-bow or any other weapon within any prohibited area.

5. **BUFFER ZONE PROVISIONS**

Notwithstanding any other provision of this by-law, no person shall discharge a gun or other firearm, air-gun, spring-gun, cross-bow, long-bow or any other weapon within any buffer area unless the person discharging the firearm is exempt under Section 6 of this by-law.

6. **EXEMPTIONS**

Nothing in this by-law applies to prohibit the possession or discharge of a firearm by the following:

- (a) A police officer while engaged in the performance of his or her duties.
- (b) An Animal Control Officer while engaged in the performance of his or her duties.
- (c) A Municipal Law Enforcement Officer while engaged in the performance of his or her duties.
- (d) A Ministry of Natural Resources Conservation Officer while engaged in the performance of his or her duties.
- (e) Any authorized person discharging a firearm on lands owned or occupied by a properly authorized and licenced gun club or rifle or pistol or archery range.
- (f) An employee of the Regional Municipality of Waterloo International Airport while engaged in the control of wildlife on airport lands in accordance with Federal legislation or regulations governing the operation of an airport.
- (g) The owner or agent of a property in a buffer zone while engaged in pest control using only a shotgun. If an agent, written permission of the property owner is required.
- (h) The owner or agent of a property located in a buffer zone while engaged in farm practices involving slaughter of large livestock using a rifle. If an agent, written permission of the property owner is required.

8. Every person who contravenes any provision of this by-law is guilty of an offence and is liable, upon conviction, to a fine or penalty not exceeding Five Thousand Dollars (\$5,000.00), exclusive of costs, for each offence as prescribed in the Provincial Offences Act, R.S.O. 1990, C.P. 33 as amended.
9. Each and every one of the foregoing provisions of the by-law is severable and if any provisions of this by-law should, for any reason, be declared invalid by any court, it is the intention and desire of this Council that each and every one of the then remaining provisions shall remain in full force and effect.
10. Any person who contravenes any provisions of this by-law and upon conviction shall pay the fines as laid out in Schedule "B" attached to this By-law.
10. By-law 44-91 is hereby repealed.
11. This by-law shall come into force and effect on date of approval of the set fines by the Regional Senior Judge of the Ontario Court of Justice.

PASSED this 23rd day of November, 2004.

Wm. L. Strauss
Mayor

Christine Broughton
Clerk