

THE CORPORATION OF THE TOWN OF HANOVER

BY-LAW NO. 3256-23, as amended

Being a by-law to regulate the discharge of firearms in the Town of Hanover

WHEREAS Section 8 (1) of the *Municipal Act S.O, 2001, c.25*, provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

WHEREAS Section 11(2), paragraph 6 of the *Municipal Act, S.O, 2001, c.25*, enables a municipality to pass a by-law to protect the health, safety and well-being of persons;

WHEREAS pursuant to subsection 23.1 (1) of the *Municipal Act S.O, 2001, c.25*, a municipality is authorized to delegate its powers and duties under the *Municipal Act, 2001*, subject to certain restrictions;

WHEREAS pursuant to Section 119 of the *Municipal Act, S.O, 2001, c.25*, a 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 pursuant to Section 425 of the *Municipal Act, S.O, 2001, c.25*, a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the *Municipal Act, 2001*, is guilty of an offence;

WHEREAS pursuant to Section 429 of the *Municipal Act, S.O, 2001, c.25*, a municipality may establish a system of fines for offences under a by-law of the municipality passed under the *Municipal Act, 2001*;

WHEREAS pursuant to Section 436 of the *Municipal Act, S.O, 2001, c.25*, a municipality may pass a by-law providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not there is compliance with a by-law, direction, order or condition of a license passed or made under the *Municipal Act, 2001*;

WHEREAS Section 444 and 445 of the *Municipal Act, S.O, 2001, c.25*, provides that if a municipality is satisfied that a contravention of a by-law passed under the *Municipal Act, 2001*, has occurred, that the municipality may make an order requiring the person who contravened the by-law or caused or permitted the contravention or the owner or occupier of the land to discontinue the contravention or do the work to correct the contravention of the by-law;

AND WHEREAS Council deems it advisable to the health, safety and welfare of the public to regulate the discharge of firearms within the Town of Hanover;

NOW THEREFORE, the Council of the Town of Hanover enacts as follows:

1. DEFINITIONS

For the purpose of this Bylaw:

"Bow" means

- i. 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;
- ii. a bow that uses a levering system, usually of cables and pulleys, to bend the limbs;
- iii. 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 referred to as a long bow;

"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;

"Conservation Officer" means a Conservation Officer or Deputy Conservation Officer appointed pursuant to the *Fish and Wildlife Conservation Act*;

"Council" means the Council of The Corporation of the Town of Hanover;

"Firearm" means a pellet gun, paint ball gun, shotgun, muzzle loader, bow, cross bow, or rifle with a maximum calibre of .275, any type of gun or similar barreled device from which any shot, bullet or other projectile that can be discharged and that is capable of causing bodily injury or death and includes a Prohibited and/or Restricted Firearm;

"Highway or Street" includes a common and public highway, street, avenue, public lane, parkway, alley, driveway, square, place, bridge, viaduct or trestle, and any 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;

"Municipality" means the Corporation of the Town of Hanover;

"Municipally Owned Lands" shall mean the property owned or maintained by the Corporation of the Town of Hanover shown on the last revised assessment roll and shall include all municipal road allowances and rights of way;

"Officer" shall mean a Municipal Law Enforcement Officer, Police Officer or any other person appointed by by-law to enforce the provisions of this by-law;

"Person" means any human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and their heirs, executors, or other legal representatives of a person to whom the context can apply according to law;

"Prohibited Firearm" means a firearm that has a prohibited use under the Criminal Code of Canada;

"Restricted Firearm" means a means a firearm that has a restricted use under the Criminal Code of Canada;

"Town" means the Corporation of the Town of Hanover.

2. **SHORT TITLE**

The short title of this bylaw is the "Discharge of Firearms By-law"

3. **SCOPE**

The regulations established by this By-law law applies to the discharge of firearms on all lands and waters within the boundaries of the Town of Hanover pursuant to the provisions of the *Municipal Act, S.O. 2001, c. 25*

4. **APPLICATION**

4.1. **URBAN AREA**

No person shall discharge, cause to be discharged or allow to be discharged a Firearm at any time, within the limits of the Town of Hanover.

4.2. **RURAL AREA**

No person shall discharge a firearm in the rural area of the Town:

- 4.2.1. on any property owned or occupied by the Town of Hanover;
- 4.2.2. on or within 100 metres of any property used for the purposes of a school, place of worship, day nursery, community recreation centre, or park;
- 4.2.3. within 300 metres of any conservation area;
- 4.2.4. within 100 metres of any dwelling, other than a dwelling owned or lawfully occupied by the person discharging the firearm, or with the

as amended
by By-law
3396-26

express written permission of the owner or lawful occupier of the property;

4.2.5. on, across or within 8 metres of any highway, private road or recreational trail;

No person shall discharge a firearm on any property on which the discharge of firearms is permitted unless they are:

4.2.6. the owner or lawful occupier of the property; or

4.2.7. has the express written permission of the owner or lawful occupier of the property in accordance with the provisions of the (Ontario) Trespass to Property Act.

5. EXEMPTIONS

Despite the provisions of section 4.1 of this by-law, nothing in this by-law shall serve to prohibit the discharge of a firearm by;

- 5.1. a member of the Hanover Police Service, or any other police officer during the performance of his/her duties as a police officer;
- 5.2. an animal control officer during the performance of his/her duties as an animal control officer;
- 5.3. a conservation officer during the performance of his or her duties as a conservation officer;
- 5.4. a person appointed as a municipal law enforcement officer or as an agent for the Municipality or for a provincial or federal government agency for the purpose destroying sick, injured or vicious animals in the performance of this stated duty;
- 5.5. a person, who believes on reasonable grounds that wildlife is damaging or is about to damage the person's property as described under the Fish and Wildlife Conservation Act;
- 5.6. a farmer, or any member of a farmer's family who resides with the farmer, or an agent of the farmer as prescribed under the *Fish and Wildlife Conservation Act*, or any successor legislation. thereto, for the purpose of protecting the farmer's property.

6. ENTRY AND INSPECTION

- 6.1. An officer may enter upon land at any reasonable time for the purpose of enforcing this by-law or carrying out an inspection to determine whether or not the by-law is being complied with.
- 6.2. Every owner shall permit an Officer to inspect any land for the purposes of determining compliance with this By-law.

7. OBSTRUCTION

- 7.1. No person shall hinder or obstruct, or attempt to hinder or obstruct, or otherwise interfere with any Officer exercising a power or performing a duty under this By-law.
- 7.2. Every person who has been alleged to have contravened any of the provisions of this by-law, shall identify themselves to the Officer upon request, failure to do so shall be deemed to have hindered or obstructed the Officer under section 7.1 of this by-law.

8. ENFORCEMENT AND PENALTIES

- 8.1. Police Officers employed by the Hanover Police Service and, where appropriate, the Town's Municipal Law Enforcement Officer appointed by the municipality, are responsible for enforcing the provisions of this by- law.
- 8.2. Every person who contravenes any provision of this By-law is guilty of an offence, and upon conviction is liable to a fine in accordance with Schedule "A" attached to this By-law, as provided for by the *Provincial Offences Act R.S.O. 1990, Chapter P.33*, as amended.

as amended
by By-law
3396-26

9. PROHIBITION ORDER

- 9.1. When a person has been convicted of an offence under this by-law:
- 9.2. the Ontario Court of Justice, or
- 9.3. upon a conviction being entered, the court in which the conviction was entered, and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed in this Bylaw, make an order prohibiting the continuation or repetition of the offence by the person convicted.

10. SEVERABILITY

- 10.1. If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof, other than the part which was declared to be invalid.
- 10.2. This Bylaw shall be superseded by all Provincial and Federal statutes, regulations and laws relating to the handling and discharge of firearms.

11. REPEAL

That By-law No. 950 be repealed in its entirety.

12. EFFECTIVE DATE

This By-law shall come into force and take full effect on the date of passing thereof.

READ A FIRST, SECOND and THIRD TIME and FINALLY PASSED this 21st day of February, 2023.



Susan Paterson, Mayor



Vicki McDonald, Clerk

SCHEDULE ‘A’ TO BY-LAW NO. 3256-23

PART 1, PROVINCIAL OFFENCES ACT

BEING a by-law respecting the discharge of firearms within the Town of Hanover.

Set Fine
Schedule

Item	Column 1. Short Form Wording	Column 2. Provision Creating or Defining Offence	Column 3. Set Fine
1.	Cause, allow, or discharge a firearm within the Town of Hanover	4.0	\$500.00
2.	Obstruct, hinder or otherwise interfere with an Officer	7.1	\$500.00

NOTE: *The general penalty provision for the offences listed above is Section 8.2 of the By-law 3256-23, a certified copy of which has been filed.*