

THE CORPORARATION OF THE DISTRICT OF SUMMERLAND

BYLAW NUMBER 96-048

A BYLAW OF THE CORPORATION OF THE DISTRICT OF SUMMERLAND TO REGULATE AND PROHIBIT THE DISCHARGE OF FIREARMS WITHIN THE MUNICIPALITY

WHEREAS pursuant to Section 933 (1) (a) of the Municipal Act, being R.S.B.C. 1979,c.290, Municipal Council may, by bylaw, regulate or prohibit the discharging of firearms, including air guns, air rifles, air pistols and spring guns and the use of bows within the municipality.

NOW THEREFORE the Municipal Council of the Corporation of the District of Summerland in open meeting assembled, ENACTS AS FOLLOWS:

1. Interpretation

In this bylaw,

"Clerk" means the Municipal Clerk of the Corporation of the District of Summerland;

"Council" means the municipal council of the District of Summerland;

"District" means the Corporation of the District of Summerland;

"Firearm" includes:

- (l) a gun or other device that propels a projectile by means of compressed air, explosives, gas or springs, including without limitation,
 - (a) any weapon classified as a "restricted weapon" under the Criminal Code; and
 - (b) any firearm for which a firearm license is issued under the British Columbia Wildlife Act including a shotgun or rifle used for hunting or sporting purposes;

"Permit" means a permit in writing, in the form attached to this Bylaw as Schedule "B", issued by the Clerk in accordance with this Bylaw, allowing the use of a Firearm on the terms and conditions set out in this Bylaw and the permit;

2. General Prohibition

No person shall discharge a firearm within or into the District, except:

- (a) in those areas outlined in heavy black line on the attached map attached as Schedule "A" to this Bylaw; and
- (b) in accordance with a valid and subsisting Permit issued by the District pursuant to section 5 of this Bylaw.

3. Exclusions

The provisions of this Bylaw do not apply to:

- (a) any officer under the British Columbia Firearm Act or the British Columbia Wildlife Act;
- (b) a fisheries officer appointed or designated under the Canada Fisheries Act;
- (c) a firearms officer under the Canada Criminal Code;

- (d) a person employed by an armoured car service as defined in the British Columbia Private Investigators and Security Agencies Act;
- (e) an employee of the District designated by Council as a bylaw enforcement officer pursuant to the British Columbia Police Act; or
- (f) a constable or other peace officer,

who is in possession of a Firearm for use in the course of discharge of official duties or employment.

4. Permit Application

A person wishing to discharge a Firearm within or into an area shown outlined in heavy bold line on Schedule "A", must first make application to the Clerk on the form attached as Schedule "B" to this Bylaw, providing the following information:

- (a) the full name and address of the applicant;
- (b) the full legal description of the lands within or into which the applicant wishes to discharge a Firearm;
- (c) the purpose for discharge of a Firearm;
- (d) the type and caliber of Firearm; and
- (e) whether the applicant is the owner, custodian or duly authorized agent of the owner, or is a member or guest of a skeet club, trap club, gun club, rifle association, or a fish and game, wildlife or sportsman association, and if so, the name of the organization.

5. Permit Approval

Council hereby authorizes the Clerk to issue a Permit in the form attached to this Bylaw as Schedule "B", authorizing a person to discharge a Firearm on the terms and conditions set out in this Bylaw and the Permit. No Permit for discharging a Firearm shall be issued by the Clerk unless the applicant submits to the Clerk a completed application in the form attached to this Bylaw as Schedule "B", and

- (a) is an owner, member or guest of a skeet, trap, gun, rifle, fish and game, wildlife or sportsman organization which holds all required permits, licenses and other approvals; and
- (b) will discharge a firearm on and over lands or premises owned or occupied by such organization; or
- (c) is the lawful owner or possessor of the real property from and over which the applicant intends to discharge a Firearm and that the discharge of a Firearm is required to protect the property, or trees, vineyards, crops or animals on the property from birds and other predators; or
- (d) is the holder of a valid hunting and species license.

Prior to issuance of a Permit by the Clerk, a person must obtain the signature from the local detachment, Royal Canadian Mounted Police, acknowledging an application to discharge a Firearm.

6. General

Nothing in this Bylaw exempts a person from compliance with any other laws, requirements, or approvals, including without limitation, the Wildlife Act (British Columbia) and the Migratory Bird Act (Canada).

- 7. The Clerk shall determine the expiration date of a Permit, which date must not exceed two (2) years, and a Permit shall expire on the expiration date shown on the Permit.
- 8. Everyone who discharges a firearm shall exercise due care for the safety of all persons and property.

9. A permit issued for the protection of crops on lands in accordance with Section 5.(c) of this Bylaw is subject to the following additional terms and conditions:

- (a) no more than one Firearm may be discharged per parcel of land;
- (b) a Firearm must not be discharged from a location that permits the firearm's projectile to travel beyond the License Holder's property lines; and
- (d) a Firearm may only be discharged between one-half hour after sunrise and one-half hour before sunset.

10. Offence

Every person who violates any provision of this Bylaw commits an offence under this Bylaw and upon summary conviction is liable for each offence, to a fine not exceeding \$500.00 and the cost of prosecution or to imprisonment not exceeding ten (10) days, or both. Each day that an offence continues shall be a separate offence under this Bylaw.

11. Severability

If any section, subsection, or clause of this Bylaw is held invalid by a Court of competent jurisdiction, then that invalid portion shall be severed and the remainder of this Bylaw shall be deemed to have been adopted without the severed section, subsection or clause.

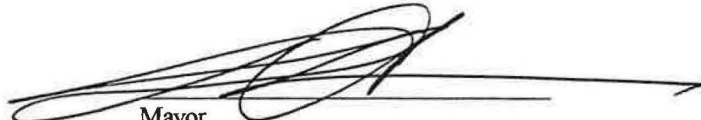
12. This Bylaw may be cited for all purposes as "Summerland Firearms Bylaw Number 96-048

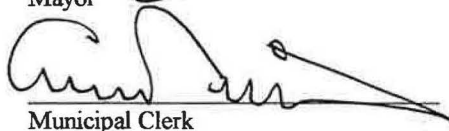
13. Bylaw Number 2099 is hereby repealed.

READ A FIRST AND SECOND TIMES by the Municipal Council of the Corporation of the District of Summerland this 12th day of November, 1996.

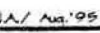
READ A THIRD TIME by the Municipal Council of the Corporation of the District of Summerland this 26th day of May, 1997.

RECONSIDERED, finally passed and adopted by the Municipal Council of the Corporation of the District of Summerland, signed by the Mayor and Clerk, and sealed with the Corporate Seal of the Said Corporation, this 9th day of June, 1997.


Mayor


Municipal Clerk

SCHEDULE "A"
BYLAW NUMBER 96-048



SCHEDULE "B"
BYLAW NUMBER 96-048

PERMIT NO. _____

THE CORPORATION OF THE DISTRICT OF SUMMERLAND

FIREARMS PERMIT

DATE: _____

NAME: _____

CIVIC

ADDRESS: _____

MAILING

ADDRESS: _____

Is permitted to discharge a firearm on the following described property in the District of Summerland:

Lot _____ Block _____ District Lot _____ Plan _____

For the sole purpose listed below:

A Permit issued for a firearm is subject to the following conditions:

- (a) No more than one Firearm may be discharged per parcel of land;
- (b) A Firearm must not be discharged from a location on the land described in the permit that permits the firearm's projectile to travel beyond the land's property lines; and
- (d) a Firearm may only be discharged between one-half hour after sunrise and one-half hour before sunset.

THIS PERMIT EXPIRES ON THE _____ DAY OF _____, ____.

Owner or occupier of lands requiring crop or animal protection.

Type of Firearm: _____

Holder of a Hunting and Species License.

Calibre of Firearm _____

Member or Guest of Organization:

Name of Club or Organization _____

**APPROVED ON BEHALF OF THE CORPORATION
OF THE DISTRICT OF SUMMERLAND:**

**THIS PERMIT IS HEREBY
ACKNOWLEDGED BY THE R.C.M.P.**

PER: _____
MUNICIPAL CLERK

PER: _____
R.C.M.P. OFFICER

NOTE: This Permit does not exempt a person from compliance with any other laws, requirements, or approvals, including without limitation, the Wildlife Act (British Columbia) and the Migratory Bird Act (Canada).

The terms and conditions of this Permit include those terms and conditions as set out in Summerland Firearms Bylaw Number 96-048, pursuant to which this permit has been issued.

"LICENCE HOLDER'S COPY"