

THE CORPORATION OF THE MUNICIPALITY OF MACHIN

**BY-LAW NUMBER 48-2006**

BEING a By-law to rescind By-law No. **547-78** and being

A BY-LAW TO REGULATE THE DISCHARGE OF GUNS OR OTHER FIREARMS WITHIN THE MUNICIPALITY OF MACHIN.

WHEREAS Section 210(36) of the Municipal Act, R.S.O. 1990, c.M.45, as amended, provides that Councils of local municipalities may pass by-laws to prohibit or regulate the discharge of guns or other firearms, air-guns, spring-guns, paint ball guns of any type or any thereof in the municipality or in any defined area or areas thereof; and,

WHEREAS the Council of the Corporation of the Municipality of Machin deems it necessary and expedient to regulate the discharge of firearms;

NOW THEREFORE, the Council of the Municipality of Machin enacts as follows:

1. Definitions:

For the purposes of this By-law:

- (a) “firearm” shall include any rim fire rifle, shotgun, center fire rifle or any other device used to propel a projectile capable of causing harm or damage to persons, livestock or property.
- (b) “center fire rifle” is a high-powered rifle capable of taking large game animals.
- (c) “.22 calibre rim fire rifle and shotgun” are low powered rifles used for taking small game animals.
- (d) “air rifle, archery tackle and paint ball guns” are low powered devices, and have a very short range and low noise associated with them.
- (e) “approved facility” means a facility which has been designed for the shooting or discharging of firearms and which has been inspected and approved by the Chief Provincial Firearms Officer for designation as an approved facility.
- (f) “gallery” is in reference to any activities at special events such as carnivals that result in the discharge or use of any “firearm” as defined in this By-law.
- (g) “parcel of property” is a single, continuous piece of land that is not divided by a traveled through road.

2. Geographic Areas Defined:

The Municipality of Machin has determined two (2) firearm areas within the Municipality of Machin for the purposes of this By-law. The Municipality of Machin shall adopt these areas and use them for the basis of establishing areas where firearms can be lawfully used within the Municipality as described on the Firearm Discharge Area Map indicated on Schedules A & B attached hereto and forming part of this By-law.

- (a) Zone 1: Town of Vermilion Bay
- (b) Zone 2: Town of Eagle River

3. No person shall use, shoot fire or discharge any firearms over, across or onto any property of the Corporation of the Municipality of Machin.
4. No discharging of any firearms within five hundred metres (500m) of Lillian Berg School.
5. (a) This By-law shall not be construed as prohibiting any person whose land is located in Firearms Discharge areas from discharging firearms on his land for the purpose of protecting persons or property from nuisance animals if such discharge is reasonable necessary and otherwise lawful.  
  
(b) Upon discharging a firearm to destroy a nuisance animal, said person shall forthwith report the discharge to the Municipality of Machin.
6. This By-law shall not be construed as prohibiting the discharge of guns or other firearms:
  - (a) by any peace officer or an officer under the Immigration Act, the Customs Act or the Excise Act or by any member of the Canadian Armed Forces or the armed forces of a state other than Canada that are lawfully present in Canada, when duly authorized and in the actual and bonafide performance of his duties.
  - (b) within the buildings of any public school and on any parcel of property within the Municipality of Machin so long as any such activity is carried out within an “approved facility” under the appropriate authority and supervision of such governing body, and that such discharge is otherwise lawful.
  - (c) within an approved “gallery”, provided such special events as a carnival are under the immediate supervision of the governing body.
7. “Air rifles, archery tackle and paintball guns” may be lawfully used in Firearms Discharge areas providing the “parcel of property” on which the firearm is discharged has a secure backstop capable of defeating the projectile.
8. “.22 caliber rim fire rifles and shotguns” may be lawfully used in Firearms Discharge Zone 2 providing the “parcel of property” on which the firearm is discharged is thirty (3) acres in size or greater.
9. “Centre fire rifles” may lawfully be used in Firearms Discharge Zone 2 providing the “parcel of property” on which the firearm is discharged is sixty (60) acres in size or greater.
10. Any firearm used in the commission of an offence, contrary to the provisions of this By-law shall be seized, and upon conviction shall be forfeited to the Crown.
11. Any person who contravenes any provision of this By-law is guilty of an offence and, upon conviction, is liable to a penalty as provided in the Ontario Provincial Offences Act.
12. That this By-law is exempt to all Licenced Trappers on a Registered Trapline.
13. That this By-law shall come into force and take effect upon the final passage hereof.

READ a FIRST, SECOND and THIRD time and Finally PASSED this 23<sup>rd</sup> day of October, 2006.

THE CORPORATION OF THE MUNICIPALITY OF MACHIN

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Barbara Beernaerts - MAYOR

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Tammy Rob - CLERK-TREASURER