

**THE CORPORATION OF THE
TOWN OF PELHAM**

BY-LAW NO. 4019 (2018)

Being a by-law to regulate the discharge of firearms within the limits of the Town of Pelham;

And to Repeal and Replace By-law #57(1970).

WHEREAS Section 119 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended provides that a local 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 the Council of the Corporation of the Town of Pelham, in the interest of public safety, deems it advisable to regulate the discharge of any guns or other firearms, air-guns, spring-guns, cross-bows, long-bows or any other weapon within that part of the municipality hereinafter described;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF
THE TOWN OF PELHAM ENACTS AS FOLLOWS:**

- (1) This By-law may be cited as the "Discharge of Firearms By-law".
- (2) Definitions
 - (a) **AIR-GUN:** a gun that fires projectiles using compressed air.
 - (b) **BOW:** a weapon for shooting arrows which includes long, recurve and compound.
 - (c) **CROSS-BOW:** a type of weapon consisting of a horizontal bow-like assembly mounted on a frame which is handheld in a similar fashion to the stock of a gun, which shoots arrow-like projectiles called bolts or quarrels.
 - (d) **FARM:** As defined by the Town of Pelham Zoning By-Law 1136 (1987) Definition Section 5.61, under the provisions listed under Agricultural Zone Sections 7.1 (a) and 7.2.
 - (e) **FIREARM:** a rifle, pistol or other portable gun.
 - (f) **GUN:** a weapon incorporating a metal tube from which projectiles are propelled by explosive force.
 - (g) **RIFLED BARREL:** having a helical groove pattern that is machined into the internal (bore) surface of a gun's barrel, for the purpose of exerting torque and thus imparting a spin to a projectile around its longitudinal axis during shooting.

(h) **SPRING-GUN:** a gun rigged to fire when a triggering device is tripped by contact of sufficient force to 'spring' the trigger and discharge the gun

(3) Except as hereinafter provided, no person shall discharge any guns or other firearms, air-guns, spring-guns, cross-bows, long-bows or any other weapon thereof within the following defined areas of the Town of Pelham:

AREA #1

Commencing at the intersection of Victoria Ave (Regional Road #24) and Foss Road;

Thence easterly along the south side of Foss Road to the Municipal Boundary;

Thence northerly 152.4 m (500') along the Municipal Boundary;

Thence easterly 836.1 m (2743') along the Municipal Boundary to Clare Avenue;

Thence northerly along the east side of Clare Avenue to the intersection of Clare Avenue and Quaker Road;

Thence northerly along the east side of Line Avenue from the intersection of Line Avenue and Quaker Road to the Municipal Boundary;

Thence easterly 233.1 m (765') along the Municipal Boundary;

Thence northerly 94.2 m (309') along the Municipal Boundary;

Thence easterly 201.2 m (660') along the Municipal Boundary;

Thence southerly 123.1 m (404') along the Municipal Boundary;

Thence easterly 619.6 m (2033') along the Municipal Boundary;

Thence northerly 3,060.5 m (10,041') along the Municipal Boundary;

Thence west/north/westerly 2,279.9 m (7480') along the Municipal Boundary to a point 406 m (1332') East of the intersection of Hansler Street and Metler Road;

Thence Westerly 406 m (1332') in a straight line parallel to Overholt Road to the intersection of Hansler Street and Metler Road;

Thence westerly along Metler Road to the intersection of Metler Road and Cream Street;

Thence southerly along Cream Street to the intersection of Cream Street and Highway 20 (Regional Road #20);

Thence westerly along Highway 20 (Regional Road #20) to the intersection of Highway 20 (Regional Road #20) and Victoria Avenue (Regional Road #24);

Thence southerly along Victoria Avenue (Regional Road #24) to the point of commencement and being the area shown inside the boundaries on Schedule "A" attached to this by-law.

Area #2

Commencing at a point in the centre line of Metler Road distant easterly 152.4 m (500') from the centre line of Cream Street;

Thence northerly in a straight line parallel to the centre line of Cream Street 167.6 m (550') to a point;

Thence westerly in a straight line parallel to the centre line of Metler Road to a point distant 381 m (1250') west of the centre line of Balfour Street;

Thence southerly in a straight line parallel to the centre line of Balfour Street to a point distant 213.4 m (700') south of the centre line of Metler Road;

Thence easterly in a straight line parallel to the centre line of Metler Road to a point 152.4 m (500') east of the centre line of Cream Street;

Thence northerly in a straight line parallel to the centre line of Cream Street to the point of commencement and being the area shown inside the boundaries on Schedule "B" attached to this by-law.

(4) The discharge of any firearm, regardless of calibre, which incorporates a rifled barrel in its construction, is hereby prohibited in the Town of Pelham.

(5) This by-law shall not apply to the destruction of an animal for humane reasons, or the destruction, by the owner, his agent or servant on the owners property, in the course of protecting his livestock or crops provided that the gun is not discharged in a negligent manner and further than an agent or servant of an owner has the owner's consent in writing. For the purpose of this section, owner shall include any person who is the owner of an interest in the land entitling him to possession of it and shall include a tenant farmer.

(6) Hunting within the boundaries of the Town of Pelham is prohibited except during the periods established by the Ministry of Natural Resources, at which time regulations established by the Ministry of Natural Resources shall prevail.

(7) Notwithstanding Section 6, hunting in the prescribed areas listed in Section 3 shall remain prohibited during the established periods set forth by the Ministry of Natural Resources.

(8) That the discharge of any firearm within the distance of 304.8 m (1000') from any building used for raising of poultry for commercial purposes and within the distance of 152.4 m (500') from any other type of building is prohibited.

(9) That the discharge of any firearm within the distance of 304.8 m (1000') from any school property, place of worship, community centre, day nursery, public playground or Town owned park is prohibited.

(10) Nothing contained in this by-law shall prevent any police officer or other public officer from discharging a gun or other firearm in the ordinary course of duty, when such duty involves the use of a gun or other firearm.

(11) Any guns or other firearms, air-guns, spring-guns, cross-bows, long-bows or any other weapon discharged contrary to the provisions of this by-law may be seized and impounded by any police officer.

(12) Should any section, clause or provision of this Bylaw be held by a court of competent jurisdiction to be invalid, all other sections, clauses or provisions of this Bylaw shall remain valid and enforceable.

(13) Nothing in this by-law shall be interpreted as reducing or eliminating the need for full compliance with the provisions of all applicable Federal and Provincial statutes and regulations relating to firearms.

(14) The provisions of this by-law may be enforced by a police officer or other public officer duly appointed for the purpose of enforcing this by-law.

(15) No person shall obstruct or hinder or attempt to obstruct a police officer or other public officer duly appointed for the purpose of enforcing this by-law who is performing a duty under this by-law.


(16) Every person who contravenes any of the sections, clauses or provisions of this by-law is guilty of an offence and liable upon conviction to a penalty as prescribed under the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.

(17) Schedule 'A' and Schedule 'B' attached hereto shall form part of this by-law.

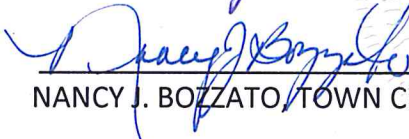
(18) Town of Pelham By-law No. 57 (1970) and all of its amendments are hereby repealed.

(19) This by-law shall come into force and take effect on the day it is passed by Council.

ENACTED, SIGNED & SEALED THIS
16th DAY OF JULY, 2018

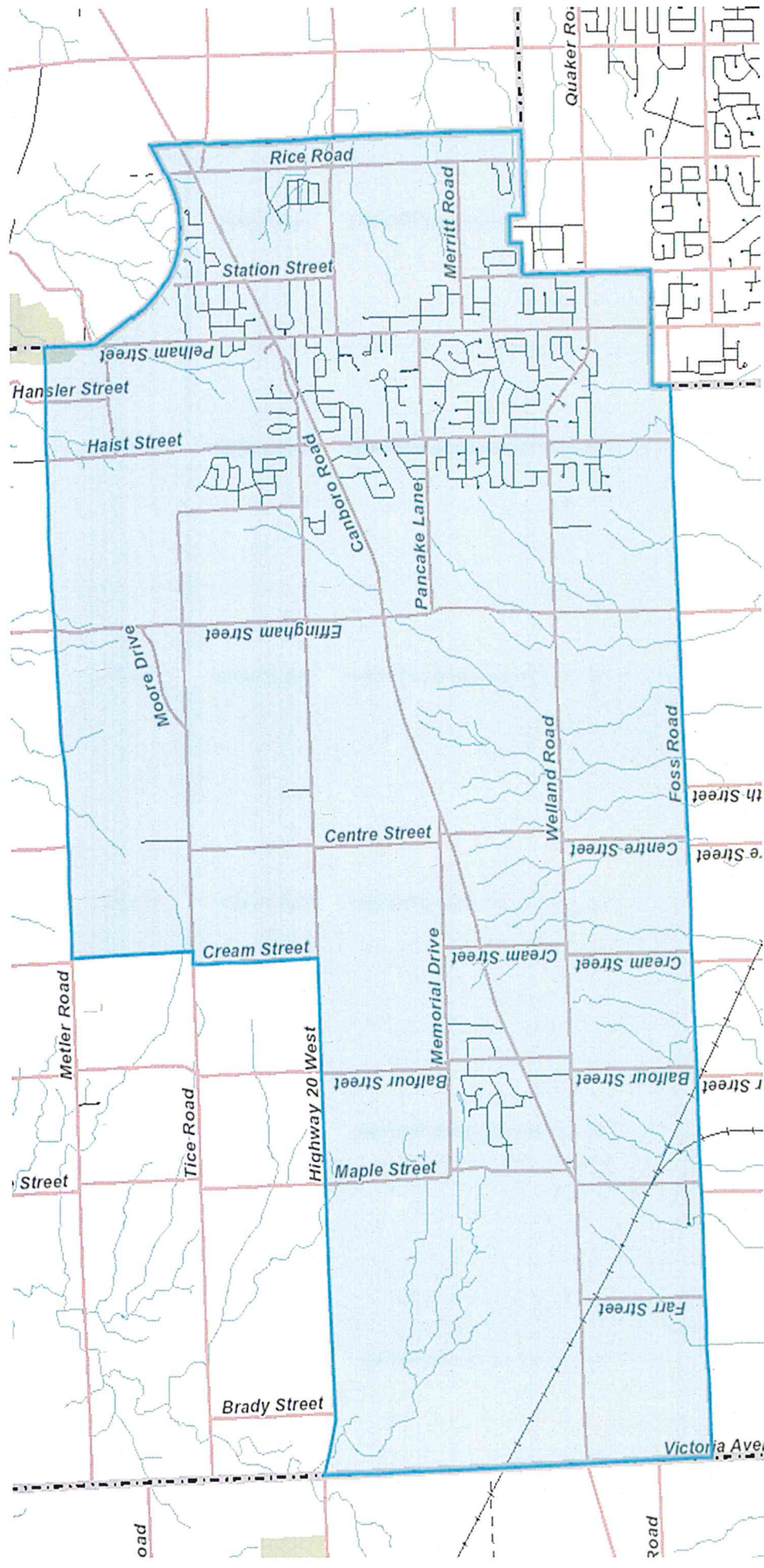


D. AUGUSTYN, MAYOR



NANCY J. BOZZATO, TOWN CLERK

SCHEDULE "A"
TO BY-LAW NO. 4019 (2018)



SCHEDULE "B"
TO BY-LAW NO. 4019 (2018)

