

THE CORPORATION OF THE TOWN OF LINCOLN

BY-LAW NO. 07-90

A BY-LAW TO PROHIBIT AND REGULATE THE
DISCHARGE OF FIREARMS IN THE TOWN OF
LINCOLN.

WHEREAS Section 119 of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended, provides that, for the purpose of public safety, a local municipality may 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 Corporation of the Town of Lincoln deems it necessary and expedient to exercise the said power to the extent hereinafter provided;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF LINCOLN ENACTS AS FOLLOWS:

1. For the purposes of this By-law:
 - (a) "Animal Control Officer" means a person or persons employed or appointed to provide animal control services in the Town of Lincoln;
 - (b) "Council" means the Council of the Corporation of the Town of Lincoln;
 - (c) "Farmer" means farmer as defined in the Farming and Food Production Protection Act, 1998, S.O. 1998, c.1, as amended;
 - (d) "Firearm" means a firearm as defined in the Criminal Code, R.S.C. 1985, c.C-46, as amended and includes air-guns, a spring-guns, cross-bows, compound bows, long bows, recurve bows and paintball marker guns;
 - (e) "Highway" means a highway as defined in Town of Lincoln Zoning By-law No. 93-14-Z1, as amended.
 - (f) "Peace Officer" has the same meaning as it has in the Criminal Code, R.S.C. 1985, c.C-46, as amended;
 - (g) "Permitted Firearm" means a Firearm that is a shotgun, a muzzle-loading gun, an air-gun, a spring-gun, a cross-bow, a compound bow, a long bow, a recurve bow or a paintball marker gun;
 - (h) "Police Officer" has the same meaning as it has in the Police Services Act, R.S.O. 1990, c.P.15, as amended;
 - (i) "Public Centre" means a parcel of land on which is situated a cemetery, church, community center, community sports facility or school;
 - (j) "Public Trail" means a pathway or designated travel corridor which is open to use by the general public for the purposes of walking, biking, hiking, cross country skiing or other means of active recreational travel.
2. No person shall discharge any Firearm within the geographic limits of the Town of Lincoln save and except as may be expressly provided for in this By-law.
3. No person shall discharge any Firearm at any location within the geographic limits of the Town of Lincoln which is within:
 - (a) those areas set forth in Schedule "A", attached hereto and forming part of this By-law;
 - (b) a Highway or Public Trail;
 - (c) fifty meters from any portion of a Highway or a Public Trail if the direction of the shot, bullet, bolt, arrow or projectile would intersect or run parallel to the aforesaid portion of Highway or Public Trail;

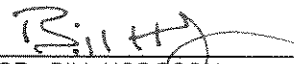
- (d) a Public Centre; or
 - (e) three hundred meters from any Public Centre.
4. Subject to Section 3 of this By-law, a Permitted Firearm may be discharged on a parcel of land:
- (a) by a person who is the owner of a parcel of land or who is accompanied by the owner of a parcel of land provided that such discharge:
 - (1) is undertaken for practice purposes only; and
 - (2) is undertaken at least 300 metres away from any dwelling unit that may be located on any adjacent parcel of land.
 - (b) by a person who is a bona fide hunter actively engaged in hunting during a permitted season to whom has been issued such necessary licences and permits as may be required by the laws of the Dominion of Canada, the Province of Ontario and the Corporation of the Town of Lincoln, provided that such person has obtained the prior consent of the owner of the parcel of land on which the Firearm is discharged, which consent is obtained not more than one year prior to the date of the occasion on which he discharges the firearm in question.
5. Notwithstanding Section 3 of this By-law, a Firearm may be discharged:
- (a) by a Farmer on a parcel of land owned or occupied by the Farmer if the purpose of the discharge of the Firearm is to protect his crops or to control troublesome or noxious animals or birds on the land;
 - (b) by a person in the course of an organized shooting competition, practice or training event, provided that:
 - (1) such competition, practice or training event has received the prior written approval of Council at least thirty days prior to the competition, practice or training event in question;
 - (2) a copy of the approval is maintained on the site of the competition, practice or training event and is available at all times for inspection by any Peace Officer or Police Officer who requests to inspect same; and
 - (3) the approval in fact is produced for inspection by such Peace Officer or Police Officer immediately after the request therefor is made to such person.
 - (c) by a person who is a member of an incorporated gun, shooting or archery club in the course of club activities, provided that:
 - (1) the discharge of the Firearm takes place on a range, the location of which has been approved by the Council prior to the discharge of the firearm in question;
 - (2) where necessary by law, the location has been approved by the Solicitor General for Ontario prior to the discharge of the Firearm in question;
 - (3) evidence of Council's approval and evidence of the Solicitor General's approval, as the case may be, is maintained on the range and available for inspection at all times by any Peace Officer or Police Officer requesting to inspect same, and;
 - (4) evidence of approval in fact is produced for inspection by a Peace Officer or Police Officer immediately after a request therefor is made to such person.

6. Every person that discharges a Firearm on any parcel of land on which a person may lawfully discharge a Firearm in accordance with this By-law, shall act so as to ensure that no shot, bullet, bolt, arrow or projectile, as the case may be, passes over:
 - (a) any Highway, Public Trail or Public Centre;
 - (b) any adjacent parcel of land unless that adjacent parcel of land may be lawfully used by such person for the discharge of a Firearm and the person has obtained the prior consent of the owner or occupier of the adjacent parcel of land not more than one year prior to the date of the occasion on which he discharges the Firearm in question.
7. None of the provisions of this By-law shall apply to prohibit the discharge of a Firearm by:
 - (a) a Peace Officer in the lawful execution of his duties;
 - (b) a Police Officer in the lawful execution of his duties;
 - (c) an Animal Control Officer in the lawful execution of his duties;
 - (d) a member of the Canadian Armed Forces in the lawful execution of his duties; and
 - (f) a person licenced by the Ministry of Natural Resources to carry out duties as assigned to regulate and remove nuisance animals.
8. Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to the penalties prescribed pursuant to the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended.
9. Where a form of words or expression are prescribed in this By-law, deviations therefrom not affecting the substance or calculated to mislead do not vitiate them.
10. If any provision, section, subsection or paragraph of this By-law is held to be invalid by a court of competent jurisdiction, it is hereby declared that all of the remainder of this By-law shall continue in full force and effect until repealed, re-enacted or amended, in whole or in part, or dealt with in any other way by Council.
11. Town of Lincoln By-law No. 70-73 is hereby repealed.
12. This By-law shall come into force and effect on the date of final passing.

BY-LAW read a FIRST time this 5th day of November, 2007.

BY-LAW read a SECOND time this 5th day of November, 2007.

BY-LAW read a THIRD time and FINALLY PASSED this 5th day of November, 2007.


MAYOR: BILL HODGSON


CLERK: WILLIAM J. KOLASA

FIREARMS DISCHARGE BY-LAW MAP

