

THE DISTRICT OF SAANICH

BYLAW NO. 9414

A BYLAW

TO REGULATE THE DISCHARGE OF FIREARMS AND BOWS.

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WHEREAS a municipal council may, by bylaw, regulate or prohibit the discharge of Firearms and of Bows pursuant to Sections 8(3)(e) and 8(5) of the *Community Charter*,

The Municipal Council of the District of Saanich enacts as follows:

**1. DEFINITIONS**

1.1 In this Bylaw, unless the context otherwise requires,

“**Archery**” means the sport of shooting with a drawbow and arrow at a target.

“**Arrow**” means a projectile having a straight thin shaft with a pointed head at one end and often flight-stabilizing vanes at the other, meant to be shot from a bow but does not include projectiles with padded or suction cup ends used in games and other recreational activities.

“**Bow**” means a drawbow, or crossbow

“**Crossbow**” means a bow fixed on a stock with a mechanism to hold the bow drawn and release via a trigger.

“**District**” means the District of Saanich

“**Drawbow**” means a bow that is drawn with the tension supplied by the archer, which does not have a locking mechanism this includes a long bow, recurve bow and composite bow.

“**Conservation Officer**” includes a conservation officer as defined in the *Wildlife Act*, 1996 R.S.B.C. C. 488

“**Pound Inspector**” means any person appointed by the Council to carry out the duties so assigned in the “Animals Bylaw, 1997, No. 7699” or any successor bylaw.

“**Firearm**” means any rifle, pistol, or shotgun, and includes an air gun, air rifle, air pistol includes air guns, air rifles, air pistols and spring guns, but does not include a starting pistol that is incapable of firing a projectile and is used for the discharge of blank ammunition in connection with an athletic sporting event

“**Highway**” means a street, road, lane, bridge, viaduct, forestry road and any other way open to the use of the public, but does not include a private right-of-way on

private property.

**“Urban Containment Boundary”** means the geographic boundary which separates urban from rural land uses as defined in the Official Community Plan Bylaw, 2008, No. 8940” including amendments or any bylaw replacing this bylaw.

**“Legal Shooting Range”** means a place that is designated or intended for the safe discharge, on a regular and structured basis, of firearms for the purpose of target practice or target shooting competitions, and that has required approvals and operates in accordance with all applicable Federal, Provincial and local government statutes, regulations and bylaws including, but not limited to the *Firearm Act [RSBC 1996] c 145 and Firearms Act [S.C. 1995] c.39*.

**“Livestock”** means the same as defined in the *Livestock Act [RSBC 1996]* as may be amended from time to time and, for the purposes of this Bylaw.

**“Zoning Bylaw”** means the District’s “Zoning Bylaw. 2003” Number 8200 including amendments or any Bylaw replacing this Bylaw.

## 2. GENERAL

- 2.1 No person shall discharge any *Firearm* or *Bow* within the *District* except in accordance with this Bylaw.
- 2.2 The provisions of this Bylaw shall not apply to a police officer, special municipal constable, pound inspector, *Conservation Officer*, employees of the Fish and Wildlife Branch, the Department of Fisheries and Oceans, the Canadian Wildlife Service, or a Special Constable of the Society for the Prevention of Cruelty to Animals, who have lawfully authority to use firearms in the performance of their duties.

## 3. FIREARMS AND CROSSBOW DISCHARGE RESTRICTIONS

- 3.1 No person shall discharge any firearm or crossbow within that part of the *District* lying inside the *Urban Containment Boundary*.
- 3.2 No person shall discharge any *firearm* or *crossbow* within that part of the *District* lying outside the *Urban Containment Boundary* except as specifically provided in Sections 4.1 and 5.1 of this Bylaw.

## 4. EXCEPTIONS TO FIREARMS DISCHARGE RESTRICTIONS

- 4.1 A person may discharge a Firearm on lands outside the Urban Containment Boundary when the person:
  - a) is engaged in the humane destruction or slaughter of domestic *Livestock*, where such *Livestock* is legally kept in according to the provisions of the *Zoning Bylaw* and other applicable bylaws.
  - b) is engaged in a commercial slaughterhouse operation which is legally operating in accordance with the *Zoning Bylaw* and other applicable bylaws.

- c) is a member of the Armed Services of Canada and is engaged in practice shooting upon a *Legal Shooting Range*, drill exercises, manoeuvres or ceremonial activities.
- d) is a member of an organized Rifle Association or Pistol Association and is engaged in practice shooting upon a Legal Shooting Range.
- e) is participating in a shooting competition in a Legal Shooting Range

## 5. FURTHER EXCEPTIONS SUBJECT TO PERMITS FROM OTHER AGENCIES

5.1 Subject to provisions of the *Migratory Birds Convention Act*, the *Farm Practices Protection (Right to Farm) Act*, the *Wildlife Act* and all regulations thereto, on lands Zoned for Agricultural use under the *Zoning Bylaw* upon which a farm operation [as defined in the *Farm Practices (Right to Farm) Act*] is being conducted, a person may discharge a *Firearm* or *Crossbow* when the person:

- a) is an owner or occupier of the land, or an employee of an owner or occupier of the land, or a person with the permission of the owner or occupier of the land, and
- b) is the holder of valid and subsisting permits that may be required under the referenced acts to permit discharge of a firearm or crossbow including, but not limited to, a Canadian Wildlife Service Crop Protection Permit, and federal Migratory Game Bird Hunting Permit, and
- c) discharges the firearm or crossbow for the purpose of protecting crops or livestock from birds or animals.

## 6. PROVINCIAL AND FEDERAL FIREARMS LAWS APPLY

Nothing in this Bylaw relieves any person from compliance with all Federal and Provincial laws regarding firearms, including but not limited to the requirement to obtain licenses for the use and possession of firearms.

## 7. BOW DISCHARGE RESTRICTIONS

- 7.1 Discharge of a *crossbow* is subject to the same restrictions as a firearm as set out in Section 3 and exemptions set out in Sections 4.1 and 5.1
- 7.2 The discharge of an arrow from a *drawbow* within the District is limited to recreational *Archery* purposes including the shooting of an arrow with a *drawbow* at a stationary inanimate target.
- 7.3 The person discharging the *drawbow* shall do so only with due regard for the safety and security of other persons and property.

## 8. PENALTY

Any person who is guilty of an infraction of any of the provisions of this bylaw shall, upon Summary conviction, be liable to a penalty of not less than Five Hundred Dollars (\$500.00).

**9. REPEAL**

The “Firearm and Bow Discharge Regulation Bylaw, 2000, No. 8092” and amendments thereto are hereby repealed except insofar as they may repeal any other bylaw.

**10. CITATION**

This Bylaw may be cited for all purposes as **“FIREARM AND BOW DISCHARGE REGULATION BYLAW, 2017, No. 9414.”**

Read a first time this 10<sup>th</sup> day of July, 2017.

Read a second time this 10<sup>th</sup> day of July, 2017.

Read a third time this 17<sup>th</sup> day of July, 2017.

Adopted by Council, signed by the Mayor and Clerk and sealed with the Corporate Seal on the day 24<sup>th</sup> day of July, 2017.

“SHARON FROUD”

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Deputy Municipal Clerk

“RICHARD ATWELL”

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Mayor