

BYLAW 2017-06

A BYLAW OF THE TOWN OF HERBERT, IN THE PROVINCE OF SASKATCHEWAN TO PROVIDE FOR THE CONTROL AND REGULATIONS OF FIREARMS.

WHEREAS, section 8(1) of the Municipalities Act authorizes a Council to pass any bylaw that is considered expedient for the safety, health and welfare of people and the protection of people and property; and

WHEREAS the Council of the Town of Herbert deems it expedient to provide for the control and regulation of firearms within the town of Herbert.

THE COUNCIL OF THE TOWN OF HERBERT, IN THE PROVINCE OF SASKATCHEWAN, ENACTS THE FOLLOWING:

1.0 This Bylaw shall be cited as the “Firearms Bylaw”

2.0 Definitions:

2.1 For the purpose of this bylaw the expression:

2.1.1 “Town” means the Town of Herbert

2.1.2 “Council” means the Council of the Town of Herbert

2.1.3 “Firearm” means a firearm as defined in The Criminal Code of Canada.

2.1.4 “Officer” means a member of the Royal Canadian Mounted Police or Bylaw Enforcement Officer appointed pursuant to Section 373 (1) of The Municipalities Act.

2.1.5 “Owner” means the owner of property or the person in charge or control of property.

2.1.6 “Person” means any individual, firm, company or partnership.

2.1.7 “Pest Control Officer” means any person appointed to trap, hunt and dispose of any pest animals.

3.0 REGULATIONS

- 3.1 No person shall discharge any firearm within the Town, except as provided elsewhere in this bylaw.
- 3.2 No person shall discharge any firearm in such a manner so that the projectile crosses the limits of the Town.
- 3.3 This bylaw does not apply to peace officers as defined by The Criminal Code of Canada.

4.0 PEST CONTROL

- 4.1 The Administrator may appoint a Pest Control Officer to trap, hunt and dispose of animals pursuant to subsections 4.3, 4.4 and 4.5 of this bylaw.
 - 4.1.1 The appointment shall commence upon receipt of the requirements in subsection 4.2 of this bylaw.
- 4.2 A Pest Control Officer shall provide the Town with:
 - 4.2.1 a criminal record check from the Royal Canadian Mounted Police;
 - 4.2.2 a copy of their current Firearms License (Possession Acquisition); and
 - 4.2.3 a Nuisance Wildlife Control Permit from Saskatchewan Environment.
- 4.3 Pursuant to clause 6(2) of The Wildlife Regulations, 1981, a Pest Control Officer may capture or kill any wildlife that is wounded, diseased, a danger to the public or a public nuisance.
- 4.4 Pursuant to clause 13(3) of The Wildlife Regulations, 1981, a Pest Control Officer may hunt those animals listed on clauses 4(1)(f), (g) and (h) of the Wildlife Regulations, 1981 within 500 (five hundred) meters of any building, stockade or corral within the Town without the consent of the owner.
- 4.5 Pursuant to clause 13(3.1) of The Wildlife Regulations, 1981, a Pest Control Officer may hunt animals other than those listed on clauses 4(1)(f), (g) and (h) of the Wildlife Regulations, 1981 within

500 (five hundred) meters of any building, stockade or corral within the Town without the consent of the owner.

5.0 VOLUNTARY PENALTY

- 5.1 Where an officer believes that a person has contravened any provision of this bylaw, the officer may issue a Bylaw Violation Tag for not less than \$100.00 nor more than \$500.00.
- 5.2 Service of a Bylaw Violation Tag shall be by regular mail or by leaving at the person's last known address and such service shall be adequate for the purpose of this bylaw.
- 5.3 A Bylaw Violation Tag shall be in such form as determined by the Town and shall state the section and the amount which will be accepted by the Town in lieu of prosecution.
- 5.4 Upon payment of a Bylaw Violation Tag within fifteen (15) day from the issue, the person to whom the tag was issued shall not be liable for prosecution for the contravention in respect to which the tag was issued.
- 5.5 Notwithstanding the provisions of this section, a person to whom a Bylaw Violation Tag has been issued pursuant to this section may exercise their right to defend any charge of committing a contravention of any provisions of this bylaw.

6.0 OFFENCES AND PENALTIES

- 6.1 A person who violates any provision of this bylaw or fails to comply therewith is guilty of an offence and shall be liable on summary conviction to a penalty not exceeding \$2,000.00 for individuals: \$5,000.00 for corporations.
- 6.2 Where an officer on reasonable or probable grounds believes that a person is committing or has committed an offence under Section 3.0 of this bylaw, the officer may seize the firearm involved in such offence.
- 6.3 If an officer seizes a firearm pursuant to subsection 6.2 the officer shall, within 30 (thirty) clear days institute proceedings against the person believed to have committed the offence or deliver possession of the seized firearm to the owner of the firearm.

- 6.4 Notwithstanding anything contained in subsection 6.3 if the owner of the firearm is 15 (fifteen) years of age or younger, possession of the seized firearm shall not be given to the owner but possession shall be given to the owner's parent or guardian.
- 6.5 If a firearm seized pursuant to subsection 6.2 and proceedings are instituted within the time specified, possession of the firearm shall not be delivered to the owner or the owner's parent or guardian unless and until the court has adjudicated the Defendant in the proceedings not guilty of the offence.

7.0 SEVERABILITY

If a court of competent jurisdiction should declare any section or subsection of this Bylaw to be invalid, such section or subsection shall not be construed as having persuaded the Council to pass the remainder of the Bylaw, and it is hereby declared that the remainder of this Bylaw shall be valid and remain in force.

8.0 EFFECTIVE DATE

This Bylaw shall come into force and have effect from and after the date of the final reading.

_____ Date _____
Mayor

_____ Date _____
CAO