

**THE CORPORATION OF THE TOWNSHIP OF MANITOUWADGE**

**BY-LAW NO. 2017 - 08**

**Being a By-Law to regulate and prohibit  
the discharge of firearms within the  
Township of Manitouwadge**

**WHEREAS** the Council of the Corporation of the Township of Manitouwadge, in the interest of public safety, deems it necessary to prohibit the discharge of firearms within certain areas of the Township of Manitouwadge;

**AND WHEREAS** under Section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** under Section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**AND WHEREAS** under Section 10 (1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

**AND WHEREAS** under Section 10 (2) 6 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may pass by-laws with respect to matters of health, safety and well-being of persons;

**AND WHEREAS** Section 119 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a 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;

**AND WHEREAS** Section 425(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the Act is guilty of an offence;

**AND WHEREAS** Section 429(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under the Act;

**AND WHEREAS** Section 429 (2) (d) of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended, provides that a municipality may establish special fines in addition to the regular fine for an offence which are designed to eliminate or reduce any economic advantage or gain from contravening the by-law.

**NOW THEREFORE** the Council of The Corporation of the Township of Manitouwadge hereby enacts the following as a by-law:

1. That Council adopts a by-law to regulate and control the discharge of firearms within certain areas of the Township of Manitouwadge identified as Schedule "A", attached hereto and forming part of this by-law;

2. That all by-laws respecting firearms and the discharge of firearms enacted by the Corporation of the Township of Manitowadge (more specifically By-law 2004-28 and By-law 94-39), are hereby repealed.

3. That the Clerk of the Corporation of the Township of Manitowadge is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the by-law and schedule, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

4. That the special fine in addition to the set fine to eliminate or reduce any economic advantage or gain from contravening the by-law will be:

In the case of a Moose \$2000.00.

In a case of a Black Bear \$2000.00

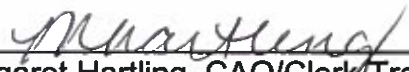
In a case of a Timber Wolf or Coyote \$1000.00

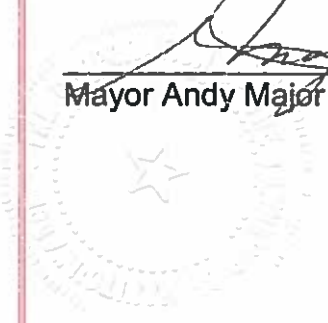
In a case of a Ruffed Grouse \$300.00

5. That this by-Law shall come into force and take effect on the date of its final passing.

**READ A 1<sup>st</sup> and 2<sup>nd</sup> TIME this 22 day of February , 2017 and READ A THIRD TIME AND FINALLY ENACTED this 22 day of February , 2017.**

  
\_\_\_\_\_  
Mayor Andy Major

  
\_\_\_\_\_  
Margaret Hartling, CAO/Clerk/Treasurer



**THE CORPORATION OF THE TOWNSHIP OF MANITOUWADGE**

**SCHEDULE "A" TO BY-LAW NO. 2017-08**

**BEING A BY-LAW TO REGULATE AND CONTROL THE DISCHARGE OF  
FIREARMS WITHIN THE TOWNSHIP OF MANITOUWADGE**

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**PART 1  
GENERAL PROVISIONS**

**SECTION**

**1.1 Short Title**

This By-law shall be cited as the "Firearms By-Law ".

**1.2 Scope**

The provision of this By-law shall apply to all property in the Township of Manitowadge within the prohibited zone and where permanent or temporary signs prohibiting firearms or their discharge are erected.

**1.3 Enforcement**

This By-law shall be enforced by a By-Law Enforcement Officer, and may be enforced by a Police Officer or Conservation Officer.

**1.4 Conflicts with other By-Law**

Where a provision of this By-law conflicts with a provision of another by-law in force in the Municipality the provisions that establishes the higher standard in terms of protecting the health, safety and welfare of the general public and the environmental well-being of the municipality, shall prevail to the extent of the conflict.

## PART 2

### DEFINITIONS

Definitions of words, phrases and terms used in this By-Law that are not included in the list of definitions in this section shall have the meanings which are commonly assigned to them in the context in which they are used in this By-Law.

The words, phrases and terms defined in this section have the following meaning for the purposes of this By-Law.

### SECTION

- 2.1 **“Agent of the Municipality”** means an employee of the Township of Manitouwadge in the performance of his or her duties.
- 2.2 **“Bear Technician”** means an employee of the Ministry of Natural Resources Bear Wise Program in the performance of his or her duties.
- 2.3 **“By-Law Enforcement Officer”** means the *person or persons* duly appointed by *Council* as Municipal Law Enforcement Officers for the purpose of enforcing regulatory by-laws of the *Municipality*.
- 2.4 **“Conservation Officer”** means a Conservation Officer under the Fish and Wildlife Conservation Act
- 2.5 **“Council”** means the Council of The Corporation of the Township of Manitouwadge
- 2.6 **“Firearm”** means any type of gun or other firearms, shotgun, rifle, air-gun, pellet gun, spring gun, cross-bow, long-bow, compound bow or any class or type thereof or anything that can be adapted for use as a firearm.
- 2.7 **“Loaded Firearm”** for the purposes of this By-law, a firearm is loaded if,
- (a) in the case of a firearm that uses shells or cartridges, there is an unfired shell or cartridge in the chamber or in a magazine attached to the firearm;
  - (b) in the case of a percussion muzzle-loading gun, there is a charge of powder and a projectile in the barrel and a percussion cap on the nipple;
  - (c) in the case of a muzzle-loading gun to which clause (b) does not apply, there is a charge of powder and a projectile in the barrel and the vent is unplugged;
  - (d) in the case of a gun to which clauses (a), (b) and (c) do not apply, there is a projectile in the gun or in a magazine attached to the gun;
  - (e) in the case of a crossbow, the bow is cocked and there is a bolt in the crossbow; and
  - (f) in the case of a bow other than a crossbow, the bow is strung and an arrow is nocked. 1997, c. 41, s. 1 (7).
- 2.8 **“Municipality”** means the same as the Township of Manitouwadge

- 2.9           **“Person”** means an individual, firm or corporation.
- 2.10           **“Police Officer”** means a member of the Ontario Provincial Police Service.
- 2.11           **“Prohibited Area”** means an area where temporary or permanent signs have been erected prohibiting loaded firearms or their discharge in any portion of the Municipality not contain within section 2.12 for the purpose of ensuring the safety of people.
- 2.12           **“Prohibited Zone”** means the areas in the Municipality delineated as such in Appendix “2” attached hereto and forming part of this Schedule and defined as all that portion of the Corporation of the Township of Manitouwadge comprising parts of the geographic township of Leslie, Gertrude, Mapledoram and Gemmel, contained within a circle which is radially distant:
- (a)    three (3) kilometers from a concentric point defined as the centre of the traffic circle located at the intersection of Manitou Roads East and West, Ohsweken Road and Mississauga Drive, within the Manitouwadge Townsite.
  - (b)    two (2) kilometers from a concentric point defined as the rotating beacon light atop the Manitouwadge Municipal Airport Terminal located approximately four (4) kilometers south of the Manitouwadge Townsite Boundaries off Highway 614.
  - (c)    two (2) kilometers from a concentric point defined as the center of the entrance gate at the Manitouwadge Municipal Landfill site located approximately seven (7) kilometers west on the Caramat Industrial Road from its intersection with highway 614.
- 2.13           **“Provincial Offences Act”** means the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.
- 2.14           **“Radially** means made in the direction of a radius; going from the center outward.
- 2.15           **“Township of Manitouwadge”** means The Corporation of the Township of Manitouwadge.

**PART 3  
PROHIBITIONS**

**SECTION**

- 3.1           No person shall discharge a firearm within the prohibited zone.
- 3.2           No person shall possess a loaded firearm within the prohibited zone.
- 3.3           No person shall discharge a firearm within a prohibited area.
- 3.4           No person shall possess a loaded firearm within a prohibited area.

**PART 4  
EXEMPTIONS**

**SECTION**

- 4.1 The provision of this By-law shall not apply to a Police Officer, By-Law Enforcement Officer, Agent of the Municipality or a Bear Technician during the lawful execution of their duties.
- 4.2 The provision of this By-law shall not apply to a licensed trapper while engaged in trapping activities on property which they have legal authority.
- 4.3 The provision of this By-law shall not apply to persons engaged in indoor archery.

**PART 5  
NOTICE REQUIREMENT**

**SECTION**

5. In accordance with Section 5(1) of the *Trespass to Property Act*, R.S.O. 1990, c. T.21, notice of the prohibitions set out in sections 3.1, 3.2, 3.3 and 3.4 and defined in section 2.11 and 2.12 is hereby given. In addition, the Chief Administrative Officer of the Township of Manitouwadge shall post Appendix 2 of Schedule "A" on the Township of Manitouwadge website and by posting same in a conspicuous location in the Municipal Office, the Post Office, Service Ontario Office and in the Manitouwadge Detachment of the Ontario Provincial Police.

**PART 6  
PENALTIES**

**SECTION**

6. "Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990,c.P.33".

**PART 7  
VALIDITY**

**SECTION**

7. If any section, clause, or provision of this By-law, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not effect the validity of the By-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

**THE CORPORATION OF THE TOWNSHIP OF MANITOUWADGE**  
**Appendix "1" of Schedule "A"**  
**TO FIREARMS BY-LAW NO. 2017-08**

**PART 1 PROVINCIAL OFFENCES ACT**

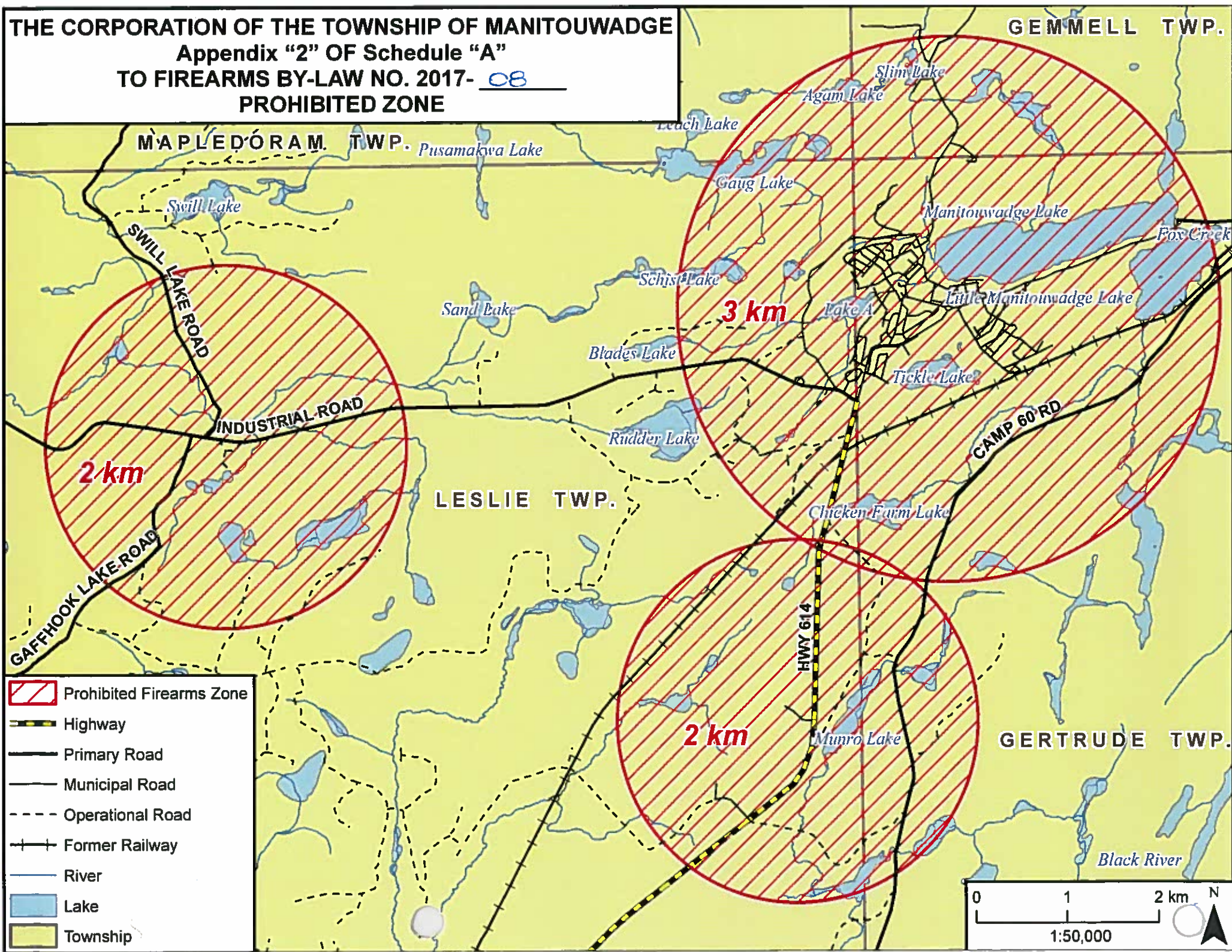
**SET FINES**


<b>Item</b>	<b>COLUMN 1 Short form wording</b>	<b>COLUMN 2 Provision creating or defining offence</b>	<b>COLUMN 3 Set fine</b>
1	Discharge a <i>firearm</i> within <i>prohibited zone</i> .	Sch. A, section 3.1	\$300.00
2	Possess a loaded <i>firearm</i> within prohibited Zone	Sch. A, section 3.2	\$200.00
3	Discharge a firearm within prohibited area.	Sch. A, section 3.3	\$300.00
4	Possess a loaded <i>firearm</i> within prohibited area	Sch. A, section 3.4	\$200.00

**Note: The general penalty provision for the offences listed above is Schedule "A", Section 6 of By-law No. 2017-08, a certified copy of which has been filed.**



**THE CORPORATION OF THE TOWNSHIP OF MANITOUWADGE**  
**Appendix "2" OF Schedule "A"**  
**TO FIREARMS BY-LAW NO. 2017-08**  
**PROHIBITED ZONE**



-  Prohibited Firearms Zone
-  Highway
-  Primary Road
-  Municipal Road
-  Operational Road
-  Former Railway
-  River
-  Lake
-  Township

