



DISTRICT OF NORTH SAANICH

BYLAW NO. 1392

A BYLAW TO REGULATE FIREARMS WITHIN THE DISTRICT OF NORTH SAANICH

Under its statutory powers, including paragraph 8 (3) (e) and subsection 8 (5) of the *Community Charter*, the Council of the District of North Saanich, in open meeting assembled, enacts as follows:

CITATION

1. This Bylaw may be known and cited for all purposes as “North Saanich Firearms Bylaw No. 1392”.

DEFINITIONS

2. In this bylaw:

Bow includes a long bow, recurve bow, composite bow, or crossbow.

Firearm includes any barreled weapon using as a propellant, compressed air, explosives, or gas from which any shot, bullet, or other projectile can be discharged but does not include a starting pistol in connection with an athletic or sporting event where blank ammunition is used, in accordance with the *Firearms Act*, as amended, and the *Criminal Code of Canada*, as amended.

District means the District of North Saanich.

Enforcement Officer means a person employed by the District of North Saanich as a Bylaw Enforcement Officer or any member of the Sidney/North Saanich RCMP.

OIC means the Officer in Charge of the Sidney/North Saanich RCMP.

EXEMPTIONS

3. This Bylaw, does not apply to:
 - (a) a peace officer, a conservation officer under the *Wildlife Act*, an enforcement officer of the Department of Fisheries and Oceans, an employee of the Canadian Wildlife service, or a person appointed to enforce the District’s Animal Control Bylaw, when engaged in the lawful performance of their duties;
 - (b) land located in the Agricultural Land Reserve where a firearm or bow is discharged for the purpose of:
 - (i) the protection of agricultural crops, livestock, or domestic animals from wildlife; or
 - (ii) the humane destruction of livestock;
 - (c) 1353 McTavish Road, North Saanich, BC provided the firearm or bow is discharged in association with activities supervised by the North Saanich Rod & Gun Club;

- (d) An employee of the Victoria International Airport authorized by the Airport Manager to discharge a shotgun inside the Airport fence for the sole purpose of scaring birds deemed to be a hazard to aircraft operations;
- (e) Members of the Armed Services of Canada lawfully engaged in practice shooting upon a properly constructed rifle range, or lawfully engaged in drill exercises or manoeuvres;
- (f) Land owners or their delegated representatives who are suffering damage or danger from geese that have lawfully obtained a permit under the Migratory Birds Regulations may kill up to 10 Canada Geese per day on their land: and
- (g) The Animal Control Officer, duly appointed for the District of North Saanich from time to time, provided:
 - (i) the firearm is used for destroying an injured animal where in the opinion of the Animal Control Officer and one other person, this action is necessary to prevent further suffering; or
 - (ii) the firearm is used for killing a dog or dogs running at large and attacking or viciously pursuing a person or domestic animal; and
 - (iii) the use of the firearm is consistent with the *Firearms Act*, the *Wildlife Act* and the Criminal Code of Canada, regarding the possession and use of firearms.

GENERAL REGULATIONS

- 4. No person shall discharge a firearm or bow except under the authority of a permit issued by the Sidney/North Saanich RCMP in accordance with this Bylaw.

ISSUANCE OF PERMITS

- 5. The OIC may issue a permit on terms related to the safety and convenience of the public that the OIC or their designate consider reasonable to:
 - (a) a person who is the owner, or who is acting under the authority of the owner, of land, or two or more contiguous parcels of land, having an area, or combined area, equal to or greater than 2 hectares (5 acres), where the discharge of the firearm or bow is for the purposes of:
 - (i) the protection of agricultural crops, livestock, or domestic animals from wildlife; or
 - (ii) the humane destruction of livestock; or
 - (b) a person who is the owner, or who is acting under the authority of the owner, of land located in the District, upon which that person is discharging blank rounds with a firearm in order to protect agricultural crops, livestock, or domestic animals from wildlife.

PERMIT APPLICATIONS

- 6. An application for a permit, made to the OIC, shall be in the form prescribed for that purpose, and shall be accompanied by:
 - (a) an application fee of \$25.00; and

- (b) where the application is for the discharge of a firearm, evidence of a valid Firearm Possession and Acquisition Licence.

PERMIT CONDITIONS

7. In addition to any terms and conditions imposed pursuant to Section 5 of this Bylaw, it shall be a condition of every permit that:
 - (a) no firearm may be discharged within 100 metres of a District park, trail or walkway, highway, place of business, church, school building, school yard or playground, dwelling house, farm building occupied by persons or animals, regional district park or any other place at or in which persons are assembled, except as specifically authorized by a permit;
 - (b) no bow may be discharged within 100 metres of a District park, trail or walkway, highway, place of business church, school building, school yard or playground, dwelling house, farm building occupied by persons or animals, or regional district park, or any other place at or in which persons are assembled, except as specifically authorized by a permit;
 - (c) the permit expires not more than one year from the date of its issuance; and
 - (d) any other condition(s) deemed appropriate by the OIC.

GENERAL

8. Nothing contained in or permitted in this Bylaw shall abrogate or relieve any obligation of any person pursuant to any applicable provincial or federal act or regulation with regard to the discharge of firearms.

ENFORCEMENT

9. No person shall obstruct an Enforcement Officer in the administration or enforcement of this Bylaw.
10. Every person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw, who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw or who does any act which violates any of the provisions of this bylaw, is guilty of an offence against this bylaw and liable to the penalties hereby imposed.
11. Each day that a violation continues to exist shall constitute a separate offence.
12. Every person who commits an offence against this bylaw is liable to a fine and penalty of not more than \$10,000.00 and not less than \$500.00 for each offence, and in default of payment thereof, forthwith or within such time as the presiding Provincial Court Judge of the Peace shall direct the fine imposed shall be recoverable under the provisions of the *Offence Act* R.S.B.C. 1996, Chapter 338 and all amendments.

SEVERABILITY

13. If a court of competent jurisdiction should declare any section or part of a section of this bylaw to be invalid, such declaration shall not affect the validity of the remainder of this bylaw all of which shall remain valid and in force.

REPEAL

14. Bylaw No. 846 and all amendments are hereby repealed.

READ A FIRST TIME the 20th day of June, 2016

READ A SECOND TIME the 20th day of June, 2016

AMENDED AT SECOND READING the 18th day of July, 2016

READ A THIRD TIME the 18th day of July, 2016

FINALLY ADOPTED the 15th day of August, 2016





MAYOR



CORPORATE OFFICER