

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5399

A bylaw to regulate, prohibit and impose requirements with regards to the discharge and use of dangerous weapons.

WHEREAS the Municipal Council of the City of Vernon is provided authority under section 8(5) of the Community Charter to regulate and prohibit in relation to the discharge of firearms,

AND WHEREAS the City is provided authority under section 8(4)(e) of the Community Charter to regulate, prohibit and impose requirements in relation to bows and arrows, knives and other weapons,

AND WHEREAS the City is provided authority under section 154 of the Community Charter to delegate it's authority in relation to the issuance of permits under this bylaw,

NOW THEREFORE, the Municipal Council of the Corporation of the City of Vernon, in open meeting assembled, enacts as follows:

1. This bylaw may for all purposes be cited as **“The City of Vernon Firearms and Weapons Bylaw Number 5399, 2012”**.
2. In this bylaw:

“Arrow” means a missile 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 long bow or crossbow.

“Bylaw Enforcement Officer” includes a Peace Officer or contractor working for the City of Vernon providing animal or pest control services.

“Firearm” shall mean any gun using, as a propellant, explosives, compressed air, or gas; and shall include air guns, air rifles, air pistols and spring guns.

"Exploding Projectile Animal Deterrant" means devices designed to scare away pest animals also known as scare cannons, bear or bird bangers, and includes devices firing pyrotechnic charges, flares, screamers or flaming whistles.

“Long bow” includes a longbow, recurve bow and compound bow.

“Crossbow” means a bow fixed across a stock with a groove for the arrow or bolt and a mechanism for holding and releasing the string.

“Peace Officer” shall mean a constable or person having the powers of a constable.

“Permit” is a completed form as shown in Schedule A as approved and issued by the Manager –Bylaw Enforcement.

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“Weapon” means a firearm, compressed gas or spring-powered pistol or rifle, bow and arrow, crossbow, blowgun, speargun, hand-thrown spear, slingshot, irritant gas device, explosive device, or any other implement designed to discharge missiles, and includes a weapon the possession of which is prohibited under the Criminal Code of Canada.

3. Council delegates their powers under Section 15 of the Community Charter to the Manager – Bylaw Enforcement. As per section 156 of the Community Charter, Council may overturn a delegated decision made under this section upon appeal or otherwise.
4. No person may obstruct a bylaw enforcement officer or peace officer in the fulfillment of their duties.
5. No person shall discharge a firearm within the corporate boundaries of the City.
6. The following persons are exempt from the requirements of section 5 of this bylaw:
 - a. Bylaw Enforcement Officers;
 - b. Bona fide farmers or their designate while engaged in the destruction of predators or the protection of crops acting in accordance with the *Farm Practices Protection (Right to Farm) Act*, on a parcel owned or occupied by the farmer.
7. Despite section 5 of this bylaw; the Manager – Bylaw Enforcement may issue a permit in the form attached to this bylaw as Schedule A for the discharge of a firearm in the following circumstances:
 - a. the discharge of blanks for and during military pageants, salutes, funerals and exercises, or during movie or TV film events.
 - b. the discharge of blanks by civilian or military groups for and during special occasions being celebrated within the municipality, including Vernon Winter Carnival, Canada Day and Remembrance Day.
 - c. the discharge of an exploding projectile animal deterrent where bears or other dangerous wildlife are frequenting areas in the community and coming into contact with community members.
8. No person shall discharge a longbow or crossbow within the corporate boundaries of the City.

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9. The following persons are exempt from the requirements of section 8 of this bylaw:
 - a. Bylaw Enforcement Officers;
 - b. Hunters or predator control contractors in compliance with the Wildlife Act while on properties larger than 2 hectares in size,
 - c. Bona fide farmers or their designate while engaged in the destruction of predators or the protection of crops acting in accordance with the *Farm Practices Protection (Right to Farm) Act*, on a parcel owned or occupied by the farmer.
 - d. Students of School District 22 during school hours, while being trained in the use of a bow and arrow, and while under the supervision of a teacher or person of responsibility.
 - e. Individuals involved in an archery competition/practice hosted by a recognized and organized group or archery club meeting the standards set by the Federation of Canadian Archers for safety.
10. Despite section 8 of this bylaw, the Manager – Bylaw Enforcement may issue a permit in the form attached to this bylaw as Schedule A for the discharge of a long bow or crossbow for target shooting, on a property less than 2 hectares in size, meeting the Manager - Bylaw Enforcement's requirements. A permit issued under this section expires on December 31st of each year.
11. All arrows to be used by individuals exempted under sections 9a, 9b, and 9c must be marked in a permanent manner in order to allow the identification of the owner.
12. This bylaw may be enforced by means of a municipal ticket or bylaw notice in the forms prescribed for those purposes in the Community Charter and Bylaw Notice Enforcement Act. Designated offences, bylaw enforcement officers, fines, fine reductions or surcharges are as set out within City's Municipal Ticket Information Bylaw # 5300 and Bylaw Notice Enforcement Bylaw # 5250.
13. Every person who:
 - a. contravenes any of the provisions of this Bylaw; or
 - b. causes or permits or allows any act or thing to be done in contravention or violation of any of the provisions of this Bylaw; or
 - c. neglects or refrains from doing anything required to be done by any of the provisions of this Bylaw,

is guilty of an offence and upon conviction shall be liable to a fine and penalty of not less than Five Hundred Dollars (\$500.00) and not more than Ten Thousand Dollars (\$10,000.00), and to the cost of prosecution, and to imprisonment for a

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term not more than 6 months. Each day such offence continues is deemed to constitute a separate offence and separate fines, each not exceeding the maximum fine for that offence, may be imposed for each day or part thereof in respect of which the offence occurs or continues.

14. In addition to penalties set out in section 13, a court may also make orders in accordance with section 263.1 of the Community Charter, as amended.
15. Nothing in this bylaw limits the City from utilizing any other remedy that would otherwise be available to the City at law, including remedies available through prosecution or civil remedies, including injunction.
16. If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsequent, paragraph, subparagraph, clause or phrase.
17. Bylaw # 2523 being cited as "City of Vernon Discharge of Firearm Bylaw" is hereby repealed.

READ A FIRST TIME this 26th day of November, 2012.

READ A SECOND TIME this 26th day of November, 2012.

READ A THIRD TIME this 26th day of November, 2012.

ADOPTED this 10th day of December, 2012.

"R. Sawatzky"

"P. Bridal"

Mayor

Corporate Officer

SCHEDULE "A" TO BYLAW #5399



CORPORATION OF THE CITY OF VERNON
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FIREARMS AND WEAPONS BYLAW

PERMIT APPLICATION

DATE OF APPLICATION: _____

Permit Number: _____

Name of Applicant	BUSINESS LICENCE #:		
	PHONE:	FAX:	CELL:
REASON FOR REQUEST			
DATES REQUESTED	FROM:	To:	
RCMP CONTACT PERSON			
IF EVENT ASSOCIATED	LOCATION:	TIME:	
RATES	DISCHARGE OF FIREARM PERMIT		FEE: AS PER FEES & CHARGES BYLAW
	DISCHARGE OF LONG BOW OR CROSSBOW PERMIT		FEE: AS PER FEES & CHARGES BYLAW
NOTE:	<p>IN CONSIDERATION OF BEING ISSUED THE ABOVE PERMIT, THE UNDERSIGNED HEREBY AGREES TO ENSURE MAXIMUM PROTECTION TO ANY PARTICIPANT IN AN EVENT OR OCCASION WHERE FIREARMS MAY BE OR WILL BE DISCHARGED. THE UNDERSIGNED FURTHER COVENANTS AND AGREES TO INDEMNIFY AND SAVE THE CITY OF VERNON HARMLESS FROM ANY LOSS, DANGERS, CLAIMS, DAMAGES OR COSTS IN CONNECTION WITH ANY ALLEGED DAMAGES OR INJURIES DIRECTLY OR INDIRECTLY RESULTING FROM THE DISCHARGE OF THE FIREARM OR THE USE OF AN IRRITANT GAS DEVICE.</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">SIGNATURE OF APPLICANT</p>		
COMMENTS:			
ISSUE DATE:	FEE:\$	APPROVED BY:	