

DISTRICT OF MISSION

BYLAW 5433-2014

A Bylaw to Regulate the Discharge of Firearms

WHEREAS a municipal council may, by bylaw, regulate or prohibit the discharge of Firearms pursuant to Section 8(5) of the *Community Charter*;

NOW THEREFORE the Council of the District of Mission, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as "District of Mission Discharge of Firearms Regulation Bylaw 5433-2014".
2. "District of Mission Discharge of Firearms Regulation Bylaw 2568-1993", and all amendments thereto, are hereby repealed.

Interpretation

3. In this Bylaw, unless the context otherwise requires,
 - (a) "**District**" means the District of Mission.
 - (b) "**Firearm**" means a rifle, pistol or shotgun, and includes an air gun, air rifle, air pistol and spring gun, 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 or sporting event.
 - (c) "**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.
 - (d) "**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 is licensed and operates in accordance with all applicable Federal, Provincial and local government statutes, regulations and bylaws.
 - (e) "**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, also includes aquaculture and fish as defined in the *Fisheries Act* (RSBC 1996), as may be amended from time to time.
 - (f) "**Permit**" means a permit issued by the Corporate Officer in accordance with the provisions of this Bylaw.

Prohibition

4. No person shall discharge a Firearm anywhere within the District except as permitted under this Bylaw.
5. No person shall discharge a Firearm within those areas of the District shown as Area A on Schedule "A" attached to and forming part of this Bylaw, except as otherwise provided under Sections 12 and 19.

6. No person shall discharge a Firearm for the purpose of target practice of any kind in the District, except on a Legal Shooting Range.
7. No person shall discharge a Firearm:
 - (a) on or across any Highway;
 - (b) within 150 metres of any school building, school yard, public park, playground or church;
or
 - (c) within 150 metres of any workshop, place of business, dwelling house, farm building, Highway or place where people are assembled or engaged in work of any kind unless discharging same within the provisions of Section 12 or Section 19.
8. No person shall discharge a firearm utilizing a single projectile anywhere in the District except as specifically provided under Section 10, Section 11 and Section 12.
9. No person shall discharge a firearm in such a way that the projectile goes into, over or through an area of the District where the discharge of firearms is prohibited under this Bylaw.

Regulations

10. Notwithstanding Sections 4 and 8 of this Bylaw, but subject to the *Migratory Birds Convention Act*, the *Wildlife Act* and the *Farm Practices Protection (Right to Farm) Act*, and all regulations thereto, a person may discharge a Firearm within the District when:
 - (a) he/she is engaged in a farm operation [as defined in the *Farm Practices Protection (Right to Farm) Act*] and the Firearm is discharged for the purpose of protecting crops or Livestock from birds or animals; or
 - (b) he/she is engaged in the humane destruction or slaughter of domestic Livestock, where such Livestock is legally kept according to the provisions of other applicable District bylaws; or
 - (c) he/she is engaged in a commercial slaughterhouse operation; or
 - (d) he/she is engaged in shooting on a Legal Shooting Range duly authorized by a Permit issued under Section 12 of this Bylaw.
11. A person may, without a Permit, subject to the applicable laws and regulations of the Province of British Columbia and the Dominion of Canada, discharge:
 - (a) a shotgun utilizing ammunition with shot only while hunting in the area shown as Area B on Schedule "A";
 - (b) a shotgun utilizing ammunition with a single projectile or shot while hunting in the area shown as Area C on Schedule "A";
 - (c) a rifle or shotgun utilizing ammunition with shot or a single projectile while hunting in the area shown as Area D on Schedule "A";

during that period of the year when the hunting of wildlife or waterfowl may be carried out in accordance with the laws of the Province of British Columbia, AND

provided that person is a holder of a valid and subsisting hunting license issued by the Province of British Columbia under the *Wildlife Act*, and any other documentation that is

required by the laws of British Columbia and of Canada for the hunting and killing of such wildlife.

Permit

12. A Permit to discharge a Firearm within the limits of the District shall be required for the operation of a Legal Shooting Range.
13. Application for a Permit as required under Section 12 shall be made in writing to the Corporate Officer of the District on the form approved by the Corporate Officer. The Corporate Officer is authorized to issue a Permit when the application is in compliance with the provisions of this Bylaw.
14. A Permit under Section 12 may be issued for a term of no more than:
 - (a) two (2) years; or
 - (b) where the applicant applies to renew a Permit, and provided the applicant has complied with the terms and conditions of the Permit and the requirements of this Bylaw throughout the previous term, five (5) years.
15. A Permit under Section 12 for the discharge of Firearms at a Legal Shooting Range may be issued providing the applicant is covered by an existing third party public liability and property damage insurance policy that remains in force for the duration of the Permit:
 - (a) in the minimum amount of \$2,000,000.00 per occurrence; and
 - (b) that has the District of Mission as an additional insured.
16. An applicant for a Permit must provide a copy of his or her existing insurance policy to the Corporate Officer and must sign a waiver of liability form prepared by the District of Mission, saving it harmless of any and all claims made against the District of Mission that may arise from the applicant's discharge of a Firearm.
17. The holder of a Permit must provide the Corporate Officer with evidence that the policy of insurance required under Section 15 remains in force, upon request.
18. If the insurance policy required pursuant to Section 15 is cancelled, revoked or is not maintained in force throughout the term of the Permit, the Corporate Officer shall cancel the Permit.

Exceptions

19. The provisions of this Bylaw do not apply to a Peace Officer, an employee of the Province of British Columbia, Government of Canada or the District, or a Special Constable of the Society for the Prevention of Cruelty to Animals, who discharges a Firearm in the performance of duty.
20. The provisions of this Bylaw do not apply when the discharge of Firearms is conducted by a person who is the holder of a valid resident trapping license and a resident hunting or firearms license issued by the Province of British Columbia who has produced written permission from the owner or the lessee of the lands upon which he proposes to operate his trap line.

Penalty

21. Any person guilty of an infraction of this Bylaw shall be liable, upon summary conviction, to a fine of not less than \$500.00 and not more than the maximum penalty provided by the *Offence Act*, and, where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.

Severability

22. If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Bylaw.

READ A FIRST TIME this 5th day of May, 2014

READ A SECOND TIME this 5th day of May, 2014

READ A THIRD TIME this 5th day of May, 2014

ADOPTED this 20th day of May, 2014



WALTER (TED) ADLEM, MAYOR



KEN BJORGAARD, CHIEF ADMINISTRATIVE
OFFICER (Interim Corporate Officer)

SCHEDULE "A"

