

BYLAW NO 09-2021
A BYLAW OF THE TOWN OF FOAM LAKE TO PROVIDE FOR THE CONTROL AND
REGULATION OF FIREARMS IN THE TOWN OF FOAM LAKE

Whereas, Section 8(1) of *The Municipalities Act* authorizes a Council to pass any bylaw that is considered expedient for promoting the health, safety and welfare of the inhabitants; and

Whereas, the Council of the Town of Foam Lake deems it expedient to provide for the control and regulation of firearms within the Town of Foam Lake,

Therefore, the Council of the Town of Foam Lake, in the Province of Saskatchewan, in Council assembled enact as follows:

1.0 Title

This Bylaw may be cited as the Firearms Bylaw.

2.0 Purpose

To establish a provision for Nuisance Wildlife Control Officers to control pests and other animals with the use of a firearm in order to protect, preserve and perpetuate the health, beauty and safety of the Town of Foam Lake for the enjoyment of its citizens.

3.0 Definitions

In this Bylaw:

- 3.1 “Town” means The Town of Foam Lake
- 3.2 “Council” means the Council of the Town of Foam Lake
- 3.3 “Chief Administrative Officer” means the Administrator for the Town of Foam Lake or any person authorized to act on their behalf.
- 3.4 “Firearm” means a firearm as defined by *The Criminal Code of Canada*.
- 3.5 “Officer” means a member of the Royal Canadian Mounted Police or Bylaw Enforcement Officer appointed pursuant to Division 4 of *The Municipalities Act*.
- 3.6 “Owner” means the owner of property or the person in charge or legal control of the property.
- 3.7 “Person” means any individual, firm, company or partnership.
- 3.8 “Public Nuisance” means being destructive or menacing or causing an apparent risk of harm to humans & animals. The animal must be damaging property such as buildings, crops, pets, livestock, gardens or public parks. Public Nuisance does not mean causing a disturbance by feeding young or other acts of nature relevant to the species cycle of life.
- 3.9 “Nuisance Wildlife Control Officer” means any person appointed by the Chief Administrative Officer to trap, hunt and dispose of any pest animals.

4.0 Regulations

- 4.1 No person shall discharge a firearm within the Town, except as provided elsewhere in this Bylaw.

- 4.2 No person shall discharge any firearm in such a manner so that the projectile crosses the boundaries of the corporate limits of Foam Lake.
- 4.3 This Bylaw does not apply to peace officers as defined by *The Criminal Code of Canada*.

5.0 Nuisance Wildlife Control

- 5.1 The Chief Administrative Officer may appoint a Nuisance Wildlife Control Officer to trap, hunt and dispose of animals; and remove or destroy the den, house, nest, dam or usual place of habitation of any wildlife pursuant to subsections 5.4, 5.5, 5.6 and 5.7 of this Bylaw.
- 5.2 The appointment shall commence upon:
 - 5.2.1 Receipt of the requirements in subsection 5.3 of this Bylaw; and
 - 5.2.2 The Town receiving a Nuisance Wildlife Control Permit from Saskatchewan Ministry of Environment.
- 5.3 A Nuisance Wildlife Control Officer shall provide the Town with:
 - 5.3.1 a criminal record check from the Royal Canadian Mounted Police; and
 - 5.3.2 a copy of their current Firearms License (Possession Acquisition).
- 5.4 Pursuant to clause 6(2) (a) of *The Wildlife Regulations, 1981*, a Nuisance Wildlife Control may capture or kill any wildlife that is wounded, diseased, a danger to the public or a public nuisance and in accordance with the Town's valid Nuisance Wildlife Control Permit.
- 5.5 Pursuant to clause 6(2)(b) of *The Wildlife Regulations, 1981*, a Nuisance Wildlife Control Officer may remove or destroy the house, nest, dam or usual place of habitation of any wildlife that is causing or likely to cause damage to property and in accordance with the Town's valid Nuisance Wildlife Control Permit
- 5.6 Pursuant to clause 13(3) of *The Wildlife Regulations, 1981*, a Nuisance Wildlife Control Officer may hunt those animals listed in clauses 4(1)(e) to (l) 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 and in accordance with the Town's valid Nuisance Wildlife Control Permit.
- 5.7 Pursuant to clause 13(3.1) of *The Wildlife Regulations, 1981* a Nuisance Wildlife Control Officer may hunt animals other than those listed in clauses 4(1)(e) to (l) 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 and in accordance with the Town's valid Nuisance Wildlife Control Permit.

6.0 Voluntary Penalty

- 6.1 Where an officer believes that a person has contravened any provision of this Bylaw, the officer may issue a Bylaw Violation Notice for not less than \$100.00 nor more than \$500.00.
- 6.2 Service of a Bylaw Violation Notice shall be by regular mail or by leaving at the persons last known address and such service shall be adequate for the purpose of this Bylaw.
- 6.3 A Bylaw Violation Notice 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.

- 6.4 Upon payment of a Bylaw Violation Notice within fifteen (15) days from issuance, the person to whom the notice was issued shall not be liable for prosecution for the contravention in respect to which the notice was issued upon receipt of payment for the violation.
- 6.5 Notwithstanding the provisions of this section, a person to whom a Bylaw Violation Notices 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.

7.0 Offences and Penalties

- 7.1 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.
- 7.2 Where an officer on reasonable or probable grounds believes that a person is committing or has committed an offence under Section 4.0 of this Bylaw, the officer may seize the firearm involved in such offence.
- 7.3 If an officer seizes a firearm pursuant to subsection 7.2 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.
- 7.4 Notwithstanding anything contained in subsection 7.3 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.
- 7.5 If a firearm seized pursuant to subsection 7.2 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 as adjudicated the Defendant in the proceedings not guilty of the offence.

8.0 Severability

If any sections, clause or provision of this Bylaw is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Bylaw in whole or in part, other than the section, clause or provision so declared to be invalid.

9.0 Repealing Bylaws

Bylaw No. 02-2016 is hereby repealed.

10.0 Effective Date

This Bylaw shall come into force and take effect on the day of final passing thereof.

Read three times by unanimous consent of Council and adopted at a regular meeting of Council this 8th day of June, 2021.

Mayor

S E A L

Chief Administrative Officer

Certified a True Copy of Bylaw
09-2021, passed on the 8th day
of June, 2021

Chief Administrative Officer