

TOWN OF WADENA BYLAW NO. 2020-02

A BYLAW TO PROVIDE FOR THE CONTROL AND REGULATION OF FIREARMS IN THE TOWN OF WADENA

WHEREAS, section 8(1) of *The Municipalities Act* authorizes a Council to pass any bylaw that is considered expedient for the safety, health and welfare of people and the protection of people and property; and

WHEREAS the Council of the Town of Wadena deems it necessary to provide for the control and regulation of firearms within the Town of Wadena;

THEREFORE, the Council of the Town of Wadena, in the Province of Saskatchewan, enacts the following:

1. TITLE

This Bylaw shall be cited as the "Firearms Bylaw".

2. DEFINITIONS

In this Bylaw:

- a. "Town" means the Town of Wadena;
- b. "Chief Administrative Officer" shall mean the Chief Administrative Officer or any person acting or authorized to act on their behalf.
- c. "Council" means the Council of the Town of Wadena;
- d. "Firearm" means a firearm as defined by The Criminal Code of Canada;
- e. "Officer" means a member of the Royal Canadian Mounted Police or Bylaw Enforcement Officer appointed pursuant to section 373 (1) of *The Municipalities Act*;
- f. "Owner" means the owner of property or the person in charge or legal control of the property;
- g. "Person" means any individual, firm, company or partnership;
- h. "Pest Control Officer" means any person appointed to trap, hunt and dispose of any pest animals.

3. REGULATIONS

- a. No person shall discharge any firearm within the Town, except as provided elsewhere in this Bylaw.
- b. No person shall discharge any firearm in such a manner so that the projectile crosses the boundaries of the corporate limits of the Town.
- c. This Bylaw does not apply to peace officers as defined by *The Criminal Code of Canada*.

4. PEST CONTROL

- a. Council may appoint a Pest Control Officer to trap, hunt and dispose of animals; and to remove or destroy the den, house, nest, dam or usual place of habitation of any wildlife pursuant to Sections 4.c., 4.d., 4.e., and 4.f. of this Bylaw.

- b. The appointment shall commence upon:
 - i. receipt of the requirements in subsection 4.c. of this Bylaw; and
 - ii. The Town receiving a Nuisance Wildlife Control Permit from Saskatchewan Ministry of Environment.
- c. A Pest Control Officer shall provide the Town with:
 - i. a criminal record check from the Royal Canadian Mounted Police; and
 - ii. a copy of their current Firearms License (Possession Acquisition).
- d. Pursuant to section 6(2)(a) of *The Wildlife Regulations, 1981*, a Pest Control Officer may capture or kill any wildlife that is wounded, diseased, a danger to the public or a public nuisance.
- e. Pursuant to section 6(2)(b) of *The Wildlife Regulations, 1981*, a Pest Control Officer may remove or destroy the den, house, nest, dam or usual place of habitation of any wildlife that is causing or likely to cause damage to property.
- f. Pursuant to section 13(3) of *The Wildlife Regulations, 1981*, a Pest Control Officer may hunt those animals listed in clauses 4(1) (f), (g) and (l) of *The Wildlife Regulations, 1981* within 500 (five hundred) metres of any building, stockade or corral within the Town without the consent of the owner.
- g. Pursuant to clause 13(3.1) of *The Wildlife Regulations, 1981*, a Pest Control Officer may hunt animals other than those listed in clauses 4(1) (f), (g) and (l) of *The Wildlife Regulations, 1981* within 500 (five hundred) metres of any building, stockade or corral within the Town without the consent of the owner.
- h. The Pest Control Officer shall notify the Royal Canadian Mounted Police prior to the discharge of a firearm when practical.

5. VOLUNTARY PENALTY

- a. 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.
- b. Service of a Bylaw Violation Notice shall be by regular mail or by leaving at the person's last known address and such service shall be adequate for the purpose of this Bylaw.
- c. 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.
- d. Upon payment of a Bylaw Violation Notice within fifteen (15) days from the issue, 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.
- e. Notwithstanding the provisions of this section, a person to whom a Bylaw Violation Notice 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.

6. OFFENCES AND PENALTIES

- a. 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.
- b. Where an Officer on reasonable or probable grounds believes that a person is committing or has committed an offence under Section 3.0 of this bylaw, the officer may seize the firearm involved in such offence.
- c. If an Officer seizes a firearm pursuant to subsection 6.b. 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.
- d. Notwithstanding anything contained in subsection 6.c. 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.
- e. If a firearm seized pursuant to subsection 6.b. 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 has adjudicated the Defendant in the proceedings not guilty of the offence.

7. SEVERABILITY

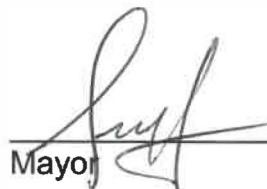
If any sections, clause or provision of the Bylaw is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Bylaw in whole or in part, other than the section, clause or provision so declared to be invalid.

8. REPEAL

Bylaw No. 08-2010 and Bylaw No. 05-01 are hereby repealed.

9. EFFECTIVE DATE

This bylaw shall come into force and effect on the day of final passing.



Mayor



Chief Administrative Officer

Read a 1st time this 6th day of April, 2020

Read a 2nd time this 6th day of April, 2020

Read a 3rd time this 6th day of April, 2020

Certified a true copy of Bylaw # 2020-02
adopted by resolution of Council on Apr 6/2020



Administrator