
THE CORPORATION OF THE DISTRICT OF KENT

BYLAW NO. 1577

"A Bylaw to Provide for the Control and Management of the Discharge of Firearms."

WHEREAS under the authority of the *Community Charter*, Council may, by bylaw, regulate, prohibit and impose requirements in relation to the discharge of Firearms;

WHEREAS the Council of the Corporation of the District of Kent has deemed it advisable to regulate the discharge of Firearms;

NOW THEREFORE the Council of the Corporation of the District of Kent, in open meeting assembled, enacts as follows:

1.0 CITATION

1.1 This Bylaw may be cited for all purposes as "Discharge of Firearms Bylaw No. 1577, 2017" and comes into effect on the date of adoption.

2.0 DEFINITIONS AND INTERPERTATION

2.1 In this Bylaw:

Bylaw Enforcement Officer means a person appointed from time to time by the Council of the District for the purpose of enforcing and carrying out provisions of this Bylaw, and shall include any Assistant Bylaw Enforcement Officer or designate so appointed;

District means the District of Kent;

Firearm means a rifle, shotgun, handgun or spring gun and any device that propels a projectile by means of explosion, compressed gas or spring, 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;

Highway means a public street, road, trail, sidewalk, boulevard, lane, bridge, trestle, tunnel, ferry landing, ferry approach, 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;

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;

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),;

Peace Officer means an officer appointed under the *Police Act* (B.C.) or a member of the Royal Canadian Mounted Police, acting in the course of their duties.

2.2 A reference to a statute in this Bylaw refers to a statute of British Columbia unless otherwise indicated, and a reference to any statute, regulation or bylaw refers to that enactment as it may be amended or replaced from time to time.

3.0 PROHIBITION

3.1 Subject to conditions and exceptions stated in this Bylaw, no person shall discharge a Firearm in any area of the District shown as a Firearm Discharge Prohibited Area on Schedule "A" of this Bylaw.

3.2 Without limiting subsection 3.1, no person shall discharge a Firearm for the purpose of target practice or competition of any kind in the District, except on a Legal Shooting Range and strictly in accordance with applicable regulations.

3.3 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.

4.0 EXCEPTIONS

4.1 The provisions of this Bylaw do not apply to any of the following persons who discharge a Firearm while acting in the performance of official duty:

- (a) a Peace Officer;
- (b) an employee or authorized agent of the Province of British Columbia, Government of Canada or the District; or
- (c) a Special Constable of the Society for the Prevention of Cruelty to Animals, who discharges a Firearm in the performance of duty.

4.2 The provisions of this Bylaw do not apply to in the following circumstances:

- (a) hunting or trapping of wildlife in accordance with the *Wildlife Act* (BC) or the *Migratory Birds Convention Act* (Canada);
- (b) hunting or trapping by Aboriginal persons as authorized by statute, a treaty or settlement agreement with the Provincial or Federal government, or otherwise in the exercise of constitutional rights as determined by a court of competent jurisdiction;
- (c) normal farm operations within the agricultural land reserve or Crown-designated farm land carried out in accordance with the *Farm Practices Protection (Right to Farm) Act* when:
 - (i) the firearm is discharged for the purpose of protecting crops or livestock from birds or animals;
 - (ii) the farmer is engaged in the humane destruction; slaughter of domestic livestock;
- (d) a person is lawfully engaged in the slaughter of livestock in a legal slaughterhouse operation; or
- (e) target practice or competitions taking place on a Legal Shooting Range in accordance with applicable law.

5.0 ENFORCEMENT

- 5.1** This Bylaw may be enforced by a Bylaw Enforcement Officer or by a constable who is a member of the Royal Canadian Mounted Police.
- 5.2** No person shall interfere with, obstruct, or impede a Bylaw Enforcement Officer in issuing a ticket or otherwise carrying out his or her duties in accordance with this Bylaw.

6.0 OFFENCE AND PENALTY

- 6.1** Every person who contravenes, fails or violates any of the provisions of this Bylaw, who suffers or permits any act to be done in violation of this Bylaw, or who fails or neglects to do anything required to be done by any provision of this Bylaw, commits an offence, and each day that the offence continues shall constitute a separate offence.
- 6.2** This Bylaw may be enforced by way of a ticket issued under the District's *Municipal Ticket Information Bylaw* or as a legal proceeding in the B.C. Provincial Court or B.C. Supreme Court.

6.3 A person convicted of an offence under this Bylaw is liable to pay:

- (a) If enforced under the *Municipal Ticket Information Bylaw*, a fine up to the maximum amount identified in that Bylaw; or
- (b) If a proceeding is brought under the *Offence Act*, a fine of up to \$10,000 for each offence, the costs of prosecution and such other penalties as the court may order.

6.4 Without limiting other remedies authorized by law, a contravention of this Bylaw may be dealt with by proceedings brought in the B.C. Supreme Court for an order to enforce, prevent, or restrain a contravention.

7.0 SCHEDULES

7.1 Schedule "A" is attached here to and forms part of this Bylaw.

8.0 SEVERABILITY

8.1 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, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Bylaw.

9.0 REPEAL

9.1 "Discharge of Firearms Removal Bylaw No. 820, 1983" and all amending bylaws thereto are hereby repealed.

READ A FIRST TIME this 12th day of June, 2017.

READ A SECOND TIME this 12th day of June, 2017.

READ A THIRD TIME this 12th day of June, 2017.

FINALLY PASSED AND ADOPTED this 26th day of June, 2017.

CERTIFIED CORRECT:


John Van Laerhoven, Mayor


Wallace Mah, Chief Administrative Officer

CERTIFIED A TRUE & CORRECT COPY
of "Discharge of Firearms Bylaw No.1577, 2017"
adopted on the 26th day of June, 2017.



Clair Lee, Director of Corporate Services

