

VILLAGE OF LIPTON

BYLAW 01-2021

**A BYLAW OF THE VILLAGE OF LIPTON TO PROVIDE FOR THE CONTROL AND REGULATION OF FIREARMS
IN THE VILLAGE OF LIPTON.**

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 Village of Lipton deems it expedient to provide for the control and regulation of firearms within the Village of Lipton,

Therefore, the Council of the Village of Lipton, 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 Village of Lipton for the enjoyment of its citizens.

3.0 Definitions

In this Bylaw:

3.1 "Village" means The Village of Lipton

3.2 "Council" means the Council of the Village of Lipton

3.3 "Administrator" means the CAO for the Village of Lipton 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 Administrator to trap, hunt and dispose of any pest animals.

4.0 Regulations

- 4.1 No person shall discharge a firearm within the Village, 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 Lipton.
- 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 Administrator 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 Village receiving a Nuisance Wildlife Control Permit from Saskatchewan Ministry of Environment for wildlife not listed under Section 4(1) (e) to (l) of The Wildlife Regulations, 1981.
- 5.3 A Nuisance Wildlife Control Officer shall provide the Village with:
- 5.3.1 a criminal record check from the Royal Canadian Mounted Police;
 - 5.3.2 a copy of their current Firearms License (Possession Acquisition); and
- 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 Village’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 Village’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 Village without the consent of the owner and in accordance with the Village’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 300 (five hundred) meters of any building, stockade or corral within the Village without the consent of the owner an in accordance with the Villages 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 Village and shall state the section and the amount which will be accepted by the Village 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. 2018-07 is hereby repealed.



10.0 Effective Date

This Bylaw 01-2021 shall come into force and take effect on the day of final passing thereof.

Date: May 19, 2021



Mayor



Administrator



Read a third time and adopted

This 19th day of May, 2021.



Administrator