

CITY OF YORKTON BYLAW NO. 1/2015

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**City of Yorkton
Saskatchewan**

Bylaw No. 1/2015

**A Bylaw of the City of Yorkton in the Province of Saskatchewan
To Provide for the Control and Regulation of Firearms in the City of Yorkton**

Whereas, Section 8(1) of *The Cities 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 City of Yorkton deems it expedient to provide for the control and regulation of firearms within the City of Yorkton,

Therefore, the Council of the City of Yorkton, 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 City of Yorkton for the enjoyment of its citizens.

3.0 Definitions

In this Bylaw:

3.1 “City” means the City of Yorkton.

3.2 “Council” means the Council of the City of Yorkton.

3.3 “Director” means the Director of Community Development, Parks and Recreation for the City of Yorkton 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 Section 334 of *The Cities 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 “Nuisance Wildlife Control Officer” means any person appointed by the Director to trap, hunt and dispose of any pest animals.

4.0 Regulations

- 4.1 No person shall discharge any firearm within the City, 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 the City.
- 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 Director 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 5.3, 5.4, 5.5 and 5.6 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 City 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*.

Amended by
Bylaw No. 5/2015

5.3 A Nuisance Wildlife Control Officer shall provide the City 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
- 5.3.3 in the case of a non-employee of the City of Yorkton, verification of minimum two (2) million dollars liability insurance.

5.4 Pursuant to clause 6(2) (a) of *The Wildlife Regulations, 1981*, a Nuisance Wildlife Control Officer may capture or kill any wildlife that is wounded, diseased, a danger to the public or a public nuisance.

5.5 Pursuant to clause 6(2) (b) of *The Wildlife Regulations, 1981*, a Nuisance Wildlife 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.

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) (f), (g) and (h)~~ clauses 4(1) (e) to (l) of the *Wildlife Regulations, 1981* within 500 (five hundred) metres of any building, stockade or corral within the City without the consent of the owner.

Amended by
Bylaw No. 5/2015

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) (f), (g) and (h)~~ clauses 4(1) (e) to (l) of the *Wildlife Regulations, 1981* within 500 (five hundred) metres of any building, stockade or corral within the City without the consent of the owner.

Amended by
Bylaw No. 5/2015

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 person's 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 City and shall state the section and the amount which will be accepted by the City in lieu of prosecution.
- 6.4 Upon payment of a Bylaw Violation Notice within fifteen (15) days from issuance, the person to whom the tag was issued shall not be liable for prosecution for the contravention in respect to which the tag was issued.
- 6.5 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.

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 has adjudicated the Defendant in the proceedings not guilty of the offence.

8.0 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.

9.0 Repealing Bylaws

Bylaw No. 21/2011 – To Provide for the Control and Regulation of Firearms in the City of Yorkton passed on the 16th day of May A.D., 2011 is hereby repealed.

10.0 Effective Date

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

MAYOR

CITY CLERK

Introduced and read a first time this 12th day of January A.D., 2015.

Read a second time this 12th day of January A.D., 2015.

Read a third time and adopted this 12th day of January A.D., 2015.