

# TOWN OF CRESTON

## BYLAW NO. 1725

A Bylaw to regulate or prohibit the discharging of Firearms.

WHEREAS Section 8(5) of the Community Charter empowers Council, by bylaw, to regulate or prohibit the discharging of firearms and provides that such regulations may be different for different areas within the municipality;

NOW THEREFORE the Council of the Town of Creston in open meeting assembled enacts as follows:

1. This Bylaw may be cited as "Firearms, Bows and Paintball Regulations Bylaw No. 1724, 2009".

2. Definitions

In this bylaw:

**"Bylaw Enforcement Officer"** means the person or persons appointed by Council of the Town of Creston as Bylaw Enforcement Officers.

**"Bow"** means a longbow or crossbow as defined by the Wildlife Act.

**"Firearm"** means a shotgun, handgun, rifle, and any other device that ejects a projectile by any means of an explosion, compressed air or gas; and shall include an air gun, air rifle and air pistol; but shall not include a firearm used for the discharge of blank ammunition in connection with an athletic or sporting event.

**"Licenced Firearms Range"** shall mean a facility licenced by the Town of Creston for the purposes of firearms or bow training and practice.

**"Licenced Paintball Facility"** shall mean a facility licenced by the Town of Creston for the recreational use of paintball guns.

**"Municipality"** shall mean the area incorporated as the Town of Creston.

**"Paintball Gun"** shall mean a gun designed to fire paintball cartridges only.

**"Peace Officer"** includes any member of the Royal Canadian Mounted Police, a Conservation Officer or a Bylaw Enforcement Officer.

3. GENERAL REGULATIONS

- 3.1 No person shall discharge any firearm within the municipality except the following:

- (a) a Peace Officer lawfully engaged in the performance of their duties.
- (b) a person lawfully engaged in training or target practice at a Licenced Firearms Range.

- 3.2 No person shall discharge a bow within the boundaries of the municipality, except at a Licenced Firearms Range.

- 3.3 No person shall discharge a Paintball gun within the municipality, except at a Licenced Paintball Facility.

- 3.4 Nothing contained in or permitted in this bylaw shall abrogate or relieve any obligation of any person pursuant to any Provincial or Federal Act or regulation with regard to the discharge of Firearms.
- 3.5 If any portion of this bylaw is for any reason found invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the bylaw.
4. ENFORCEMENT
- 4.1 No person shall obstruct a Peace Officer engaged in the administration or enforcement of this bylaw.
- 4.2 (a) A Peace Officer who believes upon reasonable and probable grounds that a person has discharged a firearm, bow or paintball gun in violation of this bylaw, may seize the said firearm and may retain the said firearm or cause the said firearm to be retained in a safe and otherwise suitable location for the purpose of preserving the said firearm, bow or paintball gun as evidence to be used in the prosecution of this bylaw;
- (b) If a firearm, bow or paintball gun is seized in accordance with the provisions of this bylaw, and no prosecution with respect to the incident giving rise to the seizure has been commenced within the time limited provided for by the Summary Convictions Act, the owner thereof shall upon application to the municipality be entitled to the return of the said firearm, bow or paintball gun.
- 4.3 Any person who violates any provision of this bylaw shall be liable on Summary Conviction to a fine not to exceed TWO THOUSAND (\$2,000.00) DOLLARS and costs recoverable and enforceable in the manner provided for in the British Columbia Statutes.
5. This bylaw shall come into full force and effect upon adoption.

READ A FIRST time by title and SECOND TIME by content this 13<sup>th</sup> day of October, 2009.

READ A THIRD TIME by title this 13<sup>th</sup> day of October, 2009.

ADOPTED this 27<sup>th</sup> day of October, 2009.

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"Ron Toyota"  
Mayor Ron Toyota

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"Bev Caldwell"  
Bev Caldwell, Executive Assistant