

**THE CORPORATION OF THE DISTRICT OF PEACHLAND**

**BYLAW NUMBER 2218, 2018**

**A Bylaw to regulate the use of  
Firearms, Bows and Arrows in the District of Peachland.**

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WHEREAS the *Community Charter* provides that Council may, by Bylaw, regulate, prohibit and impose requirements in relation to bows and arrows under Section 8(3) (e) and firearms under Section 8(5);

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

**1. CITATION**

- 1.1 This Bylaw may be cited for all purposes as "Firearms and Bow Use Bylaw No. 2218, 2018".

**2. DEFINITIONS**

All words or phrases used in this bylaw have their usual or common meaning unless specifically defined by the *Community Charter* or by the definitions set forth in this section as follows:

"**Bow**" means a long bow, re-curve bow and compound bow.

"**Conservation Officer**" means a Conservation Officer as defined in the *Wildlife Act* of British Columbia, as amended from time to time.

"**Crossbow**" means a box fixed across a stalk with a groove for the arrow or bolt and a mechanism for holding and releasing the string.

"**District**" means the District of Peachland.

"**Enforcement Officer**" means a person employed by the District of Peachland as a Bylaw Enforcement Officer.

"**Fisheries Enforcement Officer**" means a person employed by the Department of Fisheries and Oceans as an Enforcement Officer.

"**Farmer**" means the owner or operator of a farm business, as defined in the *Farm Practices Protection (Right to Farm) Act* of British Columbia, as amended from time to time.

"**Farm Operation**" means the same as defined in the in the *Farm Practices Protection (Right to Farm) Act* of British Columbia, as amended from time to time.

"**Firearm**" means a rifle, pistol, shotgun, handgun, revolver and any device that propels a projectile by means of an explosion, compressed gas or spring, but does not include a starter pistol used for the discharge of blank ammunition in connection with an athletic or sporting event.

"**Highway**" means the same as defined in the *Community Charter* of British Columbia, as amended from time to time.

**"Legal Shooting Range"** means a place that is designated or intended for the safe discharge, on a regular and structured basis, of Firearms, Bows or Crossbows 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 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), as amended from time to time.

**"Peace Officer"** means an Officer under the *Police Act* of British Columbia, as amended from time to time.

**"Permit"** means a permit issued by the R.C.M.P.

### 3. PROHIBITION

- 3.1 No person shall discharge any Firearm, Bow or Crossbow within the District.

### 4. EXEMPTIONS

- 4.1 The provisions of Part 3 of this bylaw shall not apply to:

- a) Any Peace Officer, Conservation Officer, Fisheries Enforcement Officer or member of the Armed Forces of Canada lawfully engaged in the execution of their duty; or
- b) Any person discharging a distress flare in the case of an emergency; or
- c) Any person or organization conducting a public fireworks display with the written permission of the Chief of the Peachland Fire & Rescue Service; or
- d) Any person who is the holder of a valid Crop Protection Permit or holder of a Federal Migratory Game Bird Hunting Permit for:
  - i. The discharge of a shotgun only, not using a single projectile, for a land owner or person acting on his/her authority on land over two (2) hectares in size for the protection of such land from animals or birds; or
  - ii. The discharge of a rifle using a single projectile, for a Farmer or person acting on his/her authority, for the protection of crops, Livestock or domestic animals, which are grown or kept on land used for a Farm Operation, providing the Farmer or person acting on his/her authority, can show the necessity for the use of said rifle; or
  - iii. A person who is engaged in the humane destruction or slaughter of Livestock, where such Livestock is legally kept according to the provisions of other applicable District Bylaws.
- e) Any person using a non-lethal, low velocity (less than 500 feet per second or less than 5.7 joules) BB gun, pellet gun, paintball gun or non-replica air soft gun on their own property; or
- f) Any person who is practicing for recreational purposes, the use of a Bow or Crossbow with arrows having a practice tip, on their own property, with the permission of the property owner or on a Legal Shooting Range; or
- g) Use of Bows or Crossbows by members of a recognized recreational organization, educational institution, club or association shooting on property owned or occupied by such organization, institution, club or association. Shooting shall not occur across, along or on a Highway.

- 4.2 No person permitted to discharge a Firearm, Bow or Crossbow pursuant to subsection 4.1 (d), (e) or (f) of this Bylaw shall do so either:

- a) Across, along or on a Highway; or
- b) Within 150 m (492 ft.) of any school building, school yard, public park, playground, church, workshop, place of business, dwelling house, Farm Operation building, or other place where persons may be assembled or engaged in work of any kinds, except as specifically authorized by Permit.

## **5. CARRYING**

- 5.1 The carrying of Firearms, Bows and Crossbows within the District must comply with all Provincial and Federal Laws and Regulations.

## **6. PERMIT**

- 6.1 A Permit may be issued by the R.C.M.P. for the for the discharge of a Firearm, Bow or Crossbow within the District on a Legal Shooting Range, or subject to the provisions of the *Criminal Code of Canada, Wildlife Act, Firearm Act, or Migratory Birds Convention Act* to a properly licensed and qualified person.
- 6.2 A Permit to discharge a Firearm within the limits of the District shall be required for the operation of a Legal Shooting Range.

## **7. INSURANCE**

- 7.1 A Permit may be issued under Section 6.1 provided the applicant is covered by an existing third party public liability and property damage insurance policy that remains in force for the duration of the Permit subject to the following:
- a) Minimum amount of insurance is two million dollars (\$2,000,000) per occurrence; and
  - b) The District is named as an additional insured party; and
  - c) A copy of the insurance has been provided to the District; and
  - d) The applicant has signed a waiver of liability form prepared by the District indemnifying and saving harmless the District, its elected and appointed officials, officers, employees and agents (the "District's Representatives") from and against any and all liability, actions, causes of action, claims, debts, suits, losses, costs (including actual costs of professional advisors), demands and harm, whether known or unknown, direct or indirect, which the District or any of the District's Representatives now has or may at any time suffer in relation to death, bodily injury, property loss, property damage or other loss or damage of any kind whatsoever, arising from or in connection with the use of any Firearm, Bow or Crossbow for which a Permit has been issued.
- 7.2 If the insurance policy required is cancelled, revoked or is not maintained in force throughout the term of the Permit, the Permit will be deemed cancelled and void.

## **8. SEVERABILITY**

- 8.1 Each Section of this Bylaw shall be severable. If any provision of this Bylaw is held to be illegal or invalid by a Court of competent jurisdiction, the provision may be severed and the illegality or invalidity shall not affect the validity of the remainder of this Bylaw.

## **9. PENALTIES**

- 9.1 A person who contravenes, violates or fails to comply with any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention or violation of this Bylaw, or who fails to do anything required by this Bylaw, commits an offence and shall

be liable, upon conviction, to a fine of not more than the maximum penalty provided by the *Offence Act* and not less than \$500.00 plus the cost of prosecution and any other penalty or order imposed by a Court of competent jurisdiction pursuant to the *Community Charter* of British Columbia, as amended from time to time, or the *Offence Act* of British Columbia, as amended from time to time. Each day that an offence against this Bylaw continues or exists shall be deemed to be a separate and distinct offence.

**10. GENERAL**

- 10.1 Nothing contained in, nor permitted pursuant to, this Bylaw shall abrogate or relieve any obligation of any person pursuant to, nor any provision of, any applicable Provincial or Federal Act or Regulation with regard to the discharge of a Firearm.

**11. REPEAL**

- 11.1 District of Peachland "Firearms Bylaw No. 1498, 1998", and all amendments thereto.

**12. EFFECT**

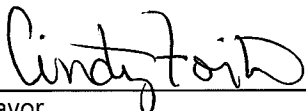
- 12.1 This Bylaw shall take effect upon its adoption by the Council of the Corporation of the District of Peachland.

READ A FIRST TIME, this 13<sup>th</sup> day of February, 2018.

READ A SECOND TIME, this 13<sup>th</sup> day of February, 2018.

READ A THIRD TIME, this 13<sup>th</sup> day of February, 2018.

FINALLY RECONSIDERED AND ADOPTED, this 27<sup>th</sup> day of February, 2018.

  
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Mayor

  
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Corporate Officer

Dated at Peachland, B.C.  
This 27<sup>th</sup> day of February, 2018.