

THE CORPORATION OF THE TOWN OF WHITBY

BY-LAW NO. 5747-06

BEING A BY-LAW TO REGULATE THE SALE AND POSSESSION OF REPLICA FIREARMS AND IMITATION FIREARMS IN THE TOWN OF WHITBY

WHEREAS Section 130 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, permits municipalities to pass by-laws related to the health, safety and well-being of the inhabitants of the municipality.

AND WHEREAS the Corporation of the Town of Whitby has determined that the purchase, sale, possession and use of Replicas of Firearms are activities having the potential to negatively effect the health, safety and well-being of the inhabitants of the Town .

AND WHEREAS the Corporation of the Town of Whitby has determined that the regulation of the purchase, sale, possession and use of Replicas of Firearms is related to the health, safety and well-being of the inhabitants of the Town of Whitby.

NOW THEREFORE the Council of the Corporation of the Town of Whitby enacts as follows:

SECTION ONE - DEFINITIONS

1.1 In this by-law:

- (a) "Criminal Record" means any conviction under the Criminal Code and includes any amendments thereto;
- (b) "Firearm" means any barrelled weapon from which a shot, bullet or other projectile can be discharged by means of rimfire or centrefire ammunition.
- (c) "Identification" means a valid driver's license issued by the Province of Ontario or any other Ontario Government issued photo identification.
- (d) "Imitation Firearm" means any device that is designed or intended to resemble a Firearm or Replica Firearm or may be reasonably mistaken as a Firearm or Replica Firearm and shall include a device that with limited modification may be reasonably mistaken as a Firearm or Replica Firearm.

- (e) "Municipal Law Enforcement Officer" means a Municipal Law Enforcement Officer appointed to enforce the By-laws of the Town of Whitby.
- (f) "Officer" means a Police Officer and/or a Municipal Law Enforcement Officer.
- (g) "Person" includes a Person as defined in accordance with the *Interpretation Act*, R.S.O. 1990, c. I.11, as amended.
- (h) "Police Officer" means a Police Constable sworn in and for the Province of Ontario and shall include a Constable of the Royal Canadian Mounted Police.
- (i) "Police Report" means a Criminal Information Request received from the Durham Regional Police Service, Ontario Provincial Police Service and Royal Canadian Mounted Police Service and such Police Report shall be current to within six (6) months.
- (j) "Purchaser" means the purchaser of a Replica Firearm or Imitation Firearm and includes a Person.
- (k) "Replica Firearm" means any barrelled weapon from which a shot, bullet or other projectile can be discharged by means other than rimfire or centrefire ammunition.
- (l) "Town " means the Town of Whitby.
- (m) "Vendor" means the seller of a Replica Firearm or Imitation Firearm and includes a Person.

SECTION TWO – GENERAL REGULATION

- 2.1 No Person shall purchase, sell, possess or use a Replica Firearm or Imitation Firearm in the Town except in accordance with this By-law.

SECTION THREE – REGULATION OF SALE

- 3.1 No Person shall sell a Replica Firearm or Imitation Firearm to any Person who is less than 18 years old and confirms, by way of Identification, that the Purchaser is not less than 18 years old;

SECTION FOUR – REGULATION OF PURCHASE

- 4.1 No person shall purchase a Replica Firearm or Imitation Firearm unless that person confirms, by way of Identification, to the Vendor, to the satisfaction of the Vendor, that the Purchaser is not less than 18 years old;

SECTION FIVE – REGULATION OF POSSESSION AND USE

- 5.1 No person who is less than 18 years old shall possess a Replica Firearm or Imitation Firearm while on public property or on private property to which the public has general access.
- 5.2 No Person shall use a Replica Firearm or Imitation Firearm in a manner that is reasonably likely to cause harm or damage to another person or property.
- 5.3 No Person shall use a Replica Firearm or Imitation Firearm in a manner that is reasonably likely to instil fear in or intimidate any other person.
- 5.4 Any person who is found in contravention of Section 5 shall forthwith surrender such Replica Firearm or Imitation Firearm to an Officer.

SECTION SIX – ADMINISTRATION AND ENFORCEMENT

- 6.1 Municipal Law Enforcement Officers shall be responsible for the Administration of this By-law.
- 6.2 Officers will be responsible for the Enforcement of this By-Law.

SECTION SEVEN – OFFENCE

- 7.1 Every Person who contravenes any provision, section or paragraph of this By-law is guilty of an offence and upon conviction is liable to a fine or penalty for each offence, exclusive of costs, as prescribed by the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.

SECTION EIGHT – SEVERABILITY

- 8.1 If a court of competent jurisdiction should declare any section of this By-law, or part thereof, to be invalid, such section or part of a section shall not be constructed as having persuaded or influenced Council to pass the remainder of this By-law as having being invalid and is hereby declared that the remainder of the By-law shall be valid and shall remain in force.

SECTION NINE – NON-APPLICATION

9.1 This By-law shall not apply to the possession or use of a Replica Firearm or Imitation Firearm for, or in connection with, the lawful use thereof in motion pictures, television and stage productions, the historical displays or educational programs of a public museum or duly constituted sporting events.

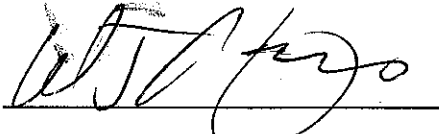
SECTION TEN – SHORT TITLE

10.1 The short title of this By-law shall be the "Replica Firearm By-law".

SECTION ELEVEN – DATE EFFECTIVE

11.1 This By-law shall come into effect on the day of its passing.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
27TH DAY OF FEBRUARY, A.D., 2006.



Paul Jones, Clerk



Marcel L. Brunelle, Mayor