

**Village of Pelly
SASKATCHEWAN**

BYLAW NO. 2017-08

**A BYLAW IN THE VILLAGE OF PELLY IN THE PROVINCE OF SASKATCHEWAN
TO PROVIDE FOR THE CONTROL AND REGULATION OF FIREARMS WITHIN THE
VILLAGE OF PELLY.**

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

Therefore, the Council of the Village of Pelly, 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 Pest Control Contractors 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 Pelly for the enjoyment of its citizens.

3.0 Definitions

For the purpose of this Bylaw, the expression:

3.1 “*Village*” means the Village of Pelly.

3.2 “*Council*” means the Council of the Village of Pelly.

3.3 “*Administrator*” means the Administrator for the Village of Pelly or any person authorized to act on his/her 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.

3.6 “*Owner*” means the owner of property or the person in charge or control of property

3.7 “*Person*” means any individual, firm, company or partnership.

3.8 “*Pest Control Contractor*” means any person appointed by Council to trap, hunt and dispose of any pest animals.



4.0 Regulations

- 4.1 No person shall discharge any firearm within the Village of Pelly 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 corporate limits of the Village of Pelly.
- 4.3 This Bylaw does not apply to peace officers as defined by *The Criminal Code of Canada*.

5.0 Pest Control

- 5.1 The Administrator may appoint a Pest Control Contractor 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 Village of Pelly receiving a Nuisance Wildlife Control Permit from Saskatchewan Ministry of Environment.
- 5.3 A Pest Control Contractor shall provide the Village of Pelly with:
 - 5.3.1 a criminal record check from the Royal Canadian Mounted Police; and
 - 5.3.2 a copy of their current Firearms License (Possession Acquisition)
- 5.4 Pursuant to clause 6(2) (a) of *The Wildlife Regulations, 1981*, a Pest Control Contractor 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 Pest Control Contractor 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 Pest Control Contractor may hunt those animals listed in clauses 4(1) (f), (g) and (h) of the *Wildlife Regulations, 1981* within 500 (five hundred) metres of any building, stockade or corral within Village of Pelly without the consent of the owner.
- 5.7 Pursuant to clause 13(3.1) of *The Wildlife Regulations, 1981*, a Pest Control Contractor may hunt animals other than those listed in clauses 4(1) (f), (g) and (h) of the *Wildlife Regulations, 1981* within 500 (five hundred) metres of any building, stockade or corral within the Village of Pelly without the consent of the owner.

6.0 Offences and Penalties

- 6.1 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.
- 6.2 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.
- 6.3 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.
- 6.4 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.
- 6.5 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.



7.0 Severability

If a court of competent jurisdiction should declare any section or subsection of this Bylaw to be invalid, such section or subsection shall not be construed as having persuaded the Council to pass the remainder of the Bylaw, and it is hereby declared that the remainder of this Bylaw shall be valid and remain in force.

8.0 Effective Date

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



Francis Nelson
Administrator

Shawn Nelson
Mayor

Read a third time and adopted this
21st day of Aug. A.D., 2017.

Certified a true copy of
Bylaw No. 7-2017, adopted
By resolution of Council
This 21st day of August, 2017.

Francis Nelson
Administrator