

**Town of Kamsack
SASKATCHEWAN**

BYLAW NO. 3/2013

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

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 Town of Kamsack deems it expedient to provide for the control and regulation of firearms within the Town of Kamsack,

Therefore, the Council of the Town of Kamsack, 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 Town of Kamsack for the enjoyment of its citizens.

3.0 Definitions

For the purpose of this Bylaw, the expression:

3.1 “*Town*” means the Town of Kamsack.

3.2 “*Council*” means the Council of the Town of Kamsack.

3.3 “*Administrator*” means the Town Administrator for the Town of Kamsack 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.

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 Town of Kamsack 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 Town of Kamsack.
- 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 Town of Kamsack receiving a Nuisance Wildlife Control Permit from Saskatchewan Ministry of Environment.
- 5.3 A Pest Control Contractor shall provide the Town of Kamsack 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 the Town of Kamsack 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 Town of Kamsack without the consent of the owner.

6.0 Gun Club Members

- 6.1 The Administrator of the Municipality is hereby authorized to issue a permit to a recognized gun range which makes application for such permit, stating specifically the intent of such a gun range and the location of the range, along with a permit fee of \$5. per year.
- 6.2 This Bylaw does not apply to a registered member of a gun club or similar organization while engaged in target practice at a practice range approved by the municipality

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 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.

9.0 Effective Date

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

10.0 Bylaw Number 7/2004 is hereby repealed.

Administrator

Mayor

Read a third time and adopted this
____th day of ____ A.D., 2013.



Nuisance Wildlife Control Permit

Permit Number: _____

Under the authority of The Wildlife Act and the Wildlife Regulations and the Town of Kamsack Bylaw No. 03/2013 there under, permission is hereby granted to:

Name: _____

Address: _____

DOB: _____

To:

Hunt the following protected wildlife within 500 metres of any building, stockade or corral within the Town of Kamsack, without the consent of the owner of the building, stockade or corral:

- *Subject to any conditions within this permit and the terms of the bylaw, hunt the following species listed under Section 4 (1)(f)(g)(h).*
- *Dispose of nuisance beaver, muskrats, squirrels, badgers, coyotes, fox that are damaging property or causing a safety concern.*
- *Other protected wildlife(injured or causing a safety concern) but only with the prior approval from the Ministry of Environment.*

Conditions:

- Only the following firearms may be utilized under this permit:
 - 410 shotgun (with pellets or slugs)
 - 12 gauge shotgun (with pellets or slugs)
 - .17 calibre firearm (to dispose of nuisance wildlife within the drainage ditches only)
- Permit is only valid in daylight hours from one half hour before sunrise to one half hour after sunset.
- A copy of Town of Kamsack Bylaw No 03/2013 must be attached to this permit.

This permit expires on: December 31st of the year it was issued.

Upon expiry of this permit, the permittee must submit the number and species of animals killed, in writing to the Conservation Officer where the permit was obtained.

In order for this permit to be valid, it must be signed by the permittee in the space provided.

Issued at _____, Saskatchewan, this _____ day of _____, 20__.

Signature of Permittee

Conservation Officer

Permit Holder
Compliance and Enforcement Section
Wildlife Branch
Compliance Area