

# The Corporation of the Town of Tecumseh

## By-Law Number 2025-041

Being a by-law to amend By-Law 2001-37 to prohibit and regulate the discharge of Firearms and Bows in the Town of Tecumseh

**Whereas** pursuant to Subsection 11(2) paragraph 6 of the Municipal Act, 2001 S.O. 2001, c.25, (Act) as amended, provides that a municipality may pass by-law to protect the health, safety and well-being of persons;

**And whereas** pursuant to Section 119 of the Act, a municipality may, for the purposes of public safety, prohibit or regulate the discharge of firearms and other similar devices;

**And whereas** in accordance with Section 425 of the Act, a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the Act is guilty of an offence;

**And whereas** Section 429 of the Act provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under the Municipal Act;

**And Whereas** Section 434.1 of the Municipal Act, 2001 authorizes a municipality to require persons to pay an administrative penalty if the municipality is satisfied that a person has failed to comply with a municipal By-law passed, subject to conditions as the municipality considers appropriate;

**And whereas** Section 446(1) of the Act states that if a municipality has the authority under this or any other Act or under a by-law under this or any other Act to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense.

**And whereas** Section 446(3) of the Act states that the municipality may recover the costs of doing a matter or thing under subsection (1) from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

**And whereas** it is deemed expedient and in the public interest to prohibit the discharge of guns, firearms, airguns, spring guns, crossbows, and longbows or any class or type thereof in the municipality or in any defined area thereof.

**Now Therefore the Council of The Corporation of The Town of Tecumseh enacts as follows:**

1. **That** By-Law 2001-37 be amended by adding in the Enforcement section in its entirety the following section to be added as section 5.3:

## **1.1. Administrative Penalties**

- 1.1.1. Instead of laying a charge under the Provincial Offences Act for any breach of any provision of this By-law, an Officer, may issue an Administrative Penalty to the Person who has contravened this By-law provided the authority for the Town to issue Administrative penalties has been granted by municipal by-law.
- 1.1.2. An Officer has the discretion to either proceed by way of an Administrative Penalty (if prescribed) or a charge laid under the Provincial Offences Act. If an Administrative Penalty is issued to a Person for a contravention of this By-law, no charge shall be laid against that same Person for the same contravention.
- 1.1.3. The amount of the Administrative Penalty for a contravention of a provision of this By-Law is fixed as set out in an Administrative Penalty By-Law of the Town, as amended from time to time, or any successor by-law.
- 1.1.4. If an Officer issues a penalty notice under AMPS, the property Owner may appeal the penalty through the Administrative Monetary Penalties System appeal process outlined in By-Law 2024-048 as amended.
- 1.1.5. A Person who is issued an Administrative Penalty shall be subject to the procedures as provided for in the Administrative Penalty By-Law of the Town, as amended from time to time, or any successor by-law.
- 1.1.6. An Administrative Penalty imposed on a Person pursuant to this By-law this is not paid within fifteen (15) days after the day it becomes due and payable, constitutes a debt of the Person to the Town and may be added to a municipal tax roll and collected in the same manner as municipal taxes.

## **1.2. Collection of Unpaid Fines**

- 1.2.1. Where a fine is in default, the Town may proceed with civil enforcement against the Person upon whom the fine has been imposed, pursuant to the Provincial Offences Act.
- 1.2.2. The Town may make a request to the treasurer of a local municipality to add any part of a fine that is in default to the tax roll for any property in the local municipality for which all the Owners are responsible for paying the fine and collect it in the same manner as municipal taxes.

## **1.3. Offences**

- 1.3.1. No person shall fail to comply with any condition or term of any order issued under this By-Law. If there is a contravention of any provision of this By-Law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be continuing offences for each day or part of a day that the contravention remains uncorrected.

#### 1.4. Validity and Severability

1.4.1. If there is a conflict between the provision of this By-Law and any other by-law of the Town in force or a provincial or federal statute or regulation, the more restrictive provisions shall apply.

2. **That** the By-Law 2001-37 be amended in the Discharge Prohibited Section 2.1 by deleting this section in its entirety and replacing it with the following:

2.1. No person shall discharge, cause to be discharged or allow to be discharged, a firearm or bow within the areas of the municipality identified in the attached map which forms Schedule B and also within the areas and/or as further described as follows:

(a) A Firearm or a Bow in any part of the Town:

- i. Lying north of County Road 42 and east of Banwell Road;
- ii. Lying and bounded by the west side of Oldcastle Road, the north side of Highway No. 3 and the east side of Walker Road;
- iii. Zoned for industrial use to municipality's Zoning By-Law as amended;
- iv. Within an identified or designated Park area in the Town;
- v. Within 152 metres (500 feet) of any Building used or intended for use, by a person(s); or within 152 feet (500 Feet) of a identified or designated Park area in the Town.
- vi. On land or premises of which such person is not the owner or lawful tenant thereof without the authorization of the owner or lawful tenant of such land or premises.

(b) A shot gun larger than a 12 gauge or any other gun of greater calibre or projectile power than the rifle known as the 22 calibre lower powered rifle.

(c) Where hunting is prohibited where authorized signage is on display, no person shall discharge a firearm or bow in these posted areas.

3. **That** the By-Law 2001-37 be amended in Definitions Section 1.1 by adding in its entirety the following definitions:

**“Officer”** means any individual appointed by a Town by-law or pursuant to delegated authority to appoint under a Town by-law to enforce a Town by-law, or police officer employed by the Ontario Provincial Police or any other police or enforcement service having jurisdiction in the Town.

**“Park”** means land or land covered by water, and all portions thereof; owned by or under the care and control of the Town or made available by lease, agreement or

otherwise by the Town, that is or hereafter may be established, dedicated, set apart or made available for use as a public open space, naturalized area, or such other public recreational use, including any and all buildings, structures, save and except where such lands is governed by other by-laws of the Town.”

**Read** a first, second, third time and finally passed this 25th day of March, 2025.

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Gary McNamara, Mayor

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Robert Auger, Clerk