

DISTRICT OF WELLS BYLAW NO. 67

A Bylaw to regulate the discharging of Firearms within the boundaries of
the District of Wells.

WHEREAS the District of Wells, pursuant to Section 8 (5) of the Community Charter, may by bylaw regulate and prohibit in relation to the discharge of firearms,

AND WHEREAS the District of Wells actively promotes the community and surrounding area as a center for outdoor activities,

AND WHEREAS the District of Wells Council wishes to maintain a safe environment for such activities to be undertaken,

NOW THEREFORE the Municipal Council of the District of Wells, in open meeting assembled, enacts as follows:

1. Definitions:

a. "Peace Officer" includes:

- i. a member of the Royal Canadian Mounted Police;
- ii. a Conservation Officer under the Wildlife Act, or the Fisheries Act;
- iii. a Bylaw Enforcement Officer of the District of Wells;
- iv. an employee of the Corrections Branch of the Department of the Attorney-General, while carrying out his duties under the corrections Act or regulations thereto;
- v. a Sheriff and Deputy Sheriff;
- vi. any Provincial Constable or Special Provincial Constable as defined in the Police Act, S.B.C. 1974, Chapter 64 and amendments thereto.

b. "Authorized Person" includes:

- i. a member of the Canadian Armed Forces, acting in a military capacity;
- ii. the holder of a permit for discharge of a firearm, issued by the Council of the District of Wells in accordance, with the provisions hereinafter set forth;
- iii. a person operating a trapline, and licensed in accordance with the provisions of the Wildlife Act, while acting solely in furtherance of the operations of such trapline;
- iv. a person employed as a security officer or guard with an armoured car delivery service while on duty, acting in an official capacity;
- v. a person acting under the authority of and in full compliance with a federal or provincial statute in circumstances requiring prompt and urgent action.

- c. "Firearm" includes any barreled weapon from which any shot, bullet, or other missile can be discharged, and that is capable of causing serious bodily injury or death to a person, and includes any frame or receiver of such a barreled weapon and anything that can be adapted for use as a firearm, and shall include any gun using as a propellant, explosives, compressed air or gas.
 - d. "Highways" shall be defined as in the District of Wells Highways Bylaw and amendments thereto.
2. Regulations and Exemptions
- a. No person, except a peace officer or authorized person, shall permit or cause the discharge of a firearm in the District of Wells.
 - b. Nothing in this Bylaw shall be so construed as to prohibit the use of a starting pistol by a person officiating as a starter at a sporting or athletic event.
 - c. Nothing in this Bylaw shall be so construed as to prohibit the use of or require a permit for industrial equipment using an explosive charge provided such industrial equipment is operated in accordance with provincial and federal statutes related to the operation of said devices and provided there is adherence to other Bylaws of the District.
3. The Council of the District of Wells may, upon application, issue a permit to any person or persons for the purpose of discharging a firearm or firearms, and such permit, if issued, shall
- a. specify the exact location, date and times where the firearm may be discharged;
 - b. specify the type of firearm to be discharged;
 - c. specify who may discharge the firearm; and
 - d. be signed on behalf of the District of Wells by the Chief Administrative Officer, or the City Clerk.
4. Enforcement:
- a. A peace officer who believes upon reasonable and probable grounds that a person has discharged a firearm in violation of this Bylaw, may seize the said firearm and may retain the said firearm or cause the said firearm to be retained in a safe and otherwise suitable location for the purpose of preserving the said firearm as evidence to be used in a prosecution under this Bylaw;
 - b. If a firearm is seized in accordance with the provisions of this Bylaw and no prosecution with respect to the incident giving rise to the seizure has been

commenced within the period limited therefore by the Summary Convictions Act, the owner thereof shall be entitled to the return of the said firearm;

- c. Where any person is convicted of discharging a firearm in violation of this Bylaw, and the said firearm is produced in evidence or otherwise taken before the Court, the Court may declare the said firearm confiscated and may order the sale, destruction or other disposition thereof;

5. Any person who violates any provision of this Bylaw shall be guilty of an offence punishable upon conviction to a fine or penalty not exceeding \$2000.00 for each offence; in default of payment thereof, forthwith or within such time as the Court shall direct, the final penalty imposed shall be recoverable in accordance with the provisions of the Community Charter Section 262 and amendments thereto.
6. This Bylaw may be cited as the " District of Wells Bylaw No. 67, 2004".

READ A FIRST TIME THIS THE 7TH DAY OF SEPTEMBER, 2004.
READ A SECOND TIME THIS THE 7TH DAY OF SEPTEMBER, 2004.
READ A THIRD TIME THIS THE 7TH DAY OF SEPTEMBER, 2004.

RECONSIDERED, FINALLY PASSED AND ADOPTED THIS 5TH DAY OF OCTOBER, 2004, BY A MAJORITY DECISION OF MEMBERS OF THE COUNCIL OF THE DISTRICT OF WELLS PRESENT AND ELIGIBLE TO VOTE.

David Hendrixson, Mayor

Gary Champagne
Chief Administrative Officer