

CITY OF KELOWNA

BYLAW NO. 9779

A Bylaw to Regulate the Discharge of Firearms Within the City of Kelowna

WHEREAS pursuant to the *Community Charter* the Council of the Municipality may by bylaw regulate and prohibit in relation to the discharge of firearms;

AND WHEREAS the Municipal Council of the City of Kelowna deems it advisable to regulate and prohibit the discharge of firearms within the boundaries of the said City of Kelowna;

NOW THEREFORE, the Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

Part 1 - Short Title

1.1 This bylaw may be cited for all purposes as the "Discharge of Firearms Bylaw No. 9779".

Part 2 - Definitions

- 2.1 "Chief of Police" includes the Officer in Charge of the Kelowna Detachment Royal Canadian Mounted Police or his designate.
- 2.2 "Farm" includes every parcel of land within a rural agricultural zone under the provisions of the City of Kelowna Zoning Bylaw No. 8000, as amended, which is cultivated or worked in a farming operation and which is over two (2) hectares in size.
- 2.3 "Farmer" includes every person who cultivates or works land in a farming operation on a Farm.
- 2.4 "Firearm" includes a rifle, pistol, shotgun, air gun, air rifle, air pistol or spring gun, but does not include a starting pistol in connection with an athletic event where blank ammunition is used.
- 2.5 "Highway" includes a street, road, lane, bridge, viaduct, highway right-of-way or any way open to use by the general public, but does not include a private right-of-way on private property.

Part 3 – Prohibition

3.1 No person shall discharge a Firearm within the limits of the City of Kelowna.

Part 4 - Exemptions

- 4.1 The provisions of Part 3 of this bylaw shall not apply to:
- (a) A Peace Officer, discharging a firearm in the lawful performance of his duty;
 - (b) An employee of the City of Kelowna discharging a Firearm which fires only blank ammunition, in the lawful performance of his duty; and

- (c) Any person holding a valid permit, in the form attached hereto as Schedule “A”, for the discharge of Firearms issued by the Chief of Police for:
- (i) a pistol, rifle, trap and/or shooting range which has received prior approval from the City of Kelowna; or
 - (ii) the operation of a commercial slaughterhouse operation for the killing of animals within the said slaughterhouse operation; or
 - (iii) a fair, midway or other such event provided that the operator or operators of such event have received prior approval from the City of Kelowna; or
 - (iv) a person who has received authorization, in writing, from the City of Kelowna Airport Manager, for the discharge of a firearm on any land owned or leased by the City of Kelowna at the Kelowna International Airport complex for the purpose of destroying animals or birds which may be or have become a hazard to aviation; or
 - (v) the discharge of a firearm by an employee or contractor of the City of Kelowna for the purpose of control of wildlife in a park; or
 - (vi) the discharge of a shotgun only, not using a single projectile, for a land owner or person acting on his/her authority on land over two (2) hectares in size for the protection of such land from animals or birds; or
 - (vii) the discharge of a rifle using a single projectile, for a Farmer or person acting on his/her authority, for the protection of crops, livestock or domestic animals (as defined in the *Wildlife Act*), which are grown or kept on the said Farm, providing the Farmer or person acting on his/her authority, can show the necessity for the use of the said rifle.

4.2 No person permitted to discharge a Firearm pursuant to subsection 4.1(c) of this Bylaw shall do so either:

- (a) across, along or on a highway; or
- (b) within 150m of any school building, school yard, public park, playground, church, workshop, place of business, dwelling house, Farm building, or other place where persons may be assembled or engaged in work of any kind, except as specifically authorized by the permit.

Part 5 - Insurance

5.1 No person shall be issued a Firearm permit pursuant to this bylaw unless he provides proof of coverage, prior to issuance of the permit, of a public liability and property damage insurance policy in the minimum amount of Five Million Dollars (\$5,000,000.00) validated for the duration of the said Firearm permit.

5.2 No person shall be issued a Firearm permit pursuant to this bylaw until a firearm registration check and a criminal record check have been completed, and the Chief of Police is satisfied that the person is fit to be issued the permit based on those two checks.

Part 6 - Penalties

6.1 Every person who violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this

bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw, is guilty of an offence under this bylaw, and liable to a penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) or liable to a term of incarceration for a period of not more than 90 days, or both.

Part 6 – General

- 6.1 Nothing contained in, nor permitted pursuant to, this Bylaw shall abrogate or relieve any obligation of any person pursuant to, nor any provision of, any applicable provincial or federal act or regulation with regard to the discharge of Firearms.
- 6.2 City of Kelowna Discharge of Firearms Bylaw No. 7418, together with all amendments, is hereby repealed.

Read a first, second and third time by the Municipal Council this 30th day of April, 2007.

Reconsidered, finally passed and adopted by the Municipal Council of the City of Kelowna this day of _____, _____.

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 9779

SCHEDULE "A"

CITY OF KELOWNA

FIREARM PERMIT

Issued to: _____
(Name)

(Address)

subject to the provisions of "Discharge of Firearms Bylaw No. 9779".

Purpose of Permit:

Firearm Permitted:

Conditions:

Permit Valid for Period _____ 19 _____ to _____ 19 _____

Issued: _____ 19 _____

Officer-in-Charge, R.C.M.P.

