

PROTECTION

Chapter 745 GUNS

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**Article 1
INTERPRETATION**

745.1.1 Gun - defined

“gun” shall include any firearm, air gun, spring gun, pellet gun, air soft gun, or paint ball gun.

745.1.2 Public place - defined

“public place” shall mean land or buildings owned, managed, occupied or maintained by The Corporation of the City of Kitchener and shall include all road allowances within the City.

**Article 2
GENERAL PROVISIONS**

745.2.1 Discharge - within City - prohibited

No person shall discharge any gun within the City.

745.2.2 Possession - in park - natural area - prohibited

No person shall possess a gun in any park, natural area, or trail owned, managed or maintained by the City.

745.2.3 Possession - in public place - restriction

No person shall possess a gun in a public place unless it is:

- (a) contained in a case, container or pouch through which the gun is not visible; and
- (b) unloaded.

745.2.4 Exemption - peace officer - on duty

Section 745.2.1 shall not apply to the use or possession of guns by any peace officer in the course of the performance of his/her duties as such.

745.2.5 Exemption - licensed gun club

Section 745.2.1 shall not apply to the lawful use of guns by a member or guest of a *bona fide* gun or conservation club on the premises of such club, provided the premises are licensed by the Chief Firearms Office of Ontario.

745.2.6 Exemption - lawful necessary use - for protection

Section 745.2.1 shall not apply to the lawful and necessary use of guns for the protection of persons or property by any person.

745.2.7 Exemption - farm - pest control

Section 745.2.1 shall not apply to the lawful use of guns by the residents of a farm upon the premises of such farm for the purpose of pest control.

745.2.8 Exemption - licensed trapper

Section 745.2.1 shall not apply to the lawful use of guns by a licensed trapper upon a farm which he/she owns or upon which he/she has permission from the owner to trap for the purpose of pest control.

745.2.9 Exemption - Humane Society Officer - on duty

Section 745.2.1 shall not apply to the use of guns by an officer of the Kitchener-Waterloo and North Waterloo Humane Society holding a valid possession and acquisition licence on the premises of the Kitchener-Waterloo and North Waterloo Humane Society for the destruction of sick, diseased, injured or rabid wild animals.

745.2.10 Exemption - poundkeeper

Section 745.2.1 shall not apply to the use of guns by a City poundkeeper holding a valid Possession and acquisition licence on the premises of the City pound for the destruction of sick, diseased, injured or rabid animals.

745.2.11 Exception - Inspector - Officer - O.S.P.C.A.

Section 745.2.1 shall not apply to the use of guns by an Inspector or Officer of the Ontario Society for Prevention of Cruelty to Animals in the course of the performance of his/her duties for the destruction of sick, diseased, injured, or rabid wild animals or potentially rabid domestic animals.

745.2.12 Exemption - officer - inspector - on duty

Sections 745.2.2 and 745.2.3 shall not apply to the following:

- (a) the possession of guns by any peace officer in the course of the performance of his/her duties as such; and
- (b) the possession of guns by an Inspector or Officer of the Ontario Society for Prevention of Cruelty to Animals in the course of

the performance of his/her duties for the destruction of sick, diseased, injured, or rabid wild animals or potentially rabid domestic animals.

745.2.13 Application - for exemption - information

A person may make application for an exemption from Sections 745.2.1, 745.2.2 and/or Section 745.2.3 providing the following information to the City's Manager of Licensing:

- (a) the nature of the proposed exemption;
- (b) a police clearance letter for the person seeking the exemption and any other relevant persons as determined by the City's Manager of Licensing;
- (c) the location of the premises to be used;
- (d) the measures to be taken to prevent accidents or damage to persons or property; and
- (e) any further information required by the City's Manager of Licensing or Council.

745.2.14 Application for exemption - no fee

There shall be no fee for an exemption application pursuant to this Chapter.

745.2.15 Exemption - investigation - issued by Council

Upon receipt of the application of any person, the Council, after having:

- (a) consulted and considered any comments provided by the Regional Chief of Police or his/her delegate; and
- (b) having considered the information provided pursuant to this Chapter, may issue an exemption from Sections 745.2.1, 745.2.2, and/or Section 745.2.3 for a specific or general purpose.

745.2.16 Exemption - conditions of use added - by Council

Council may place conditions upon any exemption granted pursuant to this Chapter for the purpose of safety or to avoid disturbances to people in the City.

745.2.17 Exemption - subject to conditions

Every exemption issued pursuant to this Chapter is subject to the following conditions:

- (a) all relevant laws and regulations are complied with;
- (b) any conditions of the exemption are followed;

- (c) any precautions set out in the application for an exemption are followed; and
- (d) in the case of a business or a club, that adequate supervision is provided to ensure that any applicable conditions of the exemption or precautions set out in the application are followed.

745.2.18 Exemption - non-transferable

An exemption issued by Council pursuant to this Chapter is personal to the applicant, non-transferable, and may be revoked by Council at any time.

745.2.19 Lawful use - onus of proof

The onus of establishing that use of a gun under Sections 745.2.4 through 745.2.11 inclusive is lawful and/or necessary lies on the person using the gun.

745.2.20 Use - non-lawful - prohibited

Nothing in this Chapter shall be construed to permit anything prohibited by any federal or provincial law.

**Article 3
ENFORCEMENT****745.3.1 Fine - for contravention**

Every person who contravenes any provision of this Chapter is guilty of an offence and is liable, upon conviction, to a fine not exceeding Five Thousand Dollars (\$5,000), exclusive of costs, for each offence, recoverable under the *Provincial Offences Act*.

**Article 4
VALIDITY****745.4.1 Severability**

It is hereby declared that each and every of the foregoing Sections of this Chapter is severable and that, if any provisions of this Chapter should for any reason be declared invalid by any court, it is the intention and desire of Council that each and every of the then remaining provisions hereof shall remain in full force and effect. By-law 2008-95, 20 May, 2008.