

# RESORT VILLAGE OF PASQUA LAKE

## BYLAW NO. 10-2024

### A BYLAW OF THE RESORT VILLAGE OF PASQUA LAKE TO PROVIDE FOR THE CONTROL AND REGULATION OF FIREARMS IN THE MUNICIPALITY

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 for the Resort Village of Pasqua Lake deems it expedient to provide for the control and regulation of firearm within the Resort Village of Pasqua Lake;

THEREFORE the Council of the Resort Village of Pasqua Lake in the Province of Saskatchewan enacts as follows:

1. Title

This bylaw shall be referred to as the "Firearms Bylaw".

2. Purpose

To establish a provision for Nuisance Wildlife Control Officers 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 Resort Village of Pasqua Lake for the enjoyment of its citizens.

3. Definitions

- a) "Resort Village" shall mean the Resort Village of Pasqua Lake
- b) "Council" shall mean the Council of the Resort Village of Pasqua Lake
- c) "Administrator" shall mean the Chief Administrative Officer of the Resort Village of Pasqua Lake or any person authorized to act on their behalf
- d) "Firearm" shall mean a firearm as defined by *The Criminal Code of Canada*
- e) "Officer" shall mean a member of the Royal Canadian Mounted Police, Conservation Officer, or Bylaw Enforcement Officer appointed pursuant to Division 4 of the *Municipalities Act*
- f) "Owner" shall mean the owner of property or the person in charge or legal control of the property
- g) "Person" shall mean any individual, firm, or company or partnership
- h) "Public Nuisance" shall mean being destructive or menacing or causing an apparent risk of harm to humans and animals. The animal must be damaging property such as buildings, crops, pets, livestock, gardens or public parks. Public Nuisance does not mean causing a disturbance by feeding young or other acts of nature relevant to the species cycle of life.

- i) "Nuisance Wildlife Control Officer" shall mean any person appointed by the Administrator to trap, hunt and dispose of any pest animals.

4. Regulations

- a) No person shall discharge a firearm within the Village, except as provided elsewhere in this Bylaw.
- b) No person shall discharge any firearm in such a manner so that the projectile crosses the boundaries of the corporate limits of the Resort Village of Pasqua Lake.
- c) This Bylaw does not apply to peace officers as defined by *The Criminal Code of Canada*.

5. Nuisance Wildlife Control

- a) The Administrator may appoint a Nuisance Wildlife Control Officer 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.d, 5.e, and 5.f of this Bylaw;
- b) The appointment shall commence upon:
  - i) Receipt of the requirements in subsection 5.3 of this Bylaw; and
  - ii) The Resort Village receiving a Nuisance Wildlife Control Permit from the Saskatchewan Ministry of the Environment;
- c) A Nuisance Wildlife Control Officer shall provide the Resort Village with:
  - i) A criminal record check from the Royal Canadian Mounted Police; and a copy of their current Firearms License (Possession Acquisition); or
  - ii) A game licence, a fur licence, a Saskatchewan Wildlife Habitat Licence or a Veteran Wildlife Habitat Licence.
- d) Pursuant to clause 6(2)(a) of *The Wildlife Regulations, 1981*, A Nuisance Wildlife Control Officer may capture or kill any wildlife that is wounded, diseased, a danger to the public or a public nuisance and in accordance with the Resort Village's valid Nuisance Wildlife Control Permit.
- e) Pursuant to clause 6(2)(b) of *The Wildlife Regulations, 1981*, a Nuisance Wildlife Control Officer may remove or destroy the house, nest, dam or usual place of habitation of any wildlife that is causing or likely to cause damage to property and in accordance with the Resort Village's valid Nuisance Wildlife Control Permit.
- f) Pursuant to clause 13(3) of *The Wildlife Regulations, 1981*, a Nuisance Wildlife Control Officer may hunt those animals listed below as found in clauses 4(a) to (l) of *The Wildlife Regulations, 1981*, within 500 (five hundred) meters of any building, stockade, or corral within the Village without the consent of the owner and in accordance with the Village's valid Nuisance Wildlife Control Permit:
  - i. snakes and turtles other than rattlesnakes, bullsnakes, hognosed snakes, smooth green snakes, eastern yellow-bellied racers, northern red-bellied snakes, short-horned lizards and snapping turtles;
  - ii. frogs and salamanders, other than great plains toads and northern leopard frogs;
  - iii. rabbits;
  - iv. shrews;
  - v. mice, rates and beavers, other than red squirrels, muskrats, black-tailed prairie dogs, Ord's kangaroo rats;
  - vi. skunks;
  - vii. raccoons;
  - viii. blackbirds, other than rusty blackbirds, bobolinks, Baltimore orioles, Bullock's orioles, orchard orioles and western meadowlarks;

- ix. house sparrows
- x. starlings
- xi. pigeons and doves, other than band-tailed pigeons, mourning doves and white-winged doves;
- xii. crows, magpies and jays, other than blue jays, gray jays, Clark's nutcrackers and ravens.

6. Voluntary Penalty

- a) Where an officer believes that a person has contravened any provision of this Bylaw, the officer may issue a Bylaw Violation Notice for not less than \$100 nor more than \$500.
- b) Service of a Bylaw Violation Notice shall be by regular mail or by leaving at the person's last known address and such service shall be adequate for the purpose of the Bylaw.
- c) A Bylaw Violation Notice shall be in such form as determined by the Village and shall state the section and the amount which will be accepted by the Resort Village of Pasqua Lake.
- d) Upon payment of a Bylaw Violation Notice within fifteen (15) days from issuance, the person to whom the notice was issued shall not be liable for prosecution for the contravention in response to which the notice was issued upon receipt of payment for the violations.
- e) Notwithstanding the provisions of this section, a person to whom a Bylaw Violation Notice has been issued pursuant to this section may exercise their right to defend any charge of committing a contravention of any provisions of this Bylaw.

7. Offences and Penalties

- a) 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 for individuals; \$5,000 for corporations.
- b) Where a member of the RCMP or a Conservation 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.
- c) If a member of the RCMP or a Conservation 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.
- d) 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.
- e) If a firearm seized pursuant to subsection 7(b) 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 as adjudicated the Defendant in the proceedings no guilty of the offence.

8. Severability

If any sections, clauses or provisions of this Bylaw is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Bylaw in whole or in part, other than the section, clause or provision so declared to be invalid.

9. Effective Date

This bylaw shall come into force on its adoption.

*Original Signed by*

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Mayor

*Original Signed by*

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Chief Administrative Officer

Read a first time this 21<sup>st</sup> day of May, 2024

Read a second time this 21<sup>st</sup> day of May, 2024

Read a third time and adopted this 21<sup>st</sup> day of May, 2024.

*Original Signed by*

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Chief Administrative Officer