

TOWN OF PICTOU
FIREARMS AND PYROTECHNICS BY-LAW

BE IT RESOLVED that this By-Law, known as the Firearms and Pyrotechnics By-Law for the Town of Pictou be enacted effective this __ day of _____, 2018.

TITLE

1. This By-Law may be cited as the “Firearms and Pyrotechnics By-Law”.

DEFINITIONS

2. In this By-Law:
 - a. **“Firecracker”** means, without limitation, fire crackers, sparkles, squit, fireworks, pyrotechnic devices, and like flammable compounds and materials;
 - b. **“Air rifle”** means air rifle, air-gun and any other instrument or device for projecting missiles by air pressure obtained or created by mechanical means;
 - c. **“Firearm”** means a barreled weapon from which any shot, bullet or other projectile 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, as defined in the *Criminal Code*, R.S.C. 1985, c. C-46;
 - d. **“Explosive Substance”** includes
 - i. anything intended to be used to make an explosive substance,
 - ii. anything, or any part thereof, used or intended to be used, or adapted to cause, or to aid in causing an explosion in or with an explosive substance, and
 - iii. an incendiary grenade, fire bomb, Molotov cocktail or other similar incendiary substance or device and a delaying mechanism or other thing intended for use in connection with such a substance or device,as defined in the *Criminal Code*, R.S.C. 1985, c. C-46;
 - e. **“Peace Officer”** means a member of the Provincial Police as defined in the *Police Act*, SNS 2004, c. 31;
 - f. **“Person”** includes a body corporate or politic, or party, including a citizen, owner or Occupier of property; and
 - g. **“Weapon”** means anything used, designed to be used or intended for use in causing death or injury to any Person, or for the purpose of threatening or

intimidating any Person and, without restricting the generality of the foregoing, includes a Firearm.

APPLICATION

3. This By-Law is enacted pursuant to Section 172 of the *Municipal Government Act*, S.N.S. 1998, c. 18. 5. This By-Law applies to the discharge of Firearms and other devices as defined herein within the Town.

GENERAL

4. Subject to section 7, no Person shall fire or discharge any Air rifle, Firecracker, Firearm, cross-bow, prohibited Weapon, restricted Weapon, prohibited device, ammunition, prohibited ammunition or Explosive Substance in the Town of Pictou.
5. Excepting Persons in compliance with all federal and provincial licensing conditions, statutory and regulatory requirements, no Person shall sell by retail or keep or offer for sale by retail in the Town of Pictou any Air rifle, Firecracker, Firearm, cross-bow, prohibited Weapon, restricted Weapon, prohibited device, ammunition, prohibited ammunition or Explosive Substance.

EXCEPTIONS

6. This By-Law does not apply to the following:
 - a. a Peace Officer in the lawful discharge of his duty;
 - b. a member of the Armed Forces, for drill or ceremonial purposes; or
 - c. the discharge of a starting pistol by any Person when used to start a sporting event.
7. Notwithstanding section 4, Town staff or Town Council may issue a permit to explode or discharge an Air rifle, Firecrackers or Firearm in the Town of Pictou on a date fixed by Town staff or Council and subject to such controls or qualifications as staff or Council may impose in its complete discretion, provided however that such Air rifle, Firecrackers or Firearm that is the subject of the permit is not capable of causing serious bodily harm or death to a person.

OFFENCE ENFORCEMENT AND PENALTY

8. No Person shall contravene or fail to comply with any provision of this By-Law.
9. This By-Law may be enforced, at the discretion of the Town, by any Peace Officer, in accordance with the procedures set out in the *Municipal Government Act* or by means of a Summary Offence Ticket under the *Municipal Government Act* or *Summary Proceedings Act*.

10. The *Summary Proceedings Act*, where applicable, shall apply to proceedings under this By-Law.
11. Except as otherwise provided in this By-Law, any Person who violates any of the provisions of the By-Law or who suffers or permits any act or thing to be done in contravention of this By-Law, or who refuses, omits, fails to comply with or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this By-Law, shall be liable upon summary conviction:
- a. for the first offence to a penalty of not less than One Hundred Dollars (\$100.00) and of not more than Ten Thousand Dollars (\$10,000.00) or imprisonment for a period of not more than six (6) months or both;
 - b. for the second offence to a penalty of not less than Three Hundred Dollars (\$300.00) and of not more than Ten Thousand Dollars (\$10,000.00) or imprisonment for a period of not more than six (6) months or both;
 - c. for the third or subsequent offence to a penalty of not less than Five Hundred Dollars (\$500.00) and of not more than Ten Thousand Dollars (\$10,000.00) or imprisonment for a period of not more than six (6) months or both.

REPEAL

12. The Town of Pictou Firearms and Pyrotechnics By-Law dated the 12th day of April, 1976 and any amendments thereto is hereby repealed.

CAO ANNOTATION

Date of First Reading: April 23, 2018

Date of advertisement of Notice of Intent to Consider:

Date of Second Reading: June 18, 2018

Date of advertisement of Passage of By-Law:

I certify that the above FIREARMS AND PYROTECHNICS BY-LAW was duly adopted by Pictou Town Council at duly called meetings and was published as indicated above.

Chief Administrative Officer