

THE CORPORATION OF THE TOWN OF MARATHON

BY-LAW NO. 968

A by-law to repeal By-Law Nos. 447-A, 753 and 770, and being a by-law to regulate and prohibit the discharge of firearms within the Town of Marathon.

WHEREAS The Municipal Act, R.S.O. 1990, Chapter M.45, Section 210(36) provides that for the purpose of public safety, Councils of municipalities may pass by-laws to regulate or prohibit the discharge of guns or other firearms, air-guns, spring-guns, cross bows, long bows or any class or type thereof in their Municipality or in any defined areas thereof;

AND WHEREAS the Council of The Corporation of the Town of Marathon, in the interest of public safety, deems it necessary to prohibit the discharge of firearms within certain areas of the Town of Marathon;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARATHON ENACTS AS FOLLOWS:

1. **Definitions:**

- a) "Firearms" means any barrelled 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 shall also include air pellet guns and for the purposes of this by-law, shall include a longbow or crossbow.
- b) "Town of Marathon" means the whole of The Corporation of the Town of Marathon, and shall include the developed Townsite, as indicated on the map annexed hereto, and referred to in Schedule "A".

2. **Prohibited Areas:**

Subject to Paragraph 4 of this by-law, no person shall discharge any firearm within the following described areas of the Town of Marathon comprising parts of the geographic Townships of McCoy, O'Neil and Pic, in the District of Thunder Bay, Northwest Region, Province of Ontario. These areas are described as the following:

- (a) commencing at the northeast corner of Lot No. 18 (now annulled) Concession XI, Township of Pic; thence south along the east boundary of Lot No. 18 to the southeast corner of Lot No. 18, Concession VII, thence west a distance of approximately three miles along the south boundary of Concession VIII to a point in Lake Superior; thence north a distance of approximately four miles to a point in Lake Superior; thence eastward to the point of commencement;
- (b) a triangular section of land contained within the boundary points described as:
 - East point - the southwest corner of the intersection of Highway 17, and Peninsula Road, formerly Highway 626;
 - Southwest point - located approximately 600 metres southwest on Peninsula Road, formerly Highway 626, commencing from the east point described above, and intersecting with the east boundary line of the area described in Paragraph (a) above;
 - (c) Northern point - a section of land whose boundaries are defined starting at the eastern shoreline of Lake Superior and its intersection with the southern boundary line of the prohibited area defined in Paragraph (a) above, south following the shoreline of Lake Superior for a distance of approximately 2.8 kilometres, then northeast for approximately 800 metres to the boundary of the CPR line and Craig's Pit Provincial Nature Reserve, then northwest following the boundary of the Craig's Pit Provincial Nature Reserve, until the boundary line reaches the southeast corner of the prohibited area referred to in Paragraph (a) above, then due west approximately 2.1

kilometres along the aforementioned southern boundary line, until the point of commencement is reached at the shore of Lake Superior.

The areas mentioned in Paragraph 2 herein, are shown enclosed by cross hatch lines on the map attached hereto and marked as Schedule "A" to this by-law, which schedule forms an integral part of this by-law.

3. Notwithstanding the provisions of Paragraph 2 above, nothing shall prevent the erection of temporary signs prohibiting firearms or their discharge in any portion of the Town of Marathon not contained within the areas mentioned in Paragraph 2 above for the purpose of ensuring safety of workers involved in forestry operations, mineral and gravel extraction, geology research and any other authorized operation which may be performed from time to time.

4. **Exceptions:**

Nothing in this by-law shall apply to the discharge of any firearm:

- a) by a Police Officer, Conservation Officer or Deputy Conservation Officer of the Ministry of Natural Resources or by an employee of the Town of Marathon in the performance of his or her duties; or
- b) by any person at a target range of an organized Gun, Revolver or Archery Club where the range has been adequately protected to ensure the safety of all persons, and in the case of a Gun or Revolver Club, the plans of the range have been registered with and approved by The Attorney General for Ontario and the Chief Provincial Firearms Officer.

5. **Notice Requirements:**

In accordance with Section 5 (1) of the Trespass to Property Act, R.S.O., 1990, Chapter T.21, notice of the prohibitions set out in Paragraph 2 and Paragraph 3, is hereby given.

6. **Penalties:**

Every person who contravenes any provision of this by-law is guilty of an offence and the matter will be dealt with as provided for in The Provincial Offences Act, R.S.O., 1990, Chapter P.33, as from time to time amended.

7. That By-Law Nos. 447-A, 753, and 770 be and are hereby repealed.

8. That this by-law comes into force and takes effect upon the date of final passing.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED

ON THIS ____ DAY OF _____ A.D., 1997.

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Mayor

(SEAL)

.....
Clerk

THE CORPORATION OF THE TOWN OF MARATHON BY-LAW NO. 968

DISCHARGE OF FIREARMS

<u>ITEM</u>	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3 - Set Fine (Includes Costs)</u>
1.	Discharge Firearm within the prohibited area.	Section 2 - Schedule "A"	\$500.00
2.	Discharge Firearm within prohibited area where temporary sign is posted	Section 3	\$500.00

The penalty provisions for the offences indicated above is Section 6 of The Corporation of the Town of Marathon By-Law No. 968, a Certified True Copy of which has been filed.