



TSAWWASSEN FIRST NATION
s'əwaθən məsteyəx^w

Community Governance Act

DISCHARGE OF FIREARMS REGULATION

Date Enacted: 9 April 2014

Order Number: O.040-2014

This version of the Regulation is not the official version, and is for informational purposes only. Persons who need to rely on the text of the Regulation for legal or other purposes may access the official version held in the TFN Laws Registry by contacting the TFN Administration Office at (604) 943-2112.

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PART 1 – ADMINISTRATION

Citation

- 1 This regulation may be cited as the *Discharge of Firearms Regulation*.

Definitions

- 2 In this regulation:

“**bow**” means a tool for projecting arrows which includes, but is not limited to, a long-bow, a compound bow, a recurve bow, a regular cross-bow, and a compound cross-bow;

“**firearm**” includes a rifle, pistol, shotgun, air gun, air rifle, air pistol or spring gun, but does not include weapons used in connection with an athletic or sporting event where blank ammunition is used;

“**highway**” includes a street, road, lane, bridge, and any other way open to public use;

“**occupied area**” means school building, school yard, public park, playground, church, workshop, place of business, residential dwelling, farm building, or other place where persons may be assembled or engaged in work of any kind;

“**salt marsh**” means the area defined as zone FS1 – Foreshore in the *Zoning Regulation* (Tsawwassen);

“**Tsawwassen Hunting License Holder**” means the holder of a hunting license issued by Tsawwassen First Nation that permits a Tsawwassen Member to hunt under the Right to Harvest Wildlife or the Right to Harvest Migratory Birds;

“**Tsawwassen Lands**” has the definition ascribed to it in the Tsawwassen First Nation Final Agreement; and

“**Tsawwassen Member**” has the meaning ascribed to it in the Tsawwassen First Nation Final Agreement.

Application

- 3 This regulation applies to all individuals accessing or occupying Tsawwassen Lands.

Exemptions

- 4 Notwithstanding section 3, this regulation does not apply to a peace officer, employee of the Government of British Columbia or the Government of Canada, or an employee of the Society for the Prevention of Cruelty to Animals, discharging a firearm in the lawful performance of duty.

Provincial and Federal firearms laws apply

- 5 Nothing in this regulation relieves any person from the Federal and Provincial laws regarding firearms, including but not limited to the requirement to obtain licences for the use and possession of firearms.

PART 2 – DISCHARGE OF FIREARMS

Restrictions on discharging firearms and bows

- 6** (1) Except as otherwise permitted by this regulation, no person without a valid permit shall discharge a firearm or a bow within the limits of Tsawwassen Lands.
- (2) Where the discharge of a firearm or a bow is permitted by this regulation, no person shall discharge a firearm or a bow:
- (a) across, along or on a highway;
 - (b) except in the salt marsh, within 150 metres of any occupied area;
 - (c) in the salt marsh, within 25 metres of any occupied area.
- (3) A permitted discharge of a firearm or a bow within the salt marsh must be in the seaward direction.

Permits

- 7** A permit to allow the discharge of firearms or bows within Tsawwassen Lands issued by Tsawwassen First Nation shall be required:
- (a) for the operation of a pistol, rifle, trap, skeet and/or archery shooting range. Any permit issued under this subsection shall be valid for not more than one calendar year from the date of issue;
 - (b) for an organized trap or skeet shooting event not located on a shooting range permitted to operate under this regulation. Any permit issued under this subsection shall be valid for not more than seven days from the date of issue; and
 - (c) for any other discharge of firearm not specifically exempted in this regulation.

Permit applications

- 8** (1) An application for a permit required under section 7 shall be made to the Director of Lands in the form attached hereto as Schedule A.
- (2) The Director of Lands may issue the permit for the discharge of firearms or bows, provided the applicant has submitted:
- (a) a completed application in the prescribed form; and
 - (b) proof of public liability and property damage insurance policy covering an incident which may occur from the discharge of a firearm or bow in the amount of at least \$2,000,000 per occurrence, which names Tsawwassen First Nation as an additional insured, and which is valid for the duration of the permit.
- (3) Failure to maintain coverage required by subsection 8 (2) (b) during the life of the permit automatically cancels the permit.

Exemptions

- 9 The following persons may discharge a firearm or a bow within Tsawwassen Lands without first obtaining a permit:
- (a) a farmer, or person authorized by the farmer, discharging a shotgun only, not using a single projectile, on a farm for the protection of crops, livestock or domestic animals (as defined in the *Wildlife Act* (British Columbia)), which are grown or kept on the same farm;
 - (b) a farmer hunting on his or her own lease lands in accordance with the *Wildlife Act* (British Columbia) and other applicable federal and provincial laws and regulations;
 - (c) any person engaged in a commercial slaughterhouse operation;
 - (d) a Tsawwassen Member discharging a bow for cultural or training purposes which, for greater certainty, does not include hunting activities;
 - (e) a Tsawwassen Hunting License Holder exercising the Right to Harvest Migratory Birds or the Right to Harvest Wildlife; or,
 - (f) a guest of a Tsawwassen Hunting License Holder, who is accompanied by the License Holder, hunting on Tsawwassen Lands in accordance with applicable provincial and federal laws and regulations.

PART 3 – ENFORCEMENT

Enforcement

- 10 (1) Any person who contravenes, violates or permits any act or thing to be done in contravention of, or neglects or refrains from doing anything required to be done pursuant to the provisions of this regulation, commits a contravention and shall, in addition to any other provisions of this regulation, be liable:
- (a) to a penalty as set out in the *Tsawwassen First Nation Ticket Regulation, 2013*;
 - (b) if no penalty is set out for the contravention in the *Tsawwassen First Nation Ticket Regulation, 2013*, then to a fine not exceeding \$2,000;
 - (c) to Tsawwassen Hunting License restrictions or suspension; or
 - (d) to both Tsawwassen Hunting License or suspension under subsection c) and either a penalty under subsection a) or a fine under subsection b).
- (2) Every day that a contravention continues under this regulation constitutes a separate and distinct contravention.
- (3) Contraventions of this regulation are designated for enforcement under the *Community Governance Act* (Tsawwassen) or the *Laws Enforcement Act* (Tsawwassen).

- (4) In addition to the designated Enforcement Officer appointed by Executive Council pursuant to section 3 (1) (a) of the *Laws Enforcement Act*, a resource management officer appointed under section 28 of the *Fisheries, Wildlife, Migratory Birds and Renewable Resources Act* is designated as an enforcement officer for the purposes of this regulation.

Schedule A – Firearms Permit Application Form

Applicant Name:

Address:

Telephone:

Contact Person:

Address where firearm(s) will be discharged (attach plan showing proximity to roads and buildings):

Type(s) of firearms intended to be discharged:

Purpose of discharging firearm(s) (e.g. rifle or archery range, skeet shooting, athletic event)

Type of permit desired (check one):

Full-year permit

One time event (7-day permit)

Name of applicant's insurer:

Address:

Telephone:

Contact Person:

Amount of liability insurance coverage (per occurrence):

\$

Proof of insurance indicating amount of liability coverage:

Attached

To be provided

Application will not be processed until proof of insurance satisfactory to Tsawwassen First Nation and a permit processing fee of \$50 are received.

ISSUANCE OF A FIREARMS PERMIT IN NO WAY RELIEVES THE PERMIT HOLDER FROM FULL AND SOLE RESPONSIBILITY FOR OBTAINING AND COMPLYING WITH ALL PROVINCIAL OR FEDERAL PERMITS RELATED TO THE INTENDED PURPOSE INCLUDED IN THIS APPLICATION.

ISSUANCE OF A FIREARMS PERMIT IN NO WAY CONSTITUTES A REPRESENTATION, WARRANTY, ASSURANCE, OR STATEMENT THAT APPLICABLE TFN, PROVINCIAL OR FEDERAL ENACTMENTS HAVE BEEN COMPLIED WITH BY THE PERMIT HOLDER.

By signing this application form, I hereby acknowledge that I have reviewed and agree to comply with the Tsawwassen First Nation *Discharge of Firearms Regulation*.

Applicant Signature:

Date:
