



BY-LAW 2012-

A By-law to prohibit the display, marketing for sale, or sale of imitation and replica firearms in Markham

WHEREAS Section 10(2) of the Municipal Act 2001, enables a municipality to pass a by-law to protect the health, safety and well-being of its residents;

WHEREAS Section 130 of the Municipal Act 2001, permits municipalities to pass by-laws related to the health, safety and well-being of the inhabitants of the municipality; and,

WHEREAS the display, marketing for sale and sale of imitation and replica firearms in the City of Markham are activities having the potential to be harmful to the health, safety and welfare of the inhabitants of the City of Markham;

NOW THEREFORE THE COUNCIL OF THE CITY OF MARKHAM ENACTS AS FOLLOWS:

1.0 DEFINITIONS:

In this by-law:

"City" means The Corporation of the City of Markham.

"Firearm" means any barrelled weapon from which any shot, bullet or other missile can be discharged by means of rimfire or centre-fire ammunition and that is capable of causing serious bodily harm or death;

"Municipal Law Enforcement Officer" means an employee of the City that is appointed by By-law to enforce the provisions of the City's By-laws.

"Person" includes a corporation and its directors and officers, and the heirs, executors, assignees and administrators or the other legal representatives of an individual and their respective successors and assignees.

"Imitation Firearm" means any device that is designed or intended to resemble a *Firearm* or *Replica Firearm* or may be reasonably mistaken as a *Firearm* or *Replica Firearm* and shall include a device that, with limited modification, may be reasonably mistaken as a *Firearm* or *Replica Firearm*.

"Replica Firearm" means a toy or other object that is not a *Firearm* but might reasonably be mistaken for a *Firearm* and, without restricting the generality of the foregoing, shall include airsoft guns, compressed air and compressed carbon dioxide powered b-b and pellet guns that might reasonably be mistaken for a *Firearm*

2.0 REGULATIONS:

- 2.1 Subject to Section 2.2, no *person* shall display, market for sale or sell an *Imitation Firearm* or *Replica Firearm* in the *City*.
- 2.2 This by-law shall not apply to the display, marketing for sale or sale of *Imitation Firearms* or *Replica Firearms* for or in connection with lawful use in:
- (a) motion pictures, television, and stage productions; and
 - (b) historical displays or educational programs of a public museum.

3.0 ENFORCEMENT:

- 3.1 The provisions of this By-law can be enforced by a *Municipal Law Enforcement Officer*, a member of the York Regional Police Service or any *Person* appointed to enforce the by-laws of the *City*.
- 3.2 No *person* shall hinder or obstruct, or attempt to hinder or obstruct, a *Municipal Law Enforcement Officer* or other *Person* so authorized who is performing a duty or exercising a power under this By-law pursuant to Section 426 of the Municipal Act, 2001.

4.0 SEVERABILITY

- 4.1 Notwithstanding that any section, or any part or parts thereof, of this By-law may be found by any court of law to be invalid or beyond the power of the Council to enact, such section, Schedule or part or parts thereof shall be deemed to be severable, and all other sections and Schedules of this By-law, or parts thereof, are separate and independent there from and enacted as such.

5.0 INTERPRETATION

- 5.1. The provisions of the Legislation Act 2006, R.S.O. 2006, c.21, Sch. F, shall apply to this By-law.

6.0 SHORT TITLE

- 6.1. This By-law shall be known as the *Imitation and Replica Firearm By-law*.

7.0 OFFENCE:

7.1 Every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine of not more than \$5,000.00.

8.0 EFFECTIVE DATE:

8.1 This By-law shall come into effect on the day of its passing.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS ____ DAY
OF _____, 2012.

MARTHA PETTIT
ACTING CITY CLERK

FRANK SCARPITTI
MAYOR

