



**As Amended by 143-2007  
By-Law 24-2007  
of The Corporation of the City of Oshawa**

being a by-law to prohibit the use or display of imitation firearms in public places.

**Whereas:**

1. Subsection 128(1) of the *Municipal Act*, 2001, provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances;
2. The *Imitation Firearms Regulation Act*, 2000 regulates the sale and transfer of Imitation Firearms but does not regulate or prohibit their possession, use or display in public places;
3. It is the opinion of Council of The Corporation of the City of Oshawa that the use or display of Imitation Firearms in a public place and their possession in a public place by persons younger than eighteen years are public nuisances or could become or cause public nuisances.

**Now therefore** the Council of The Corporation of the City of Oshawa enacts as follows:

**1. Interpretation**

- 1.0.1 “Director means the Director, Municipal Law Enforcement and Licensing Services, of the Corporation of the City of Oshawa. (143-2007)
- 1.1. “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;
- 1.2. “Imitation Firearm” includes any object that
  - (a) could reasonably be mistaken for a Firearm, or
  - (b) is a Firearm but is not designed or adapted to discharge,
    - i) a shot, bullet or other projectile at a muzzle velocity exceeding 152.4 metres per second, or
    - ii) a shot, bullet or other projectile that is designed or adapted to attain a velocity exceeding 152.4 metres per second;
- 1.3. “Public Place” means any land, water or premises within the territorial limits of the City of Oshawa to which access by the public has not been prevented but does not include premises within which an Imitation Firearm is displayed for the sole purpose of selling or transferring in accordance with the Imitation Firearms Regulation Act, 2000.

**2. Public Nuisance**

- 2.1. The use or display of an Imitation Firearm in a Public Place is declared to be a public nuisance.
- 2.2. The possession of an Imitation Firearm in a Public Place by a person younger than the age of eighteen years is declared to be a public nuisance.

### **3. Prohibition**

- 3.1. No person shall use or display an Imitation Firearm in a Public Place.
- 3.2. No person younger than the age of eighteen years shall possess an Imitation Firearm in a Public Place.

### **4. Enforcement**

- 4.1. Police officers in the employ of the Royal Canadian Mounted Police, the Ontario Provincial Police or a municipal police force are authorized to enforce this By-law

#### **4.A Exemptions**

- 4.A.1 The Director may exempt any person from all or any part of the Imitation Firearm By-law where the Director is satisfied that the granting of the exemption would maintain the general intent and purpose of the imitation Firearm By-law. (143-2007)
- 4.A.2 The Director may impose such conditions as the Director determines are appropriate in relation to an exemption granted by the director. (143-2007)

### **5. Penalties**

- 5.1. Each person who contravenes any provision of this By-law is guilty of an offence and is liable on conviction to the maximum fine from time to time imposed by the *Provincial Offences Act*.

### **6. General Provisions**

- 6.1. All references to legislation in this By-law are references to legislation of the Province of Ontario as amended from time to time, including successor legislation, whether enacted prior to or subsequent to the enactment of this By-law.
- 6.2. Should any section of this By-law be declared invalid by a court of competent jurisdiction, such section shall be construed as being severed from this By-law and the remainder of this By-law shall continue in full force and effect.
- 6.3. The short title of this By-law shall be the "Imitation Firearm By-law".
- 6.4. The provisions of this By-law shall come into force and effect on the date of its passing.

By-law approved this tenth day of April, 2007.