

**FIRE CRACKERS,
SPRING GUNS AND AIR RIFLES BY-LAW**

BY-LAW # 351-11

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The Council of the Town of Sussex; under and by authority vested in it by the Municipalities Act, Section 11 (1) (g) hereby enacts as follows:

I. In this by-Law:

- (i) *“fire cracker”* means fire cracker, sparkler, squib, fire works or other pyrotechnic device;
- (ii) *“spring gun”* means any spring gun and includes any instrument or device for projecting missiles by spring pressure obtained by mechanical means;
- (iii) *“air rifle”* means air rifle, air pistol or air gun and any instrument or device for projecting missiles by air pressure obtained by mechanical means;
- (iv) *“Fire Chief”* means the Fire Chief of the Town of Sussex; and
- (v) *“Police Officer”* means:
 - ◆ a member of the Royal Canadian Mounted Police;
 - ◆ a police officer appointed under Section 10, 11, or 17.3 of the Police Act;
 - ◆ an auxiliary police officer or an auxiliary police constable appointed under Section 13 of the Police Act, when accompanied by or under the supervision of a member of the Royal Canadian Mounted Police.

- II. No person shall set fire to, discharge or cause to explode any fire cracker within the Town.
- III. Notwithstanding anything contained in Section 2, a person may with the approval of the Council and under the supervision of the Fire Chief or his designate, set off or use fireworks within the Town.
- IV. No person shall discharge any spring gun, air pistol or air rifle, except while engaged in target practice carried on exclusively within a building within the Town.
- V. Any police officer may seize any fire cracker, spring gun, air pistol or air rifle or potato gun used in contravention of this by-law.
- VI. The police officer may at any time, after the expiry of thirty (30) days following a seizure made under authority of Section V, destroy such fire cracker, spring gun, air pistol or air rifle or potato gun so seized.
- VII. **PLURAL OR FEMININE TERMS**

The use of the terms plural or feminine may apply whenever the singular, masculine or feminine is used in this by-law. It shall be considered as if the plural, feminine or masculine has been used where the context of the party or parties hereto so requires.

VIII. PENALTIES

- (i) A person who violates any provision of this by-law commits an offence and is liable, upon conviction, to a penalty under the Provincial Offences Procedure Act, as a Category D offence.
- (ii) The Council hereby designates the Town Treasurer, or his designate, to accept from a person alleged to have committed an offence under this by-law, the payment of a sum equal to the minimum prescribed for such violation as a Category D offence under the Provincial Offences Procedure Act.

IX. VALIDITY

The invalidity of any section, clause, sentence or provision of this By-Law shall not affect the validity of any other part of this by-Law which can be given effect without such invalid part or parts.

X. REPEAL

- (i) The repeal of “A By-Law of the Town of Sussex Respecting Fire Crackers, Spring Guns and Air Rifles, By-Law # 351-04”, shall not affect any penalty, forfeiture or liability incurred or pending at the time of repeal, nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing or pending at the time of repeal.

- (ii) The by-Law, A By-Law of the Town of Sussex Respecting Fire Crackers, Spring Guns and Air Rifles By-Law #351-04, enacted on the 19th day of July, 2004, and amendments thereto are hereby repealed.

READ FIRST TIME BY TITLE MAY 16, 2011

READ SECOND TIME BY TITLE MAY 16, 2011

READ IN ENTIRETY MAY 24, 2011

THIRD READING BY TITLE
AND ENACTED JUNE 20, 2011

RALPH A. CARR

MAYOR

PAUL I. MAGUIRE

TOWN CLERK