

Nova Scotia



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**Department of
Municipal Affairs**

PO Box 216
Halifax, Nova Scotia
B3J 2M4

902 424-4141

Our file no:

October 23, 1986

Mr. A. A. Pearson
Town Clerk
Town of Stellarton
P.O. Box 2200
Stellarton, Nova Scotia
B0K 1S0

Dear Mr. Pearson:

RE: TOWN OF STELLARTON FIREARMS AND PYROTECHNICS BY-LAW

The firearms and pyrotechnics by-law of the Town of Stellarton passed by Town Council March 24, 1986, was approved by the Minister of Municipal Affairs, October 14, 1986. I have enclosed two copies of the by-law bearing the approval of the Minister.

With respect to Section 6 of the by-law, the approval is for such validity as it may have.

The reason for the difficulty with Section 6 is that it may very well conflict with the terms of the Fireworks Act, R.S.N.S. 1967, c. 108. Under that Act, there is a prohibition on sale of fireworks, except as provided in the statute. Similarly, there are limitations on setting off fireworks, but there are permissions in some cases. Specifically, Section 5 of the Fireworks Act provides that where there is a conflict between any provision of that Act and the provision of some other act or by-law, the provisions of the Fireworks Act prevail. As far as the by-law is concerned, that simply states basic constitutional law of principles. Accordingly, in any attempt to enforce Section 6 of the by-law, the provisions of the Fireworks Act, its permissions, the limited penalties, must also be considered and the advice of the municipal solicitor in connection therewith obtained.

Yours very truly,

A handwritten signature in black ink, appearing to read 'John R. Cameron', written over a horizontal line.

John R. Cameron
Counsel

JRC/lmm
Enclosures

Resolved by the Town Council of the Town of Stellarton that the following By-law is hereby enacted and that the Clerk forward two duly certified copies to the Minister of Municipal Affairs with a request for his approval hereof:

FIREARMS AND PYROTECHNICS BY-LAW

1. This By-Law may be cited as "The Town of Stellarton Firearms and Pyrotechnics By-Law".
2. In this By-Law unless the context otherwise requires:
 - a. "Town" means the Town of Stellarton;
 - b. "Council" means the Town Council of the Town of Stellarton;
 - c. "Commission" means the Stellarton Board of Police Commissioners;
 - d. "Chief of Police" means the Chief of Police for the Town of Stellarton;
 - e. "Firearm" means any barrelled weapon, sling-shot, catapult or weapon from which any shot, bullet or other missile can be discharged;
 - f. "Air-rifle" means air-rifle, air-gun, air-pistol and any other instrument or devise for projecting missiles by air pressure.
 - g. "Fire-crackers" means and includes fire-crackers, squib, pyrotechnic devices, and similar inflammable compounds and materials;
3. No person shall fire or discharge any firearm or air-rifle within the boundaries of the Town of Stellarton.
4. Notwithstanding the definition "Firearm" and "Air-rifle" in section (2) the following weapons shall not be deemed to be firearms, namely,
 - a. The device designed, and intended by the person in possession thereof, for use exclusively for
 - (i) Signalling, notifying of distress or firing stud cartridge explosive-driven rivets or similar industrial ammunition.
 - (ii) firing blank cartridges; and
 - b. Any shooting devise designed, and intended by the person in possession thereof, for use exclusively for
 - (i) Slaughtering of domestic animals,
 - (ii) tranquilizing animals, or
 - (iii) discharging projectiles with lines attached thereto;

- 5. Notwithstanding anything in this By-Law contained, the Chief of Police may designate in writing, subject to the restrictions set out in the Criminal Code of Canada, the place and conditions where firearms and air-rifles may be used for target shooting in the Town of Stellarton and any person aggrieved by the decision can appeal to the Stellarton Police Commission and its decision shall be final.
- 6.
 - a. No person shall sell by retail or keep or offer for sale by retail in the Town any fire-crackers;
 - b. No person shall set fire to, discharge or cause to explode or discharge any fire-crackers in the Town;
- 7. The By-Law, Protection from Fire, Section 2 (a) (b) (c) of the Town of Stellarton is hereby repealed.
- 8. Every person who violates' or fails to comply with the provisions of this by-law shall be liable on conviction to a penalty as provided by the By-law of penalties for breach of Town of Stellarton By-laws.

THIS IS TO CERTIFY that the Resolution of which the foregoing is a true copy was duly passed at a duly called meeting of the Town Council of the Town of Stellarton, duly held on the 24 day of March A.D., 1986.

GIVEN under the hand of the Town Clerk and under the Corporate Seal of the said Town this 19 day of September A.D., 1986.

Adrian Pearson
 TOWN CLERK: ADRIAN A. PEARSON

DEPARTMENT OF MUNICIPAL AFFAIRS	
Recommended for approval of the Minister	
<i>[Signature]</i>	
Departmental Solicitor	
APPROVED this 14 th day	
of October 1986	
<i>[Signature]</i>	
Minister of Municipal Affairs	