



THE CORPORATION OF THE TOWN OF EAST GWILLIMBURY

BY-LAW NUMBER 2023-040

Being a by-law to regulate the Discharge of Firearms and Bows within the Town of East Gwillimbury

WHEREAS Paragraph 6 of Section 11(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, (the “***Municipal Act, 2001***”) provides that a municipality may pass by-laws to protect the health, safety and well-being of persons;

AND WHEREAS pursuant to Section 119 of the *Municipal Act, 2001* a municipality may, for the purpose of public safety, prohibit or regulate the discharge of firearms and other similar devices;

AND WHEREAS Section 429 of the *Municipal Act, 2001* provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under the *Municipal Act, 2001*;

AND WHEREAS Section 434.1 of the *Municipal Act, 2001* provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that a person has failed to comply with a by-law of the municipality passed under the *Municipal Act, 2001*;

AND WHEREAS Subsection 434.2(1) of the *Municipal Act, 2001* provides that an administrative penalty imposed by a municipality on a person constitutes a debt of the person to the municipality;

NOW THEREFORE the Council of The Corporation of the Town of East Gwillimbury enacts as follows:

1.0 DEFINITIONS

1.1 In this By-law:

“**Administrative Penalty**” means a monetary penalty as set out in the Town’s Administrative Monetary Penalty System By-law for a contravention of a designated by-law;

“**Agent**” means an agent authorized under Section 31(2) of the *Fish and Wildlife Conservation Act, 1997* and its Regulations used by a person to harass, capture or kill

wildlife for the Protection of Property, as defined below, on the person's lands, and includes:

- a) Trappers ("**Trappers**") licensed under O. Reg. 667/98 (Trapping) under the *Fish and Wildlife Conservation Act, 1997*;
- b) Animal welfare inspectors employed by the Government of the Province of Ontario (the "**Province**") to enforce the *Provincial Animal Welfare Services Act, 2019*;
- c) Members of a person's immediate family acting on behalf of the person in respect of the person's lands;
- c) Persons whose principal business is capturing or capturing and releasing nuisance wildlife;
- d) Employees or agents of a municipality whose responsibility relates to animal control; and
- f) Persons who hold a valid class H1 outdoors card issued under O. Reg. 665/98 (Hunting) under the *Fish and Wildlife Conservation Act, 1997*, for the purposes of harassing and/or killing wildlife but not capturing it.

"Binary Target" means any target that when hit with a projectile or bullet discharged from a Firearm creates an explosive reaction;

"Bow" means cross-bows, long bows, re-curved bows, compound bows or any class thereof;

"Business" means a business for the manufacture, assembly, possession, purchase, sale, importation, exportation, display, repair, restoration, maintenance, storage, alteration, pawn brokering, transportation, shipping, distribution or delivery of Firearms or Bows, and ammunition for Firearms or Bows;

"By-law" means this By-law 2023-040 being a by-law to regulate the discharge of Firearms and Bows within the Town of East Gwillimbury;

"Conservation Officer" means a Conservation Officer or Deputy Conservation Officer appointed under the *Fish and Wildlife Conservation Act, 1997*;

"Council" means the Council of The Corporation of the Town of East Gwillimbury;

"Educational Facility" includes school facilities operated by a Board of Education, a private school, a university, a provincial college, a private college or an outdoor area owned by the Board of Education when in use for instructional purposes whether or not the area is adjacent to a school building;

"Farmer" means a person who owns, leases, rents or manages lands used for the primary purpose of raising crops, livestock and/or poultry;

“Firearm” means a barreled weapon from which any shot, bullet, or other projectile can be discharged and that can cause serious bodily injury or death to a person or animal, and includes, without limiting the generality of the foregoing, air guns, spring guns, or any class thereof, and anything that can be adapted for use as a Firearm;

“Fish and Wildlife Conservation Act, 1997” means the *Fish and Wildlife Conservation Act, 1997*, S.O. 1997 c. 41, as amended;

“Lands” means any parcel of land or portion thereof, and includes the buildings or structures affixed to the lands;

“Normal Farm Practice” means a practice which is conducted in a manner consistent with proper and acceptable customs and standards, as established and followed by similar agricultural operations under similar circumstances, or makes use of innovative technology in a manner consistent with proper advanced farm management practices, and includes any practice which may be recognized as such by the Normal Farm Practice Protection Board;

“Occupier” includes:

- (a) a person who is in physical possession of the lands and premises; or
- (b) a person who has responsibility for the condition of, or activities carried on at, the lands or premises, or control over those persons permitted to enter the lands or premises, notwithstanding that there is more than one Occupier of the same lands or premises;

“Officer” means a person appointed by Council as a Municipal Law Enforcement Officer, or other individual duly appointed to enforce this By-law;

“Paintball Gun” means a barreled weapon that,

- (a) is designed for discharging paintballs; and
- (b) is deemed not to be a Firearm under Section 84(3)(d) of Canada’s *Criminal Code*, R.S.C., 1985, c. C-46 (the “**Criminal Code**”);

“Paintball Facility” means a facility in which individuals may participate in Paintball Gun activities;

“Park” means an outdoor area open to the public for people to gather to enjoy or participate in outdoor activities including, without limiting the generality of the foregoing, festivals, fairs, carnivals, art shows, concerts, picnics, sports events, recreation and like activities;

“Peace Officer” means a member of a federal, provincial or municipal police force, or a member of the Canadian military;

“Prohibited Areas” means those areas within the Town where the discharge of a Firearm or Bow is prohibited, as shown in orange on the maps comprising Schedules “A” to “K” inclusive;

“Protection of Property” means the acts of (a) harassing wildlife for the purpose of deterring it from damaging the person’s property; or (b) capturing or killing wildlife, if a person believes on reasonable grounds that wildlife is damaging or about to damage the person’s property on the person’s lands;

“Regulated Areas” means those areas within the Town where the discharge of a Firearm is permitted subject to specified conditions, as shown in blue on the maps comprising Schedules “A” to “K”, inclusive;

“Religious Institutions” means churches, synagogues, temples, mosques, and any other place of worship or institution practising a religious belief;

“Schedule” means a Schedule referenced in and attached to this By-law, and which Schedule form a part of this By-law; and

“Town” means The Corporation of the Town of East Gwillimbury, and, where the context requires, its geographical area.

- 1.2 The captions and section headings in this By-law and in the Schedules are not to be considered a part of the By-law but are included for reference purposes only. The captions and section headings do not in any way affect the meaning of the terms and provisions of the By-law.
- 1.3 The necessary grammatical changes required to make the provisions of this By-law apply in the plural sense, in all cases, will be assumed as though in each case fully expressed.
- 1.4 In this By-law, a reference to a statute shall include any amending or successor legislation, and the regulations made under that statute.

2.0 GENERAL PROVISIONS

- 2.1 No person shall discharge a Firearm or Bow in the Town except in accordance with this By-law.
- 2.2 No person shall discharge, cause to be discharged, or permit to be discharged, a Firearm, in a Prohibited Area.
- 2.3 Despite Section 2.2, the discharge of a Firearm in a Prohibited Area may be permissible, when hunting,
 - (a) so long as hunting occurs during permitted hunting dates and times as prescribed by the Ministry of Natural Resources;
 - (b) occurs on lands that are at least 20.24 hectares (50 acres) in size; and

(c) occurs on privately-owned lands provided that the owner or Occupier of the lands has provided their express permission to do so.

2.4 No person shall discharge, cause to be discharged, or permit to be discharged, a Firearm in a Regulated Area:

- (a) except on lands having an area of at least 2.02 hectares (5 acres) in size;
- (b) within 100 metres of a building or structure whether occupied or not, unless the owner or Occupier of the lands has provided their express permission to do so;
- (c) on privately-owned lands, without first obtaining the express permission of the owner or Occupier of the lands;
- (d) within 150 metres of a Park, an Educational Facility, or a Religious Institution, including but not limited to, any building, structure and lands related thereto;
- (e) within 16 metres of a highway or public trail; and
- (f) on any Town lands unless otherwise posted.

2.5 No person shall discharge a Bow within the Town:

- a) except upon lands having an area of at least 2.02 hectares (5 acres) in size;
- b) except for the purpose of hunting and target shooting and provided that no bolt or arrow shall pass over the boundary of the lands;
- c) within 100 metres of a building or structure whether occupied or not, unless the owner or Occupier of the lands has provided their express permission to do so;
- d) on privately-owned lands without first obtaining the express permission of the owner or Occupier of the lands;
- e) within 150 metres of a Park, an Educational Facility, or Religious Institution, including but not limited to, any building, structure or lands related thereto;
- f) within 16 metres of a highway or public trail; and
- g) on the Town's lands unless otherwise posted.

- 2.6 Every person that discharges a Firearm or Bow on lands on which a person may lawfully discharge a Firearm or Bow under and in accordance with this By-law, shall ensure that no shot, bullet, bolt, arrow or projectile, as the case may be, passes over the boundary of the said lands.
- 2.7 No person shall discharge a Firearm or Bow on lands owned by a federal, provincial or municipal government, without the applicable government's prior written express permission to do so.
- 2.8 A person shall have, in their possession, all applicable federal and/or provincial licences, when carrying and/or discharging a Firearm or Bow.
- 2.9 No person shall use Binary Targets in the Town.
- 2.10 Any person discharging a Firearm must do so in compliance with the Town's Noise By-law.

3.0 COMPLIANCE WITH FEDERAL AND PROVINCIAL REQUIREMENTS

- 3.1 No person shall discharge a Firearm or Bow unless the person is in compliance with this By-law and the applicable provisions of the *Criminal Code*, the *Firearms Act*, SC 1995, c. 39, and all other federal requirements relating to Firearms.
- 3.2 No person shall discharge a Firearm or Bow for the purpose of hunting unless the person is in compliance with this By-law and applicable federal and provincial regulations in respect to hunting.

4.0 EXEMPTIONS

- 4.1 This By-law shall not apply to the discharge of a Firearm or Bow:
 - (a) where a permit has been issued under the *Migratory Birds Regulations, 2022*;
 - (b) the Protection of Property is in accordance with the *Migratory Birds Convention Act, 1994*, S.C. 1994, c.22;
 - (c) in respect of Normal Farm Practice;
 - (d) by a Peace Officer or Conservation Officer acting in the course of their duty under the authority of their employment;
 - (e) at a facility operated or utilized by Peace Officers for training purposes;
 - (f) by a *bona fide* gun club, rifle range, or skeet club as duly authorized by the Chief Firearms Officer or by a *bona fide* archery club duly licensed to operate the business and at that location;

- (g) at an Educational Facility used for instruction in the proper use of Firearms or Bows;
- (h) at a federally regulated and licensed Business, the use and location of which is lawful and in accordance with all applicable federal, provincial and municipal legislation regulating such Businesses; and
- (i) by a person firing blank ammunition for the purposes of:
 - a. a ceremonial event, historical display or educational program;
 - b. a theatrical film or television production;
 - c. a sporting event; and/or
 - d. the training of animals.

4.2 Notwithstanding any other provisions of this By-law, a person may discharge a Paintball Gun within an authorized Paintball Facility.

5.0 GRANT OF EXEMPTION BY COUNCIL

5.1 Notwithstanding any provisions of this By-law, a person may make an application to Council to be granted an exemption from any of the provisions of this By-law with respect to the discharge of Firearms or Bows and Council, by resolution, may grant or refuse to grant the exemption applied for, or may grant any exemption of lesser effect, and in granting any exemption Council may include such terms and conditions as it deems appropriate.

5.2 A request for an exemption shall be made in writing, accompanied by the applicable fee as set out in the Town's Fees and Charges By-law.

5.3 In deciding whether to grant an exemption to a person making an application under Section 5.1, Council shall give the applicant and/or the applicant's representatives an opportunity to make verbal submissions to Council through a deputation or other means, and Council may consider such other information that Council considers appropriate, in its sole opinion.

5.4 A breach by the applicant of any terms and conditions of the exemption granted by Council shall render the exemption immediately void and of no effect.

5.5 The decision of Council to issue an exemption, to refuse to issue an exemption, or to set terms and conditions for an exemption, is final and binding.

6.0 PENALTY PROVISIONS

6.1 A person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33 (the "***Provincial Offences Act***").

6.2 Upon conviction, any fine imposed under this By-law may be collected under the authority of the *Provincial Offences Act*.

6.3 For the purpose of this By-law, “multiple offences” means an offence in respect of two or more acts or omissions each of which separately constitutes an offence.

7.0 CONTINUATION, REPETITION PROHIBITED BY ORDER

7.1 The court in which the conviction has been entered, and any court of competent jurisdiction, thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person.

8.0 ADMINISTRATIVE PENALTIES

8.1 Alternatively to laying a charge under the *Provincial Offences Act* for breach of any provision of this By-law, an Officer may issue an administrative penalty to the person who has contravened this By-law.

8.2 The Officer has the discretion to either proceed by way of an administrative penalty or a charge laid under the *Provincial Offences Act*. If an administrative penalty is issued to a person for the breach, no charge shall be laid against that person for the same breach.

8.3 The amount of the administrative penalty for a breach of a provision of this By-law, issued under this By-law, is fixed as set out in the Town’s Administrative Penalty By-law.

8.4 A person who is issued an administrative penalty shall be subject to the procedures as set out in the said Administrative Penalty By-law.

8.5 An administrative penalty imposed on a person pursuant to this By-law that is not paid within fifteen (15) days after the day it becomes due and payable, shall constitute a debt due to the Town and may be added to a municipal tax roll and collected in the same manner as municipal taxes.

9.0 ENFORCEMENT

9.1 The provisions of this By-law may be enforced by an Officer.

9.2 An Officer who has reasonable grounds to believe that a person has contravened any provision of this By-law may require that person to provide their identification to the Officer.

9.3 Every person who is required by an Officer to provide identification under Section 9.2 shall identify themselves to the Officer. For the purposes of this Section 9.3, sufficient identification means providing their name, date of birth, and residential address, and, where applicable, the address of their Business. Failure to provide sufficient identification shall constitute obstruction of the Officer as set out in Section 10.3.

10.0 OFFENCES

- 10.1 Any person who contravenes or fails to comply with a provision of this By-law, and/or any order issued pursuant to this By-law is guilty of an offence.
- 10.2 If there is a contravention of a provision of this By-law, and the contravention has not been remedied by the date set out in the penalty summons, the contravention of the provision shall be deemed to be continuing offence for each day that the contravention has not been remedied.
- 10.3 No person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer who is exercising a power or performing a duty under or in respect of this By-law.

11.0 VALIDITY AND SEVERABILITY

- 11.1 If this By-law is declared by a court of competent jurisdiction to be illegal or inoperative, in whole or in part, the balance of the By-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.
- 11.2 Where a provision of this By-law conflicts with a provision of any other by-law, statute or regulation in force, the provision that establishes the higher standard to protect the health, safety and welfare of the public shall be applicable.

12.0 SHORT TITLE

- 12.1 This By-law may be cited as the "Firearm Discharge By-law".

13.0 ENACTMENT

- 13.1 This By-law shall come into force and effect on the date of its enactment and passing by Council.
- 13.2 By-law #2004-81, as amended, is hereby repealed in its entirety.

ENACTED and PASSED this 16th day of May, 2023.

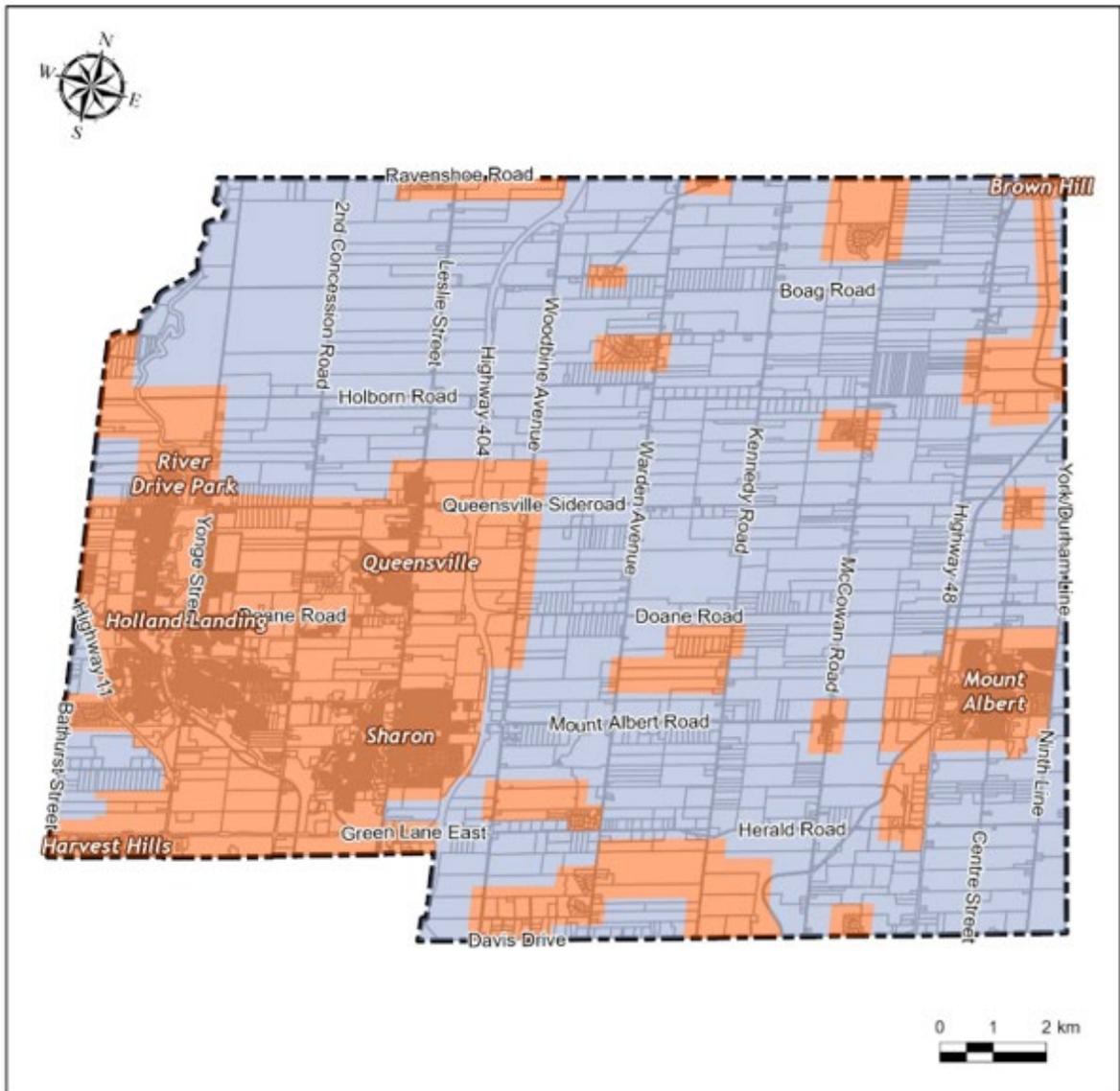


Virginia Hackson, Mayor



Tara Lajevardi, Municipal Clerk

SCHEDULE "A" to BY-LAW NUMBER 2023-040



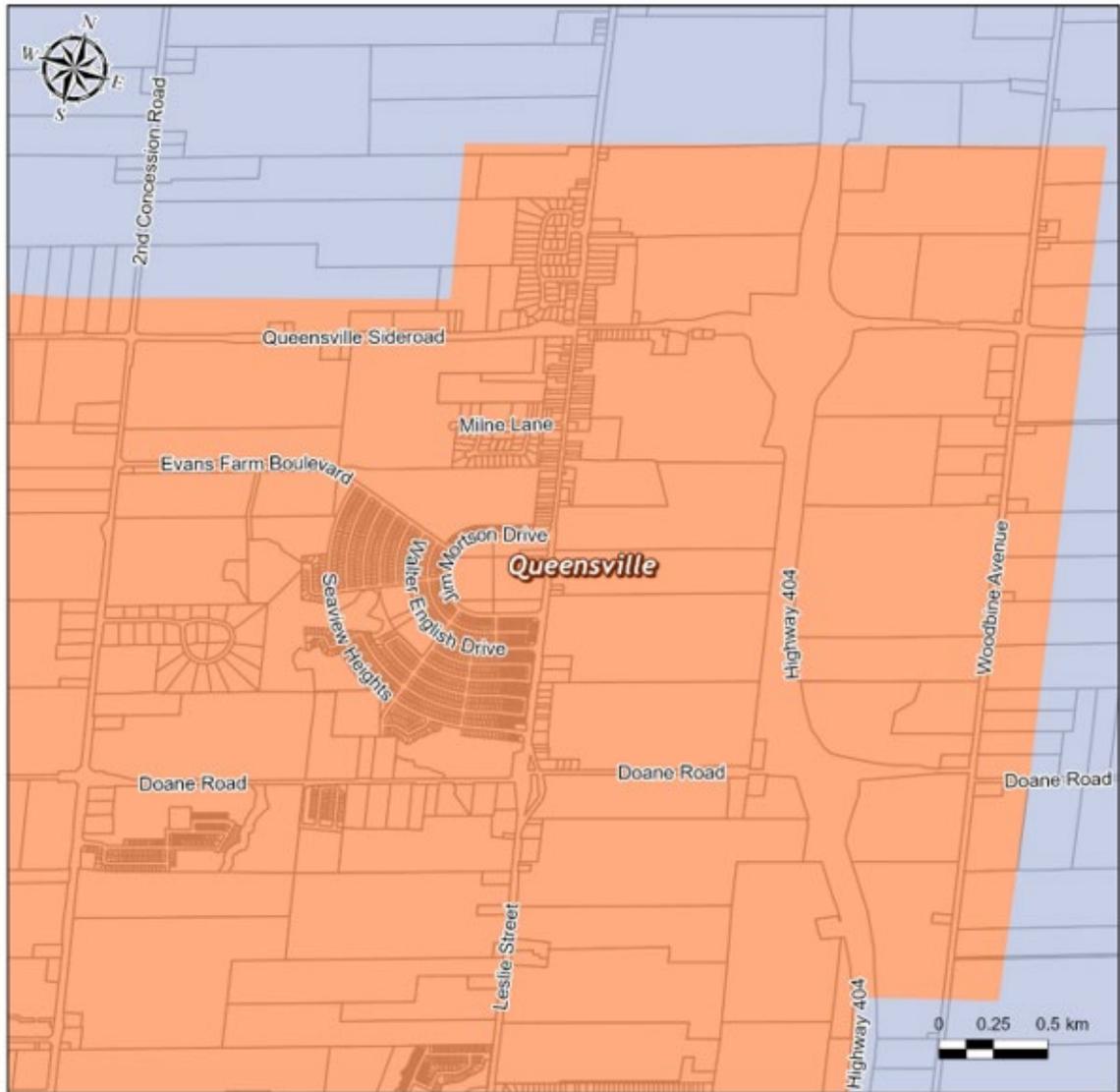
Prohibited Area Regulated Area Municipal Boundary Property Boundaries



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May, 2023

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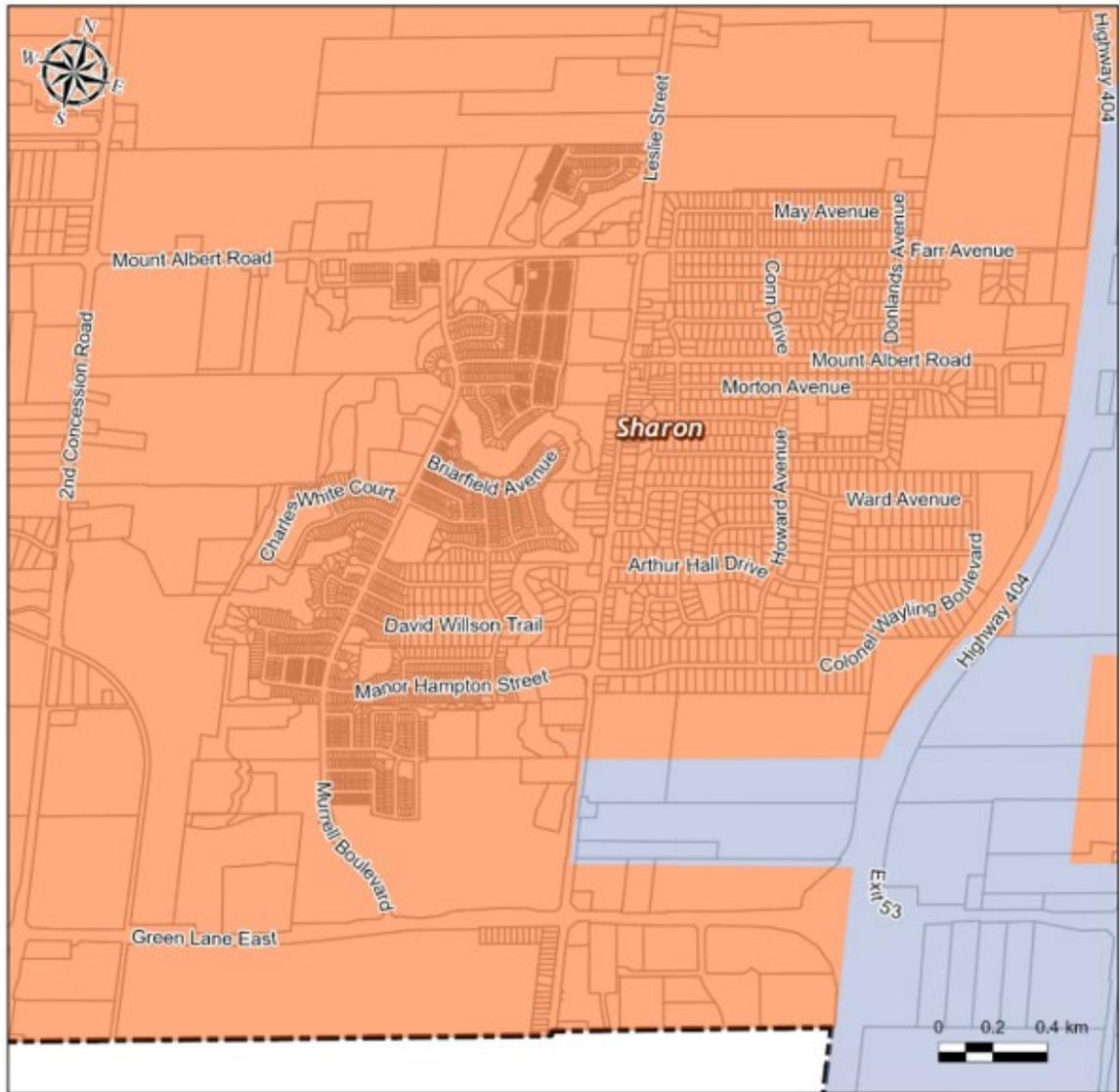
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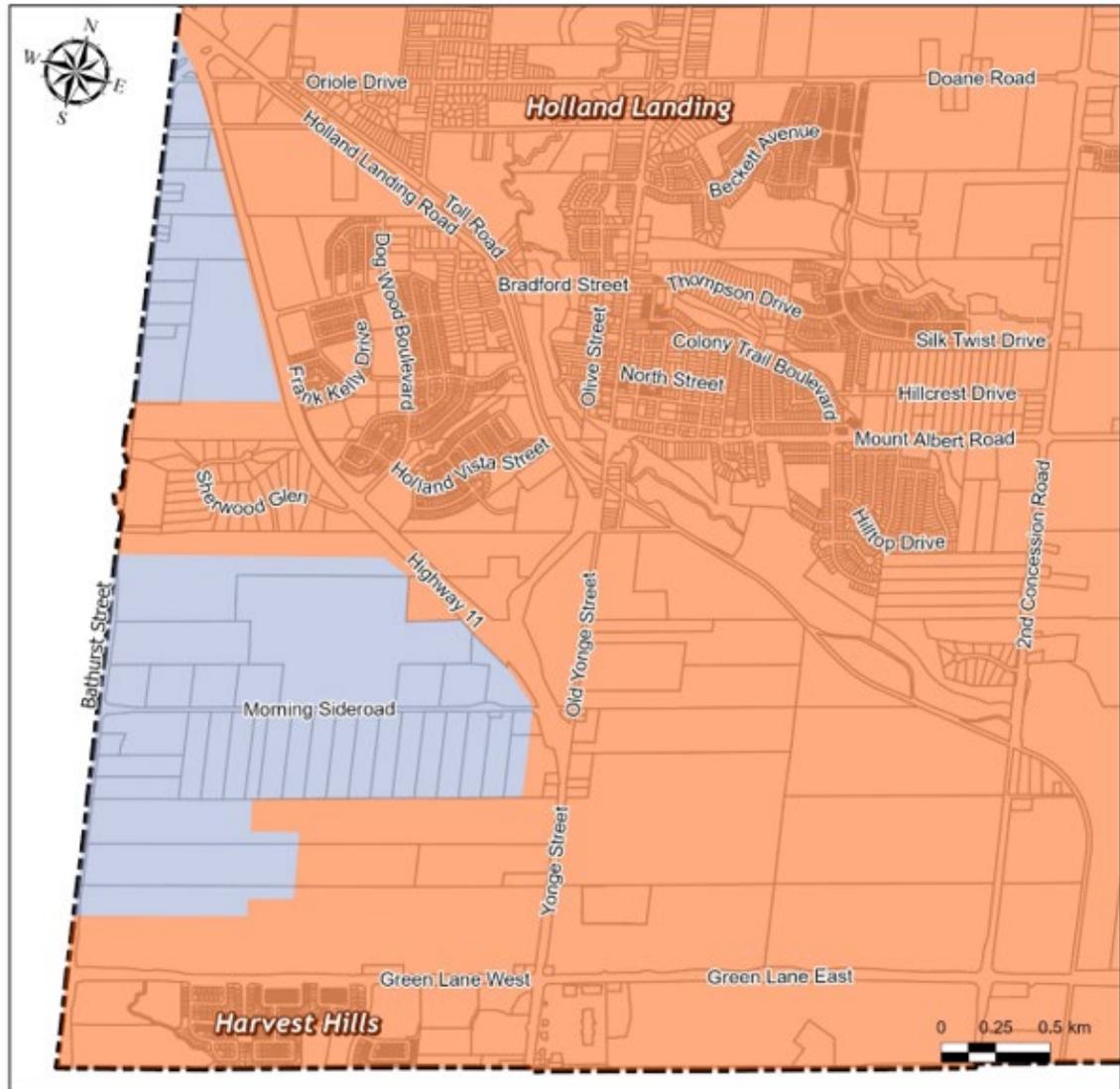
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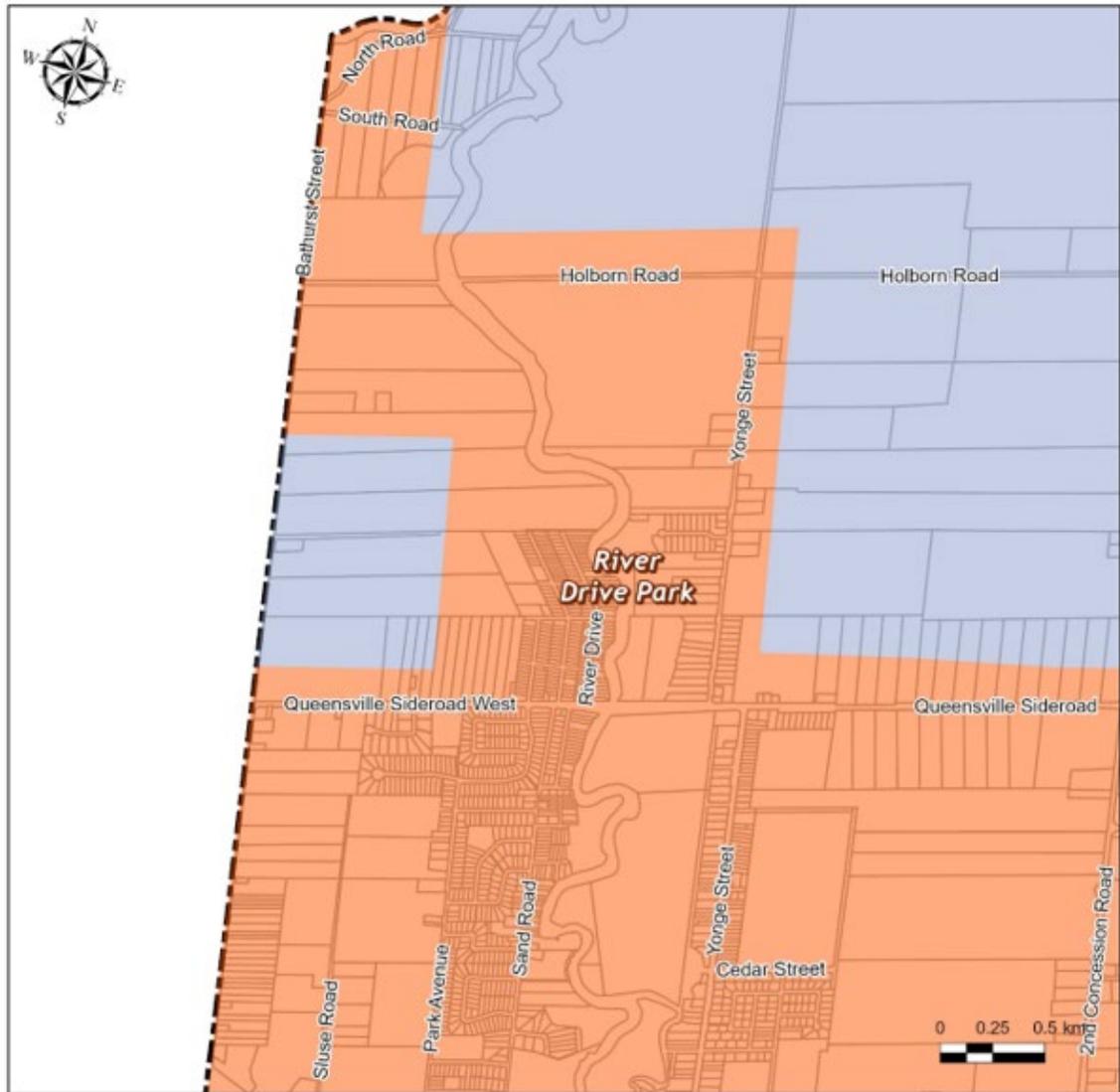
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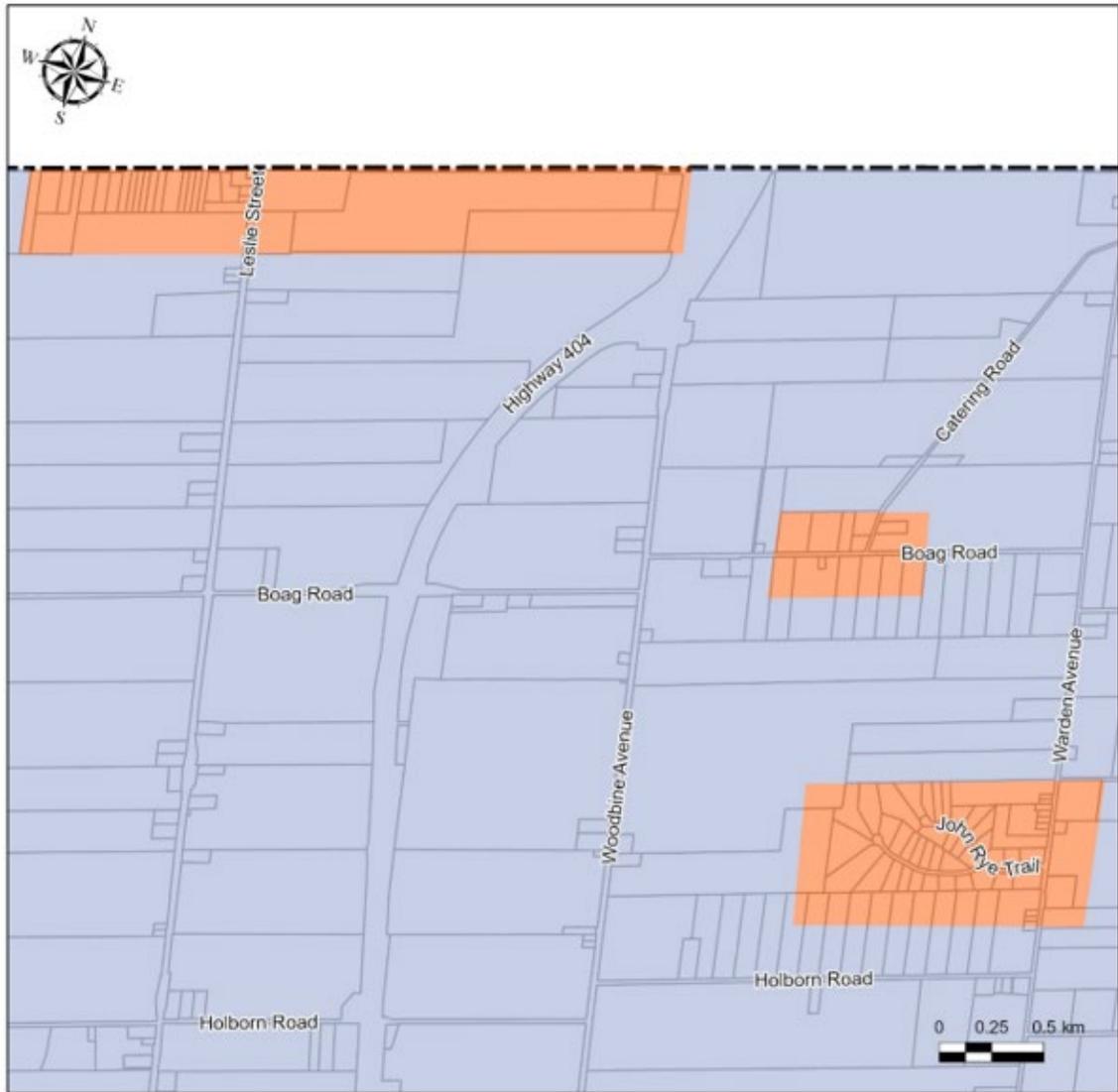
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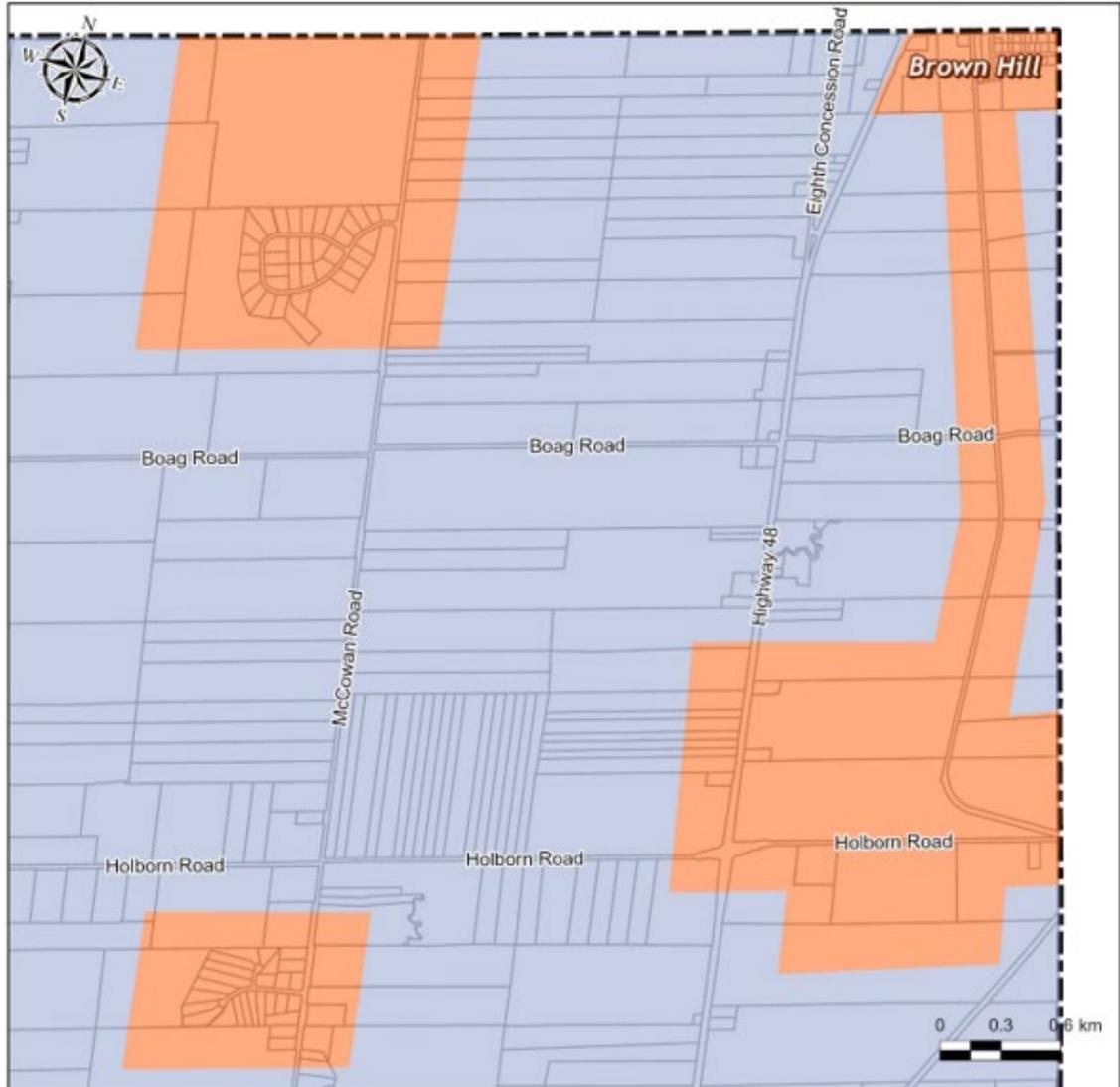
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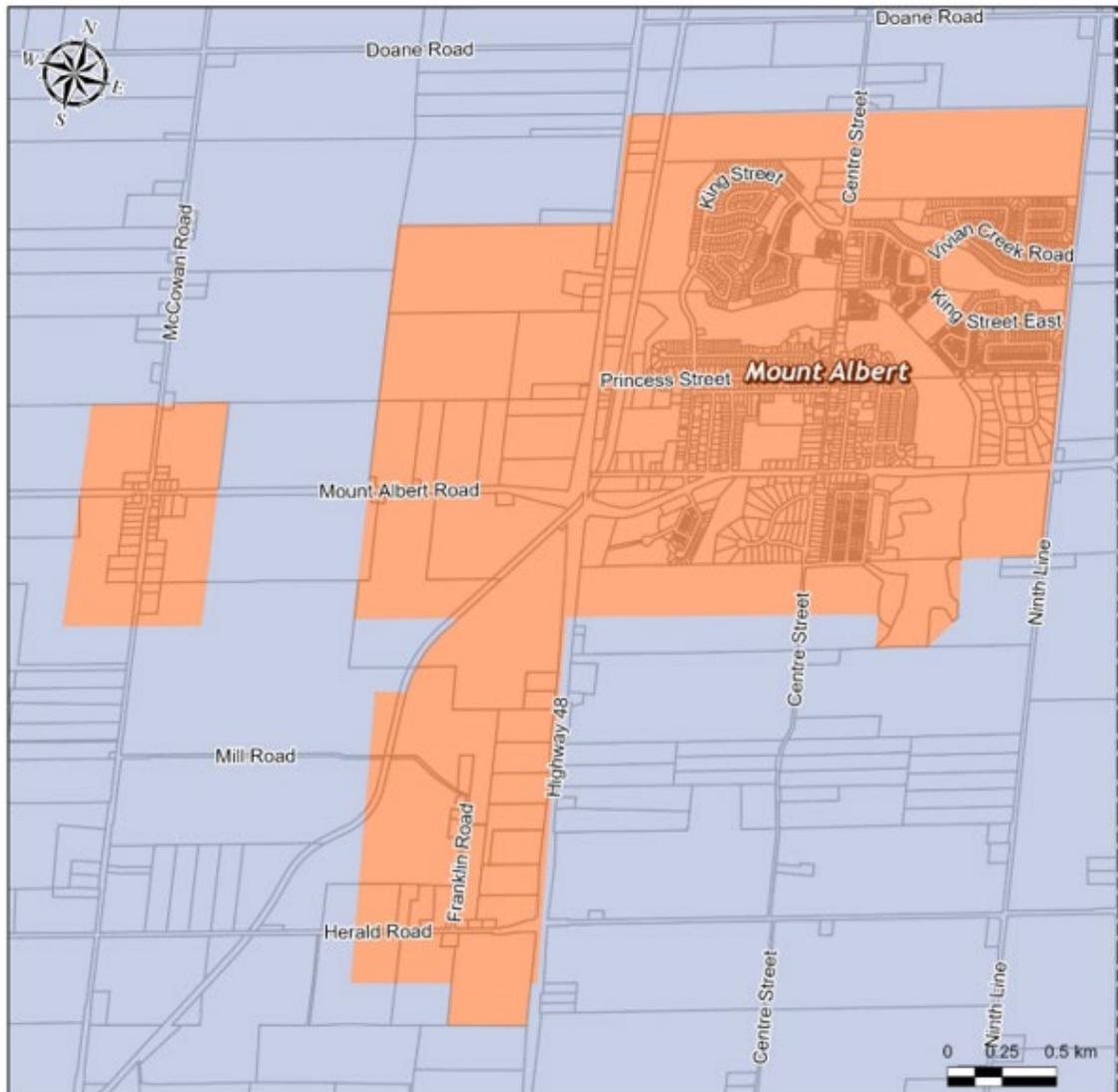
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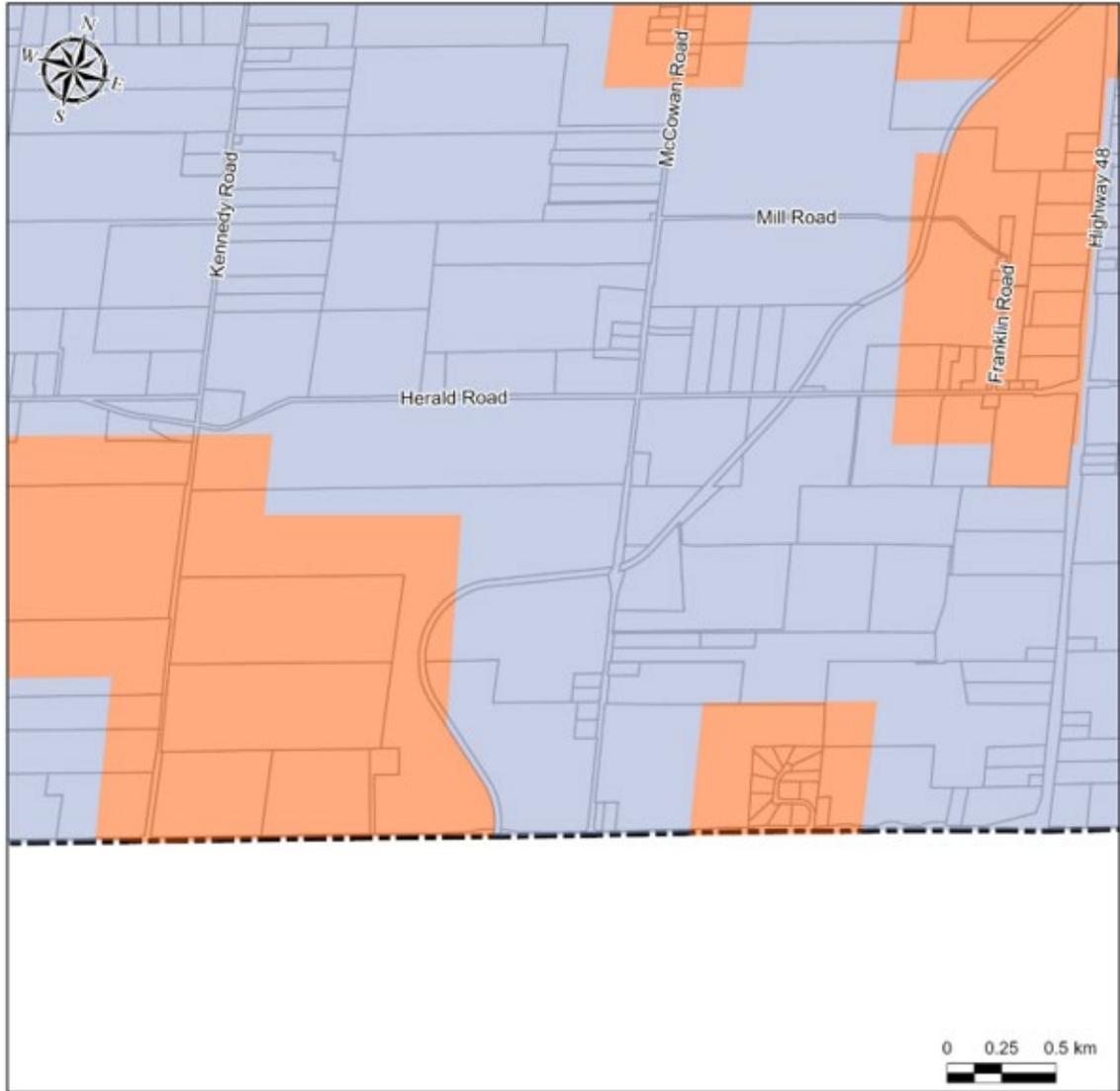
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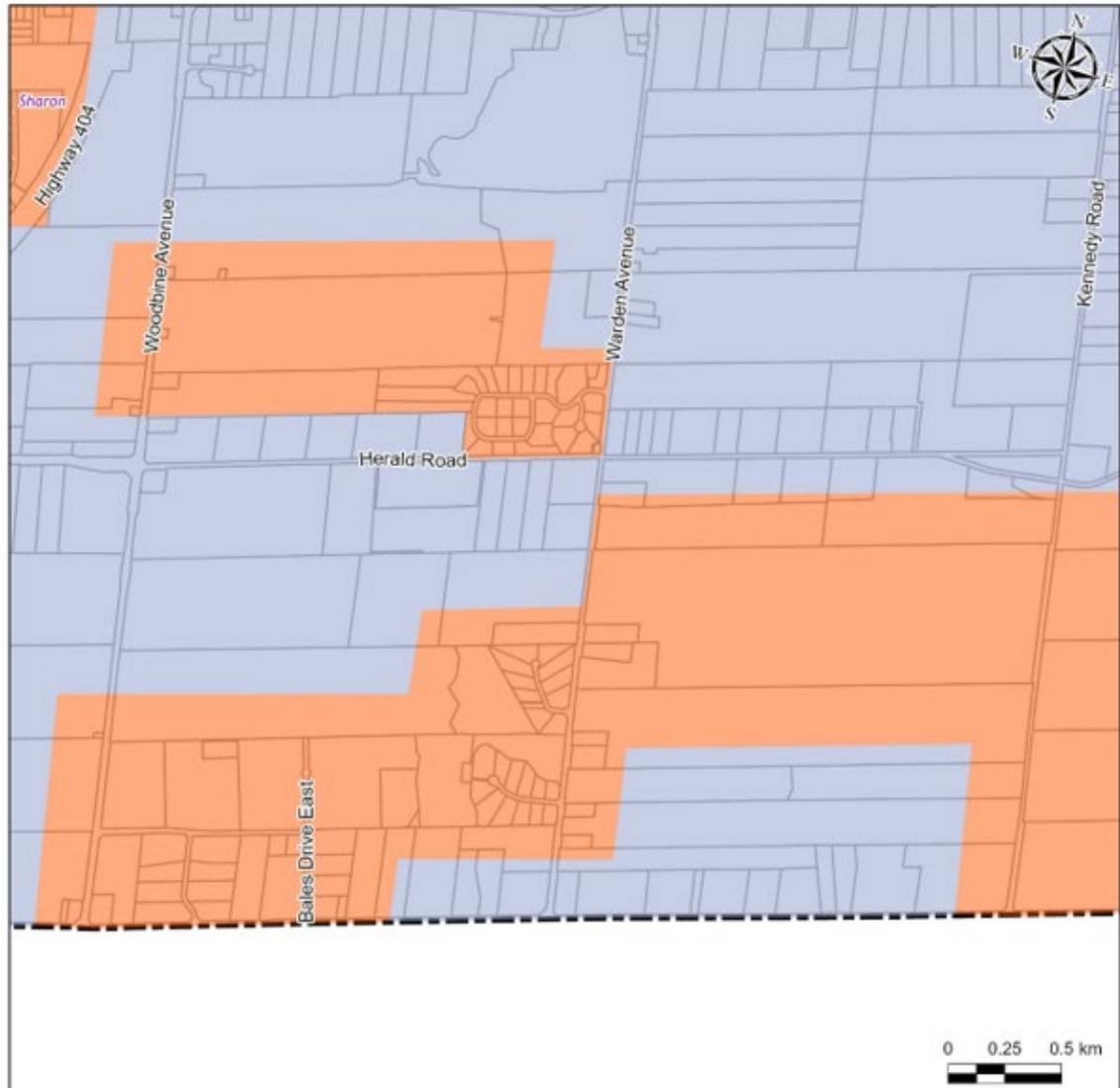
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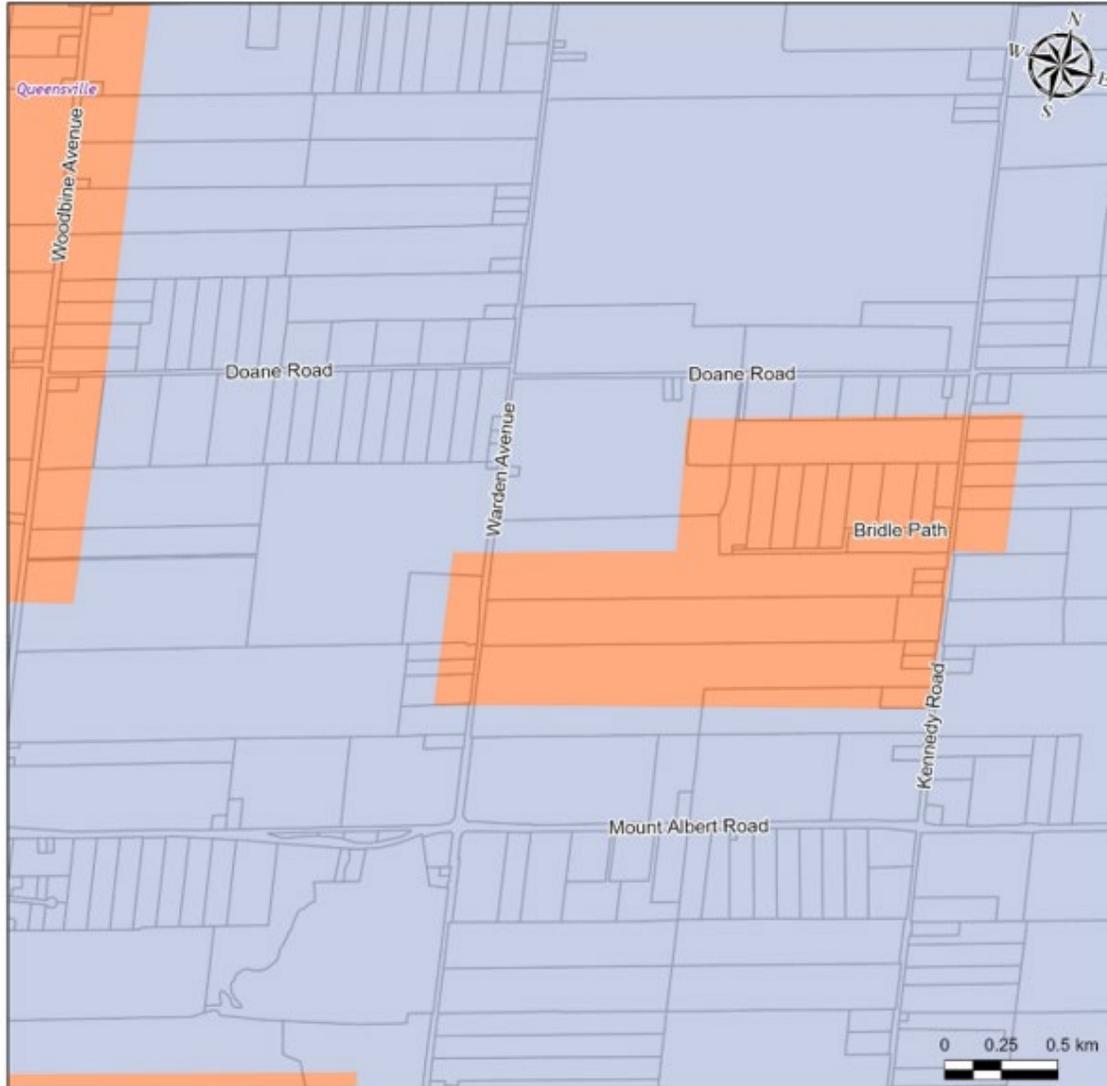
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