



THE CORPORATION OF THE TOWN OF EAST GWILLIMBURY

BY-LAW NUMBER 2021-XXX

A By-law to regulate the Discharge of Firearms and Bows within the Town of East Gwillimbury

WHEREAS pursuant to Subsection 11(2) paragraph 6 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, 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;

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;

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;

AND WHEREAS Council of the Town of East Gwillimbury has deemed it in the public interest to regulate the discharge of firearms within the Town for the purposes of public safety;

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

1.0 DEFINITIONS

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 a person authorized by the Regulations under the Fish and Wildlife Conservation Act to act as an agent for a landowner to kill, capture or harass wildlife for the Protection of Property and includes:

- a) Trappers licenced under Ontario Regulation 667/98 (Trapping);
- b) Animal welfare inspectors employed by the Province to enforce the Provincial Animal Welfare Services Act, 2019. S.O. 2019, c.13 or any amending or successor legislation;
- c) Members of a landowner’s immediate family acting on behalf of the landowner on the landowner’s own land;
- d) Persons whose business is primarily the business of removing nuisance wildlife if they harass wildlife or if they capture and release it if it is capable of being released;
- e) Employees or agents of a municipality whose responsibility relates to wildlife control; and
- f) Persons who hold a valid class H1 outdoors card issued under Ontario Regulation 665/98 (Hunting), for the purposes of killing or harassing the wildlife but not capturing.

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

“Bow” means a curved or re-curved stave of a resilient material, strung taut from end to end and used to launch an arrow, bolt, quarrel or any similar projectile and includes cross-bows, long bows, re-curve bows and compound bows;

“Business” means a person who carries on a business that includes 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;

“Conservation Officer” means a Conservation Officer or Deputy Conservation Officer appointed pursuant to the Fish and Wildlife Conservation Act;

“Council” means the Council of the Corporation of the Town of East Gwillimbury;

“Educational Property” 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;

“Firearm” means shotguns, rifles, air guns, spring guns or any class thereof and includes anything that can be adapted for use as a Firearm;

“Fish and Wildlife Conservation Act” means the Fish and Conservation Act, 1997, S.O. 1997 c. 41, or any amending or successor legislation;

“Natural Heritage Area” means a system made up of natural heritage features and areas, and linkages intended to provide connectivity and support natural processes which are necessary to maintain biological diversity, natural functions, viable populations of indigenous species and ecosystems;

“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 premises, or land; or
- (b) a Person who has responsibility over the condition of premises or land, or the activities there carried on, or control over persons allowed to enter the premises, notwithstanding that there is more than one Occupier of the same premises;

“Officer” means a Person appointed by Council as a Municipal Law Enforcement, a Police 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 pursuant to Section 84(3)(d) of the Criminal Code;

“Paintball Facility” means a facility that is designed for the purpose of conducting Paintball Gun activities;

“Park” includes open space, private and/or public park and means an area open to the public used for sports, picnic, and like activities;

“Peace Officer” means a member of a regional, provincial or federal police force or the Canadian Armed Forces;

“Person” means an individual, firm, corporation, business, association or partnership;

“Property” means any parcel of land and any buildings or structures on the land and includes a portion of property;

“Prohibited area” means the areas in the Town as described in Schedule “A-K” attached hereto and forming part of this by-law in which the discharge of Firearms is strictly prohibited;

“Protection of Property” means the killing, capturing or harassing of wildlife found damaging or destroying property on a person’s own land, or on reasonable and probable grounds, that a person believes is about to damage or destroy property on their own land;

“Regulated area” means the areas in the Town as described in Schedule “A-K” attached hereto and forming part of this by-law in which the discharge of Firearms may be permitted under certain conditions;

“Town” means the land within the geographic limit of the Corporation of the Town of East Gwillimbury;

“Trapper” means a Person licenced by the Ministry of Natural Resources in accordance with the Fish and Wildlife Conservation Act and Regulations to hunt and trap fur-bearing mammals;

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 allow to be discharged, a Firearm in a Prohibited Area within the Town.

2.3 No Person shall discharge, cause to be discharged or allow to be discharged, a Firearm or Bow in a Regulated Area within the Town:

- (a) on a Property upon which the discharge is to occur is no less than 2.02 hectares (5 acres) in size;
- (b) where the Firearm is a rifle, it is of no greater calibre than .275;
- (c) within 100 metres of a building or structure whether occupied or not;
- (d) within 30 metres of a highway;
- (e) within 100 metres of a public or private Park or a public open space;
- (f) within 200 metres of the premises of an Educational Property or religious institution, including but not limited to any building, structures or grounds related thereto;
- (g) on privately owned land without first obtaining the express written or verbal permission of the Occupier;
- (h) on any lands other than privately owned lands unless otherwise posted; and
- (i) on lands within a Natural Heritage System.

2.4 No Person shall hunt on land owned by the Federal, Provincial or Municipal government(s) without prior written permission.

2.5 No Person shall hunt outside the permitted hunting hours in accordance with Provincial/Federal Hunting Regulations.

2.6 The discharge of a Firearm must be in compliance with the Town’s Noise By-law.

2.7 The use of Binary Targets is prohibited within the Town of East Gwillimbury.

3.0 COMPLIANCE WITH FEDERAL AND PROVINCIAL REQUIREMENTS

3.1 No Person shall discharge a Firearm or Bow on any property on which the discharge of Firearms is permitted unless he or she is in compliance with the provisions of the (Canada) Criminal Code, the (Canada) Firearms Act and all other federal requirements relating to Firearms.

3.2 No Person shall discharge a Firearm or Bow for the purpose of hunting on any property on which the discharge of Firearms is permitted unless he or she is in compliance with the provisions of the Migratory Bird Hunting Regulations (MBHR) and all other applicable regulations relating to hunting in Ontario.

4.0 EXEMPTIONS

4.1 This By-law shall not apply to the discharge of a Firearm or Bow:

- (a) for the Protection of Property from nuisance wildlife that may killed of harassed in accordance with the Ontario Fish and Wildlife Conservation Act, or a permit issued under the Canada Migratory Birds Regulations and a maximum of only ten (10) rounds being fired in a twenty four (24) hour period;
- (b) undertaken Normal Farm Practice;
- (c) a farmer or his Agent, in order to scare or destroy animals that are found in the act of killing or injuring livestock or poultry and wildlife destroying his or her property in accordance with the Migratory Birds Convention Act, 1994, C.22 and the Fish and Wildlife Conservation Act, 1997, S.O. 1997 C. 41, as amended;
- (d) by a Peace Officer, Conservation Officer or Deputy 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) a member of a bona fide gun club, archery club, rifle range, or skeet club in a specified area, zoned for the purpose and, where applicable, only with the prior approval of the Firearms Office, Ontario Ministry of Public Safety and Security;
- (g) at an Educational Property used for instruction in the proper use of Firearms or Bows;
- (h) at a federally regulated and licenced Business, the use and location of which is lawful and in accordance with all applicable federal, provincial and municipal laws; and
- (i) by a Person firing blank ammunition for the purposes of:
 - i. a ceremonial event, historical display or educational program;
 - ii. a theatrical film or television production;
 - iii. a sporting event; or
 - iv. 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, any 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 with the applicable fee as set out in the Town's Fees and Charges By-law.
- 5.3 In deciding whether to grant an exemption, Council shall give the applicant and any other Persons an opportunity to be heard and may consider such other information and matters as it considers appropriate.
- 5.4 A breach by the applicant of any of the terms or conditions of any exemption granted by Council shall render the exemption immediately null and void and of no force or 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 Every Person who contravenes any of the provisions 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, as amended.
- 6.2 Upon conviction, any fine imposed under this By-law may be collected under the authority of the Provincial Offences Act, as amended.
- 6.3 Every Person who is guilty of an offence under this By-law shall be subject to the following penalties:
- (a) Upon a first conviction, shall be liable to a fine of not less than \$350.00 and not more than \$50,000.00;
 - (b) Upon a second or subsequent conviction for the same offence, to a fine of not less than \$500.00 and not more than \$100,000.00;
 - (c) Upon conviction for a continuing offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 for each day of part of a day that the offence continues.
 - (d) Upon conviction for multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00.

6.4 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 and is a contravention of the same provision of this By-law.

6.5 For the purpose of this By-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same 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, as such order shall be in addition to any other penalty imposed on the Person.

8.0 OBSTRUCTION

8.1 In accordance with the provisions of the Municipal Act, 2001, as amended, Section 426(1), no owner shall hinder, interfere with or otherwise obstruct, either directly or indirectly, an Officer, employee of the corporation and/or agent in the lawful exercise or power or duty under this By-law.

8.2 Any Person who has been alleged to have contravened any of the provisions of a by-law passed under the Municipal Act, 2001, as amended shall identify themselves to the Officer upon request. Failure to do so shall be deemed to have obstructed or hindered the Officer in the execution of the Officer’s duties.

9.0 ADMINISTRATIVE PENALTIES

9.1 Instead of laying a charge under the Provincial Offences Act, as amended, 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.

9.2 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 same Person for the same breach.

9.3 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 an Administrative Penalty By-law as amended, or any successor by-law.

9.4 A Person who is issued an administrative penalty shall be subject to the procedures as provided for in an Administrative Penalty By-law, as amended, or any successor by-law.

9.5 An administrative penalty imposed on a Person pursuant to this by-law that is not paid within 15 days after the day it becomes due and payable, constitutes a debt

of the Person to the Municipality and may be added to a municipal tax roll and collected in the same manner as municipal taxes.

10.0 VALIDITY AND SEVERABILITY

- 10.1 If any provision or part of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, 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.
- 10.2 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 general public shall be applicable.

11.0 COLLECTION OF UNPAID FINES

- 11.1 Where a fine is in default, the Municipality may proceed with civil enforcement against the Person upon whom the fine has been imposed, pursuant to the Provincial Offences Act.
- 11.2 The Municipality may make a request to the treasurer of a local municipality to add any part of a fine that is in default to the tax roll for any Property in the local municipality for which all the Owners are responsible for paying the fine, and collect it in the same manner as municipal taxes.

12.0 VALIDITY AND SEVERABILITY

- 12.1 If any provision or part of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, 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.
- 12.2 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 general public shall be applicable.
- 12.3 This By-law comes into force and effect on the day it is passed.

13.0 SHORT TITLE

This By-law may be cited as the “Firearm Discharge By-law”

14.0 REPEALED

- 14.1 That By-law #2004-81 is hereby repealed

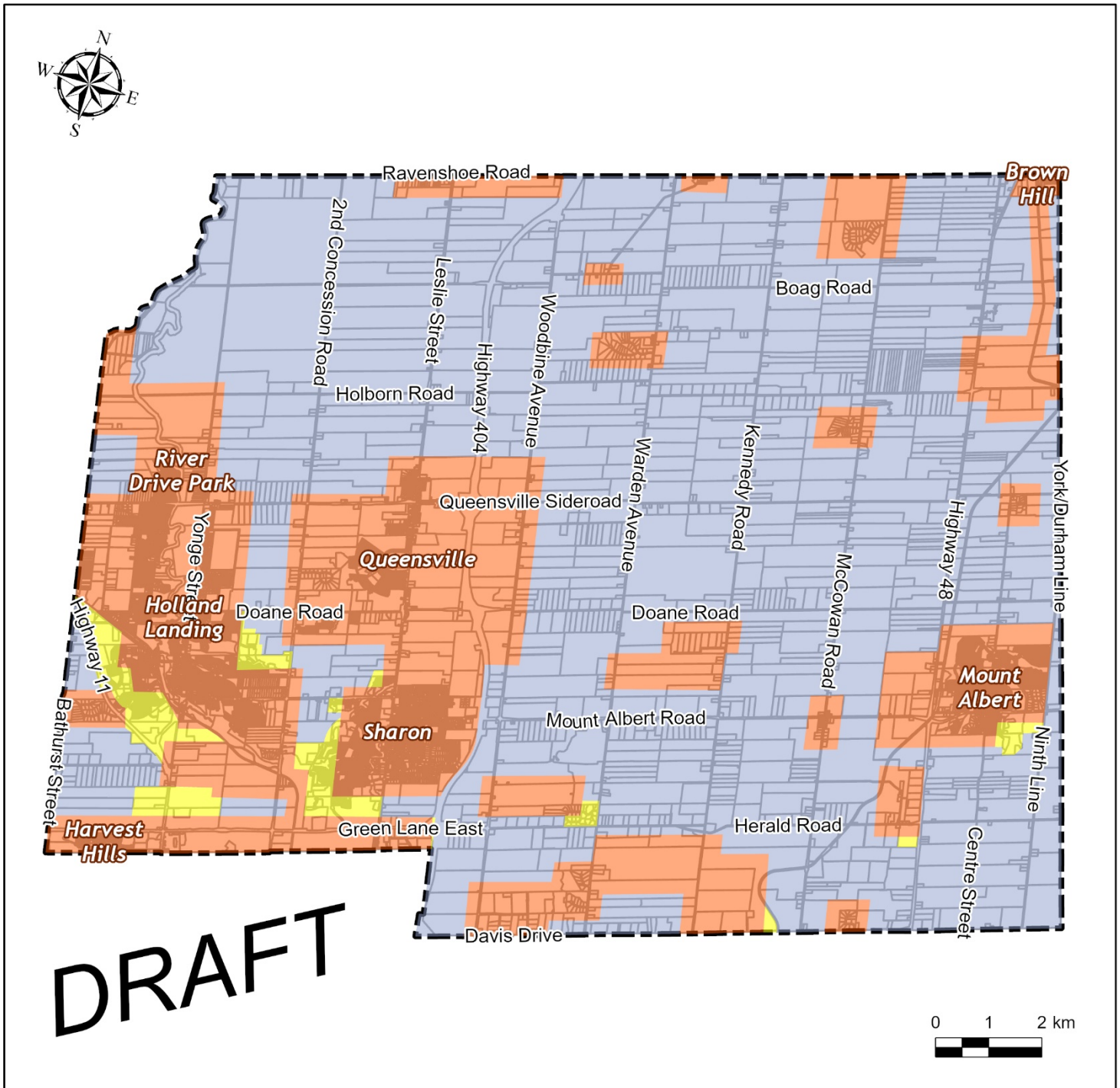
ENACTED and PASSED this ___ day of ___, 2021.


Virginia Hackson, Mayor


Fernando Lamanna, Municipal Clerk

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SCHEDULE "A" to BY-LAW NUMBER 2021-XXX



 Prohibited Area:
Current Area of
Non Firearm Discharge

 Prohibited Area For Review:
Proposed additions to Area
of Non Firearm Discharge

 Regulated
Area

 Municipal
Boundary

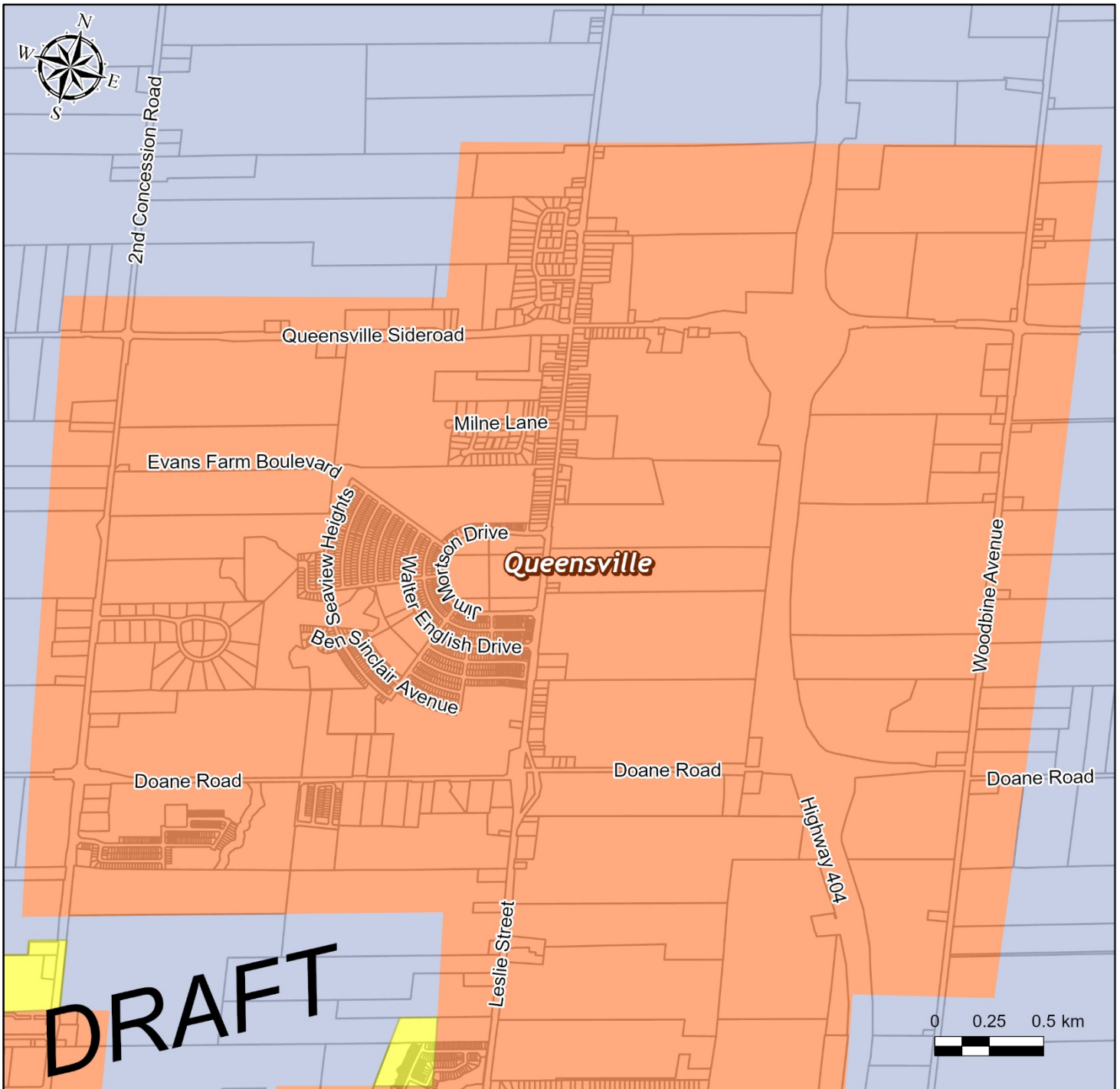
 Property
Boundaries



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Boundaries, Addresses, 2020 Aerial Photography,
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Printed:
May, 2021

SCHEDULE "B" to BY-LAW NUMBER 2021-XXX



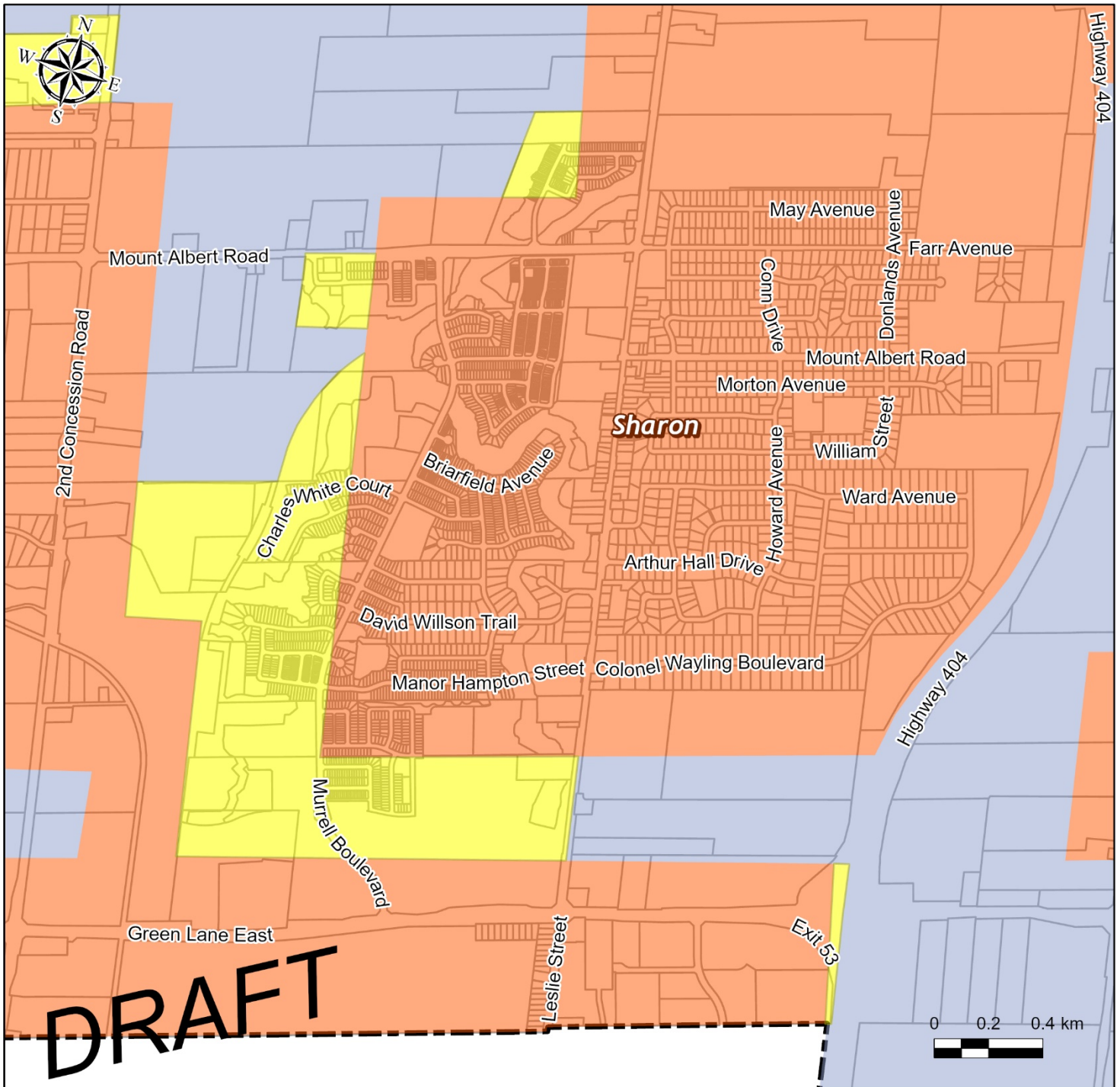
-  Prohibited Area:
Current Area of
Non Firearm Discharge
-  Prohibited Area For Review:
Proposed additions to Area
of Non Firearm Discharge
-  Regulated
Area
-  Municipal
Boundary
-  Property
Boundaries



Printed:
May, 2021

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 Data Sources: Roads, Parcel Boundaries, Municipal
 Boundaries, Addresses, 2020 Aerial Photography,
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 © Town of East Gwillimbury

SCHEDULE "C" to BY-LAW NUMBER 2021-XXX



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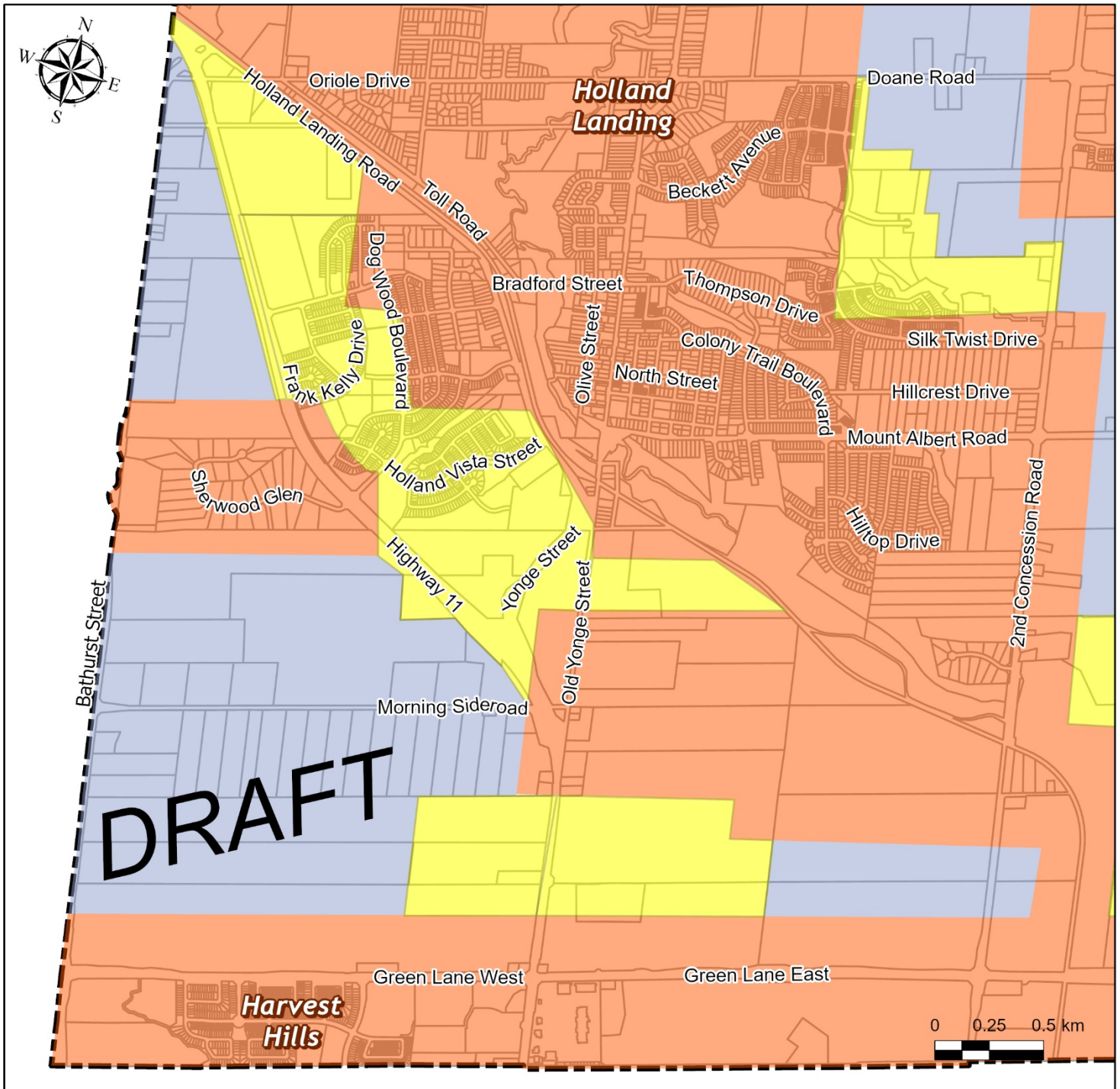
- Prohibited Area: Current Area of Non Firearm Discharge
- Prohibited Area For Review: Proposed additions to Area of Non Firearm Discharge
- Regulated Area
- Municipal Boundary
- Property Boundaries



Printed:
May, 2021

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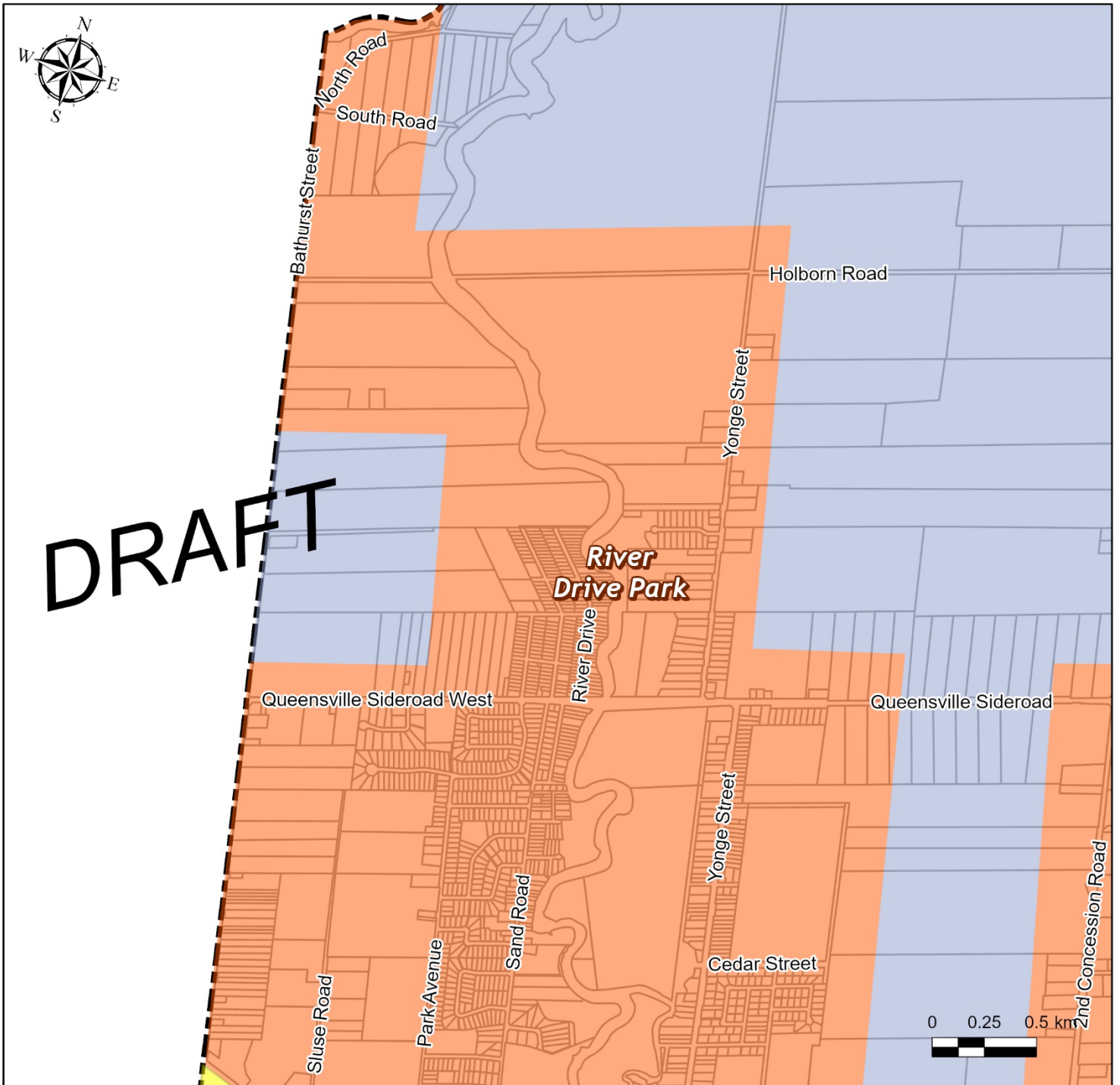
SCHEDULE "D" to BY-LAW NUMBER 2021-XXX



- Prohibited Area: Current Area of Non Firearm Discharge
- Prohibited Area For Review: Proposed additions to Area of Non Firearm Discharge
- Regulated Area
- Municipal Boundary
- Property Boundaries



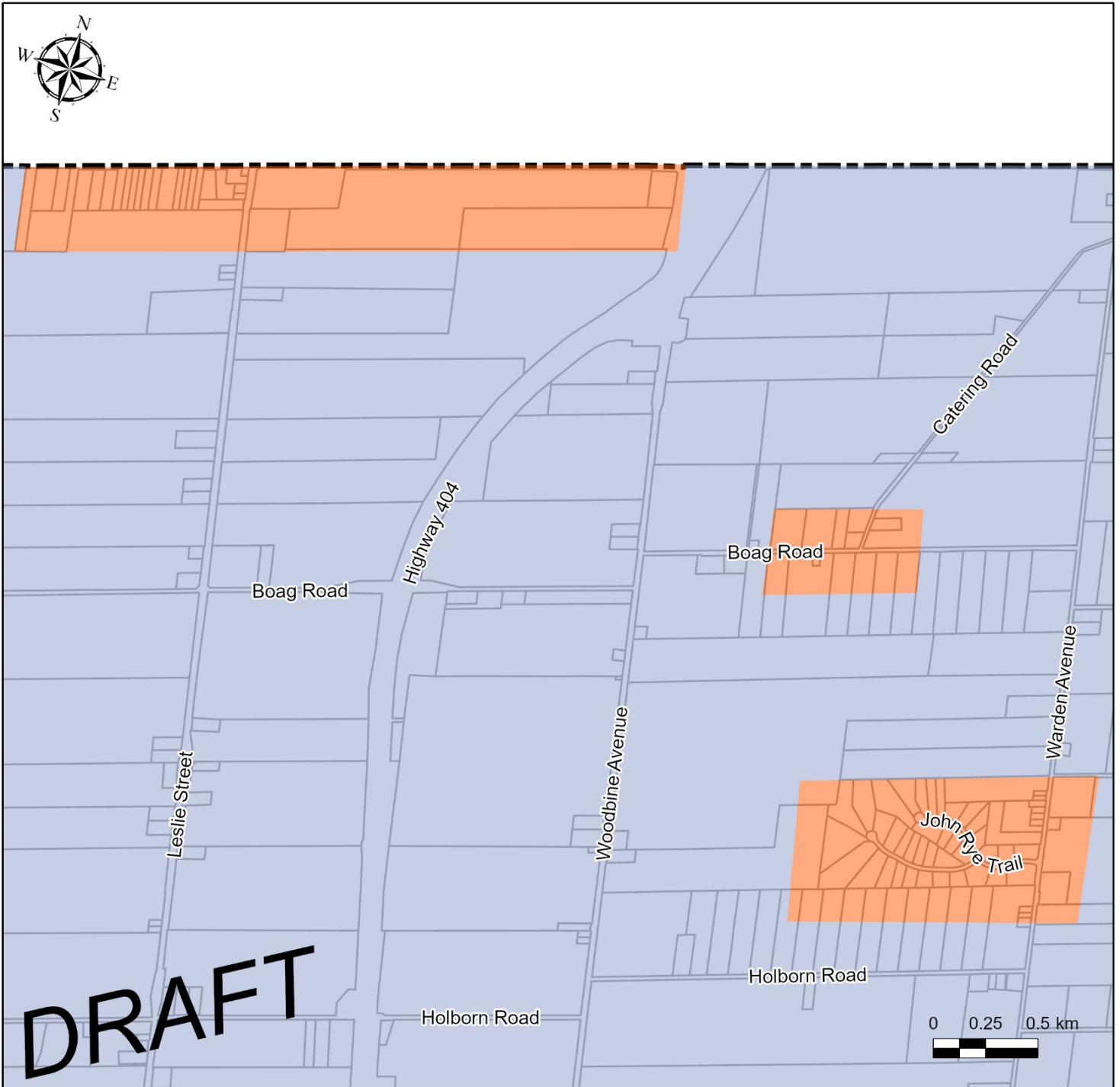
SCHEDULE "E" to BY-LAW NUMBER 2021-XXX



-  Prohibited Area:
Current Area of
Non Firearm Discharge
-  Prohibited Area For Review:
Proposed additions to Area
of Non Firearm Discharge
-  Regulated
Area
-  Municipal
Boundary
-  Property
Boundaries



SCHEDULE "F" to BY-LAW NUMBER 2021-XXX

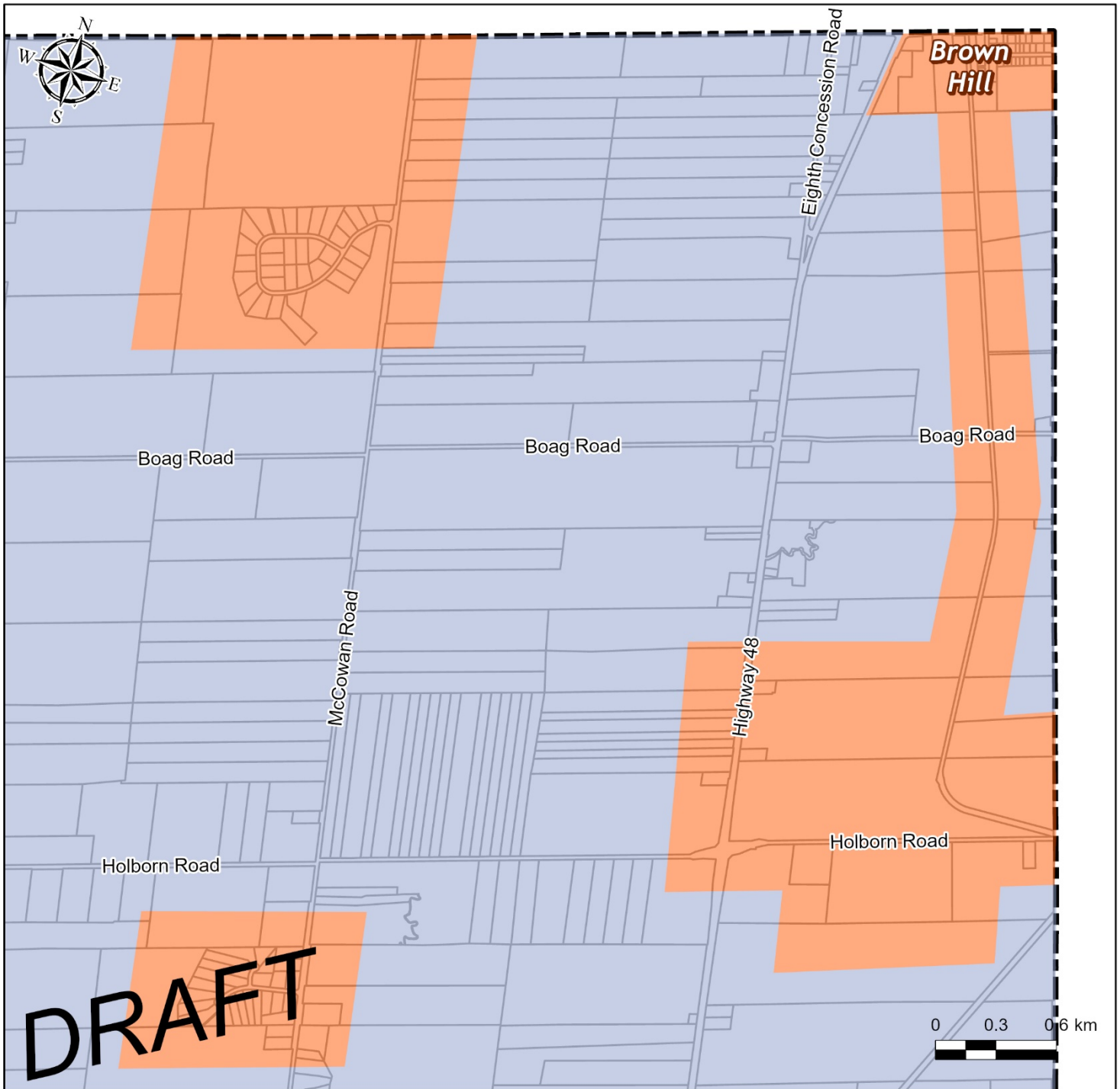


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-  Prohibited Area: Current Area of Non Firearm Discharge
-  Prohibited Area For Review: Proposed additions to Area of Non Firearm Discharge
-  Regulated Area
-  Municipal Boundary
-  Property Boundaries



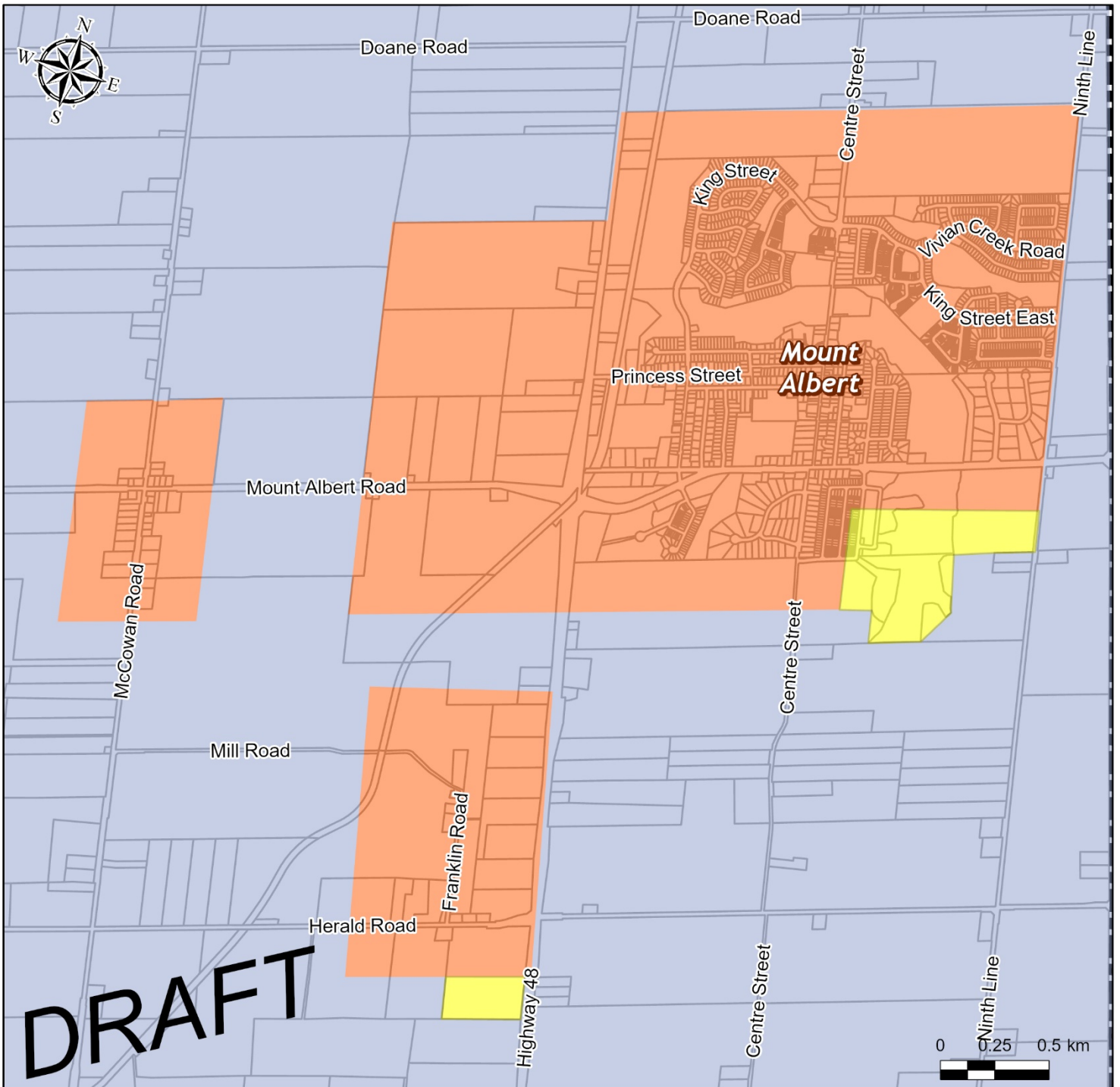
SCHEDULE "G" to BY-LAW NUMBER 2021-XXX



- Prohibited Area: Current Area of Non Firearm Discharge
- Prohibited Area For Review: Proposed additions to Area of Non Firearm Discharge
- Regulated Area
- Municipal Boundary
- Property Boundaries



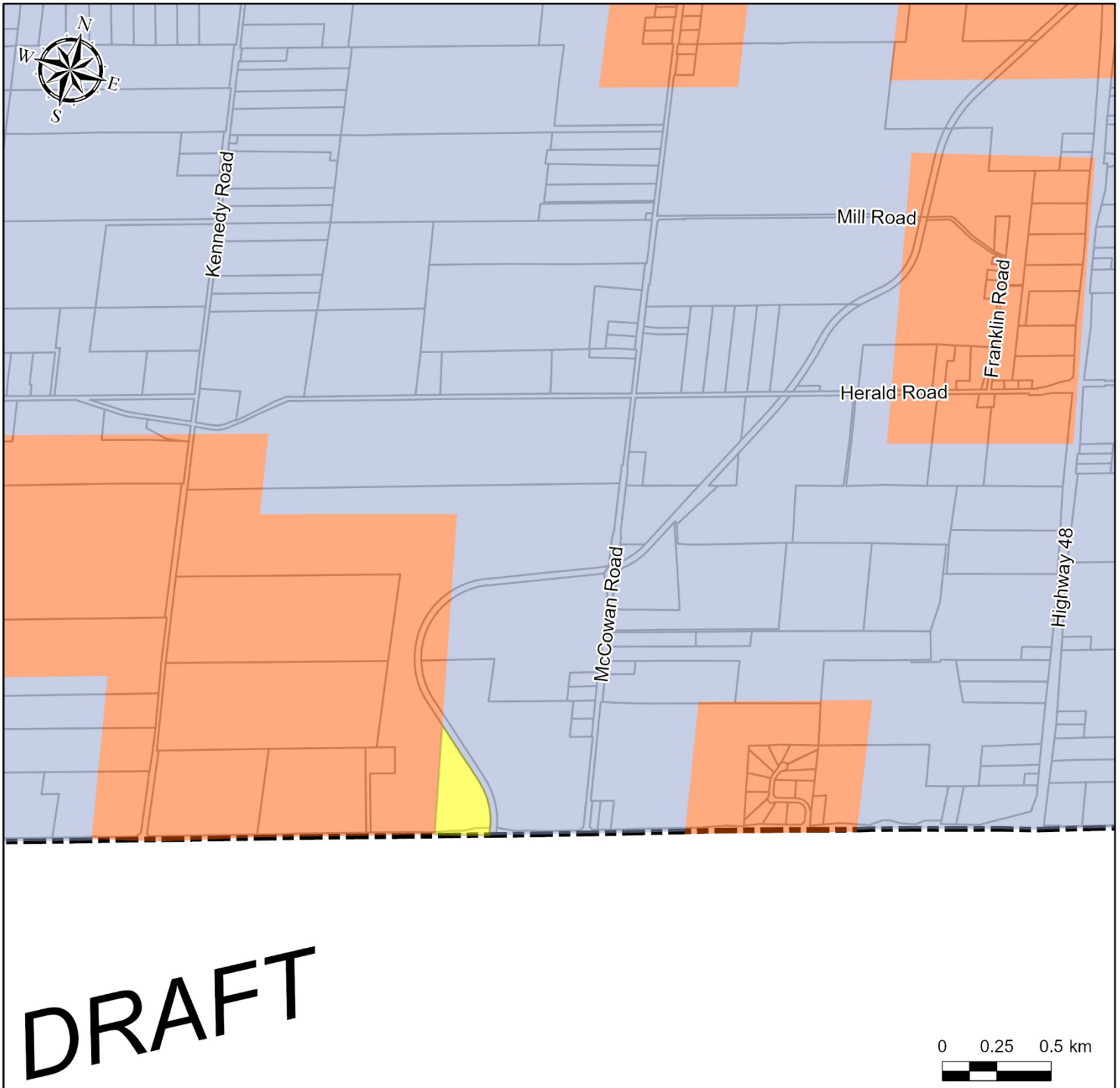
SCHEDULE "H" to BY-LAW NUMBER 2021-XXX



- Prohibited Area: Current Area of Non Firearm Discharge
- Prohibited Area For Review: Proposed additions to Area of Non Firearm Discharge
- Regulated Area
- Municipal Boundary
- Property Boundaries



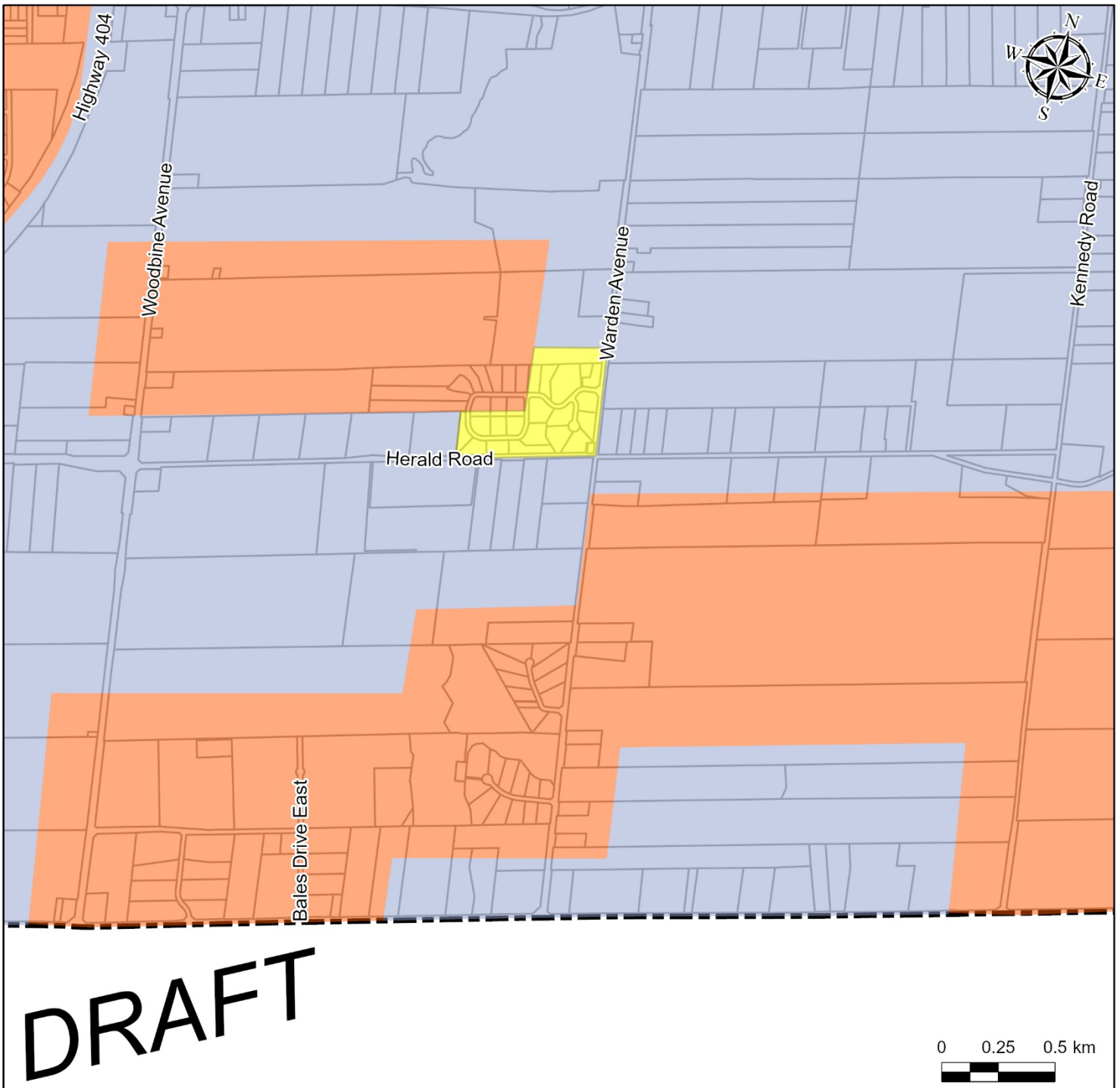
SCHEDULE "I" to BY-LAW NUMBER 2021-XXX



- Prohibited Area: Current Area of Non Firearm Discharge
- Prohibited Area For Review: Proposed additions to Area of Non Firearm Discharge
- Regulated Area
- Municipal Boundary
- Property Boundaries



SCHEDULE "J" to BY-LAW NUMBER 2021-XXX

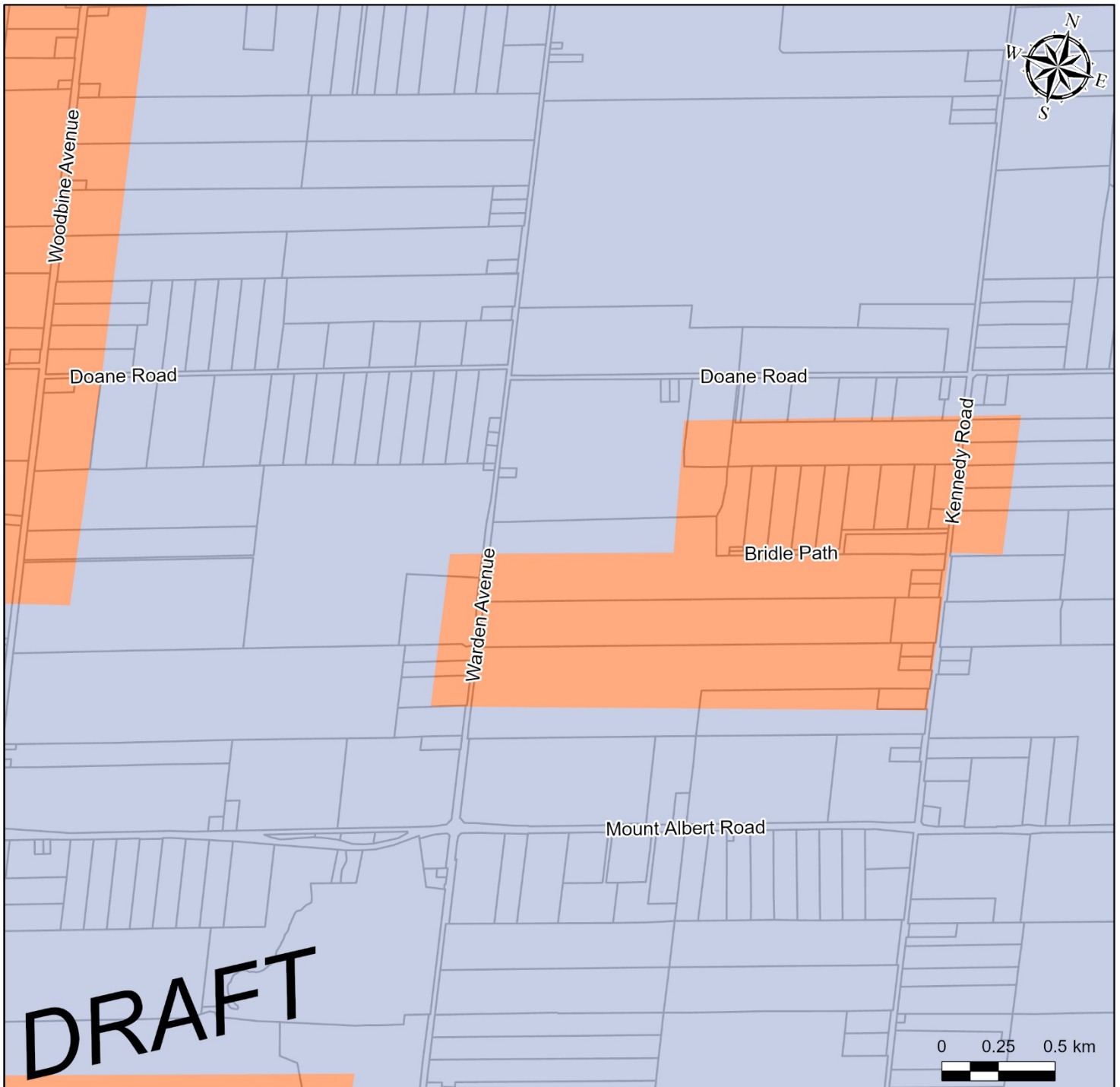


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-  Prohibited Area:
Current Area of
Non Firearm Discharge
-  Prohibited Area For Review:
Proposed additions to Area
of Non Firearm Discharge
-  Regulated
Area
-  Municipal
Boundary
-  Property
Boundaries



SCHEDULE "K" to BY-LAW NUMBER 2021-XXX



-  Prohibited Area: Current Area of Non Firearm Discharge
-  Prohibited Area For Review: Proposed additions to Area of Non Firearm Discharge
-  Regulated Area
-  Municipal Boundary
-  Property Boundaries



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