

# THE CORPORATION OF THE TOWN OF EAST GWILLIMBURY

## BY-LAW NUMBER 2004- 81

### Being a by-law to regulate the discharge of firearms within The Town of East Gwillimbury.

**WHEREAS** section 119 of the Municipal Act 2001, S.O. 2001, c. 25 confers upon Council the Power to pass a by-law to regulate the discharge of firearms within the Town

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

#### PART I DEFINITIONS

- a) **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 protection of property and includes:
- Licensed Trappers;
  - Employees or agents of a member of the Ontario Society for the Prevention of Cruelty to Animals under the Prevention of Cruelty to Animals Act;
  - Members of a landowner's immediate family acting on behalf of the landowner on the landowner's own land;
  - 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; and
  - Employees or agents of a municipality whose responsibility relates to wildlife control.
- b) **Bow** means a weapon consisting of a curved or recurved stave of a resilient material, strung taut from end to end and used to launch an arrow, bolt, a quarrel or any similar projectile and that is capable of causing bodily injury or death to a person/animal and includes cross bows, long bows, re-curve bows and compound bows;
- c) **Conservation Officer** means a Conservation Officer or Deputy Conservation Officer appointed pursuant to the Fish and Wildlife Conservation Act, S.O., 1997, c. 41;
- d) **Council** means the Council of the Corporation of the Town of East Gwillimbury;
- e) **Defined Areas** includes all the lands illustrated in Schedule A to this by-law;
- f) **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;
- g) **Firearm** means a barreled weapon from which any shot, bullet or other projectile can be discharged, that is capable of causing bodily injury or death to a person/animal, and includes any frame or receiver of such a barreled weapon and anything that can be adapted for use as a firearm, and includes shotguns, rifles, air guns, spring guns or any class thereof;
- h) **Peace Officer** means a member of a Regional, Provincial or Federal Police Force or the Canadian Armed Forces;

- i) **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.
- j) **Town** means the Town of East Gwillimbury.
- k) **Trapper** means a person licensed by the Ministry of Natural Resources in accordance with the Fish and Wildlife Conservation Act and Regulations to hunt and trap fur-bearing mammals.
- l) **Zoning By-Law** means the Town of East Gwillimbury Zoning By-law, as amended, in force from time to time passed pursuant to the Planning Act of Ontario or any predecessor or successor of such Act.

## PART 2 GENERAL PROVISIONS

2.1 No person shall discharge any **firearm** within the Town except:

### Firearms

- a) A Peace Officer, Conservation Officer or Deputy Conservation Officer and the discharge is in the course of his or her duties.
- b) A land owner or a tenant, or agent authorized in writing by the land owner or tenant, and the discharge is of a shotgun or a rifle of no greater caliber than .275 and the property is located upon lands **outside** the Defined Areas, or where the property is located **within** the Defined Areas provided that the parcel of land is a minimum of 5 acres (2.02 Ha) in size, and the discharge is for the protection of property from nuisance wildlife that may be killed or harassed in accordance with Provincial and Federal legislation and provided that no bullet or shot pass over the boundary of the said lands.
- c) The land owner or tenant of land who is a farmer, or a licensed hunter or trapper with the written permission of the land owner or tenant, and the discharge is upon lands **within** the Defined Areas where the land is being used for agriculture and the owner or tenant of the land meets the definition of a farmer as defined by the Ontario Ministry of Agriculture, Food and Rural Affairs Farm Business Registration Program and Farm Tax Rebate Program and who earns more than \$7,000. gross farm income for income tax purposes and possesses a valid Farm Business Registration number, for this purpose and possesses a valid Farm Business Registration number, for the purpose of hunting and trapping, and the discharge is of a shotgun or a rifle of no greater caliber than .275, provided that the parcel of land is a minimum of 50 acres (20.24 Ha.) in size and that no bullet or shot shall pass over the boundary of said lands.
- d) The land owner or tenant of land, or a licensed hunter or trapper with the land owner or tenant's written permission, and the discharge is upon lands within the Town and **outside** the Defined Areas provided the discharge is of shotgun or rifle of no greater caliber than .275, for the purpose of hunting, trapping or target shooting and provided that no shot or bullet shall pass over the boundary of the said land.
- e) A person who is a member in good standing and their guests of the Sharon Recreation Properties Ltd. and the Gun Club (Sharon) Limited on lands located namely on Part Lots 5 and 6,

Concession 6, provided the discharge is upon lands **outside** the Defined Areas and the discharge of a shotgun or rifle and provided that no shot or bullet shall pass over the boundary of the said land.

2.2 No person shall discharge a **bow** within the Town except:

Bows

- a) The land owner or tenant of lands or licensed hunters with written permission from the land owner or tenant, and the discharge is upon lands **outside** the Defined Area or **within** the Defined Areas provided that the parcel of land is no less than 5 acres (2.02 Ha) in size, and the discharge is of a **bow** and is for the purpose of hunting or target shooting and provided that no bolt or arrow shall pass over the boundary of the said land.
- b) No person authorized to discharge a **firearm** or **bow** by Subsection 2.1 b), c), d), e) and 2.2 a) of this by-law shall discharge a firearm or bow within 200 metres of the periphery of any Educational Property used for educational purposes, excepting those properties in use for instruction in the proper use of firearms or bows regardless of the area being **outside** the defined area.

PART 3 GRANT OF EXEMPTION BY COUNCIL

3.1 Application to Council

Notwithstanding anything contained in this by-law, any person may make application to Council to be granted an exemption from any of the provisions to this by-law with respect to the discharge of **firearms** or **bows** for which he/she may be prosecuted and Council, by resolution, may refuse to grant any exemption, or may grant the exemption applied for which may contain such terms and conditions as Council sees fit.

3.2 Decision

In dealing whether to grant the exemption, Council shall give the applicant and any other person opposed to the application, an opportunity to be heard and may consider such other matters as it sees fit.

3.3 Breach

Breach by the applicant of any of the terms or conditions of any exemption granted by Council, shall render the exemption null and void.

PART 4 SCHEDULE

4.1 Schedule "A" shall form part of this by-law.

PART 5 SEVERABILITY

5.1 If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

PART 6 PENALTY

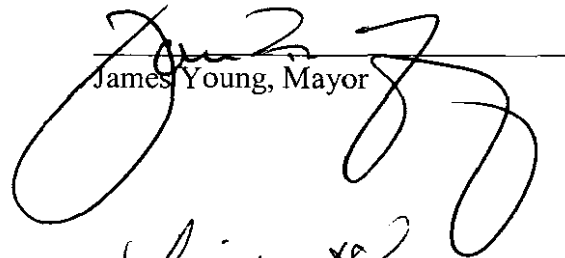
6.1 Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act.


PART 7 REPEAL

7.1 By-law 92-105, as amended, is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED ON THE

12th DAY OF July, 2004.

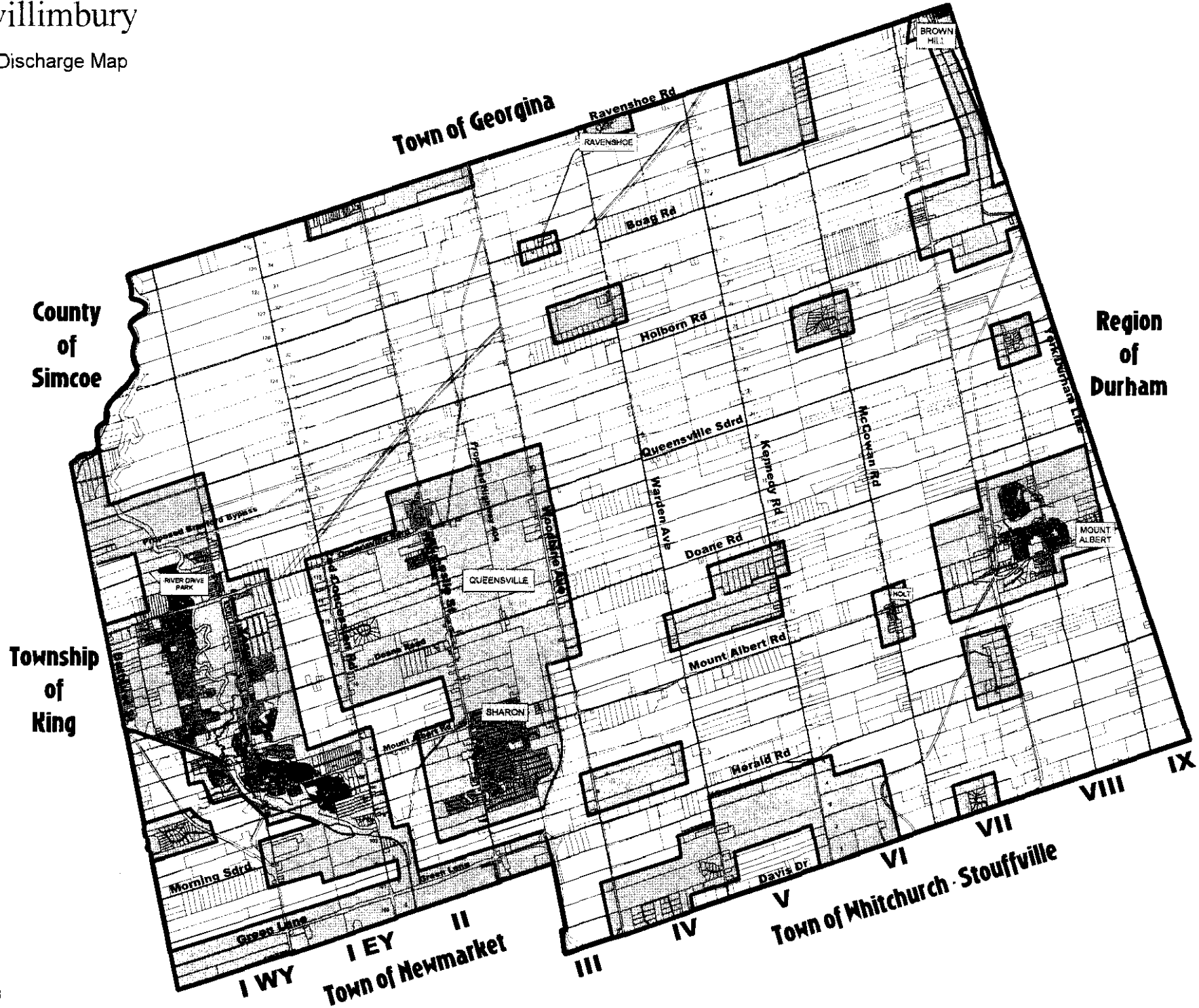
  
James Young, Mayor

  
Lucille King, Municipal Clerk




# Town of East Gwillimbury

## Firearm Discharge Map



Schedule 'A'

 Non Discharge Area