



Committee of the Whole Report

Report Number:	ML2021-006
Meeting Date:	September 7, 2021
Title:	Discharge of Firearms By-Law Review and Update
Description:	
Author and Title:	Aaron Sloan, Manager of Municipal Law Enforcement and Licensing

Recommendation(s):

That Report ML2021-006, **Discharge of Firearms by-law review and update**, be received;

That the proposed By-Law, being a By-Law to Regulate the Discharge of Firearms in the City of Kawartha Lakes, attached as Appendix C to this report be approved;

That By-Law 2005 – 329 being a By-Law to Regulate the Discharge of Firearms in the City of Kawartha Lakes be repealed; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Department
Head:

Chief Administrative
Officer:

Discharge of Firearms by-law review and update**Background:**

At the Council Meeting of September 25, 2018, Council adopted the following resolution:

CR2018-600

Moved By: Emmett Yeo

Seconded by: Rob Macklem

That the petition received from Richard Weston, regarding **By-law 2005-329 A By-law to Regulate the Discharge of Firearms**, be received and referred to Municipal Law Enforcement staff for a report back to Council.

The petition correspondence is attached to this report as Appendix B.

This report addresses that direction.

Rationale:

Members of the public often raise concerns regarding the discharge of firearms in close proximity to residential areas. Occasionally, these requests ask to prohibit the discharge of firearms in a specific area. The purpose of regulating the discharge of firearms is to protect the public safety and to prohibit and/or regulate the activity by location, activity and user.

On September 25, 2018, Council received a deputation and petition from Richard Weston, President of Kinmount Park Estates Association. Mr. Weston attended Council to present a petition on behalf of the residents of Crego Lake requesting amendments to the Discharge of Firearms By-law. He expressed concerns regarding safety in the area and requested that the by-law be amended to include waterfront properties as a designated area where only law enforcement can discharge a firearm.

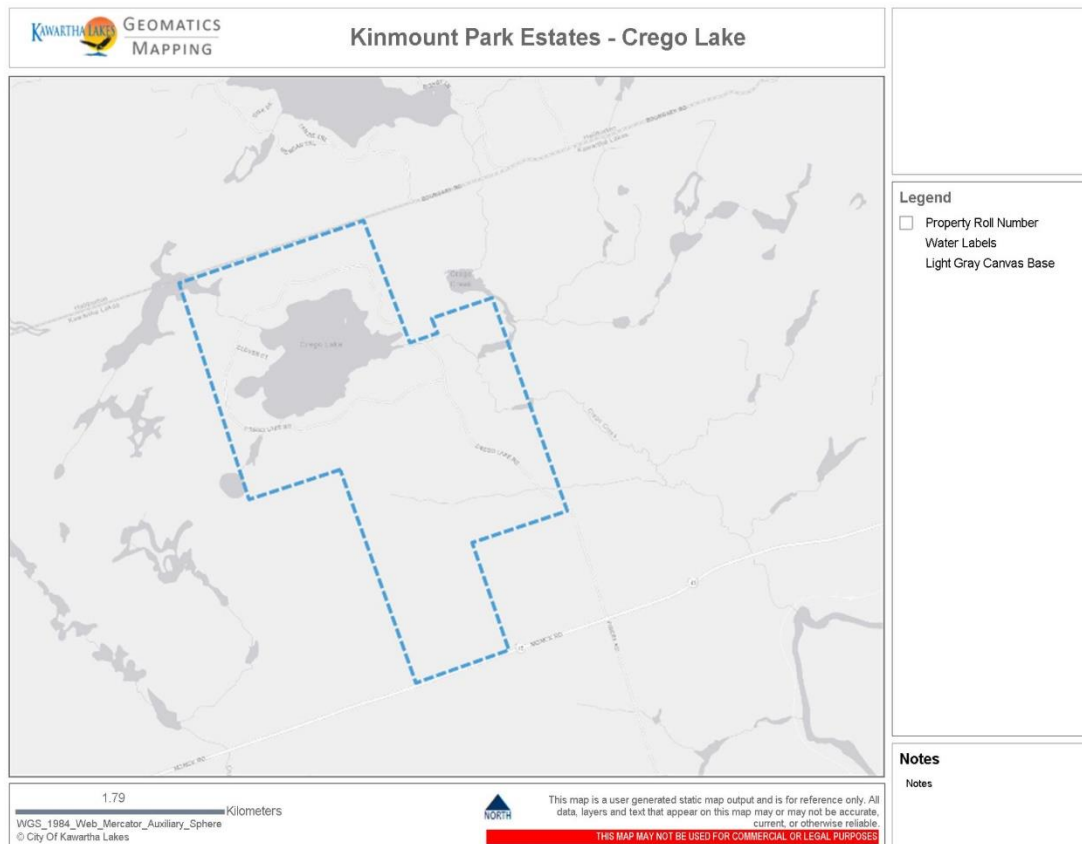
By-law 2005-329 being a By-law to Regulate the Discharge of Firearms (attached as Appendix A) specifically prohibits the discharge of firearms in certain geographical areas of the municipality. The by-law also allows for certain exemptions such as discharge by a Police Officer who is carrying out their duties or to other activities.

The citizen concern is that the discharge of firearms near or within the Kinmount Park Estates (Crego Lake) area is too close to the established residential area around Crego Lake. Currently, By-law 2005-329 being a By-law to Regulate the Discharge of Firearms only restricts discharge areas and site specific locations

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and does not prohibit discharge of firearms or mention a minimum distance separation between the discharge and residential properties.

Considering that this request originated from the President of Kinmount Park Estates Association, the land area owned by the association is detailed in the map below.



In 2017, the MLEL started using a program called CityWorks to track all by-law complaints as occurrences for issues reported. Since September 25 2018, the MLEL has received 11 firearms discharge related complaints for various areas in the municipality and the issues are as follows:

- Firearm discharge – noise and concern that projectile is leaving the property.
- Target shooting on a property.
- Discharge in close proximity to a residential area and cottages.

Every police officer and municipal law enforcement officer can enforce By-law 2005-329 being a By-law to Regulate the Discharge of Firearms. MLE enforcement is reactive based on complaint, considering this by-law process and staff safety; any MLE officer response will often require notification to the police and/or their assistance.

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Option 1 - Staff Recommended. Staff have reviewed the existing by-law and advise that the by-law has been amended numerous times since 2005. Staff recognize that regulations and wording updates are needed to refresh the by-law to allow for efficient and safe enforcement. Should Council wish to review the updated by-law it has been attached as Appendix C. If Council chooses Option 1, the new by-law will include the land area prohibition listed in Option 2. The recommendations will require that the existing By-law 2005-329 being a By-law to Regulate the Discharge of Firearms is repealed and that the by-law attached as Appendix C is approved at the next regular Council meeting.

Option 2 – Staff have reviewed the citizen association request and the mapping for the area as included in this report above. Council has the option to amend By-law 2005-329 being a By-law to Regulate the Discharge of Firearms, section 3.01, No person, other than an officer or police officer who is carrying out their duties, shall discharge a firearm or bow in the designated areas as set out in this Section. Area Description will include the land owned by the Kinmount Park Estates Association, exclusive to the cottage area surrounding Crego Lake.

Other Alternatives Considered:

Staff note that existing regulations such as the Criminal Code, R.S.C., 1985, c. C-46; Firearms Act, S.C. 1995, c. 39; Migratory Birds Convention Act, 1994, S.C. 1994, c. 22; Fish and Wildlife Conservation Act, 1997, S.O. 1997, c. 41 and others, provide regulation regarding the discharge of firearms. Any conflict with these regulations by the municipal by-law may result in the higher authority and/or statute prevailing. The MLE Officers do not have the legislative authority to enforce the higher authority legislation and Police or other agency would be required. Council could consider repealing By-law 2005-329 being a By-law to Regulate the Discharge of Firearms, leaving firearms complaints to be directed to other enforcement agencies such as the Police and Ministry of Natural Resources and Forestry. While the historical by-law complaints and occurrences numbers are very low, the Municipality has provided this enforcement service, discontinuing the service is an option however, this is not recommended.

Financial/Operation Impacts:

Municipal Law Enforcement and Licensing - Council has received information in the past that indicated; with current staffing levels, the eight MLE Officers and one Licensing Enforcement Officer are able to investigate approximately 1600 complaints per year, before service levels are impacted. Municipal Law Enforcement and Licensing officers currently investigate over 2000 complaints

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per year; the investigative workload in the MLEL department are currently at/over-capacity.

If Council chooses, an option that amends or passes a new discharge of firearms by-law, the financial impacts will be contained within the existing 2021 budget. The overall historical complaint numbers are very low and the overall service demand will be studied and budget impacts may be presented, as a business case to Council as part of a future budget.

Public Awareness and Education – The Communications, Advertising and Marketing division will be engaged to increase general awareness regarding this by-law, using existing communication channels such as media outreach, digital and print. MLEL has a limited budget which will be leveraged to offset Communications, Advertising and Marketing costs.

Alignment to Strategic Priorities:

The four strategic priorities within the 2020-2023 Kawartha Lakes Strategic Plan are:

1. Healthy Environment
2. An Exceptional Quality of Life
3. A Vibrant and Growing Economy
4. Good Government

The recommendations in this report align directly with the Corporation's mission to deliver the highest standard of municipal services while creating a healthy and safe environment for all Kawartha Lakes residents and businesses.

Consultations:

Manager, Parks Recreation and Culture
Manager, Planning and Development Services
Supervisor, Mapping and GIS
City Solicitor, Legal Services
Coordinator, Insurance Risk Management
Police Chief, Kawartha Lakes Police
Detachment Commander, Kawartha Lakes OPP

Attachments:

Appendix A – By-law 2005-329 being a By-law to Regulate the Discharge of Firearms.

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2005-329-
Consolidated Disch

Appendix B



Richard Weston -
Petition.pdf



Richard Weston -
Council speaking ne

Appendix C –By-Law 2021-00x a By-Law to Regulate the Discharge of Firearms



ML2021-006
Appendix C.pdf

Appendix D – Schedule to By-Law 2021-00x - Prohibited Area Maps



Long Point.jpg



Kawartha Lakes
Landfill locations m



Lot 12 and Lot 13,
Concession 5, Town 23, Lot 24 and Lot 2



Lot 21, Lot 22, Lot
23, Lot 24 and Lot 2



ParksTrailsMap_Bob
caygeon_Fenelon_Li



ParksTrailsMap_Nor
th_SouthWest_Sout



Emily Forest
Tract.pdf



North Shoreline of
Lake Scugog - Oakd

Department Head E-Mail: critchie@kawarthalakes.ca

Department Head: Cathie Ritchie, Clerk