

# **The Corporation of the City of Kawartha Lakes**

## **By-Law 2021 – XXX**

### **A By-Law to Repeal and Replace By-Law 2005-329, being a By-Law to Regulate the Discharge of Firearms**

#### **Recitals**

1. Council considers it advisable to regulate the discharge of firearms within the municipality for the purpose of public safety;
2. The Municipal Act, 2001, Section 11(2) paragraph 6 of the Act states that a municipality may pass by-laws to protect the health, safety and well-being of persons;
3. The Municipal Act, 2001, Section 119 states that a local municipality may, for the purpose of public safety, prohibit or regulate the discharge of guns or other firearms, air-guns, spring-guns, cross-bows, long-bows or any other weapon.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this by-law 2021-00x.**

#### **Section 1.00: Definitions**

##### **1.01 Definitions: In this by-law,**

- (a) **“Agent”** means a person authorized by Regulation, to act as an agent for a landowner to kill, capture or harass wildlife for the protection of property and includes:
- i. Trappers licensed under Ontario Regulation 667/98 (Trapping);
  - ii. Employees, officers or inspectors of the Provincial Animal Welfare Services authorized to investigate acts of animal cruelty under the Provincial Animal Welfare Services Act 2019, S.O. 2019, and c. 13. or any amending or successor legislation;
  - iii. Members of a landowner’s immediate family acting on behalf of the landowner on the landowner’s own agricultural land;
  - iv. 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;

- v. Employees or agents of a municipality whose responsibility relates to wildlife control; and
  - vi. Persons who hold a valid H1 or H2 outdoors card issued under Ontario Regulation 665/98, as amended.
- (b) **"Bow"** means a longbow, compound bow, re-curve bow, or any class of, or crossbow.
- (c) **"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, and ammunition for firearms.
- (d) **"City", "City of Kawartha Lakes" or "Kawartha Lakes"** means The Corporation of the City of Kawartha Lakes.
- (e) **"City Clerk"** means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001.
- (f) **"Conservation Officer"** means a Conservation Officer or Deputy Conservation Officer appointed pursuant to the Fish and Wildlife Conservation Act.
- (g) **"Council"** means the council of the City of Kawartha Lakes.
- (h) **"Educational Property"** includes school facilities operated by a school board, a private school, a university, a provincial college, a private college or an outdoor area owned by the school when in use for instructional purposes whether or not the area is adjacent to a school building.
- (i) **"Firearm"** shall have a similar meaning as found in the Criminal Code of Canada, R.S.C., 1985, c.C.-46 and means a barreled device from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death, and includes but is not limited to shotguns, rifles, air-guns, or pellet guns.
- (j) **"Highway"** means a highway as defined by the Highway Traffic Act.
- (k) **"Manager of Municipal Law Enforcement and Licensing"** means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

- (l) **"Municipal Law Enforcement Officer"** means a person appointed by Council under section 15 of the *Police Services Act* to enforce the by-laws of the City.
- (m) **"Normal Farm Practice"** means a practice that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances and may make use of innovative technology in a manner consistent with proper advanced farm practices, and includes any practice which may be recognized as such by the Normal Farm Practices Protection Board.
- (n) **"Officer"** means a person appointed to enforce any federal or provincial legislation.
- (o) **"Person"** means any individual, directors, partnership, group or association, organization, company, corporation or cooperative which may include the registered owner of the property, any occupant of the property in question with authority to act on behalf of the registered owner, any person authorized by the registered owner to act on his or her behalf, or any lessee or occupant of the property.
- (p) **"Police Officer"** means a chief of police or other police officer in a police service which is responsible for enforcing the by-laws of the City.
- (q) **"Property"** means any parcel of land and any buildings or structures on the land and includes a portion of property.
- (r) **"Public Road"** a year round or seasonally maintained road by the City or Ministry of Transportation.

1.02 **Interpretation:**

- (a) The regulations established by this by-law respecting the discharge of firearms apply throughout the City, except as otherwise provided.
- (b) The attached Schedules form part of the by-law and are enforceable as such.
- (c) The words "includes" and "including" are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

- (d) Nothing in this By-law shall be interpreted to restrict the rights of the First Nations and the land use in the City as reflective of Treaty 20 and the Williams Treaty.
  - (d) Nothing in this By-law shall be interpreted to alleviate the need for individuals to comply fully with all applicable Provincial and Federal legislation and regulations including but not limited to the following:
    - (i) Criminal Code;
    - (ii) Firearms Act;
    - (iii) Migratory Birds Convention Act; and
    - (iv) Fish and Wildlife Conservation Act
  - (e) Where this By-law conflicts, or is deemed to conflict, with any other applicable Federal or Provincial statute, the provisions of Federal or Provincial statute shall prevail.
- 1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, which are applicable within the Province of Ontario.
- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal, invalid or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

## **Section 2.00: General Provisions**

- 2.01 No Person shall discharge a Firearm or Bow within the City except in accordance with this bylaw.
- 2.02 No Person shall discharge a Firearm or bow within the City except:
- i. When lawfully hunting as per the Fish and Wildlife Conservation Act; and
  - ii. On a lot greater than 2 hectares (4.94 acres).
- 2.03 No person shall possess a loaded firearm or discharge the firearm within 8 metres of the travelled portion of any highway.
- 2.04 No person shall discharge a firearm from or across any part of a right of way or highway at any time.

- 2.05 No owner or occupier of property shall permit the discharge of a firearm or bow on a property, which they own or occupy, except in accordance with this by-law.
- 2.06 No person shall discharge a firearm or bow in the City on private property except the registered owner, tenant, agent or other person expressly authorized by the registered owner.
- 2.07 Every person who is permitted to discharge a firearm or bow shall ensure that projectile(s) discharged from the firearm or bow will not leave the property from where the discharge took place.
- 2.08 Despite section 4.01 (a) and (b) or any other provision in this By-law, no Person shall discharge a Firearm or bow within 300 metres of any educational property, community center or public hall.
- 2.09 Despite section 4.01 (a) and (b) and any other provision in this By-law, no Person shall discharge a Firearm or bow within 150 metres of a dwelling on any residential property, unless the property owner has granted permission.

**Section 3.00: Specific Provisions**

- 3.01. No Person shall discharge a firearm or bow in all areas designated within an official plan as "Urban Settlement Area, Hamlet Settlement Area, Waterfront", and/or used for Commercial or Residential purposes.
- 3.02. No Person shall discharge a firearm or bow in all areas as illustrated in Schedule "A" maps and the following areas.

**Area Description**

- Cottages and Homes along the shoreline known as Long Point
- Municipal waste disposal sites
- Lot 12 and Lot 13, Concession 5, Township of Laxton,
- Lot 21, Lot 22, Lot 23, Lot 24 and Lot 25, Concession 1, Township of Digby and bounded on the westerly side of Monck Rd. and on the easterly side by the shoreline of Head Lake and the Head River and on the northerly side by the allowance for road between the first and second concessions of Digby
- Within any municipal parkland or Emily Forest Tract

- South of Sturgeon Lake and the Little Bob River
- All properties North of Otter Road (Township of Bexley), and south and west of Balsam Lake, commonly referred to as Long Point
- On the North Shoreline of Lake Scugog in proximity to dwelling units along Oakdene Crescent, Little Britain
- All waterfront lots located around Crego Lake and on property owned by Kinmount Park Estates

#### **Section 4.00: Exemptions**

**4.01 General Exemptions:** The regulations established by this by-law do not apply to the activities and matters described below:

- a) Discharge by any Police Officer, Peace Officer, Municipal Law Enforcement Officer, Conservation Officer or Deputy Conservation Officer acting in the course of their duty or training under the authority of their employment;
- b) At a facility operated or utilized by Peace Officers for training purposes;
- c) 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 laws;
- d) 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; or
  - iii. a sporting event;
- e) Target archery or target practice with firearms, including testing, at a federally regulated and licensed shooting range, or firearms business, the use and location of which is lawful with applicable zoning and building requirements and any other applicable federal, provincial and municipal laws of approved shooting ranges.

- f) For the Protection of Property from nuisance wildlife that may be killed or harassed in accordance with the Fish and Wildlife Conservation Act or a permit issued under the Canada Migratory Birds Regulations;
- g) Undertaken as a Normal Farm Practice and upon properties being used for agriculture purposes and the owner or tenant possesses a valid Farm Business Registration Number;
- h) The discharge of a firearm or bow by an individual or authorized individual while on his or her own lands provided that the owner reasonably believes there is imminent harm to any person, crops, livestock, poultry or pets and the purpose of the discharge is to protect persons or property from the immediate danger of attack from animals provided the person discharging the firearm holds a firearm license as required by law.
- i) Persons exercising his or her rights under the Protection of Livestock and Poultry from Dogs Act, R.S.O. 1990, c. L.24, or any successor thereof, who holds a firearm license required by law and such person exercises due care for the safety of persons and property in such exercise.
- j) Persons authorized under the Canadian Aviation Regulations SOR/96-433 Division III — Airport Wildlife Planning and Management where such person are authorized to kill or harass wildlife that may interfering with the safe operation of the airport.

## **Section 5.00 Administrative Fee**

- 5.01 Where a Person or Owner has received an occurrence inspection an Administrative Fee may be charged for the inspection and the Administrative Fee as Set out in the Consolidated Fees By-law, if not paid, the fee shall be added to the tax roll of the property and shall be collected in a like manner as municipal taxes.

## **Section 6.00: Enforcement and Penalties**

- 6.01. **Enforcement:** This by-law may be enforced by every municipal law enforcement officer and police officer.
- 6.02. **Obstruction:** No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this by-law.

- 6.03. **Offences:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, upon conviction, is liable to a fine in accordance with the provisions of the Provincial Offences Act R.S.O and to any other applicable penalty.
- 6.04. **Multiple Offences:** The conviction of a person for the contravention of any provision of this by-law shall not operate as a bar to the prosecution against the same person for any subsequent contravention of this by-law.
- 6.05. **Court Order:** If this by-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

## **Section 7.00: General Provisions**

- 7.01. **Administration:** Except where otherwise indicated, the Manager of Municipal Law Enforcement and Licensing is responsible for the administration of this by-law.
- 7.02. **Designation of Officers:** The Manager and all Municipal Law Enforcement Officers who report to the Manager are designated as officers for the purpose of this by-law.
- 7.03. **Effective Date:** This by-law comes into force on January 25, 2022.
- 7.04. **Repeal:** This by-law repeals By-law 2005-329, being a By-law to regulate the discharge of firearms in the City of Kawartha Lakes, and the amendments thereto, being By-Laws 2006-041, 2006-059, 2006-081, 2012-155 and 2015-084.

By-law read a first, second and third time, and finally passed, this 25<sup>th</sup> day of January 2022.

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Mayor

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Clerk