

## CORPORATION OF THE TOWNSHIP OF EAST HAWKESBURY

### BY-LAW NUMBER 2019- 69 DISCHARGE OF FIREARMS

BEING A BY-LAW OF THE TOWNSHIP OF EAST HAWKESBURY REGULATING THE DISCHARGE OF FIREARMS.

**WHEREAS** of the Municipal Act S.O. 2001, c.25, section 119 provides authority to a local municipality, for the purpose of public safety, prohibit or regulate the discharge of guns, firearms, air guns, spring-guns, cross-bows, long-bows and any other weapon.

**AND WHEREAS** the Council of the Township of East Hawkesbury deems it necessary and desirable to pass a by-law to prohibit and regulate the discharge of firearms within the limits of the Township for the purpose of public safety;

**NOW THEREFORE** the Council of the Township of East Hawkesbury enacts as follows:

#### **1. DEFINITIONS**

In this by-law:

**“Chief of Police”** means the Chief of Police of OPP Hawkesbury detachment or authorized representatives;

**“Township of East Hawkesbury”** means the municipal corporation known as the Township of East Hawkesbury or the geographic area of the Township of East Hawkesbury, as the context requires;

**“Firearm”** means any class or type of gun or other firearm including a shotgun, rifle, air-gun, spring-gun, and any class of bows or cross-bows;

**“Farmer”** means a person whose occupation is farming on land that he or she is entitled to occupy, and,

- I. who has livestock or poultry on the land,
- II. who is tilling or cultivating the land for crops, or
- III. who is engaging in arboriculture or horticulture for commercial purposes;

**“Highway”** means a common and public highway, street, avenue, parkway, driveway, square, bridge, viaduct, or trestle, any part of which is intended for, or used by, the general public for the passage of vehicles and includes the area between the lateral property lines thereof;

**“Navigable Water”** means navigable water pursuant to the Navigable Waters Protection Act, R.S.C. 1985, Chap. N-22;

**“Peace Officer”** means,

- I. a police officer as defined in the Police Services Act, R.S.O. 1990, Chap. P.15, as amended;
- II. conservation officer appointed to enforce the Fish and Wildlife Conservation Act, 1997, S.O. 1997, Chap. 41, as amended;
- III. a municipal law enforcement officer appointed pursuant to section 15 of the Police Services Act to enforce the by-laws of the Township;
- IV. a peace officer as defined in the Criminal Code;
- V. a member of the Royal Canadian Mounted Police Force.

#### **2. INTERPRETATION**

- I. This by-law includes the Schedules annexed hereto and the Schedules are hereby declared to form part of this by-law.
- II. It is declared that if any section, subsection or part or parts thereof be declared by any Court of Law to be bad, illegal or ultra vires, such section, subsection or part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

### **3. REGULATIONS**

#### **a) DISCHARGE OF FIREARMS**

- I. No person shall discharge a firearm in any area that is shown as a shaded area on any of the map attached as Schedules "A", "B" and "C".
- II. No person shall discharge a firearm in the Voyager Park area that is shown as hatched area on the map attached as Schedule "D" to this By-law.
- III. In the areas that are not shaded on any of the maps attached as Schedules "A", "B", "C" and "D" inclusive or that are not navigable water as described in subsection 3(1), no person shall discharge a firearm,
  - IV. on, over or across any highway or portion thereof;
  - V. on, over or across any public land within the Township of East Hawkesbury including parks, conservation areas, property owned by the Township of East Hawkesbury, school property, recreational areas, but not including, an unopened road allowance,
  - VI. within 300 meters of any place of worship, public hall or school property;
  - VII. on land on a registered plan of subdivision once an application for a building permit has been received by the Township of East Hawkesbury;
  - VIII. within 300 meters of land on a registered plan of subdivision once an application for a building permit has been received by the Township of East Hawkesbury.
  - IX. Within 300 meters of dwelling units or neighboring dwelling units

#### **b) EXEMPTIONS**

Despite Sections 3 and 4, this by-law shall not restrict or regulate the discharge of firearms by the following:

- I. a peace officer in the performance of his or her duty;
- II. a person appointed as a municipal law enforcement officer or as an agent for the Township of East Hawkesbury or for a provincial or federal government agency for the purpose of destroying sick, injured or vicious animals in the performance of this stated duty;
- III. a farmer or his or her agent, in order to destroy livestock in connection with farming practices, 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, Chap. 22 and the Fish and Wildlife Conservation Act, 1997, S.O. 1997, Chap. 41, as amended,
- IV. members of a Licensed gun club, Licensed rifle range, or licensed skeet club in a specific area, zoned for the purpose and, where applicable, only with the prior approval of the Firearms Office, Ontario Ministry of Public Safety and Security;
- V. members of a Licensed archery club in a specific area, zoned for the purpose and, where applicable, in accordance with the rules and regulations of the Ontario Archery Association;
- VI. a facility operated by or for a municipal, provincial or federal police force;
- VII. a person firing blank ammunition for or in connection with lawful use in a motion picture, television, stage productions and historical displays or educational programs of a public museum;
- VIII. a person firing blank ammunition for animal training purposes or for the purpose of starting or controlling a sporting event of a similar nature to foot racing, sailing or golf;
- IX. a person discharging any class of bow or cross bow for target practice provided that such activity is authorized in writing by the school principal.

#### **c) OFFENCES AND PENALTIES**

Any person who contravenes any of the provisions of this by-law is guilty of an offence.

Every person who is convicted of an offence under this by-law is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990 Chap. P.33, as amended.

**d) PROHIBITION ORDER**

When a person has been convicted of an offence under this by-law:

- I. the Ontario Court of Justice; or
- II. any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, make an order prohibiting the continuation or repetition of the offence by the person convicted.

**e) ADMINISTRATION & ENFORCEMENT**

This by-law shall be enforced by the Chief of Police of the OPP Hawkesbury detachment and the Municipal By-law Enforcement Officers of the Township of East Hawkesbury.

In addition to the procedure set out in the provincial offences Act Parts I and II for commencing a proceeding by the filing of a certificate, a proceeding in respect of an offence may be commenced by laying an information. R.S.O. 1990, c. P.33, s. 21 (1).

Where a provincial offences officer believes, on reasonable and probable grounds, that an offence has been committed by a person whom the officer finds at or near the place where the offence was committed, he or she may, before an information is laid, serve the person with a summons in the prescribed form. R.S.O. 1990, c. P.33, s. 22.

Any person who, on reasonable and probable grounds, believes that one or more persons have committed an offence, may lay an information in the prescribed form and under oath before a justice alleging the offence and the justice shall receive the information. R.S.O. 1990, c. P.33, s. 23 (1).

A summons shall be served by a provincial offences officer by delivering it personally to the person to whom it is directed or if that person cannot conveniently be found, by leaving it for the person at the person's last known or usual place of abode with an inmate thereof who appears to be at least sixteen years of age. R.S.O. 1990, c. P.33, s. 26 (2).

**f) EFFECTIVE DATE**

This by-law shall come into effect on June 10 2019.

**READ, DONE AND PASSED IN OPEN COUNCIL, THIS 10TH DAY OF JUNE 2019.**

**SEAL**

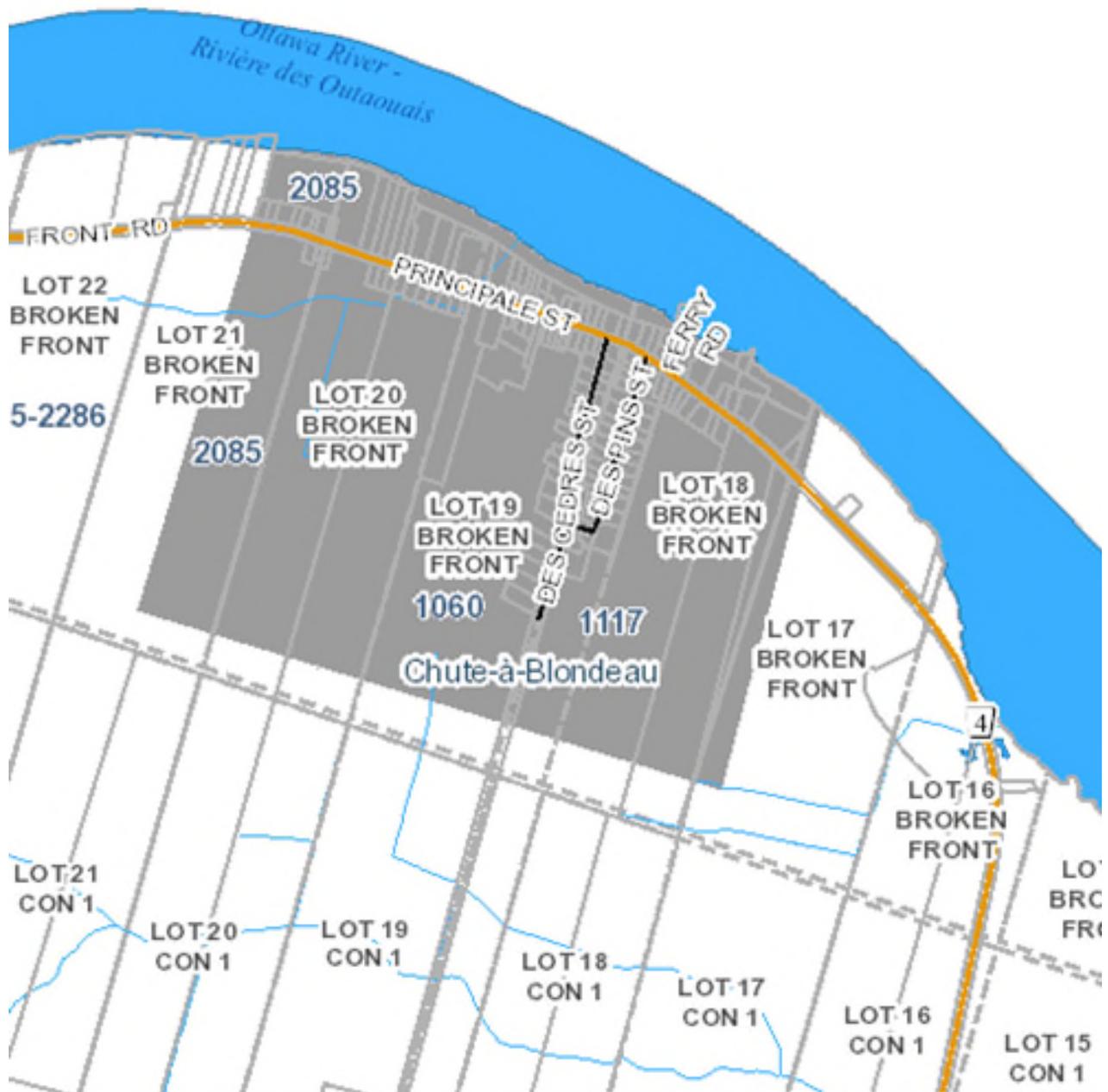
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Robert Kirby, Mayor

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Luc Lalonde, Clerk-Treasurer

Schedule "A"



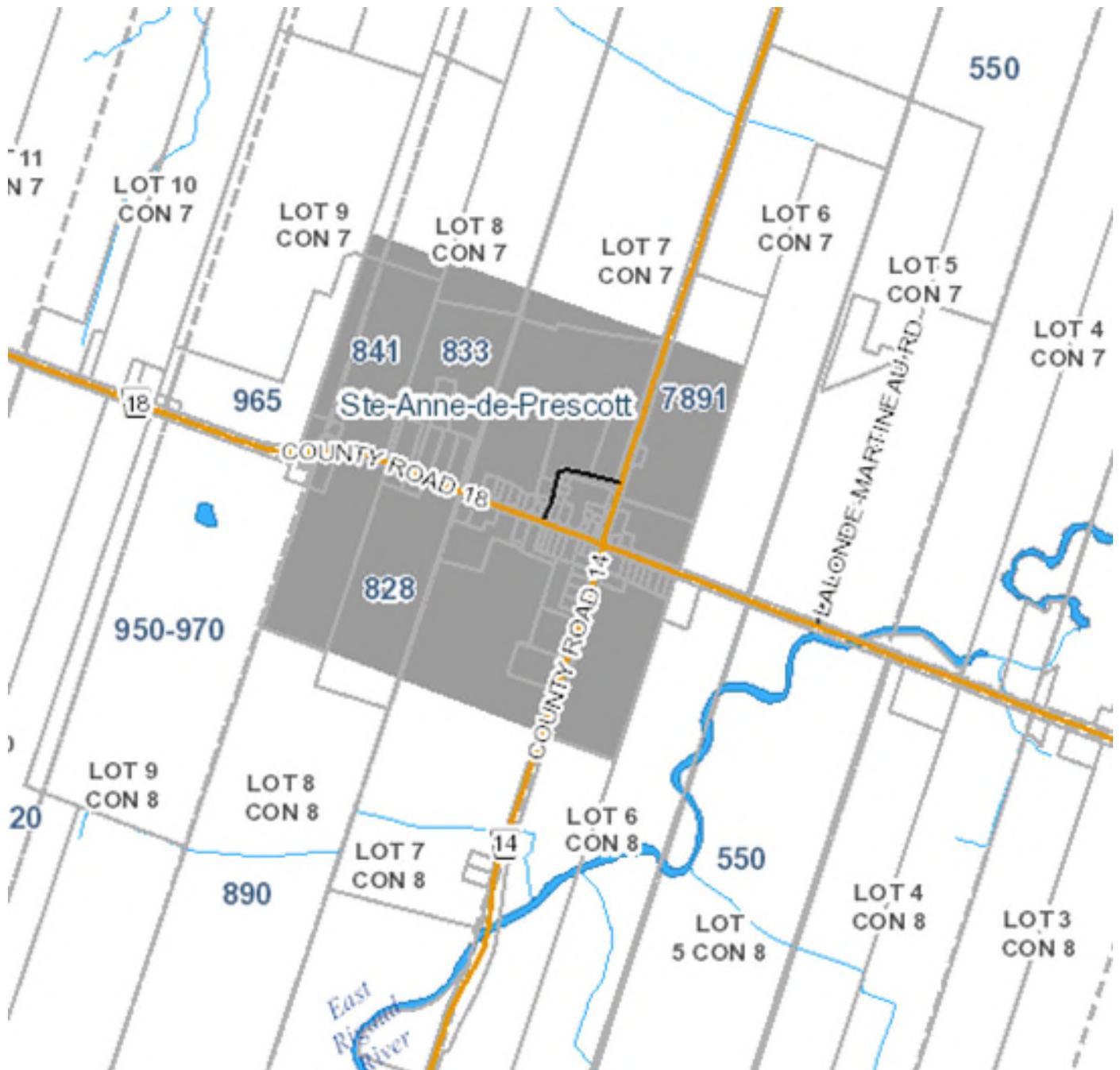
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*Schedule "B"*



By-Law No. 2019-69

Schedule "C"



Schedule "D"

