

THE CORPORATION OF THE TOWNSHIP OF SCUGOG

BY-LAW NUMBER 44-06

BEING A BY-LAW TO PROHIBIT AND REGULATE THE DISCHARGE OF CERTAIN FIREARMS, AIR GUNS AND SPRING GUNS IN THE TOWNSHIP OF SCUGOG

WHEREAS Section 119 of the Municipal Act 2001, S.O. 2001, c.25 provides that the Council of 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;

AND WHEREAS The Corporation of the Township of Scugog deems it necessary and desirable to exercise such power to provide for the safety of the general public;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SCUGOG Enacts As Follows:

Section 1- DEFINITIONS

1.1 For the purposes of this by-law:

Agricultural Land, means those lands zoned for any one or more agricultural purposes as permitted by the Zoning By-Law;

Animal Control Officer, means a person appointed by Council to provide animal control services within the Township of Scugog and shall include a Municipal Law Enforcement Officer;

Bona Fide Hunter, means a person who has completed all required safety firearm courses and has obtained all necessary permits, licences and authorizations required by the Federal Government of Canada and the Provincial Government of Ontario and who has been licenced to hunt in the Province of Ontario.

Commercial, means those lands zoned Hamlet Commercial (C1), Neighbourhood Commercial (C2), General Commercial (C3), Special Purpose Commercial (C4), Recreational Commercial (C5), Deferred Commercial (C6) or Resort Commercial (RC) in the Zoning By-Law;

Council, means the Council of the Corporation of the Township of Scugog;

Crown Land, means those lands owned by Her Majesty the Queen in Right of the Province of Ontario or Her Majesty the Queen in Right of Canada;

Environmentally Protected Land, means those lands zoned for environmentally protected purposes as defined in the Zoning By-Law;

Extractive Industrial, means those lands zoned M4 in the Zoning By-Law;

Farm, means an area of land whose permitted use includes agricultural uses as permitted by the Zoning By-Law and whose primary use is for the purpose of raising crops, livestock or poultry;

Farmer, means the person or persons who occupy a Farm and who owns, leases, manages or has the right to exercise the powers of any owner of such a Farm;

Firearm, means a firearm as defined by the Criminal Code of Canada and shall also include an air gun, spring gun, a bow and a cross bow, *but does not include a Prohibited Firearm*;

Game Preserve, means provincially licensed Game Bird Hunting Preserves or other similar hunting preserves where pheasant, chukar, northern bobwhite, wild turkey or other game birds or animals are hunted pursuant to Provincial regulation.

Gun Club, means a bona fide gun, shooting or archery club approved by the Province of Ontario and authorized by Council;

Highway, means a highway as defined by the Highway Traffic Act;

Holding Zone, means those lands zoned for deferred development by the Zoning By-Law;

Municipality, means the Corporation of the Township of Scugog;

Municipal Law Enforcement Officer, means the Municipal Law Enforcement officer appointed by the Council of the Corporation of the Township of Scugog;

Officer, means a Municipal Law Enforcement Officer, a Peace Officer as defined in the Criminal Code of Canada and shall include a Police Officer, Ministry of Natural Resources Officer, sworn in and for the Province of Ontario and a Provincial Offences Officer;

Prohibited Firearm, means a prohibited firearm as defined by the Criminal Code of Canada;

Range, means a bona fide firearm or archery shooting range authorized by the Province of Ontario and authorized by Council, where shooting competitions and practice are carried out by members of a Range or persons authorized by the Range;

Residential, means those lands zoned Estate Residential (ER), Hamlet Residential (HR), Rural Cluster Residential (RC), Shoreline Residential (SR), Urban Residential Type One (R1) Zone, Urban Residential Type Two (R2), Urban Residential Type Three (R3), Urban Residential Multiple Type One (RM1), Urban Residential Multiple Type Two (RM2), Urban Residential Multiple Type Three (RM3), Urban Residential Multiple Type Four (RM4), in the Zoning By-Law;

Zoning By-Law, means the Township of Scugog Zoning By-Law 6-80 and 75-80, as amended or any of its successor By-Laws;

Section 2 – Prohibitions

- 2.1 Except at a Range, no person shall discharge a Prohibited Firearm anywhere within the Municipality whatsoever.
- 2.2 No person shall discharge a Firearm anywhere within the Municipality except in accordance with this By-Law.
- 2.3 No person shall discharge a Firearm anywhere within the Municipality:
 - a) 100 metres (328 feet) from any Residential or Commercial property;
 - b) 50 metres (164 feet) from any Highway.
- 2.4 Notwithstanding any other provision of this By-Law, no person shall discharge a Firearm for any purpose within the area identified in Schedule "A" of this By-Law.
- 2.5 No person shall discharge a Firearm within the Township which would allow the shot, bullet or bolt to pass over or into any adjacent parcel of land without the written consent of the owner of such adjacent property.
- 2.6 Notwithstanding Section 2.4 of this By-Law no shot, bullet or bolt shall be directed over or onto any Residential or Commercial Land.
- 2.7 Except in the case of a Range, Game Preserve or Crown Land, no person shall discharge a Firearm on another persons land, without first obtaining written consent from the owner of that land and such written consent shall be carried by each and every person so authorized, and:
 - a. such written consent shall include the consenter's name, address and signature, the consentee's name, address and signature, the date the consent was issued, the date on which the consent expires and any limitations or conditions imposed by the consenter;
 - b. any consent given under this section shall expire, notwithstanding the terms of the consent to the contrary, not later than one-year after the date on which the consent was given; and
 - c. any consent given under this section shall be produced for inspection immediately upon request from an Officer.
- 2.8 No person shall discharge a Firearm for the purpose of practice or sighting a firearm, except at a Range or on private property with permission of the property owner, provided all of the following conditions are complied with:

- a) such private property is situated in areas zoned as Rural (RU) and Extractive Industrial (M4) under the provisions of the Zoning By-Law
- b) such private property can meet the setback requirements of this By-Law;
- c) such practice will be kept to a reasonable length of time in duration;
- d) except for the sports commonly known as skeet shooting or trap shooting, such practice shall not take the form of any type of competition or other contest;
- e) such practice shall be held only between the hours of 09:00 (9:00 a.m.) and 21:00 (9:00 p.m.) on the same day; and
- f) such practice shall otherwise comply with this By-Law.

2.8 No person shall discharge a Firearm to control troublesome or noxious animals except as provided for by this By-Law.

Section 3- General Provisions

3.1 A Firearm, may lawfully be discharged by a Farmer or resident of land which is located on Agricultural Land, Environmentally Protected Land, or a Holding Zone if the purpose of discharging the Firearm is to control troublesome or noxious animals or birds on the Farm and such discharge is otherwise in accordance with this By-Law. In such case, the provisions of Clause 2.3 (a) shall not apply to a residence located on the land where the Firearm is discharged.

3.2 A firearm may be discharged by a person in the course of any bona fide, sanctioned shooting competition or shooting practice, provided that:

- a) the competition or practice has received the prior approval of Council at least thirty (30) days prior to the competition or practice;
- b) such competition or practice is conducted in accordance with any terms or conditions upon which approval was granted;
- c) a copy of the resolution of Council granting such approval and any terms and conditions is available at the location of the competition or practice and is produced *for inspection* immediately upon request of an Officer, *and*
- d) such discharge otherwise complies with the provisions of this By-Law.

3.3 A firearm may be discharged by a person who is a member of a Range or a person with permission of such a Range in the course of Range activities provided:

- a) the discharge takes place on a Range the location of which has all required Federal, Provincial and Municipal approvals to operate at the location, *as a Range*;
 - b) all required licenses, authorizations and other pertinent approvals including those licenses, authorizations and other pertinent approvals required by this By-Law, are available at the Range and are produced for inspection immediately if requested by an Officer; and
 - c) such discharge otherwise complies with the provisions of this By-Law.
- 3.4 A Firearm may be discharged where permitted by legislation on land which is Crown Land, provided such discharge otherwise complies with the provisions of this By-Law.
- 3.5 A Firearm may be discharged by a Bona Fide Hunter actively engaged in hunting during a permitted season, who has been issued such necessary and required licenses, permits and consents that may be required by Federal, Provincial or Municipal legislation, including any licenses, permits and consents required by this By-Law, and provided:
- a) the lands where the Firearm is to be discharged are Agricultural Land, Environmentally Protected Land, in the Holding Zone or Extractive Industrial (M4) Zone; and
 - b) such discharge otherwise complies with the provisions of this By-Law.
- 3.6 A person identified in Section 3.5 of this By-Law shall carry any such required licenses, permits and consents, including those licenses, permits and consents that may be required by this By-Law, at all times while engaged in hunting and shall produce them for inspection immediately if requested by an Officer.

Section 4- Exemptions

- 4.1 The provisions of this By-Law do not apply to the discharge of a Firearm only by:
- a) an Animal Control Officer in the lawful execution of their duties;
 - b) an Officer in the lawful execution of their duties; or
 - c) members of the Canadian Armed Forces in the lawful execution of their duties.

Section 5 – Administration and Enforcement

- 5.1 This By-Law shall be administered by the Municipal Law Enforcement Officer.
- 5.2 This By-Law shall be enforced by an Officer.

Section 6 – Penalties

6.1 Every person who contravenes any provision of this By-Law is guilty of an offence and upon conviction is liable to a fine or penalty for each offence, exclusive of costs, as prescribed by the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended.

Section 7 – Schedule

7.1 Schedule A attached hereto forms part of this By-Law.

Section 8 – Short Title

8.1 This By-Law may be referred to as the Discharge of Firearms Bylaw.

Section 9 – Repeal Of By-Laws

9.1 By – Law 105-05 and any of its amendments are hereby repealed.

Section 10 - Severability

10.1 If a court of competent jurisdiction should declare any section or part of any section of this Bylaw 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 Bylaw as being invalid and is hereby declared that the remainder of the Bylaw shall be valid and remain in force.

Section 11- Effective Date

11.1 This By-Law shall come into full force as of the date of its passing.

Read a First, Second and Third time and passed this 29th day of May, 2006.



MAYOR, Marilyn Pearce



CLERK, Kim Coates

SCHEDULE "A"

Specific Areas Prohibited to Discharge a Firearm

Area bounded to the north by the south lot lines of Castle Harbour Drive, laterally to Lake Scugog to the east and Regional Road 2 to the west. To the south by the north lot lines of all properties in the Canterbury Common Subdivision laterally to the east to Lake Scugog and to the west by Regional Road 2. Then south along the shoreline of Lake Scugog to the north extent of Coulcliff Blvd. then west to the east lot limits of properties located in the Canterbury Common subdivision then north to the north lot line of the Canterbury Common Subdivision.

