

THE CORPORATION OF THE TOWNSHIP OF SOUTH STORMONT

BY-LAW NO. 2021-**DRAFT**

BEING a by-law to prohibit and regulate the discharge or firearms and bows in the Township of South Stormont.

WHEREAS the *Municipal Act, 2001*, c. 25, s. 5 (1) provides that the powers of a municipal corporation are to be exercised by its council;

AND WHEREAS the *Municipal Act, 2001*, c. 25, s. 5 (3) provides that the powers of every council are to be exercised by by-law;

AND WHEREAS the *Municipal Act, 2001*, c. 25, s. 119 authorizes municipalities to prohibit or regulate the discharge of guns or other firearms for public safety;

AND WHEREAS it is deemed expedient and in the best interests of public safety to regulate the discharge of guns or firearms in defined area of the municipality;

NOW THEREFORE Council of the Corporation of the Township of South Stormont enacts as follows:

1. Definitions

For the purposes of this by-law, the following terms shall have the corresponding meaning:

- 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 the protection of property and includes:
 - i. Trappers licensed under Ontario Regulation 667/98 (Trapping);
 - ii. Employees or agents of a member of the Ontario Society for the Prevention of Cruelty to Animals under the *Ontario Society for the Prevention of Cruelty to Animals Act, R.S.O. 1990, c. O.36* 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 land;
 - iv. Employees or agents of a municipality whose responsibility relates to wildlife or animal control; and

- v. Persons who hold a valid outdoors card issued under Ontario Regulation 665/98, for the purposes of killing or harassing the wildlife but not capturing it.
- b) "Bow" means a curved or re-curved stave of a resilient material, strung taut from end to end and used to launch an arrow, bolt, quarrel or any similar projectile 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*.
- d) "Defined Area" means the area defined as Urban Settlement within the SDG County Official Plan.
- e) "Firearm" means shotguns, rifles, air guns, spring guns or any class thereof and includes anything that can be adapted for use as a Firearm.
- f) "Municipal Law Enforcement Officer" means the Municipal Law Enforcement Officer as appointed on behalf of the Township and includes his/her designate.
- g) "Peace Officer" means a member of a regional, provincial or federal police force or the Canadian Armed Forces.
- h) "Person" means an individual, firm, corporation, business, association or partnership.
- i) "Property" means any parcel of land and any buildings or structures on the land and includes a portion of property.
- j) "Protection of Property" means the killing, capturing or harassing of wildlife found damaging or destroying property on a person's own land, or, that a person believes, on reasonable and probable grounds, is about to damage or destroy property on their own land.

2. Application

- a) The provisions of this By-law shall apply to all discharges of Firearms and Bows within the boundaries of the Township.

3. Prohibition

- a) No Person shall discharge any Firearm or Bow in the Township except in accordance with this By-law.
- b) No Person shall discharge or cause to be discharged any Firearm or Bow within a Defined Area except a landowner, tenant, Agent authorized by the landowner or tenant of a Person with the landowner or tenant's permission, provided that:
 - i. the Property upon which the discharge is to occur is no less than 2.02 hectares (5 acres) in size;
 - ii. no bullet, shot, bolt, arrow, or projectile shall pass over the boundary of the Property.

4. Exceptions

This By-law shall not apply to the discharge of a Firearm or Bow:

- a) by any Peace Officer, Conservation Officer or Deputy Conservation Officer acting in the course of their duty under the authority of their employment;
- b) for the Protection of Property from nuisance wildlife that may be killed or harassed in accordance with the *Ontario Fish and Wildlife Conservation Act*, or a permit issued under the Canada Migratory Birds Regulations;
- c) upon properties being used for agriculture purposes and the owner or tenant possesses a valid Farm Business Registration Number.

5. Enforcement

The provisions of this By-law may be enforced by a Peace Officer or any other Person appointed to enforce by-laws for the Township.

6. Power of Entry

- a) The Township may enter onto a property at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
 - i. the provisions of this By-law;
 - ii. an order issued under this By-law;
or

- iii. an order made under section 431 of the Municipal Act.
- b) Where an inspection is conducted by the Township, the Person conducting the inspection may:
- i. require the production for inspection of documents or things relevant to the inspection;
 - ii. inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - iii. require information from any Person concerning a matter related to the inspection including their name, address, phone number and identification; and
 - iv. alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- c) The Township may undertake an inspection pursuant to an order issued under s. 438 of the Municipal Act.
- a) The Township's power of entry may be exercised by a Peace Officer or any other Person appointed to enforce by-laws for the Township.

7. Severability

Severability 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 the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

8. Offence

- a) Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine pursuant to the provisions of the *Provincial Offences Act, R.S.O. 1990, c. P.33, as amended*.
- b) No person shall contravene any order, permit, license, or direction issued by the

Township pursuant to this by-law or the *Municipal Act*.

- c) Pursuant to section 429(2) of the *Municipal Act*, all contraventions of this by-law or orders issued under this by-law are designated as multiple offences and continuing offences. A multiple offence is an offence in respect of two (2) or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this by-law.

- 9. That any other by-law inconsistent with this by-law is hereby repealed.

READ AND PASSED in open Council, signed and sealed this XXth day of XXXX, 2021.

Mayor

Clerk

DRAFT