

THE CORPORATION OF THE TOWNSHIP OF SOUTH STORMONT

BY-LAW NO. 2022-DRAFT #2

Proposed Addition/Revisions to the By-law are identified in red text

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 the settlement 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.~~

A hunter actively engaged in hunting during a permitted season to whom has been issued such necessary licences and permits as may be required by Federal or Provincial governments, and provided that such Person has obtained the prior consent of the owner of the parcel of Land on which the Firearm or Bow is discharged.

- b) "Agricultural property" means land permitted to be used for agricultural purposes by the Township of South Stormont zoning by-law and, includes without limitation,
 - i. raising livestock or poultry;
 - ii. growing crops; or
 - iii. arboriculture or horticulture for commercial purposes;
- c) "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, but excludes a bow with a draw weight of 22 pounds or less.
- ~~e) "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 ~~handguns, shotguns, rifles, air guns, spring guns or any class thereof and includes anything that can be adapted for use as a Firearm.~~

means shotguns, rifles, bows, or any class thereof and includes anything that can be adapted for use as a Firearm and that is capable of causing serious bodily injury or death to a person, excluding paint ball

guns, pellet or BB guns or similar class of firearm with a muzzle velocity lesser than 500 feet per second.

- ~~f) "Municipal Law Enforcement Officer" means the Municipal Law Enforcement Officer as appointed on behalf of the Township and includes his/her their designate.~~
- ~~g) "Peace Officer" means a member of a regional, provincial or federal police force or the Canadian Armed Forces.~~
- f) "Officer" means a Police Officer, Peace Officer, Municipal Law Enforcement Officer, and Officer appointed under the *Fish and Wildlife Conservation Act, 1997* or *Conservation Authorities Act*;
- g) "Person" means an individual, firm, corporation, business, association or partnership.
- h) "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 property, or, that a person believes, on reasonable and probable grounds, is about to damage or destroy property on their own property.

2. Application

- a) The provisions of this By-law shall apply to all discharges of Firearms within the boundaries of the Defined Area **only**.
- b) Nothing in this By-law shall be interpreted as reducing or eliminating the need for full compliance with the provisions of all applicable Federal and Provincial statutes and associated 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

3. Prohibition

- a) No Person shall discharge any Firearm ~~or Bow~~ in the Defined Area except in accordance with this By-law.
- b) Notwithstanding section 3(a) above, within the Defined Area a Person may discharge or

cause to be discharged a Firearm ~~or Bow~~ provided that:

- i. The Person ~~is the Property owner or~~ has ~~written~~ expressed permission from the Property owner or tenant of the Property on which the discharge occurs; or
- ii. the Person is an authorized Agent of the Property owner or tenant; and
- iii. the Property upon which the discharge is to occur is no less than 2.02 hectares (5 acres) in size; and
- iv. the Person or Agent takes all reasonable precautions to ensure 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 or 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; or
- ~~c) upon properties being used for agriculture purposes and the owner or tenant possesses a valid Farm Business Registration Number.~~

An owner or their Agent, on Agricultural Property, where the discharge is necessary to scare or destroy animals that are likely to kill or injure livestock or poultry or damage property, where such discharge is in accordance with all other applicable laws.

5. Enforcement

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

6. Power of Entry

- a) An Officer may enter onto 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 made under section 431 of the Municipal Act.
- b) An Officer carrying out an inspection under Section 6.1 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~~ An Officer may undertake an inspection pursuant to an order issued under s. 438 of the Municipal Act.
- d) The Township's power of entry may be exercised by an Officer or any other Person appointed to enforce by-laws for the Township.
- e) No Officer may enter into any structure actually being occupied as a dwelling without the permission of the owner or occupant or a warrant.

7. Conflict

Where this by-law conflicts or is deemed to conflict with any applicable Federal or Provincial statute, the provisions of such Federal and Provincial statute shall prevail.

8. 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.

9. 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) 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 23rd day of March, 2022.

Mayor

Clerk