THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS

BY-LAW NUMBER 2015- 018

A BY-LAW TO REGULATE THE DISCHARGE OF FIREARMS IN THE TOWNSHIP OF LAKE OF BAYS

WHEREAS pursuant to Subsection 11(2) paragraph 6 of the Municipal Act a municipality may pass by-laws to protect the health, safety and well-being of persons;

AND WHEREAS pursuant to Section 119 of the Municipal Act, a municipality may, for the purpose of public safety, prohibit or regulate the discharge of firearms and other similar devices;

AND WHEREAS pursuant to Section 436 of the Municipal Act, a municipality has the power to enter onto lands at any reasonable time for the purpose of carrying out an inspection to determine compliance with this by-law;

AND WHEREAS pursuant to Section 438 of the Municipal Act, a municipality has the power to enter onto lands at any reasonable time for the purpose of carrying out an inspection pursuant to orders under this by-law;

AND WHERAS Council of the Township of Lake of Bays has deemed it in the public interest to regulate the discharge of firearms within the Township for the purposes of public safety;

NOW THEREFORE the Council of the Corporation of the Township of Lake of Bays enacts as follows:

PART #1 – TITLE AND DEFINITIONS

Title

1. This by-law shall be referred to as “The Discharge of Firearms By-law”.

Definitions

2. For the purposes of this By-law, including in the Recitals and the Definitions,

   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. 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 class H1 outdoors card issued under Ontario Regulation 665/98, for the purposes of killing or harassing the wildlife but not capturing it.

   b) **“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.

   c) **“By-law Enforcement Officer”** means the By-Law Enforcement Officer for the Township of Lake of Bays.

   d) **“Community Designation ”** means the community areas as defined in the Township

of Lake of Bays Comprehensive Zoning and Development Permit By-laws as per Schedule "B".

e) **"Conservation Officer"** means a Conservation Officer or Deputy Conservation Officer appointed pursuant to the *Fish and Wildlife Conservation Act*.

f) **"Council"** means the Council of the Corporation of the Township of Lake of Bays.

g) **"Criminal Code**" means *the Criminal Code of Canada, R.S.C. 1985, c. C-46,* or any amending or successor legislation.

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) **"Farming and Food Production Protection Act"** means the *Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1*, or any amending or successor legislation.

j) **"Firearm"** means shotguns, rifles, or any class thereof and includes anything that can be adapted for use as a Firearm. Excluding bows, cross bows, paint ball guns, pellet or BB guns or similar class of firearm (for the purpose of this by-law).

k) **"Firearms Act"** means the *Firearms Act S.C. 1995, c. 39*, or any amending or successor legislation.

l) **"Fish and Wildlife Conservation Act"** means the *Fish and Wildlife Conservation Act, 1997, S.O. 1997 c. 41*, or any amending or successor legislation.

m) **"Migratory Birds Convention Act"** means the *Migratory Birds Convention Act, 1994, S. C. 1994, c. 22*, or any amending or successor legislation.

n) **"Municipal Act"** means the *Municipal Act, 2001, S.O. 2001, c. 45*, or any amending or successor legislation.

o) **"Normal Farm Practice"**, as defined in the Farming and *Food Production Protection Act*, means a practice which is conducted in a manner consistent with proper and acceptable customs and standards, as established and followed by similar agricultural operations under similar cirumstances, or makes use of innovative technology in a manner consistent with proper advanced farm management practices, and includes any practice which may be recognized as such by the Normal Farm Practices Protection Board.

~~p) **"Park"** includes open space, private and/or public park and means an area open to the public used for sports, picnic, and like activities.~~

q) **"Peace Officer"** means a member of a regional, provincial or federal police force or the Canadian Armed Forces.

r) **"Person"** means an individual, firm, corporation, business, association or partnership.

s) **"Property"** means any parcel of land and any buildings or structures on the land and includes a portion of property.

t) ~~**"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.~~

u) "**Public Road"** a year round or seasonally maintained road ~~road maintained~~ by the Township of Lake of Bays, District of Muskoka or Ministry of Transportation.

v) **"Recreational Purposes"** means target shooting, skeet shooting, sighting your rifle, training of animals or similar activity.

w) **"Township"** means the geographic area comprising the Township of Lake of Bays.

x) **"Trapper"** means a person licensed by the Ministry of Natural Resources in accordance with the *Fish and Wildlife Conservation Act, 1997* and Regulations to hunt and trap fur-bearing mammals.

~~y) **"Zone"** means a zone as designated in the Township Comprehensive Zoning and Development Permit By-laws, as amended, pursuant to the *Planning Act, R.S.O. 1990, c. P.13*.~~

PART #2 – APPLICATION OF THE BY-LAW

Interpretation

3. For the purposes of this by-law:

Word Usage

a) Words in singular shall be deemed to include plural and words in plural shall be deemed to include singular and this By-law shall be interpreted with all changes in gender or number as the context may require;

b) Unless otherwise defined herein, the words and phrases used in this By-law have their normal and ordinary meaning;

c) Headings are inserted for convenience and reference purposes only, form no part of this By-law and shall not affect in any way the meaning or interpretation of the provisions of this By-law; and

d) Reference to any Act, Regulation, By-law, or Agreement is a reference to that Act, Regulation, By-law, or Agreement as it is amended or re-enacted from time to time.

Application

4. The provisions of this By-law shall apply to all discharges of Firearms within the boundaries of the Township of Lake of Bays.

5. 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:

a) Criminal Code;

b) Firearms Act;

c) Migratory Birds Convention Act; and

d) Fish and Wildlife Conservation Act

Conflict

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

Severability

7. If a court of competent jurisdiction declares 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 this By-law, and the remainder of the By-law shall be valid and remain in force.

PART #3 – GENERAL PROVISIONS

Prohibitions

8. No Person shall discharge a Firearm in the Township except in accordance with this By-law.

9. No Person shall discharge any Firearm in the Township upon lands outside the Community Designation except:

    a) When lawfully hunting as per the Fish and Wildlife Conservation Act, or

    b) For recreational purposes;

        ~~i. On a lot greater than 2 hectares (4.9 acres);~~

        ii. Not within ~~A minimum setback of~~ 30 metres (98 feet) from the edge of the traveled portion of a public road;

        iii. Not within 100 metres (338 feet) of any lake with more than 2 lots under separate ownership; and

        iv. Not within pits/quarries in the area of Tasso Lake, South Tasso (Blue) Lake and Toad Lake as illustrated on Schedule "C

10. No Person shall discharge any Firearm in the Township upon lands within the Community Designation except:

    a) When lawfully hunting as per the Fish and Wildlife Conservation Act; and

    b) On a lot greater than 3 hectares (7.4 acres).

.

11. Despite any other provision in this By-law no Person shall discharge a Firearm in the Township within 300 metres (984 feet) of any educational property.

12. No Person shall discharge any Firearm in the Township upon lands except a land owner, tenant, Agent authorized by the land owner or tenant, or a Person with the land owner or tenant's permission.

Exceptions

13. This By-law shall not apply to the discharge of a Firearm:

    a) 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* and a maximum of only ten (10) ~~five (5)~~ rounds being fired in a twenty four (24) period;

    b) Undertaken as a Normal Farm Practice*;*

    c) Upon properties being used for agriculture purposes and the owner or tenant possesses a valid Farm Business Registration Number;

    d) By any Peace Officer, By-law Enforcement Officer, Conservation Officer or Deputy Conservation Officer acting in the course of their duty under the authority of their employment;

    e) At a facility operated or utilized by Peace Officers for training purposes;

    ~~f) At a lawful shooting range, paintball club, skeet club or at a shooting meet which has been authorized by the Township;~~

    g) At an Educational Property used for instruction in the proper use of Firearms;

    h) 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; and

i) 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;

iii. a sporting event; or

iv. driving off nuisance wildlife with a maximum number of only ten (10) ~~five (5)~~ rounds being fired in 24 hour period.

Grant of Exemption by Council

14. Notwithstanding any provisions of this By-law, any Person may make application to Council to be granted an exemption from any of the provisions of this By-law with respect to the discharge of Firearms and Council, by resolution, may grant or refuse to grant the exemption applied for, or may grant any exemption of lesser effect, and in granting any exemption Council may include such terms and conditions as it deems appropriate.

15. In deciding whether to grant an exemption, Council shall give the applicant and any other Persons an opportunity to be heard and may consider such other information and matters as it considers appropriate.

16. A breach by the applicant of any of the terms or conditions of any exemption granted by Council shall render the exemption immediately null and void and of no force or effect.

PART #4 – ENFORCEMENT

17. 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.

Power of Entry

18. The Township may enter onto a property (not into a dwelling) at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

a) The provisions of this By-law;

b) An order issued under this By-law; or

c) An order made under section 431 of the Municipal Act.

19. Where an inspection is conducted by the Township, the Person conducting the inspection may:

a) Require the production for inspection of documents or things relevant to the inspection;

b) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;

c) Require information from any Person concerning a matter related to the inspection including their name, address, phone number and identification; and

d) 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.

20. The Township may undertake an inspection pursuant to an order issued under section 438 of the Municipal Act.

21. 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.

22. Every person who hinders or obstructs an Enforcement Officer (By-law Enforcement Officer, Conservation Officer, Peace Officer) lawfully carrying out the enforcement of this by-law is guilty of an offence.

Penalty

23. Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act R.S.O. 1990, c. P.33*.

24. Every person guilty of an offence under this by-law may, if permitted under the Provincial Offences Act, pay a set fine and the Chief Judge of the Ontario Court Provincial division, shall be requested to establish set fines in accordance with Schedule "A" attached to this by-law.

25. If this By-law is contravened and a conviction entered, the Court may also order that the Place of Business or the Premises or any part of the Premises be closed to any use for a period not exceeding two (2) years.

26. For the purposes of this By-law:

a) "Multiple offence" means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law; and

b) An offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.

Schedules to this By-law

27. Schedules inclusive attached hereto shall form part of this By-law.

- Schedule "A" Set Fines
- Schedule "B" Community Designation
- Schedule "C" Pits/Quarries

READ a **FIRST, SECOND and THIRD** time and FINALLY **PASSED** this _____ day of

_____, 2015.

_____
Robert Young, Mayor

_____
Carrie Sykes, Clerk

By-Law #2015-018 A BY-LAW TO REGULATE THE DISCHARGE OF FIREARMS

SCHEDULE "A" - Set Fines Schedule Part 1 Provincial Offences Act

~~Item~~	~~Column 1 Short Form Wording~~	~~Column 2 Provision Creating or Defining Offence~~	~~Column 3 Set Fine~~
~~1~~	~~Discharge firearm outside of community designation for recreation purpose on a lot under 2 hectares in size.~~	~~Part 3, Section 9 b) i)~~	~~$250~~
~~2~~	~~Discharge firearm outside of community designation for recreation purpose within 30 metres of a public road~~	~~Part 3, Section 9 b) ii)~~	~~$250~~
~~3~~	~~Discharge firearm outside of community designation for recreation purpose within 100 metres of a lake~~	~~Part 3, Section 9 b) iii)~~	~~$250~~
~~4~~	~~Discharge firearm within community designation lawfully hunting on a lot less than 3 hectares~~	~~Part 3, Section 10 a)~~	~~$250~~
~~5~~	~~Discharge firearm within community designation and not lawfully hunting~~	~~Part 3, Section 10 b)~~	~~$250~~
~~6~~	~~Hinder or obstruct Enforcement Officer~~	~~Part 4, Section 21~~	~~$500~~

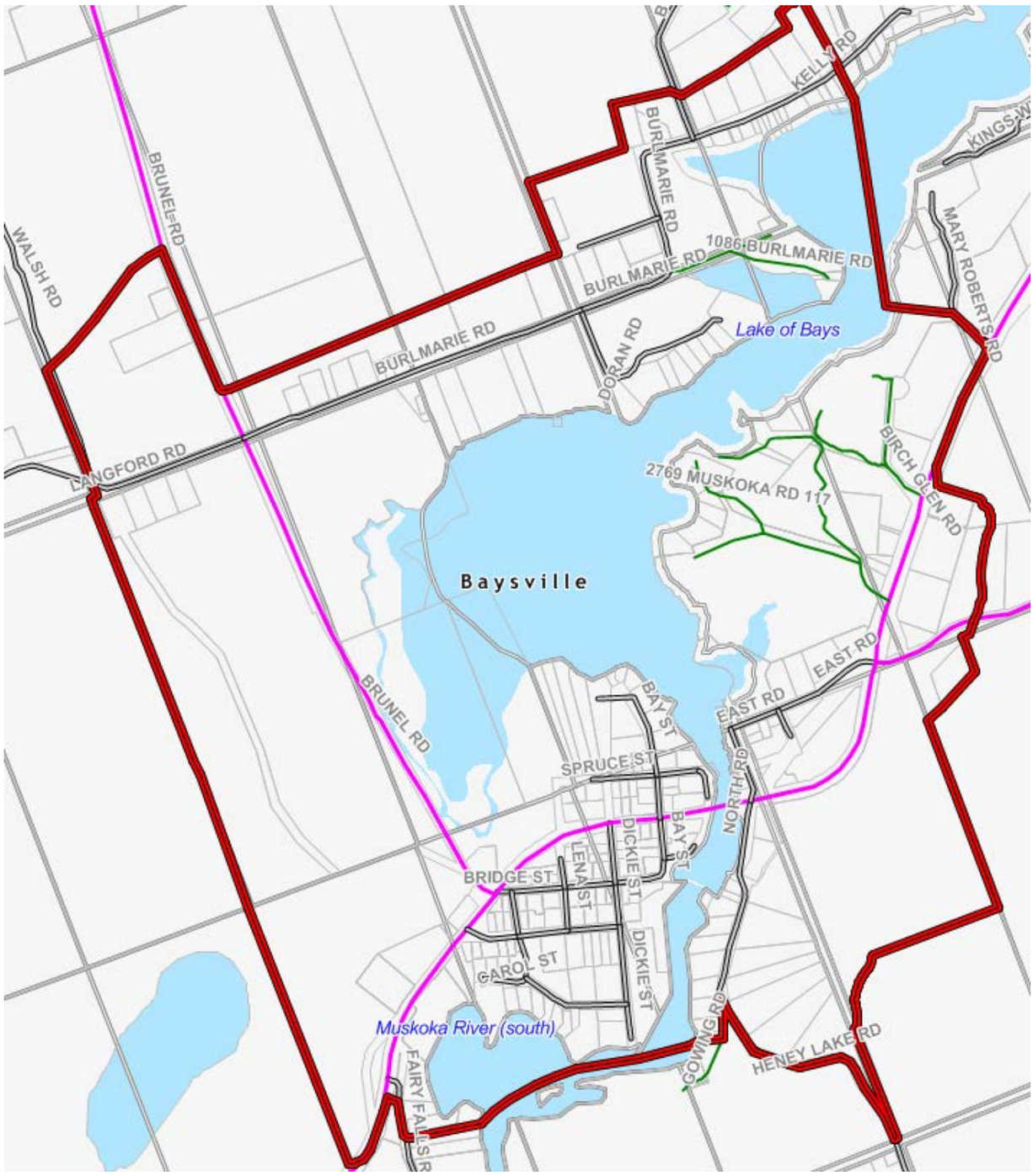
SCHEDULE "A" - Set Fines Schedule Part 1 Provincial Offences Act

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1	Discharge firearm within 30 metres of a public road	Part 3, Section 9 b) i)	$250
2	Discharge firearm within 100 metres of a lake	Part 3, Section 9 b) ii)	$250
3	Discharge firearm within prohibited pits/ quarries	Part 3, Section 9 b) iii)	$250
4	Discharge firearm while hunting on a lot less than 3 hectares	Part 3, Section 10 a)	$250
5	Discharge firearm not lawfully hunting	Part 3, Section 10 b)	$250
6	Discharge firearm within 300 metres of an Educational Property	Part 3, Section 11	$250
7	Hinder or obstruct Enforcement Officer	Part 4, Section 21	$500

Note: The general penalty provision for the offences listed above is Sections 22 to 25 of Bylaw 2015-018 a certified copy of which has been filed.

By-Law # 2015-018 A BY-LAW TO REGULATE THE DISCHARGE OF FIREARMS

SCHEDULE "B" – Community Designation



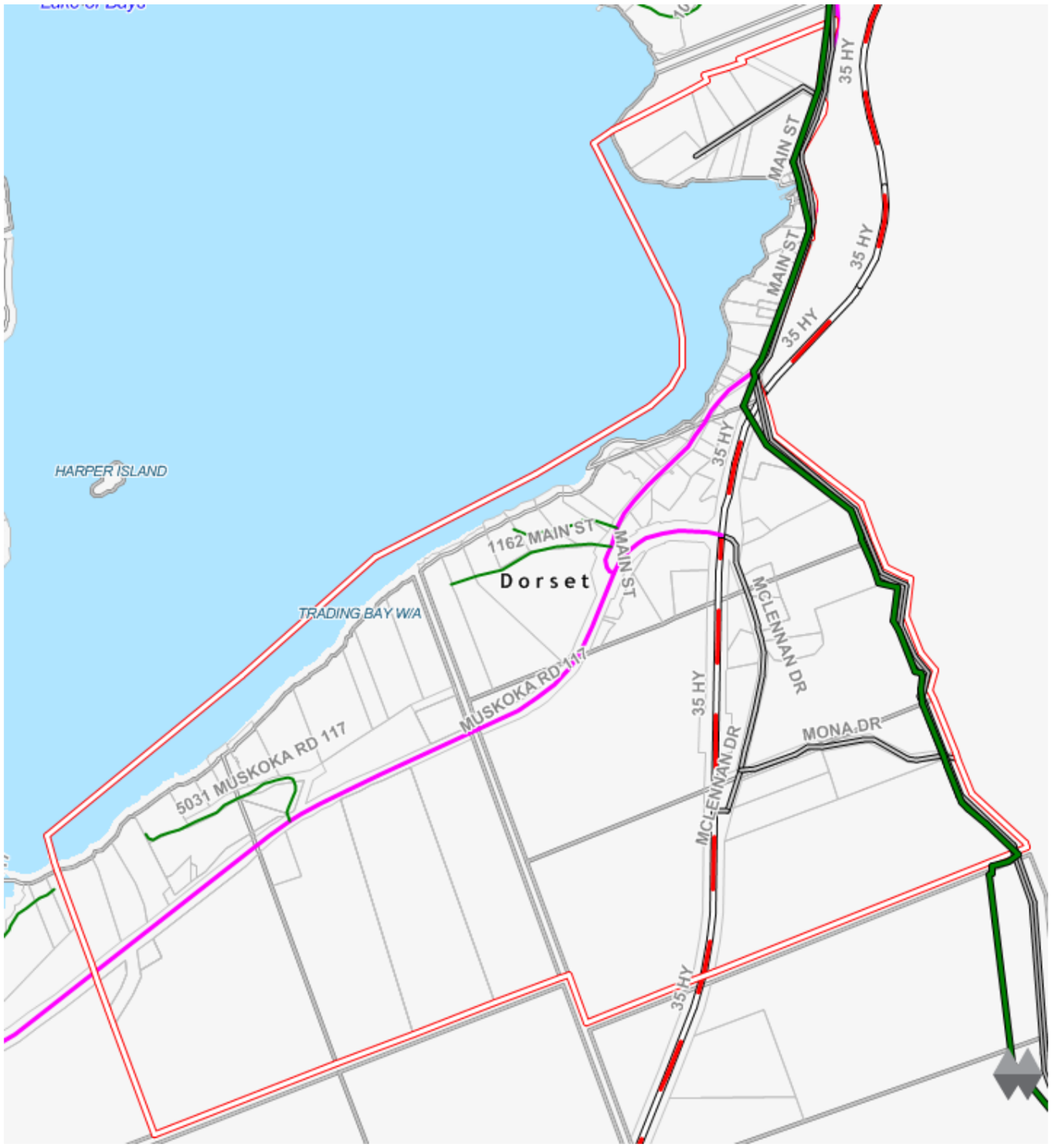
Baysville

Identifies the Community Designation for Baysville

The Corporation of the Township of Lake of Bays

By-Law # 2015-018 A BY-LAW TO REGULATE THE DISCHARGE OF FIREARMS

SCHEDULE "B" – Community Designation



Dorset

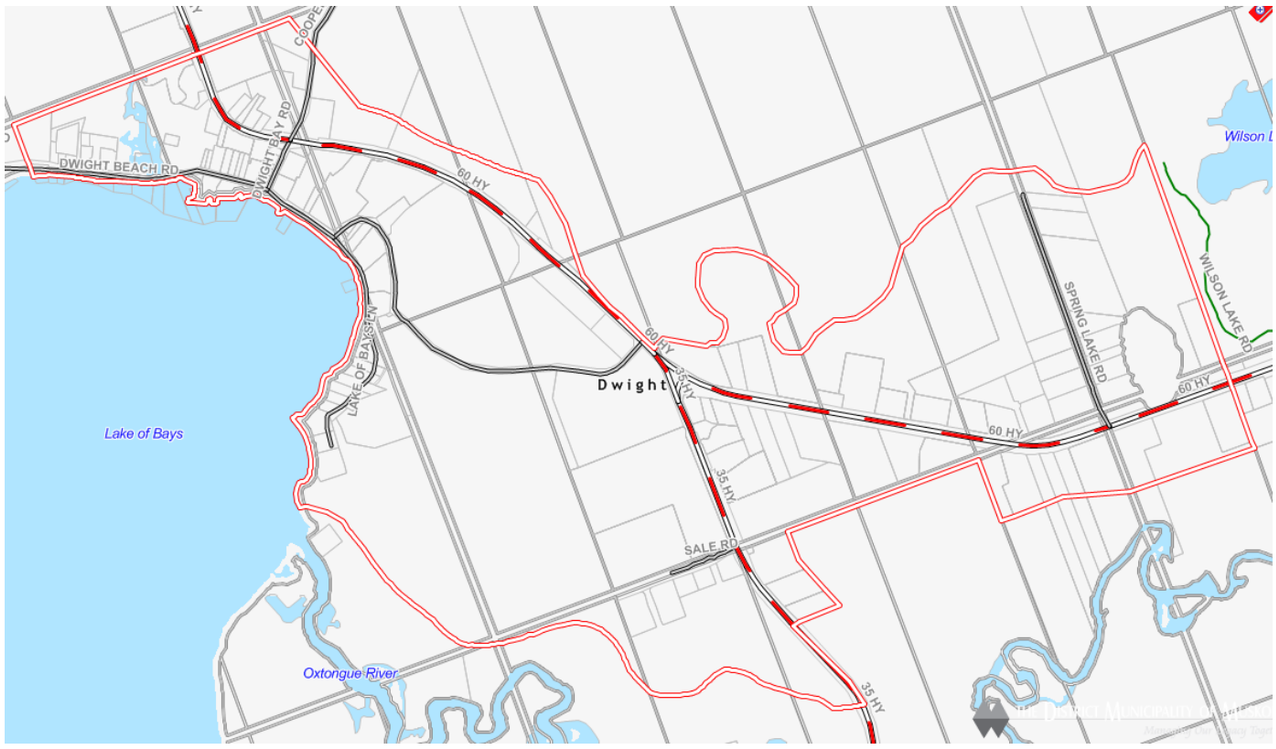
Identifies the community designation for Dorset

By-law Number 2015-018

The Corporation of the Township of Lake of Bays

By-Law # 2015-018 A BY-LAW TO REGULATE THE DISCHARGE OF FIREARMS

SCHEDULE "B" – Community Designation



Dwight

Identifies the community designation for Dwight

By-Law # 2015-018 A BY-LAW TO REGULATE THE DISCHARGE OF FIREARMS

SCHEDULE “B” – Community Designation

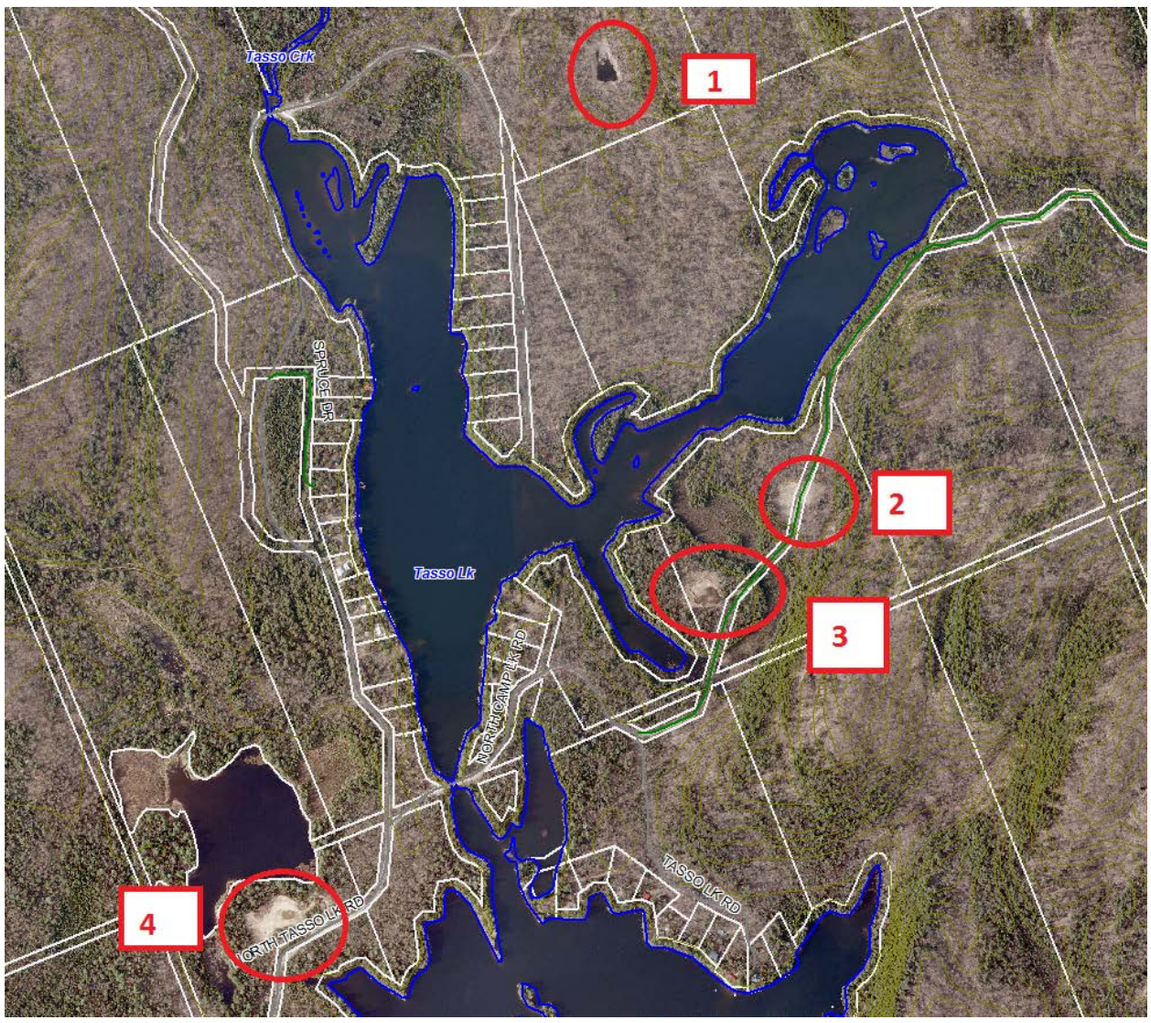


Hillside

Identifies the community designation for Hillside

By-Law # 2015-018 A BY-LAW TO REGULATE THE DISCHARGE OF FIREARMS

SCHEDULE “C” Pits/Quarries



No recreational discharge of a firearm in these areas

Area 1	**Con 10, Lot 14**	**Finalyson Ward**
Area 2	**Con 9, Lot 14**	**Finalyson Ward**
Area 3	**Con 9 Lot 14**	**Finalyson Ward**
Area 4	**Con 8, Lot 11**	**Finalyson Ward**

The Corporation of the Township of Lake of Bays

By-Law # 2015-018 A BY-LAW TO REGULATE THE DISCHARGE OF FIREARMS

SCHEDULE "C" Pits/Quarries



No recreational discharge of a firearm in these areas

Area 5 Con 4 & 5, Lot 10 Finalyson Ward

Area 6 Con4 & 4, Lot 9 Finalyson Ward