



Report to: General Committee

Date Report Authored: October 29, 2012

SUBJECT: Discharge of Firearms and Bows By-law
PREPARED BY: W. Wiles, Manager, By-law Enforcement/ Licencing (x4851)

RECOMMENDATION:

- 1) That the report entitled "Discharge of Firearms and Bows By-law" be received; and,
- 2) That By-law 323-86 being "a bylaw to Prohibit the Discharge of Guns and Other Firearms, Air Guns and Spring Guns and Class Thereof, Within the Municipality" be repealed; and,
- 3) That the proposed "Discharge of Firearms and Bows By-law" as outlined in Appendix 'A' be enacted; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

To repeal By-law 323-86, prohibiting the discharge of guns and other firearms, air guns and spring guns and any class of type thereof, within the Municipality and to enact a new By-law to:

1. Incorporate current authorities restricting use of firearms contained in the *Municipal Act, 2001* into a new By-law;
2. To clarify with certainty the current prohibition on the use of bows within the City;
3. To include paint ball guns in the definition of what is a firearm; and,
4. To include further restrictions on the exemption for farmers for the use of firearms.

BACKGROUND:

Currently, By-law 326-86 prohibits the discharge of firearms, air guns, spring guns and any class thereof within the municipality. When the by-law was adopted by Council in 1986, the *Municipal Act* did not specify that cross bows or long bows were included. The By-law did, by definition, prohibit the use of cross bows or long bows; however, the proposed by-law includes a definition of "bows" and a separate prohibition to clarify with certainty that the use of "bows" is prohibited with the City.

The new by-law will also place further restrictions on the exempted use of firearms by farmers for the preservation and protection of livestock and crops.

OPTIONS/ DISCUSSION:**Definition of and Specific Inclusion of Bows in By-law**

The current by-law prohibits the discharge of cross-bows and long bows through the definition of a firearm which defined a firearm as "any weapon from which any shot, bullet or missile can be discharged". When the by-law was passed in 1986, the *Municipal Act* did not specifically list cross-bows or long bows; whereas, the current *Municipal Act* does.

The proposed by-law creates a new definition for "bow" and specifically prohibits the discharge of bows within the City. The new definition and prohibition will provide certainty to the public that the use of bows is not allowed.

Inclusion of Paint Ball in the Definition of a Firearm

Since the passing of the existing by-law, the manufacture and use of Paintball guns in recreational settings has become common. Paintball guns use compressed air to shoot projectiles at high speeds and are commonly used at ranges in simulated battle games between teams or persons. When used at ranges, safety gear such as protective eye wear, helmets etc. are required to prevent injury to participants.

Due to the public safety risk, many municipalities have amended or passed new by-laws that include paintball guns in the definition of a firearm and prohibit the discharge other than at a specifically built range or game park for that purpose. In Markham, a resident was recently shot and injured by a stray shot from air gun while walking in a park. The shot came from teenagers using an air gun for target practice, unaware that a missed shot could travel so far.

The proposed by-law includes paintball guns in the firearm definition and prohibits the discharge of these types of guns unless at an approved range or park.

Exemptions for Farmers

The current by-law provides an exemption for a farmer to discharge a firearm for the protection or preservation of livestock or crops on the farmer's property. The use of firearms for the protection of property from wildlife is permitted under the *Ontario Fish and Wildlife Conservation Act*. The current by-law did not define farmer and allowed occupants of small parcels of lands to discharge firearms on rural residential properties where the occupant had a garden or animals. It is common that rural residential properties are grouped together and the shooting of firearms and bows is a safety hazard to adjoining properties. To eliminate the hazard, the proposed by-law establishes a minimum lot size of 5 hectares on which a weapon may be discharged, providing a safe separation distance. The proposed by-law further prohibits farmers, when they are permitted to discharge firearms or bows, from doing so within 100m of a park, school, church, other residences etc.

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)

Not Applicable

BUSINESS UNITS CONSULTED AND AFFECTED:

Legal Services

RECOMMENDED:

11/1/2012

02/11/2012

X 

Martha Pettit
Acting City Clerk

X 

Trinela Cane
Commissioner, Corporate Services

ATTACHMENTS:

[Attachment 'A' - Draft By-law](#)