



BY-LAW 2012-XXX

Being a By-law to regulate and/or prohibit the discharge of firearms and bows in the City of Markham.

WHEREAS Paragraph 11(2) 6 of the Municipal Act, 2001, as amended, enables a municipality to pass a by-law to protect the health, safety and well-being of its residents;

WHEREAS Section 119 of the Municipal Act, 2001, as amended, enables a municipality to pass a by-law for the purpose of public safety, to prohibit or regulate the discharge of guns or other firearms, including air guns, spring guns, cross-bows, long-bows or any other weapon; and,

WHEREAS the Council of The Corporation of the City of Markham determines that the discharge of firearms and bows could create a safety hazard for the public.

NOW THEREFORE THE COUNCIL OF THE CITY OF MARKHAM ENACTS AS FOLLOWS:

1. DEFINITIONS

- 1.1 “**Bow**” means a long bow, compound bow, re-curve bow, cross bow, or any class thereof, from which any arrow or any other projectile can be discharged and that is capable of causing bodily injury or death to any *Person* ;
- 1.2 “**City**” means the Corporation of The City of Markham;
- 1.3 “**Firearm**” means any weapon from which any shot, bullet or other missile can be discharged and that is capable of causing bodily injury or death to any *Person* and includes a sling shot, air gun, paint ball gun, and spring gun;
- 1.4 “**Peace Officer**” includes a municipal law enforcement officer, police officer, animal control officer or a provincial conservation officer;
- 1.5 “**Person**” includes a corporation and its directors and officers, and the heirs, executors, assignees and administrators or the other legal representatives of an individual and their respective successors and assignees.

2.0 PROHIBITIONS

- 2.1 No *Person* shall discharge a *Firearm* or a *Bow* in the *City* except in accordance with this by-law.

3.0 EXCEPTIONS

3.1 This By-law shall not apply to:

- a) any *Peace Officer* acting in the course of their duty under the authority of their employment;
- b) any *Person* or organization that for ceremonial, educational purposes or other purposes has obtained advance permission from the Manager of By-law Enforcement and Licensing or his or her designate to perform any act otherwise prohibited under this By-law;
- c) the discharge of a *Firearm* or *Bow* at a lawful shooting range, paintball club, skeet club or at a shooting meet which has been authorized by the Manager of By-law

Enforcement and Licensing or his or her designate;

- d) the discharge of a *Firearm* by a *Person* on his or her farm provided the farm is located in an A1 (Agricultural) zone with lot area of more than five (5) hectares and is for the protection or preservation of livestock or crops on the property, provided the discharge of the *Firearm* is not within one hundred (100) metres of a dwelling, public park or private park, a public open space or the premises of an educational institution or of a religious institution, including but not limited to any building, structures or grounds related thereto.

4.0 ENFORCEMENT:

- 4.1 The provisions of this By-law may be enforced by a *Peace Officer* or any *Person* appointed to enforce the by-laws of the *City*.
- 4.2 No *person* shall hinder or obstruct, or attempt to hinder or obstruct a *Peace Officer* or other *person* so authorized who is performing a duty or exercising a power under this By-law pursuant to Section 426 of the Municipal Act, 2001.

5.0 SEVERABILITY

- 5.1 Notwithstanding that any clause or any part or parts thereof or Schedule of this By-law may be found by any court of law to be invalid or beyond the power of the Council to enact, such clause, Schedule or part or parts thereof shall be deemed to be severable, and all other clauses and Schedules of this By-law, or parts thereof, are separate and independent therefrom and enacted as such.

6.0 INTERPRETATION

- 6.1. The provisions of the Legislation Act 2006, shall apply to this By-law.

7.0 EFFECTIVE DATE

- 7.1 This By-law comes into force and takes effect on November xx, 2012.

8.0 SHORT TITLE

- 8.1. This By-law shall be known as the *Discharge of Firearms and Bows By-law*.

9.0 PENALTY:

- 9.1 Every *person* who contravenes any provision of this By-law is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the Provincial Offences Act and the Municipal Act, 2001, as each may be amended from time to time.

10.0 REPEAL

- 10.1 By-law 323-86, as amended, is hereby repealed.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS ____ DAY
OF _____, 2012.

MARTHA PETTIT
ACTING CITY CLERK

FRANK SCARPITTI
MAYOR