



Report to: General Committee

Date Report Authored: September 27, 2012

SUBJECT: A By-law to Prohibit the Display, Marketing for Sale and Sale of Imitation and Replica Firearms
PREPARED BY: W. Wiles, Manager, By-law Enforcement & Licensing, ext. 4851

RECOMMENDATION:

- 1) THAT the report titled "*A By-law to Prohibit the Display, Marketing for Sale and Sale of Imitation and Replica Firearms*" be received; and,
- 2) THAT Attachment 'A' –*Draft By-law to Prohibit the Display, Marketing for Sale and Sale of Imitation and Replica Firearms*" be enacted; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

To respond to a request from York Regional Police to pass a by-law to prohibit the display, marketing for sale and sale of imitation and replica firearms in the City of Markham.

BACKGROUND:

The City does not currently regulate the display or sale of firearms of any kind. The City does however prohibit the discharge of guns and other firearms including air guns and spring guns within the municipality under the "*Discharge of Guns and Other Firearms By-law 323-86*."

OPTIONS/ DISCUSSION:

York Regional Police have expressed concerns about imitation and replica firearms being sold in the City. According to police, the use of imitation and replica firearms is very common in the gang world because of their realistic appearance and the ease with which they can be acquired. When not used in the proper manner, there is a potential for serious injury with replica handguns. Since these guns can be easily mistaken for the real thing, there can be serious consequences for the operator and the police. For example, anyone committing a crime with an imitation or replica firearm could face the same charges as someone using an actual firearm in the commission of a crime. Members of the public, especially minors, may also not be aware of the potential risks and consequences of possessing replica or imitation firearms. When responding to any call involving a weapon, the weapon is treated as real until determined otherwise putting police officers and suspects at risk. York Regional Police seized 86 imitation and replica firearms in 2010 and 85 in 2011 as a result of police investigations.

This past September, Durham Regional Police responded to a weapons call at Bowmanville High School. The immediate and comprehensive police response caused considerable distress and concern for the school community. As a result of the incident, a student at the school was found to be in possession of a replica firearm and knife. The student was subsequently charged with “weapons dangerous to the public.”

Since the possession and use of the imitation and replica firearms is not illegal, the police are powerless to seize them if they are not being used in the commission of a crime. The purpose of focusing on the sale of these firearms is to make the acquisition of these guns more difficult in Markham. The imitation and replica firearms are not known as being collectibles and have become more of a public nuisance than any other identified use. If they are not readily available for purchase in a retail store it will make it more difficult for to obtain these guns for nefarious reasons. The police are prepared to work with retailers to educate them on the types of guns that would no longer be permitted to be displayed or sold. Enforcement of the by-law would be a last step. The police and city staff will also provide a community education strategy and awareness of risks and public nuisances with imitation and replica firearms.

FINANCIAL CONSIDERATIONS AND TEMPLATE:

No additional costs or staff resources are anticipated should the proposed by-law be adopted. Enforcement of the by-law will be led by York Regional Police in conjunction with By-law Enforcement & Licencing Staff.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The proposed by-law to prohibit display, marketing for sale and sale of replica handguns addresses the concerns of residents and protects their health and well-being.

BUSINESS UNITS CONSULTED AND AFFECTED:

Legal

RECOMMENDED BY:

10/10/2012

11/10/2012

X 

Martha Pettit
Acting City Clerk

X 

Trinela Cane
Commissioner, Corporate Services

ATTACHMENTS:

[Attachment 'A' - Draft By-law to Prohibit the Display, Marketing for Sale and Sale of Imitation and Replica Firearms](#)