

The Township of Cavan Monaghan

By-law No. 2016-31

Being a By-law to Regulate the Discharge of Firearms

Whereas section 119 of the Municipal Act, 2001 authorizes municipalities to enact By-laws, for the purpose of public safety, to prohibit or regulate the discharge of firearms;

Now Therefore the Council of the Township of Cavan Monaghan enacts as follows:

1. Definitions

“animal control officer” means an employee or agent of the Township who is responsible for enforcing the provisions of By-law No. 2009-68, “A By-law to Regulate Animals” or a successor to that By-law;

“binary target” means any target that when hit with a projectile or bullet discharged from a firearm creates an explosive reaction;

“community recreation centre” means an arena or other facility that is used by the general public for recreational or other community activities;

“conservation area” means land in the Township of Cavan Monaghan owned by the Otonabee Region Conservation Authority; the Kawartha Conservation Authority; the Ganaraska Conservation Authority;

“dwelling unit” means a suite operated as a housekeeping unit, used or intended to be used by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities and includes a residential unit used on a seasonal or part-time basis;

“firearm” includes any type of gun or other firearm, air gun, spring gun, pellet gun, tranquillizer gun, paint ball gun, cross-bow and long-bow;

“highway” means a common and public highway, and includes a street, public lane and road allowance and any bridge, trestle, viaduct or structure that forms part of a highway and all lands between the lateral boundaries;

“park” means a recreational area that is open to the general public for permitted recreational uses, and includes a picnic area and sports field;

“police officer” means a police officer employed by the Ontario Provincial Police or any Municipal Police Service;

“private road” means a privately-owned street or lane used by members of the general public for the passage of motor vehicles;

“property” means a parcel of land and any buildings or structures on the land, and includes a portion of a property;

“recreational trail” means a former rail line or other similar property that is open to the general public for permitted recreational trail uses, and includes any bridge, trestle, viaduct or structure that forms part of a trail and all lands between the lateral boundaries;

“rural area” means the portion of the Township that is outside of settlement areas designated in the Official Plan.

“settlement area” means Balieboro, Cavan, Five Mile Turn, Fraserville Ida, Millbrook , Mount Pleasant, South Monaghan and Springville;

“school” includes an elementary school, secondary school, community college, university or other post-secondary institution, and any private school or college;

“township” shall mean the Township of Cavan Monaghan.

2. Administration

2.1 Police Officers employed by the Township of Cavan Monaghan and, where appropriate, the Township’s By-law Enforcement Officers are responsible for enforcing the provisions of this By-law.

3. Interpretation

3.1 The regulations established by this By-law apply to the discharge of firearms on all lands and waters within the boundaries of the Township.

3.2 The use of the word “includes” in Part 1 of this By-law is not to be interpreted as limiting the meaning of a word or term to the phrases or descriptions that follow.

3.3 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 regulations relating to firearms.

4. Regulations

Settlement Area

4.1 No person shall discharge a firearm in a settlement area.

Rural Area

4.2 No person shall discharge a firearm in the rural area of the Township:

- (a) On any property owned or occupied by the Township or the County of Peterborough, except when having expressed permission thereof;
- (b) On or within 150 metres of any property used for the purposes of a school, place of worship, day nursery, community recreation centre, park or campground;
- (c) Within 150 metres of any conservation area where hunting is prohibited;
- (d) Within 150 metres of any dwelling, other than a dwelling owned or lawfully occupied by the person discharging the firearm or a person having the express permission of the owner or lawful occupier of that property in accordance with the provisions of the (Ontario) Trespass to Property Act;
- (e) On, across or within 8 metres of any highway, private road, or recreational trail, or
- (f) Within 10 metres of any property other than those properties referred to in clauses 4.2(b), (c), (d) and (e);
- (g) Outside the hours of 7:00 a.m. to 7:00 p.m., however in no season may a firearm be discharged later than one half-hour after sunset;
- (h) On any parcel of land less than 0.4 hectares.

4.3 The use of binary targets is prohibited within the Township of Cavan Monaghan.

5. Compliance with Federal and Provincial Requirements

- 5.1 No person shall discharge a firearm on any property on which the discharge of firearms is permitted unless he or she is in compliance with the provisions of the (Canada) Criminal Code, the (Canada) Firearms Act and all other federal requirements relating to firearms.
- 5.2 No person shall discharge a firearm for the purpose of hunting on any property on which the discharge of firearms is permitted unless he or she is in compliance with the provisions of the (Ontario) Migratory Birds Regulations and all other applicable regulations relating to hunting in Ontario.

6. Obstruction

- 6.1 No person shall obstruct or hinder or attempt to obstruct a Police Officer or a By-law Enforcement Officer who is performing a duty under this By-law.

7. Exemptions

Exempted Individuals

- 7.1 The regulations established in Section 4 regarding the discharge of firearms do not apply to the following persons in the performance of their duties:
 - (a) A police officer;
 - (b) An animal control officer, conservation officer, or inspector or Agent of the Ontario Society for the Prevention of Cruelty to Animals.
- 7.2 The regulations established in Section 4 regarding the discharge of firearms do not apply to a person who is:
 - (a) Has reasonable grounds to believe that wildlife is damaging or is about to damage your property, you may harass, capture or kill wildlife on your own land to stop that wildlife from damaging your property;
 - (b) Protecting his or her property from damage by migratory birds in accordance with a permit under section 25 or section 26 of the (Canada) Migratory Birds Regulations;

- (c) 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) the training of animals;
- (d) Implementing remedial actions to reduce wildlife hazards on airport lands to aircraft and airport operation;
- (e) Hunting following all provincial rules and regulations.

7.3 Any person using an air gun, pellet gun, paint ball gun, cross-bow and long-bows are exempt from section 4.2 (g) and (h).

Exempted Properties

- 7.4 The regulations established in Section 4 do not apply to the lawful discharge of firearms on the following properties:
- (a) A facility operated or utilized by police officers for training purposes;
 - (b) A gun club, trap and skeet club, rifle range, archery range, paint ball facility or other facility for the use of firearms that is in compliance with all applicable municipal, provincial and federal requirements.

8. Offence and Penalty Provisions

- 8.1 Any person who contravenes the provisions of this By-law is guilty of an offence and, upon conviction, is subject to a fine as provided in the (Ontario) Provincial Offences Act and to any other applicable penalties.
- 8.2 If this By-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

9. Validity

- 9.1 If a court of competent jurisdiction declares any provision or any part of a provision of this By-law to be invalid, or to be of no force or effect, it is the intention of Council in enacting this By-law that each and every provision of this By-law authorized by By-law be

applied and enforced in accordance with its terms to the extent possible according to law.

10. Commencement

10.1 This By-law shall come into force and take effect on the date that it is given third reading and passed.

Now Therefore the Council of the Township of Cavan Monaghan hereby enacts as follows:

Read a first, second and third time and passed this ____ day of _____, 2016.

Scott McFadden
Mayor

Elana Arthurs
Clerk