ONTARIO FEDERATION OF ANGLERS & HUNTERS

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Ontario Conservation Centre

OFAH FILE: 353B
April 19, 2016

Ms. Susan Daniels, City Clerk
City of Thorold
3540 Schmon Parkway
Thorold, Ontario
L2V 4A7

Dear Ms. Daniels:

On behalf of the Ontario Federation of Anglers and Hunters (OFAH), our 100,000 members, supporters and subscribers, and our 735 affiliated clubs, thank you for affording us the opportunity to provide comments on proposed Bylaw number XXXX; being a bylaw to prohibit and regulate the discharge of firearms and bows within the City of Thorold.

Upon reviewing staff report CC2016-20 and the proposed bylaw to prohibit and regulate the discharge of firearms and bows, the OFAH would like to submit the following comments, questions, and recommendations for your consideration.

Staff Report

As stated in the staff report, the City of Thorold received a letter from the St. Lawrence Seaway Management Corporation (SLSMC) requesting amendments to the city's discharge of firearms bylaw (April 15, 2014). Given that the SLSMC is no different than any other private property owner, and given the fact that the SLSMC have not even had the courtesy to respond to any of the correspondence from the City of Thorold (September 28, 2015, November 2, 2015 and March 11, 2016), we question why the City of Thorold is so eager to accede to their request?

The report also indicates that the Thorold Legion Conservation Group (TLCG) supports bowhunting only on Sundays where the OFAH supports both bow and gun hunting on Sundays. This statement is not accurate, as the TLCG is very much in favour of supporting Sunday gun hunting, so we are questioning why staff is not recommending the discharge of a firearm on Sundays.

Proposed Discharge of Firearms Bylaw

1. Section 2 – 2.1 (vii): Definition of Firearm – We are very concerned with the definition that you are using for a firearm. A firearm, for the purposes of legal hunting, trapping and/or target shooting is not a weapon. A weapon is used to commit crimes or hurt someone. While we realize that you are likely looking at definitions from a number of locations, it is important to remember that many definitions speak to criminal acts. Legal hunting, trapping, and/or target shooting activities are not criminal acts and should not be grouped in the same category as such. A firearm, used for hunting, trapping and/or target shooting is not a weapon. As per the Government of Canada, it is called the Firearms Act, not the weapons act. If you are looking for an example, I would refer you to the City of Whitby's definition.

   In addition, air or pellet guns (and other barreled guns) that have a muzzle velocity of 152.4 metres per second or less and/or a muzzle energy of 5.7 joules or less are not deemed to be firearms for the purposes of the federal Firearms Act, and you may want to consider omitting that classification from the new bylaw.

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2. Section 2 – Definitions: We would recommend the inclusion of "agent," as written in Ontario Hunting Regulation 665/98, under the Protection of Property section 132, as prescribed for the purposes of subsection 31 of the Fish and Wildlife Conservation Act.

3. Section 3 – 3.2 (i. and ii.), 3.3 and 3.4: In an effort to reduce the overall length of this bylaw, we feel that these sections are not needed and could be eliminated from the bylaw altogether.

4. Section 5 – General Provisions – Prohibitions - 5.2: The OFAH does not support the prohibition of discharging firearms on Sundays, and would recommend removing this section from the bylaw. In fact, the OFAH played an instrumental role in securing Sunday gun hunting in Southern Ontario, which now boasts 174 municipalities that have approved it, including many of your neighbouring communities including Niagara Falls, Fort Erie, Port Colborne, Wainfleet, Lincoln, and Grimsby.

5. Section 5 – General Provisions – Prohibitions – 5.3 (i): Two-hundred (200) metres is too great of a distance to prohibit an individual from discharging in the direction of any prohibited area. The OFAH would recommend amending 200 metres to 100 metres, which provides increased opportunity by allowing people to hunt and/or recreational shoot on their own land, while maintaining any public safety concerns that the city might have.

6. Section 5 – General Provisions – Prohibitions – 5.3 (ii): Across Ontario, tens of thousands of hunters have agreements in place with private landowners, many of which were formed over generations that allow access on their properties for the purposes of hunting and/or recreational shooting. In many cases, these are the result of long-standing arrangements based on a handshake. We have seen that many older landowners grow suspicious when asked to provide a formal letter of permission with their signature, which may result in lost opportunity/access. We would recommend that the requirement for written permission be changed to "permission," which would allow for both verbal and/or written (which is already the law, if you do not have permission to be on a property, you are trespassing).

   In addition, we recommend that you include "occupier" to this section so it would then read "...without *permission* of the property owner or *occupier*..." With the inclusion of occupier, we would recommend you also include a definition of occupier into to the definitions section.

7. Section 5 – General Provisions – Prohibitions – 5.3 (iii and iv): It is already illegal to discharge a firearm or bow from or across a highway and from or across the travelled portion of a right of away, so we question why you have included these two sections. We would simply recommend you strike both sections from the bylaw. For your reference, review the 2015 Hunting Regulations Summary, page 23 under General Regulations – Roads – Possession and Discharge of Firearms.

8. Section 5 – General Provisions – Prohibitions – 5.3, (v): Similar to our recommendation and reasoning in General Provision – Prohibitions – 5.3 (i), 200 metres is too great of a distance to prohibit an individual from discharging in the direction of an educational property, and we would recommend changing 200 metres to 100 metres.

9. Section 5 – General Provisions – Prohibitions – 5.3 (vi): In addition to reducing the 200 metre buffer zone to a 100 metre buffer zone, we would also include a provision in this section that states "unless permission has been secured from the property owner or occupier."

10. Section 5 – General Provisions – Prohibitions – 5.4 (i and ii): For the same reasons stated earlier in this letter, we would recommend removing this entire section from the bylaw. An individual still has to secure permission to a property before they can enter onto it, so you do not need to include a section specifically for the SLSMC. If they do not want individuals on their property, they will not give anyone permission.

11. Section 5 – General Provisions – Prohibitions – 5.5 Possession of a Firearm or Bow: These are rules that are already in place and enforced (2015 Hunting Regulations Summary, page 23 under General Regulations – Roads – Possession and Discharge of Firearms), so we question why this section has been included. We would recommend removing this entire section from the bylaw.

12. Section 6 – Discharge of a bow on Sunday: We question why this section is even included in this bylaw and would recommend that you simply remove this entire section as the bylaw spells out in Section 5 (under general provisions) where and when an individual can shoot a firearm or bow. For the record, under provincial regulations, an individual can bow hunt on a Sunday anywhere in the province.

13. Section 7 – Exceptions – 7.1 (ii): Regarding Protection of Property, for simplicity and consistency with existing provincial regulations, we would suggest that you use the definition listed on page 29 of the 2015 Hunting Regulations Summary that states "*if you have 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.*" Additionally, "*you may also use an agent if the agent is authorized by the ministry or belongs to a class of agents prescribed by the regulations.*"

    This provincial regulations applies seven days a week, 365 days a year. Furthermore, it does not stipulate a "maximum number of rounds" per day. Your inclusion of "no more than 10 rounds in total" is not enforceable and is in total contravention of existing provincial regulations.

14. Section 7 – Exceptions: We are questioning why there is not an exception listed for "while legally hunting, trapping, and/or recreational shooting in accordance with provincial regulations and the Fish and Wildlife Conservation Act?"

As you have read, the OFAH have serious concerns with how this bylaw is currently written and we would **recommend that this bylaw not be approved by council**. Knowledge of existing provincial and federal rules and regulations must be considered when drafting any discharge of firearms bylaw. The OFAH, as we have done so many times, would be pleased to work with staff in creating a bylaw that is succinct with existing rules and regulations, while being mindful of the City's direction to maintain public safety.

The OFAH would like to once again thank you for allowing us the opportunity to offer our comments on the proposed discharge of firearms bylaw. We look forward to hearing back from you.

Yours in Conservation,

Brian McRae
Zone/Member & Club Services Liaison

cc: Mayor Ted Luciani, City of Thorold
Members of Council, City of Thorold
OFAH Board of Directors
Angelo Lombardo, OFAH Executive Director
Greg Farrant, OFAH Manager of Government Affairs & Policy