

REPORT #: COR 2016 12
DATE: 15 Mar 2016
TO: Mayor and Members of Council
SUBJECT: **Sunday Gun Hunting**
PREPARED BY: Brent Lee, Manager of Enforcement

1. RECOMMENDATIONS:

That Council approve Sunday gun hunting in Bradford West Gwillimbury; and

That staff be requested to file the necessary application with the Ministry of Natural Resources to permit Sunday gun hunting in Bradford West Gwillimbury, and

That the Discharge of Firearms By-law 95-006 be updated and presented to Council for enactment.

2. PREAMBLE:

A request was received by the CAO from a resident in Ward 5 requesting Council allow "Sunday Gun Hunting", during existing regulated hunting seasons, in Bradford West Gwillimbury. This report is in response to that request. Corporate Services staff undertook a review of provincial regulations and the Town's Discharge of Firearms By-law to determine what actions or changes were required to consider this request.

On November 3, 2015, Report COR 2015 05 was brought before the Committee of the Whole seeking direction whether to permit Sunday gun hunting in Bradford. The Committee of the Whole voted to approve an application to the Ministry of Natural Resources, requesting permission to allow Sunday gun hunting in Bradford.

On November 17, 2015 Council heard two deputations from residents concerned with the approval of Sunday gun hunting. Council decided to defer adoption of the Committee of the Whole recommendation pending a report concerning the permitted uses of Simcoe County Forests. Report COR 2016 11 has been prepared regarding Simcoe County Forests and accompanies this report to Council.

This report outlines the information pertaining to Sunday gun hunting.

3. BASIC DATA PERTAINING TO THE MATTER:

Sunday Gun Hunting:

Currently in accordance with the *Ontario Fish and Wildlife Conservation Act, 1997, Ontario Regulation 665/98*, hunting with a gun as defined under the Act is prohibited in all municipalities south of the French and Mattawa Rivers on Sundays. However, a municipality can choose to file an application with the Ontario Ministry of Natural Resources (MNR) to be included on the list of municipalities where Sunday gun hunting is permitted under *Ontario Regulation 663/98, Part 7*.

Twice annually, an amendment is made to the provincial *Fish and Wildlife Conservation Act, 1997*, which adds the names of municipalities that have formally requested Sunday gun hunting. These regulatory updates are done in April and September of every year. Southern Ontario currently has 168 municipalities which permit Sunday gun hunting. The Town of Bradford West Gwillimbury is currently not listed under *Regulation 663/98, Part 7* and the discharge of a gun for the purpose of hunting is not permitted on Sundays.

Town residents filed a request for the Town to consider filing an application with the MNR to permit hunting on Sundays with a gun. The information provided to the Town indicated that the residents are only able to hunt on weekends and with the current provincial restrictions it limits the activity to Saturdays only. In consideration of the request, staff reviewed the list of municipalities in Simcoe County and York Region that currently permit Sunday gun hunting and the following were the results of that search (*please see the attached map for a list of all municipalities with permitted Sunday gun hunting*).

Municipalities that permit Sunday gun hunting in Simcoe County:

- 1- Township of Clearview
- 2- Township of Essa
- 3- Township of Tay
- 4- Township of Severn
- 5- Township of Ramara

Staff have determined that the municipalities where Sunday gun hunting is permitted in Simcoe County are primarily townships with a large rural component. These municipalities also have local firearms by-laws that regulate use and set conditions for safe operation of firearms.

Also at issue in Simcoe County is the fact that hunting is permitted in most Simcoe County Forests, including all of the forest tracts in BWG. As per the Simcoe County Forests Recreation Policy, hunting is permitted in County Forests, unless otherwise specifically exempt. Hunters are required to possess a license and be in good standing with the Ontario Federation of Anglers and Hunters. Hunting is currently prohibited in County Forest tracts within Barrie, Essa, Innisfil, Springwater, Penetanguishene, and New Tecumseth. These areas comprise less than 3% of total Simcoe County forests. These specific tracts are regulated due to heavy urbanization within close proximity to the County forest. A separate report (COR 2016 11) to Council will explain Simcoe County Forest tract information in greater

detail.

Municipalities that permit Sunday gun hunting in York Region:

- 1- Town of Georgina
- 2- Town of Whitchurch-Stouffville

In York Region, the two municipalities where Sunday gun hunting is permitted have a rural component and local by-laws are also in place to prohibit the discharge of firearms in their urban/settlement areas and near all schools. Hunting at any time is not permitted on any regional lands.

Justification for Permitting Sunday Gun Hunting:

There are several justifications for allowing Sunday gun hunting:

1. Crop and Livestock Predation - farmers realize crop and livestock damage caused by wildlife (deer, raccoons, coyotes and waterfowl) costing substantial monetary losses.
2. Wildlife Management - the Ministry of Natural Resources supports hunting as a cost effective wildlife management tool. MNR policies discourage discharge of firearms by-laws that completely prohibit hunting.
3. Economic Growth - as an industry in Ontario, hunters represent an estimated \$1.5 billion in annual economic activity. The influx of business for hotels, gas stations, grocery stores, restaurants etc. contribute to the local economy.
4. Heritage/Recreational Activity - hunting is recognized under provincial legislation and provides both heritage and recreational opportunities for residents.
5. Regulations Already in Place - regulations already exist to allow hunting Monday to Saturday which can equally be applied to Sunday.

Opposition to Sunday Gun Hunting:

There are also several factors to be noted in opposition of Sunday Gun Hunting:

1. Increased conflict between hunters and the public - with additional days provided for hunters, safety concerns exist for the public and domestic animals coming into contact with hunters.
2. Interference with religious events - the suggestion that Sunday gun hunting will interfere with religious practices.
3. Increased trespass issues - the potential that additional hunters will result in increased hunting on private land without the owners' permission.

Safety Concerns and Correspondence:

Several deputations were made before Council at the November 17, 2015 meeting, citing safety concerns specific to Simcoe County Forests. Concerns were raised about trespassing on private property and discharging firearms in close proximity to private lands. As noted below, a modernized version of the Town's Discharge of Firearms By-law can take into account settlement areas and set safe discharge parameters within. Hunters that use County Forests are required to obtain an OFAH license, and abide by all provincial, federal and industry regulations. Council should note that if allowed, Sunday gun hunting, like hunting on other days, would only be permitted during established and regulated hunting seasons - not year round. Hunters must also abide by all provincial and federal hunting and discharge regulations.

Respecting the trespassing concern: there is a Bill before the legislature which if passed, will create stricter penalties for those trespassing. Bill 36, Respecting Private Property Act, an Act to amend the Trespass to Property Act was introduced by MPP Sylvia Jones (Dufferin-Caledon) in 2014. This proposed amendment seeks to change two areas of the Trespass to Property Act:

1) Change to fine structure - currently, under Section 2 a person guilty of an offence is liable to a fine of not more than \$2,000. The proposed amendment will strike out "a fine of not more than \$2,000" and replace it with "a fine of not less than \$500 and not more than \$2,000". This would ostensibly increase the minimum sentence upon conviction to \$500.00.

2) Change to the damage award provision: this provision deals with compensation for damage caused to property by a person convicted of an offence for trespassing. Currently, damages awarded cannot exceed \$1000. The proposed amendment would strike the current \$1000 amount and substitute "for an amount in excess of \$25,000". This gives the courts more discretion and tools available to seek fair compensation for damaged property.

Bill 36 has passed first and second reading and has now been referred to the Standing Committee on Justice Policy. The OFAH has provided their support of this bill in writing.

Staff would like to make Council aware of correspondence received to date both in favor and opposed to allowing Sunday Gun Hunting. Staff have received eight (8) emails from those wishing to support Sunday Gun Hunting. Reasons cited include:

- Time and family constraints make it difficult for hunters to engage in their sport on weekends when only permitted on Saturdays
- Expansion of a traditional Canadian sport that is a natural animal population control. This will result in less damage to crops, private property and vehicles
- Hunting already exists the other 6 days of the week (Monday to Saturday) in Bradford. By adding an extra day, this will not change the existing safe discharge distances established under local by-laws or other federal legislation that regulate hunting practices

- OFAH members are required to carry \$3 million in liability insurance and undertake training measures prior to being awarded membership

Two deputations were made at Council on November 17, 2015 by residents who reside in close proximity to SCF properties. Concerns raised during these deputations include:

- Allowing Sunday Gun Hunting in Bradford would affect the borders of Innisfil and New Tecumseth, neither of which currently allow Sunday Gun Hunting
- None of the municipalities that abut Bradford currently allow Sunday gun hunting. Majority of municipalities within Simcoe County do not allow Sunday Gun Hunting
- Increased conflict between hunters and users of Simcoe County Forests
- Trespassing is an issue for rural dwellers. There is not always clear delineation of private property and hunters cannot determine one property from another
- Police have limited legal action that can be taken. The onus on proving illegal hunting practices is difficult when responding to calls after an offence has taken place
- Request to specifically make the Hodson Tract a non-hunting property

Discharge of Firearms By-law:

In reviewing the request to permit Sunday gun hunting, staff also reviewed the current Discharge of Firearms By-law to ensure the regulations contained within the by-law were current and met the needs of the community. The by-law was passed in 1995 and contains sections that regulate the discharge of any gun, firearm, air-gun, spring-gun, cross-bow, long-bow, or other class or type of firearm within the limits of the Town of Bradford West Gwillimbury.

The by-law contains the following regulations:

No person shall discharge any gun, firearm, air-gun, spring-gun, cross-bow, long-bow, or other class of type of firearm within the limits of the Town of Bradford West Gwillimbury, save and except:

- Unless engaged in firearms practice at a Firearms Shooting Range which complies with all municipal and other governmental regulations,
- Unless having written authority from the property owner of the land, as well as all other licenses and permits, or
- On crown lands where hunting is permitted.

The by-law also prohibits the discharge of any firearm within 100 metres of any building, except at a Firearms Range. The set fines for these offences are \$55.00 plus victim surcharge.

Staff would recommend that the current Discharge of Firearms By-law be updated. In consideration of the growth and changes to the Town since the passing of the By-law in 1995, it is advised that the by-law be reviewed and updated to ensure the discharge of firearms is not occurring within urban Bradford, settlement areas or near schools. Staff also want to ensure that where permitted, it be done a safe distance from buildings or homes in the rural areas of Town. The by-law would also incorporate more severe monetary penalties for violators, subject to approval by the Ministry of the Attorney General. The by-law will be reviewed to ensure consistency with other municipalities in Simcoe County and York Region and after consultation with South Simcoe Police Service and other stakeholders to ensure it encompasses reasonable solutions to the issues raised by residents.

Recommendation:

Staff would recommend to proceed with the application to the Ministry of Natural Resources to request Sunday gun hunting in Bradford. To address safety concerns, staff would recommend a revised version of the Discharge of Firearms By-law, acknowledge legislative changes to the Trespass to Property Act and refer to report COR 2016 11 which gives Council options to request Simcoe County Forest properties be made non-hunting. Town staff can also undertake a media campaign to promote safe hunting practices and existing Town by-laws to residents of Bradford and hunters.

4. EFFECT ON TOWN FINANCES:

Current Year: None

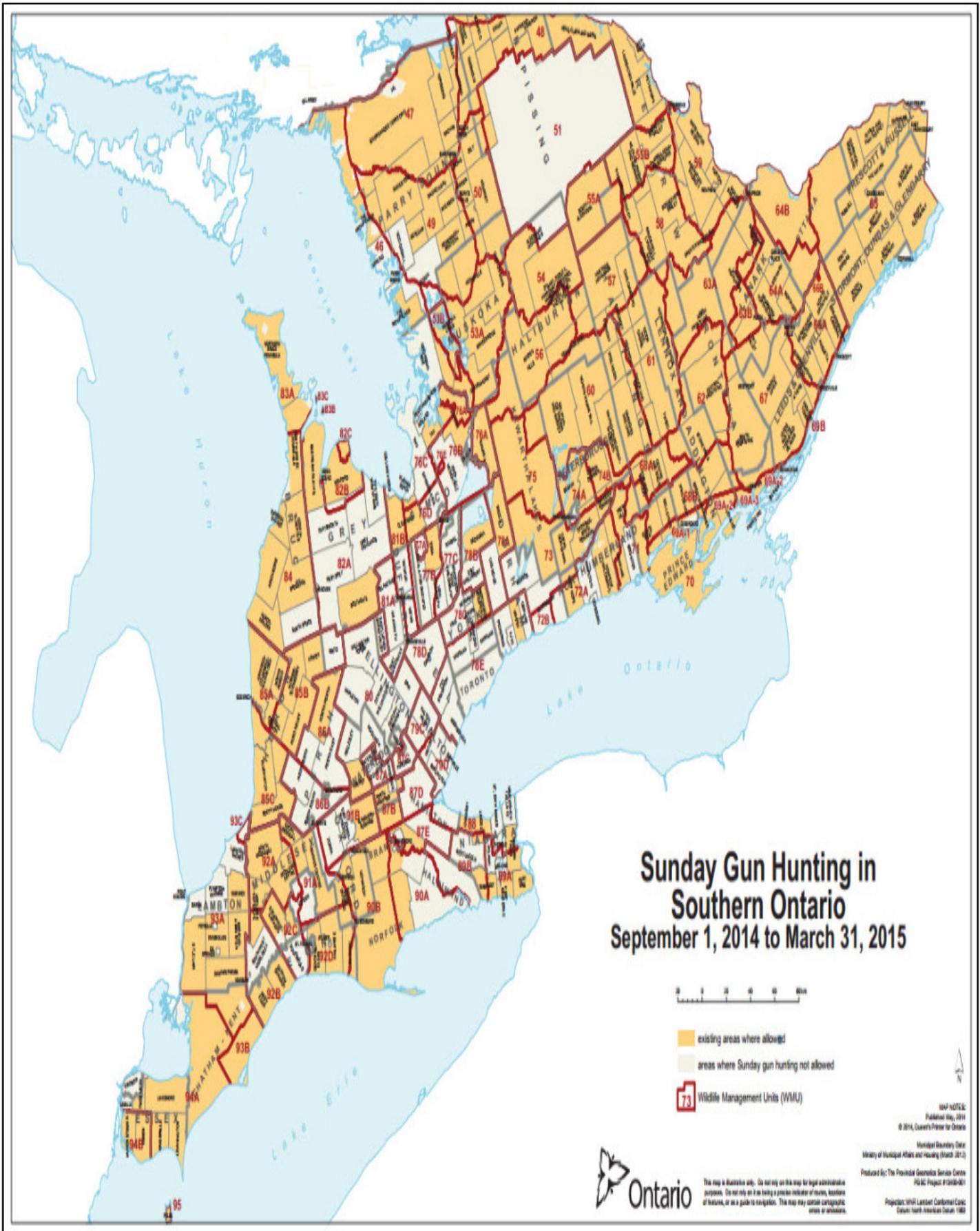
Future Years: None

5. ATTACHMENTS:

- Attachment 1 - Ministry of Natural Resources (Sunday Gun Hunting Map)
- Attachment 2 - Discharge of Firearms By-law 95-006

6. APPROVALS:

Rebecca Murphy, Director of Corporate Services/Town Solicitor/Clerk	Approved - 22 Feb 2016
Ian Goodfellow, Director of Finance/Treasurer	Approved - 23 Feb 2016
Geoff McKnight, Chief Administrative Officer	Approved - 23 Feb 2016



Sunday Gun Hunting in Southern Ontario September 1, 2014 to March 31, 2015



- existing areas where allowed
- areas where Sunday gun hunting not allowed
- 73 Wildlife Management Units (WМУ)



This map is illustrative only. Do not rely on this map for legal administrative purposes. Do not rely on it as being a precise indicator of survey, location of features, or as a guide to navigation. This map may contain cartographic errors or omissions.

MAP NOTICE:
Published May, 2014
© 2014, Queen's Printer for Ontario
Municipal Boundary Data:
Library of Municipal Affairs and Housing (March 2012)
Produced by: The Provincial Geomatics Service Centre
PGSC Project #13684601
Projection: NAD 83 Lambert Conformal Conic
Datum: North American Datum 1983

CORPORATION OF THE TOWN OF BRADFORD WEST GWILLIMBURY

BY-LAW 95-006

Discharge of Firearms By-law

Being a By-law of The Corporation of the Town of Bradford West Gwillimbury to regulate the discharge of firearms within the limits of the Corporation of the Town of Bradford West Gwillimbury.

WHEREAS pursuant to the Municipal Act, R.S.O. 1990, c. M.45, s. 210(36), by-laws may be passed by the Councils of local municipalities to prohibit or regulate the discharge of guns or other firearms, air-guns, spring-guns, cross-bows, long-bows or any class or type thereof in the municipality or in any defined areas thereof;

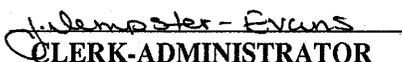
AND WHEREAS the Council of The Corporation of the Town of Bradford West Gwillimbury deems it in the interest of public safety necessary and expedient to regulate the discharge of firearms within the limits of The Corporation of the Town of Bradford West Gwillimbury;

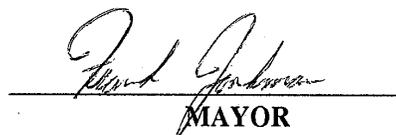
NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF BRADFORD WEST GWILLIMBURY ENACTS AS FOLLOWS:

1. No person shall discharge any gun, firearm, air-gun, spring-gun, cross-bow, long-bow, or other class or type of firearm within the limits of the Town of Bradford West Gwillimbury, save and except;
 - (i) Unless engaged in firearm practice at a Firearms Shooting Range which complies with all municipal and other governmental regulations,
 - (ii) Unless having written authority from the property owner of the land, as well as all other licenses and permits, or
 - (iii) On crown lands where hunting is permitted.
2. No person shall discharge a firearm within 100 metres (m) of any building, except at a Firearms Range.
3. No person shall refuse to display the written authority and any other licences and permits required under paragraph 1(ii) of this By-law, upon the inspection of a Municipal Law Enforcement Officer, Police Officer or other person appointed for the purpose of enforcing this By-law.
4. **Penalties**

Every person who contravenes any provision of this by-law is guilty of an offence and liable upon conviction to a penalty not exceeding \$5,000.00, exclusive of costs and the provisions of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, shall apply to the said fine.
5. This By-law shall be cited as the Discharge of Firearms By-law.
6. This By-law shall come into full force and effect upon the day of final passage thereof.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 13TH DAY OF FEBRUARY, 1995.


CLERK-ADMINISTRATOR

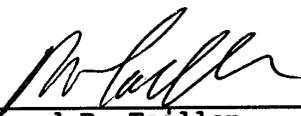

MAYOR

PROVINCIAL OFFENCES ACT

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court (Provincial Division), that the amount set opposite each of the offences in the attached schedule of offences under the Provincial Statutes and Regulations thereunder and the Municipal Bylaw No. 95-006 as amended of the Town of Bradford West Gwillimbury attached hereto, is the set fine, for those offences to take effect February 1, 1999.

DATED at Lindsay

this 1st day of February, 1999.



Raymond P. Taillon
Regional Senior Judge
Central East Region
Ontario Court (Provincial Division)

**THE CORPORATION OF THE TOWN OF BRADFORD WEST GWILLIMBURY
BY-LAW #95-006 - DISCHARGE OF FIREARMS BY-LAW**

SHORT FORM WORDING / SET FINES

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
	SHORT FORM WORDING	SECTION #	SET FINE including costs \$5.00 costs

- | | | | |
|----|---|---|----------|
| 1. | discharge any gun/firearm/air-gun/spring-gun/cross-bow/long-bow/ other firearm within Town limits | 1 | \$ 55.00 |
| 2. | discharge a firearm within 100m of a building | 2 | \$ 55.00 |
| 3. | refuse to display written authority/licence/permit | 3 | \$ 55.00 |

Note: The penalty provision for the offences listed above in Section 4 of By-Law #95-006, a copy of which has been filed.

THE HONOURABLE REGIONAL SENIOR JUDGE
RAYMOND P. TAILLON
CENTRAL EAST REGION
ONTARIO COURT OF JUSTICE
(PROVINCIAL DIVISION)



L'HONORABLE JUGE PRINCIPAL REGIONAL
RAYMOND P. TAILLON
REGION DU CENTRE-EST
COUR DE JUSTICE DE L'ONTARIO
(DIVISION PROVINCIALE)

440 KENT STREET WEST
LINDSAY, ONTARIO
K9V 6G8

440 KENT STREET WEST
LINDSAY, ONTARIO
K9V 6G8

TELEPHONE/TELEPHONE (705) 324-1410
FAX/TELECOPIEUR (705) 324-1411

February 1, 1999

RECEIVED
DATE Feb 10/99
FILE TO P. Nash
COPY TO

Ms. Patricia R. Hall, AMCT
Deputy Clerk
Corporation of the Town of Bradford West Gwillimbury
P.O.Box 160
Bradford, Ontario
L3Z 2A8

Dear Ms. Hall:

Re: Set Fines – Town of Bradford West Gwillimbury

Enclosed herewith is a copy of an Order and a copy of the schedules of set fines for Municipal Bylaw No. 95-006 as amended for the Bylaw indicated in the schedule.

The setting of the fine does not constitute my approval of the short form of the wording used to describe the offences.

I have forwarded a copy of the Order and the schedules of the set fines to the Ontario Court (Provincial Division) in Barrie.

Yours truly,


Raymond P. Taillon
Regional Senior Judge
Central East Region

s/
Enclosures