

The Corporation of the City of Thorold

By-law No. XX-2017

Being a By-law to Regulate the Discharge of Firearms within the City of Thorold

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; and

Whereas Council deems it advisable to enact a by-law to regulate the discharge of firearms within the City of Thorold.

Now therefore, the Council of The Corporation of the City of Thorold enacts as follows:

1. **Definitions:**

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

“conservation area” means land in the City of Thorold owned by the Niagara Peninsula 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, tranquilizer gun, paint ball gun and bows;

“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;

“municipality” shall mean the City of Thorold

“non-prohibited area” means the area that is outside of the urban area as designated by the Official Plan;

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

“police officer” means a police officer, police constable, bailiff, constable, peace officer, or other person employed for the preservation and maintenance of the public peace;

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

“prohibited area” means the area that is outside the rural area as designated by the Official Plan;

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

“recreational trail” means a former rail line or 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;

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

2. Administration:

2.1 Police Officers employed by the Niagara Regional Police or Officers employed by the Ministry of Natural Resources are responsible for enforcing the provisions of this By-law. City of Thorold By-law Enforcement Officers are to provide information only based on the content 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 municipality.

3.2 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.

3.3 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.

4. Regulations:

4.1 No person shall discharge a firearm within the prohibited area.

4.2 No person shall discharge a firearm outside of the non-prohibited area:

- (a) No person shall hunt on land owned by the Federal, Provincial or Municipal government(s) without prior written permission.
- (b) On or within 150 metres of any property used for the purposes of a school, place of worship, day nursery, community recreation centre or park.
- (c) Within 150 metres of any conservation area where hunting is prohibited, without the expressed permission from the property owner in a form that is consistent with the Trespass Act, that abuts the area.
- (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, parallel, and/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) The hours of permitted hunting is in accordance with Provincial/Federal Hunting Regulations. All other cases of the discharge of a firearm must be in compliance with the municipal noise by-law.

4.3 The use of binary targets is prohibited within the City of Thorold.

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 Migratory Bird Hunting Regulations (MBHR) and all other applicable regulations relating to hunting in Ontario.

6. Exemptions:

6.1 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;

6.2 The regulations established in Section 4.2 regarding the discharge of firearms do not apply to a person(s) who:

- (a) Has reasonable grounds to believe that wildlife is damaging or is about to damage his or her property. In that situation you may harass, capture or kill wildlife on your own land to stop that wildlife from damaging your property;

**In permitted areas only, please refer to map.*

- (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) ceremonial event, historical display
 - (ii) educational program
 - (iii) sporting event
 - (iv) training of animals
- (d) Hunting following all federal, provincial and municipal rules and regulations.

Exempted Properties:

6.4 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 (including school based curriculum programs), paint ball, air soft facility or other facility for the use of firearms that is in compliance with all applicable municipal, provincial and federal requirements.

7. Offence and Penalty Provisions:

7.1 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.

7.2 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.

8. Validity:

8.1 If a court or 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.

8.2 This By-law shall be superseded by all Provincial and Federal Statutes, Regulations and Laws relating to the handling and discharge of firearms.

8.3 This By-law shall repeal By-law 1324(89).

8.4 This By-law shall come into force and take effect on the date of approval by Thorold City Council.

Read a first, second and third time and finally passed by Council this ____ day of _____, 2017.

A. T. (Ted) Luciani, Mayor

Donna Delvecchio, City Clerk