REPORT

TO: Council

FROM: Raylene Martell

DATE: September 7, 2022

REPORT: CLS.22.28

SUBJECT: Draft Discharge of Firearms By-law - Final Considerations

RECOMMENDATION:

Recommendation #1: Receipt of Report.

That staff report CLS.22.28 - Draft Discharge of Firearms By-law - Final Considerations be received.

Recommendation re: consideration #1:

That Council direct staff to amend section 4L to include training in addition to target practice.

Recommendation re: consideration #2:

That Council direct staff to amending Section 3b.ii. to include an exemption for the discharge of firearms on CA properties where hunting is permitted.

Recommendation re: consideration #3:

That Council direct staff to amend schedule C to add shading to Lake Eugenia OPG owned lands.

Recommendation re: consideration #4:

That Council direct staff to amend section 4.h. to require property owner.

Recommendation re: consideration #5:

That Council direct staff to include an exemption for property owners to control dangerous wildlife in any area.

Recommendation re: consideration #6:

That Council direct staff to provide an exemption for hunting Migratory Birds on lakes other than Eugenia Lake.

Recommendation re: consideration #7:

That Council direct staff to amend 4.b. to require property owner permission.

Recommendation re: Consideration #8:

That Council direct staff to providing an exemption for target practice with specific firearms on any private property regardless of location and/or size; and That the specific firearms include the following [list].

Recommendation to bring forward amended draft by-law for Council consideration.

That Council direct staff to bring forward the draft Discharge of Firearms by-law for Council consideration as amended by fixing the Municipal boundary line in Schedule K and as indicated in the above resolutions.

BACKGROUND AND ANALYSIS:

The review of the draft discharge of firearms by-law has been going on off and on since 2017. In early 2018 a draft was prepared and presented to the Council of the day. This draft was deferred pending consultation from agencies and residents and a peer review. The CAO of the day requested that the item be put on hold during the election year and subsequent new Council training in early 2019.

Based on comments received from the initial draft, an update to the draft by-law was prepared in 2020 and circulated to the Senior Management Team, Conservation Authorities, Grey County and School Boards requesting comments.

Agency comments were received that prompted the further amendments to the draft bylaw.

Some of the comments received by members of the public and agencies since the initial was created include:

- Exemptions for culling of fish at Lake Eugenia A. Avis
- Exemptions for larger properties within the shaded areas of the schedules M.
 Foley
- Banning firearm discharge on lake Eugenia G. Gingras
- Banning firearm discharge on Lake Eugenia P. Gingras
- Inquiry on culling dates applicable to Lake Eugenia S. Halliday
- Goose and Duck hunting from reeds N. Matthews
- County owned forests permit hunting. Need to reference this and ensure allowance continues. Supportive of wording on, over or across in relation to CP Rail Trail - S. Johnson, Grey County
- GSCA Permits hunting on much of their land and would like to continue T. Lanthier, GSCA
- OPG does not allow firearms or discharge of firearms on its property. Request definition of OPG to be added, and exemption for destroying related to damage of property - T. Laurenson, OPG

Consultation and research has been on-going and there have been regular discussions amongst staff based on the research obtained. Staff have recently reached out to the Ontario Federation of Anglers and Hunters President Brian McRae who provided a review and comments on the newly drafted version. OPG representatives also provided some concerns with mapping but were overall happy with the draft presented in August of this year.

Staff updated the schedules and made further amendments to the draft in 2021 addressing comments received and placed the new draft of the by-law for public comment in Summer of 2022 with a Public Information Session held virtually on August 24, 2022.

Notice of the Public Information Session was posted on the Municipal Website, meeting calendar, a minimum of 3 social media posts and was in 2 "what's happening" advertisements in the local newspaper. Notice was also emailed to all those who had provided initial emailed comments on the initial draft.

The Public Information Session had 21 people in virtual attendance and 8 concurrent live viewers on the YouTube page during the meeting.

Written and verbal comments received on the most current version of the by-law prior to the Public Information Session included:

- Section 4L should include the ability for training or target practice G. Hedges
- Inclusion of Conservation Authority lands where hunting is permitted in section 3 where referencing "not including county owned or crown owned lands" - GSCA
- Fix the shading for Eugenia lake in Schedule C and the addition of express permission of property owners in 4H - OPG
- General opposition statements without context J. Meyers, S. Van Holstein, S. Thompson
- General approval without context P. Gingras
- Snowmobile trails on private property, municipal boundary lines on Schedule K. unknown

Verbal Comments received at the Public Information Session included:

- Concerns with dangerous wildlife in settlement areas being able to be controlled -S. Wickens
- Clearer Boundaries in the schedules and inquiry on who owns the other lakes besides Eugenia - G. Hedges
- Requesting clarity on whether an "agent of the Municipality" could go on a persons private property in relation to s. 4B - C. Winger
- Inquiry on why the by-law was being brought forward. H. Elchuk
- What are the next steps. P. Gingras
- Approval timing with some members of Council not returning, what is the need for by-law although much is already included in legislation, killing rabid animals in settlement areas, ability to practice target shooting with bows and pellet guns in settlement areas. - J. Meyers.

This draft attempts to balance hunting and recreation as legal activities with the real and perceived public safety concerns surrounding the discharge of firearms within Grey Highlands, however there were some concerns and questions raised to the draft that require Council direction.

OPERATIONAL CONSIDERATIONS:

Staff have attached a marked up version of the draft by-law that was presented at the public information session indicating what the potential wording would be for each section below.

Staff are requesting Council direction on the following items:

- 1. Amending section 4L to include training in addition to target practice.
 - a. Staff believe this to be a non-issue for inclusion.
- 2. Amending Section 3b.ii. to include an exemption for the discharge of firearms on CA properties where hunting is permitted.
 - a. Staff have no issue with including this information as it is only for clarity purposes.
- 3. Adding full shading on Schedule C of OPG Lands.
 - a. Schedule C was delineating the settlement area of Eugenia and the lake is shown as a lighter shading due to the water, staff do not see any reason why the OPG lands could not be included in the shaded portion, however it is not necessary as there is a clear prohibition for hunting in 3b 6 on Eugenia Lake.
- 4. Requiring property owner permission in 4h.
 - a. Staff see no concern with including this.
- Including an exemption for property owners to control dangerous wildlife in any area. (<u>Harass, capture or kill a wild animal damaging private property |</u> <u>ontario.ca</u>)
 - a. Upon review of the following legislation, it is deemed permissible in provincial legislation for property owners to kill a wild animal damaging private property, thus an exemption to that effect is warranted.
- 6. Provide direction for hunting Migratory Birds on lakes other than Eugenia Lake.
 - a. Staff have not done any research on the recreational use of of Irish Lake, Brewster's Lake, or Wilcox lake and whether there could be a perceived conflict with waterfowl or migratory bird hunting in those areas. Should Council wish to permit the discharge of firearms on those lakes, an exemption would be required to be included in the by-law related to licensed hunting at those locations within the appropriate seasons.
- 7. Adding property owner permission in 4B.
 - a. Staff do not see any issue with including this as the legislation for licensed trappers and hunters does require property owner permission.
- 8. Providing an exemption for target practice with specific firearms such as Bow and arrow and air-soft guns on any private property regardless of location and/or size.
 - a. staff understand the want for those living in demi-urban and/or urban areas to be able to practice their outdoors sporting skills on their own property. Bow and Arrow target shooting should be of no nuisance to neighbouring properties, however pellet guns etc may be startling to neighbours, children and pets in the area. Should Council wish to provide such an exemption, it should state "with owner permission where the discharge does not travel across any other property line" and specify which firearms are exempt*.

Staff have broken out each of the considerations as separate recommendations for Council direction to be clearly provided prior to bringing back the final version for Council consideration.

If the by-law is approved, Staff will submit the by-law and Provincial Offences Act fine schedule to the Ministry for approval. The Ministry has the ability to either raise or lower the proposed fine schedule. The proposed fines as indicated are set at \$400. Should Council wish to provide an alternate amount to be submitted to the Ministry, an additional recommendation would be required "That Council direct staff to amend the fine schedule for all infractions to have a set fine amount of \$XXX.XX."

FILE OR REFERENCE:

Full report with attachments = 29 pages

Report - Pages 1-5

Attachment 1 - Marked up version of the draft with Council requested direction sections from the operational considerations section of the report noted. (pages 6-9)

Attachment 2 - Draft By-law presented to the Information Session.(pages 10-28)

Attachment 3 - Updated POA fine schedule (page 29)

Approved By:	Status:
Raylene Martell, Municipal	Approved - 28 Aug 2022
Clerk	
Anna McCarthy, Treasurer	Approved - 29 Aug 2022
Karen Govan, Chief	Approved - 31 Aug 2022
Administrative Officer	_

The Corporation of the Municipality of Grey Highlands

By-law No. 2022-A DRAFT - WITH **OPERATIONAL CONSIDERATIONS FROM REPORT CLS.22.27**

A By-law to prohibit the discharge of firearms the **Municipality of Grey Highlands**

Whereas, Section 119 of the Municipal Act, 2001 S.O. 2001, c.25 authorizes a local municipality for the purpose of public safety to prohibit or regulate the discharge of firearms

Now Therefore the Council of the Municipality of Grey Highlands hereby enacts as follows:

1. Definitions

- a. Farmer means a person whose occupation is farming on land that he or she is entitled to occupy, and who has livestock or poultry on the land, who is tilling or cultivating the land for crops, or who is engaging in arboriculture or horticulture for commercial purposes.
- b. **Firearm** means any class or type of gun or other firearm including but not limited to a shotgun, rifle, air gun, springun, longbow or crossbow
- c. Highway means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct, or trestle, any part of which is intended for, or used by, the general public for the passage of vehicles and includes the area between the lateral property lines thereof
- d. Municipality means the Municipality of Grey Highlands
 e. OPG means Ontario Power Generation Inc., which owns the land that comprises Lake Eugenia, including the bed of the lake, the shoreline, and property on which it directs water from the lake, over the escarpment to the Beaver Valley where the Eugenia Generating Station is located on Lower Valley Road, Part Lots 24 & 25, Concession 12, Geographical Township of Artemesia.
- f. **OPP** means the Ontario Provincial Police;
- g. Peace Officer means a police officer as defined in the Police Services Act, R.S.O. 1990, Chap. P.15, as amended, a conservation officer, or a municipal law enforcement officer.

2. Interpretation

- a. This by-law includes Schedules "A" to "O" annexed hereto, and the annexed Schedules are hereby declared to form part of this by-law.
- b. If any section, subsection, part or parts thereof be declared by any court of law to be bad, illegal or ultra vires, such section, subsection, part or parts shall be deemed to be severable, and all parts thereof are declared to be separate and independent and enacted as such.

3. Regulations

- a. No person shall discharge a firearm in any area that is shown as a shaded area on any of the maps attached as Schedules "A" to "O" inclusive.
 - Despite section 3.a., the discharge of a firearm for hunting or target practice on any private property with a size greater than 1 acre, with owner permission, and

Commented [RM1]: Operational Consideration #3: We would engage the County to update the mapping for Schedule C to include all of Lake Eugenia

where the discharge does not travel across any other property line shall be permitted. b. No person shall discharge a firearm: on, over, across any highway or portion thereof used for public vehicular traffic ii. on, over or across any public Grey Highlands owned land within the Municipality including parks, cemeteries, and recreational areas and trails whether marked or unmarked, but not including, any unopened forested road allowance. For Clarity this also does not include any, County, Crown or Conservation Authority-owned forest lands or crown owned forest lands where those bodies have permitted hunting. Commented [RM2]: Operational Consideration #2 iii. on, over or across any place of worship, public hall or school property iv. on, over or across a registered plan of subdivision once an application for a building permit has been received by the Municipality v. on, over or across the County Owned Rail Trail corridor. vi. on, over or across Lake Eugenia, Irish Lake, Brewster's Lake or Wilcox Lake or from the beds or banks thereof. vii. from half an hour after sunset to an half an hour before sunrise on any property. on, over or across any private property or OPG property without the express permission of the owner of said property. 4. **General Exemptions** - Despite Section 3, this by-law shall not restrict or regulate the discharge of firearms by the following: a. a peace officer in the performance of their duty; b. a person appointed as a municipal law enforcement officer or as an agent for the Municipality or for a provincial or federal government agency for the purpose of destroying sick, injured or vicious animals in the performance of this stated duty on a property with property owner permission; Commented [RM3]: Operational Consideration #8 a farmer or their agent, in order to scare or destroy animals that are found in the act of killing or injuring livestock or poultry and wildlife destroying his or her property in accordance with the Migratory Birds Convention Act, 1994, Chap.22 and the Fish and Wildlife Conservation Act, 1997, S.O. 1997, Chap. 41, as amended; $\mbox{d.}$ a farmer or their agent, engaging in humane on-farm euthanasia, on their own property when necessary; e. OPG or its agent, in order to scare or destroy fish and/or wildlife believed to be, or which are about to damage OPG property, in accordance with the Migratory Birds Convention Act, 1997, S.O. 1997, Chap. 22 and the Fish and Wildlife Conservation Act, 1997, S.O. 1997, Chap. 41, as amended; f. a licensed hunter engaged in legal hunting activities during the appropriate season and in accordance with provincial hunting regulations as long as they have property owner approval; g. Bowfishing in accordance with Ontario fishing regulations h. members of a bona fide gun club, archery club, rifle range, or

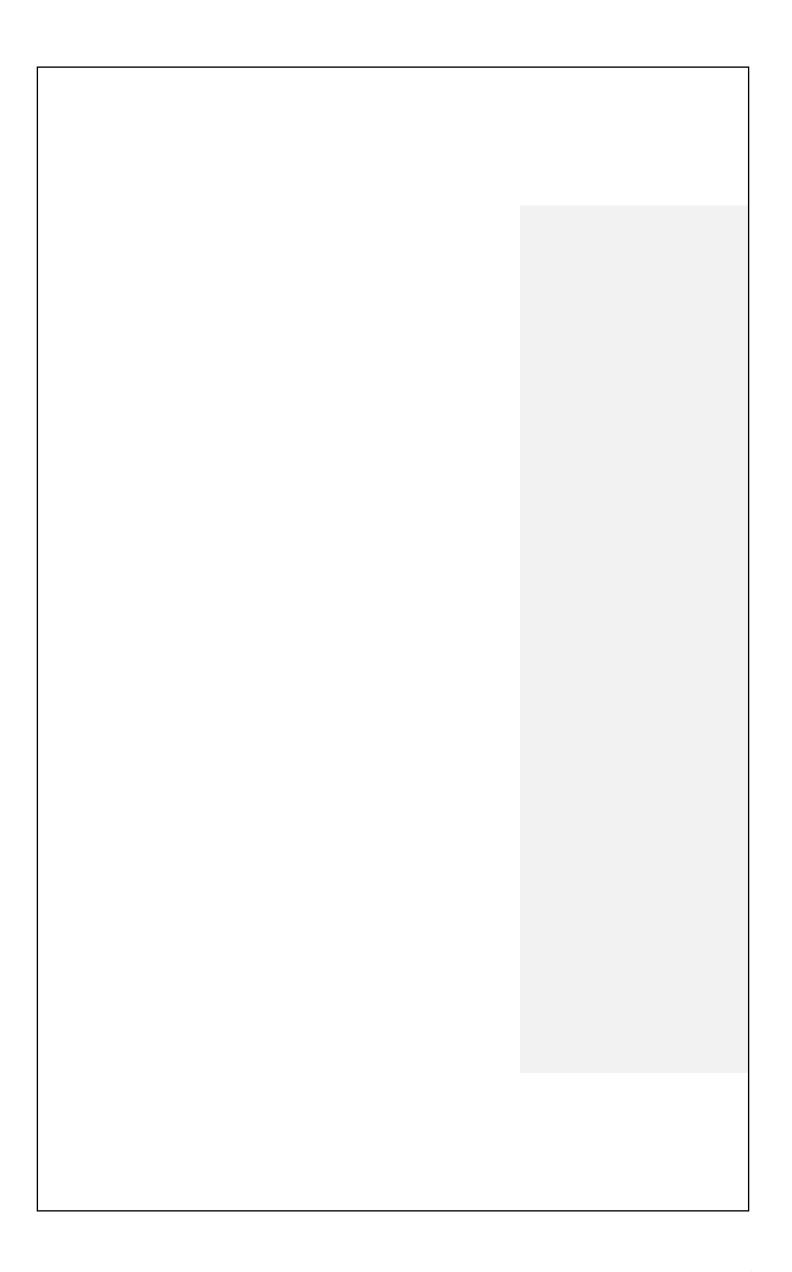
between May 1 and July 31;

skeet club in a specific area, zoned for the purpose with the express permission of the property owner and, where applicable, only with the prior approval of the Chief Firearms Office.

at a facility operated by or for a municipal, provincial or federal police force.

a person firing blank ammunition for or in connection with lawful use in a motion picture, television, stage productions Commented [RM4]: Operational Consideration #4

and historical displays or educational programs of a public museum. k. a person firing blank ammunition for animal training purposes or for the purpose of starting or controlling a sporting event of a similar nature to foot racing, sailing or golfing. a person discharging a bow for <u>training or</u> target practice Commented [RM5]: Operational Consideration #1 provided that the practice is in conjunction with and under the direct sponsorship of a school board. m. a person or persons engaged in an archery sporting event provided that the event receives a special event permit as required from the Municipality or has received OPP approval in the absence of a permit. a property owner, or wildlife agent engaged by the property owner, discharging a firearm to scare away, capture or kill wild animals that is actively engaged in causing damage to Commented [RM6]: Operational Consideration #5 Link to Legislation: <u>Harass, capture or kill a wild</u> <u>animal damaging private property | ontario.ca</u> your property in accordance with provincial legislation. a licensed hunter engaged in legal hunting activities on Irish Lake, Brewster's Lake or Wilcox Lake during the appropriate season and in accordance with provincial hunting regulations Commented [RM7]: Operational Consideration #6 m. a person engaged in target practice on a property with property owner permission with the following types of firearms: [list]; and where the discharge does not travel across any other property line. Commented [RM8]: Operational Consideration #8 Needs to specify type of firearm 5. Offences - Any person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act R.S.O. 1990, c. P. 33 6. **Enforcement** - This by-law shall be enforced by the Ontario Provincial Police and the Municipal By-law Enforcement Officers of the Municipality of Grey Highlands and no person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this by- law. 7. **Short Title** - This by-law may be referred to as the "Firearms Discharge By-law". 8. Repeal - The following by-laws, or portions of by-laws of the former municipalities prior to amalgamation are hereby repealed upon the passage of this by-law: a. By-law Number 2003-09 of the Municipality of Grey Highlands; b. Any other by-law inconsistent with this by-law. 9. Effective Date - This by-law shall come into effect on the date of passing. Read a first, second and third time, and finally passed on . The Corporation of the Municipality of Grey Highlands Paul McQueen, Mayor Raylene Martell, Municipal Clerk



THE CORPORATION OF THE MUNICIPALITY OF GREY HIGHLANDS

BY-LAW NUMBER 2022-XXX DRAFT

A By-law to prohibit the discharge of firearms and all such weapons in certain parts of the Municipality of Grey Highlands

WHEREAS Section 119 of the Municipal Act, 2001 S.O. 2001, c.25 authorizes a local municipality for the purpose of public safety to prohibit or regulate the discharge of firearms; and

NOW THEREFORE the Municipal Council of the Corporation of the Municipality of Grey Highlands enacts as follows:

1. DEFINITIONS

In this by-law:

"farmer" means a person whose occupation is farming on land that he or she is entitled to occupy, and,

- who has livestock or poultry on the land;
- who is tilling or cultivating the land for crops; or
- who is engaging in arboriculture or horticulture for commercial purposes;

"firearm" means any class or type of gun or other firearm including but not limited to a shotgun, rifle, air gun, spring-gun, longbow or crossbow;

"highway" means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct, or trestle, any part of which is intended for, or used by, the general public for the passage of vehicles and includes the area between the lateral property lines thereof;

"Municipality" means the Municipality of Grey Highlands

"OPG" means Ontario Power Generation Inc., which owns the land that comprises Lake Eugenia, including the bed of the lake, the shoreline, and property on which it directs water from the lake, over the escarpment to the Beaver Valley where the Eugenia Generating Station is located on Lower Valley Road, Part Lots 24 & 25, Concession 12, Geographical Township of Artemesia.

"OPP" means the Ontario Provincial Police;

"peace officer" means,

- a police officer as defined in the *Police Services Act*, R.S.O. 1990, Chap. P.15, as amended;
- conservation officer;
- a municipal law enforcement officer.

2. INTERPRETATION

This by-law includes Schedules "A" to "O" annexed hereto, and the annexed Schedules are hereby declared to form part of this by-law.

It is also declared that if any section, subsection, part or parts thereof be declared by any court of law to be bad, illegal or ultra vires, such section, subsection, part or parts shall be deemed to be severable, and all parts hereof are declared to be separate and independent and enacted as such.

3. REGULATIONS - DISCHARGE OF FIREARMS

- $3.1~{\rm No}$ person shall discharge a firearm in any settlement area that is shown as a shaded area on any of the maps attached as Schedules "A" to "O" inclusive.
- 3.1 a) Despite section 3.1, discharging a firearm for hunting or target practice on any private property within the shaded areas shall be permitted on properties with a size greater than 1 acre, with owner permission, and where the discharge does not travel across any property lines.
 - 3.2 No person shall discharge a firearm:
 - a) on, over, or across any highway used for public vehicular traffic;
 - b) on, over or across any public Grey Highlands owned land within the Municipality including parks, cemeteries, and recreational areas and trails whether marked or unmarked, but not including, any unopened forested road allowance, County owned forest lands or crown owned forest lands; and
 - c) on, over or across any place of worship, public hall or school property;
 - d) on, over or across a registered plan of subdivision once an application for a building permit has been received by the Municipality;
 - e) on, over or across the County Owned Rail Trail corridor;
 - f) on, over or across Lake Eugenia, Irish Lake, Brewster's Lake or Wilcox Lake or from the beds thereof;
 - g) from half an hour after sunset to half an hour before sunrise on any property; or
 - h) on over or across any private property or OPG property without the express permission of the owner of said property.

4. EXEMPTIONS

Despite Section 3, this by-law shall not restrict or regulate the discharge of firearms by the following:

- a) a peace officer in the performance of his or her duty;
- a person appointed as a municipal law enforcement officer or as an agent for the Municipality or for a provincial or federal government agency for the purpose of destroying sick, injured or vicious animals in the performance of this stated duty;
- c) a farmer or his or her agent, in order to scare or destroy animals that are found in the act of killing or injuring livestock or poultry and wildlife destroying his or her property in accordance with the *Migratory Birds Convention Act, 1994*, Chap.22 and the *Fish and Wildlife Conservation Act, 1997*, S.O. 1997, Chap. 41, as amended;
- d) a farmer or his or her agent, engaging in humane on-farm euthanasia, when necessary;
- e) OPG or its agent, in order to scare or destroy fish and/or wildlife believed to be, or which are about to damage OPG property, in accordance with the Migratory Birds Convention Act, 1997, S.O. 1997, Chap. 22 and the Fish and Wildlife Conservation Act, 1997, S.O. 1997, Chap. 41, as amended;
- f) a licensed hunter engaged in legal hunting activities during the appropriate season and in accordance with provincial hunting regulations with property owner approval;
- g) Bowfishing in accordance with Ontario fishing regulations between May 1 and July 31;
- h) a facility operated by or for a municipal, provincial or federal police force;
- i) a person firing blank ammunition for or in connection with lawful use in a motion picture, television, stage productions and historical displays or educational programs of a public museum;
- j) a person firing blank ammunition for animal training purposes or for

- the purpose of starting or controlling a sporting event of a similar nature to foot racing, sailing or golfing;
- k) a person discharging a bow for target practice provided that the practice is in conjunction with and under the direct sponsorship of a school board;
- a person or persons engaged in an archery sporting event provided that the event receives a special event permit as required from the Municipality or has received OPP approval in the absence of a permit.

5. OFFENCES

Any person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act R.S.O. 1990, c. P. 33.

6. ENFORCEMENT

This by-law shall be enforced by the Ontario Provincial Police and the Municipal By-law Enforcement Officers of the Municipality of Grey Highlands.

7. SHORT TITLE

This by-law may be referred to as the "Firearms Discharge By-law".

8. REPEAL

The following by-laws, or portions of by-laws of the former municipalities prior to amalgamation are hereby repealed upon the passage of this by-law:

- a) By-law Number 2003-09 of the Municipality of Grey Highlands;
- b) Any other by-law inconsistent with this by-law.

9. EFFECTIVE DATE

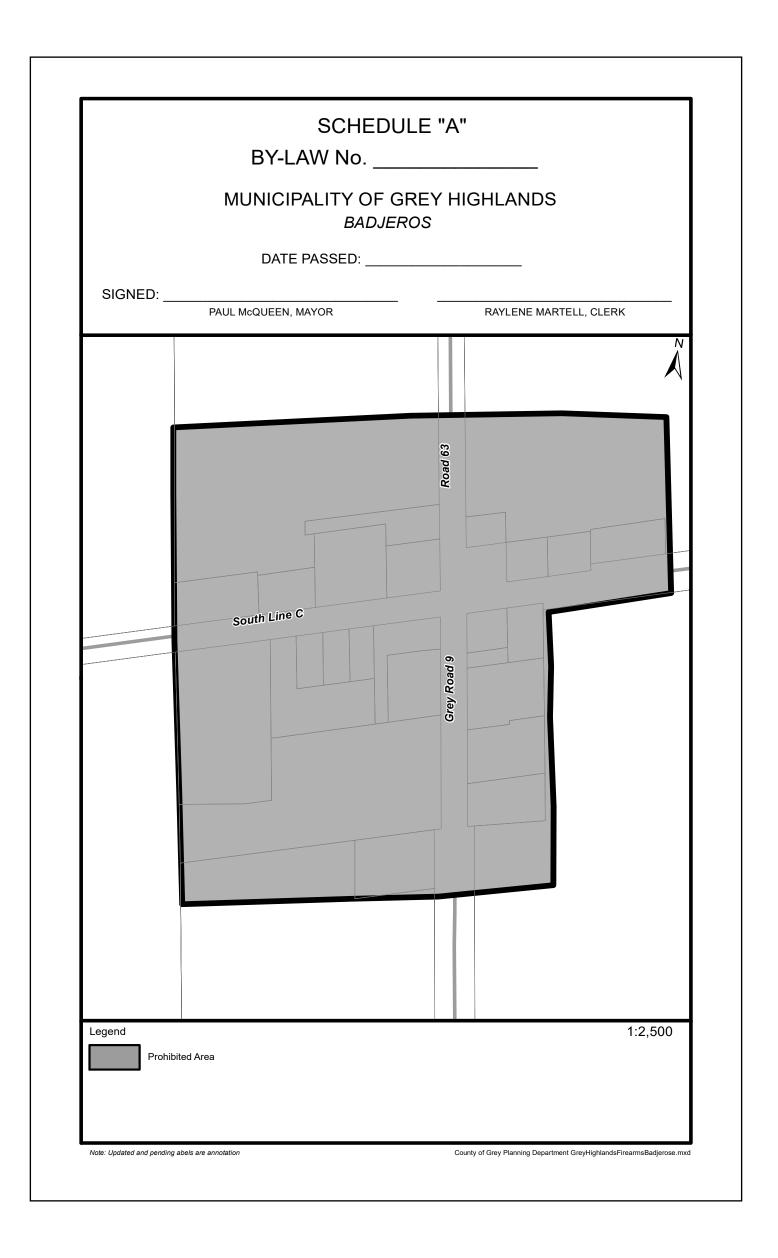
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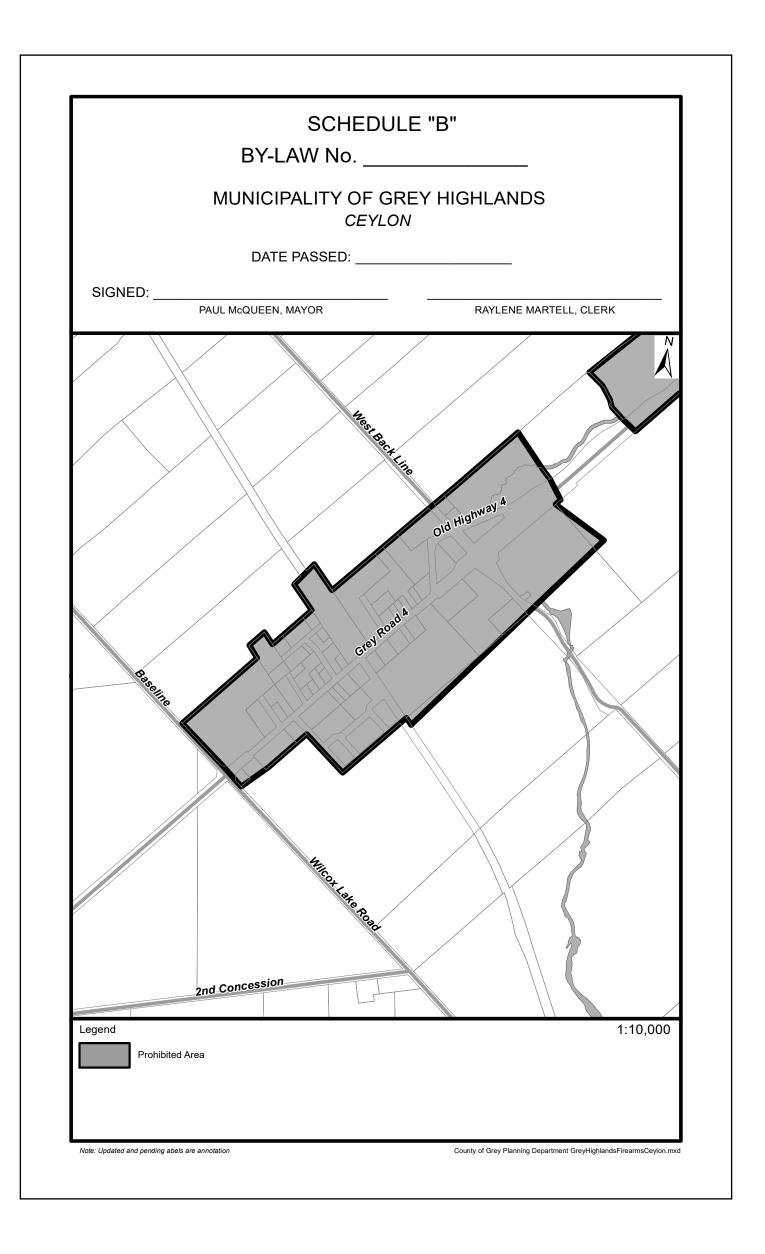
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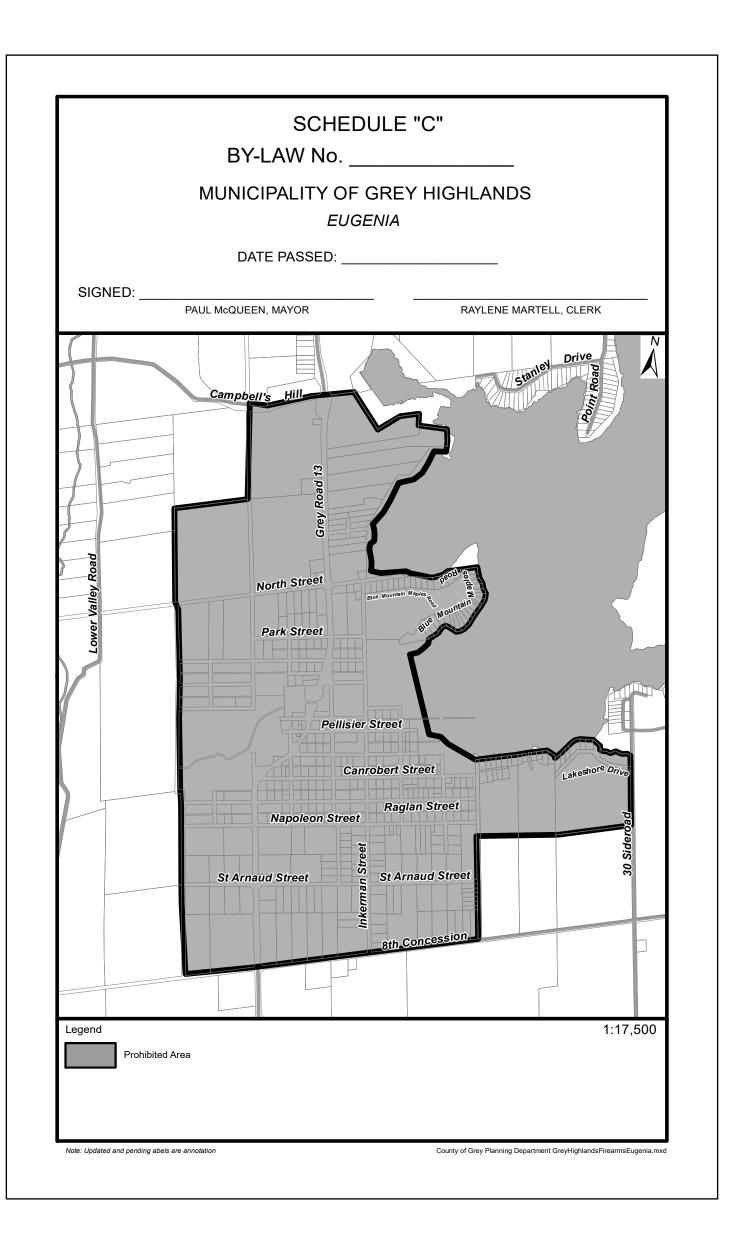
Paul McQueen, Mayor
Raylene Martell, Municipal Clerk

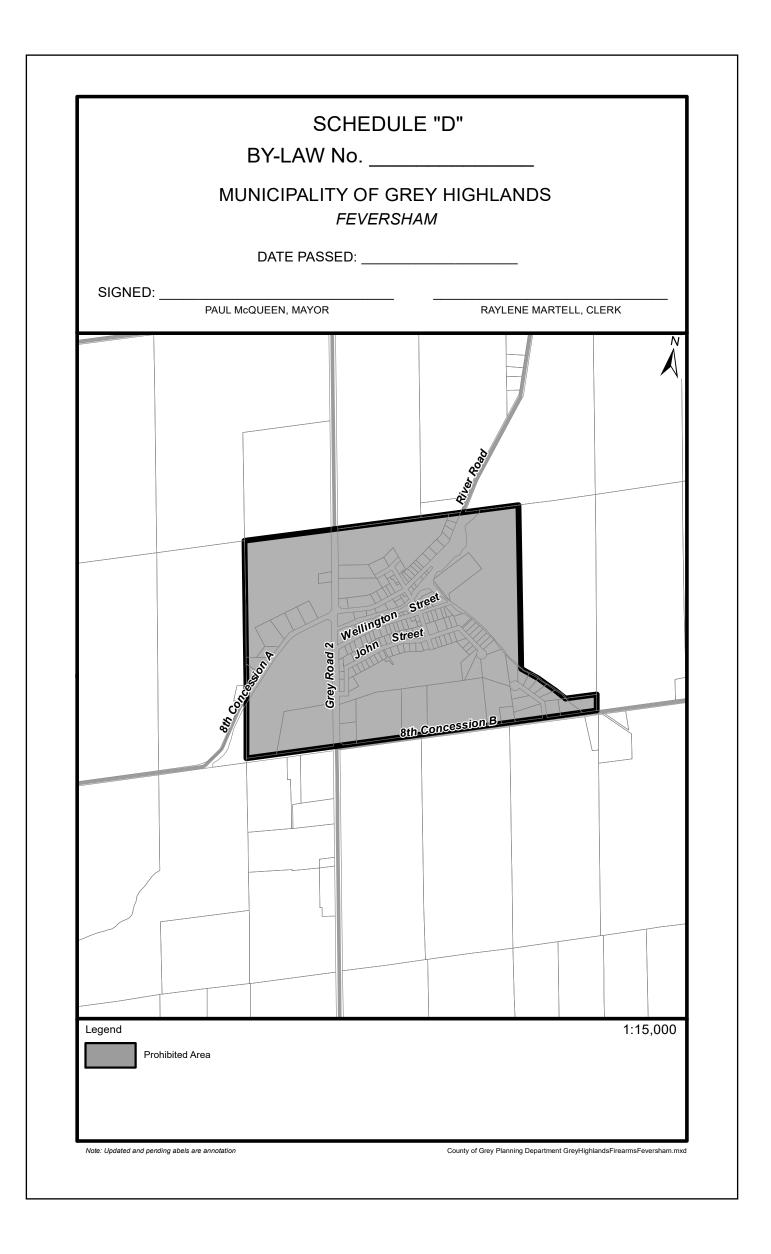
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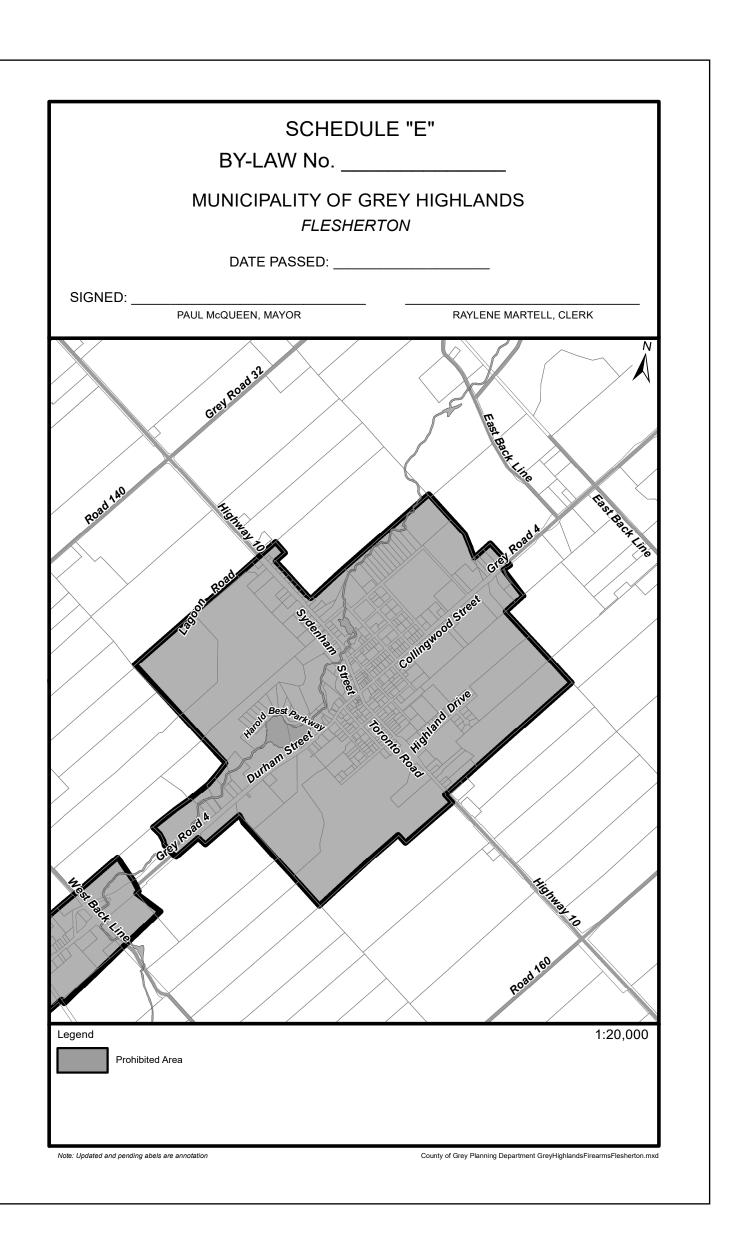
Municipality of Grey Highlands

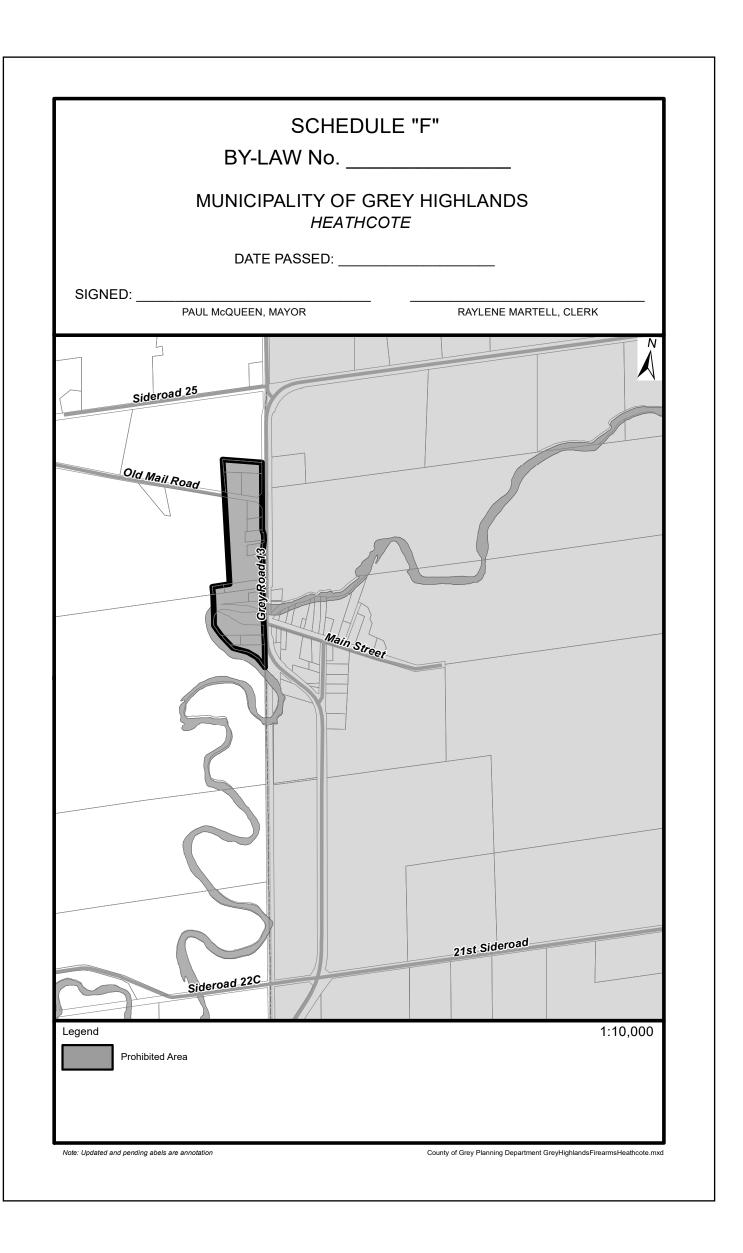


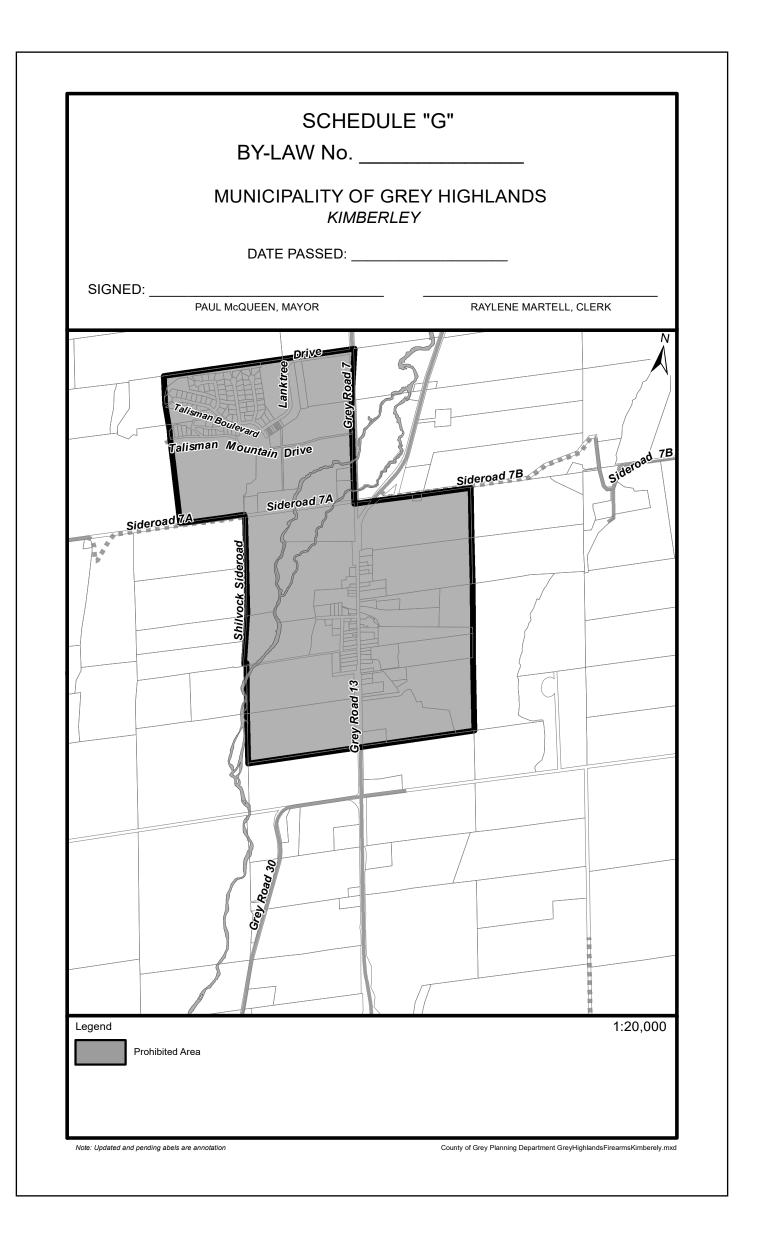


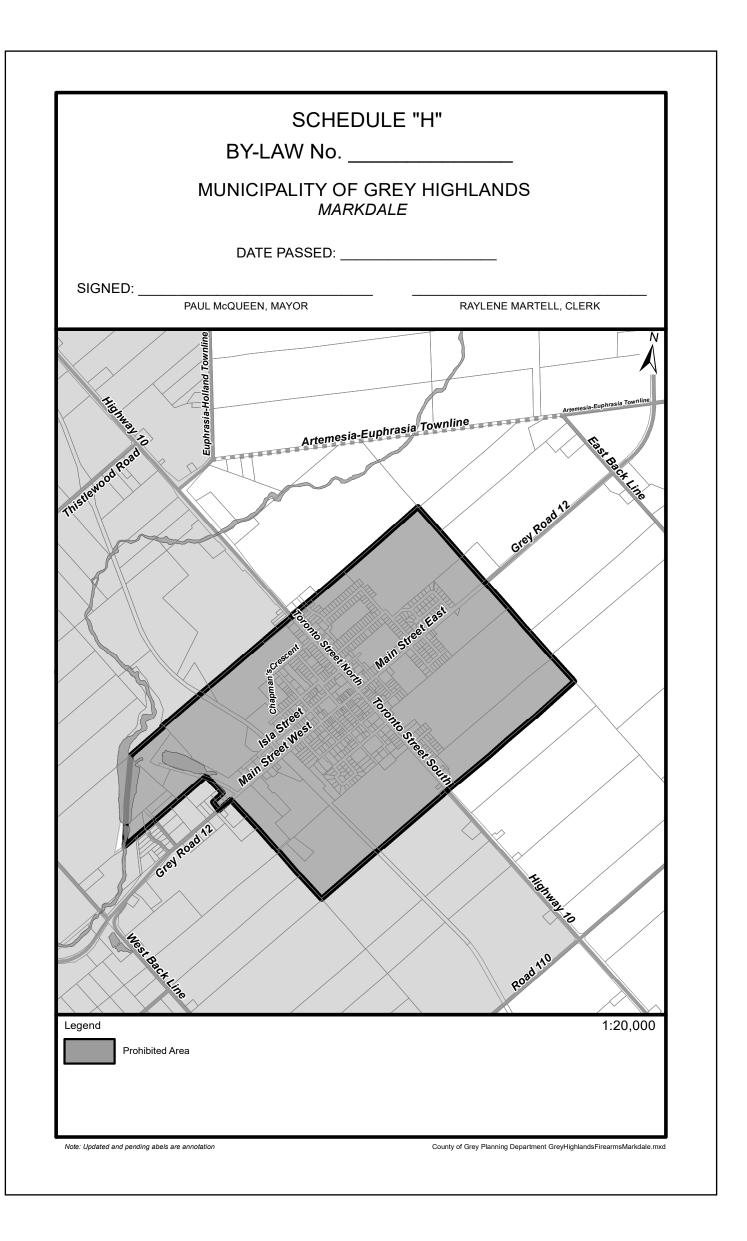


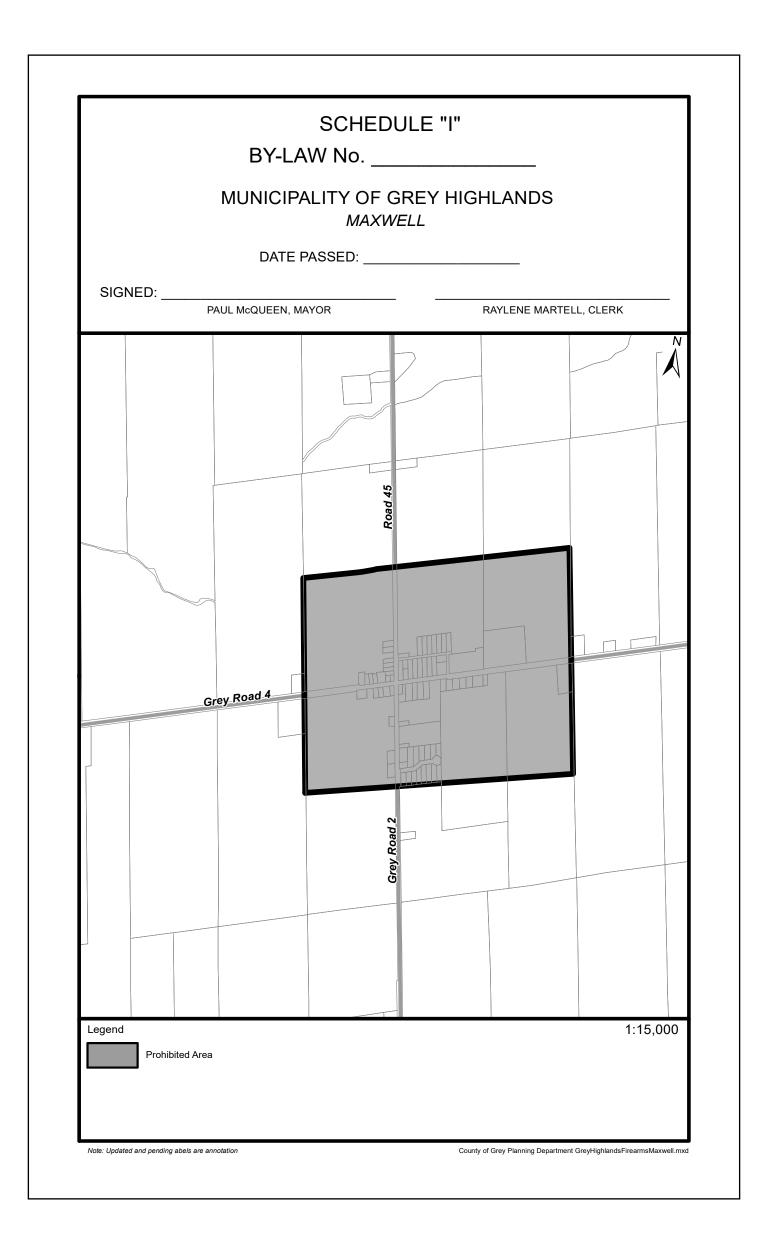


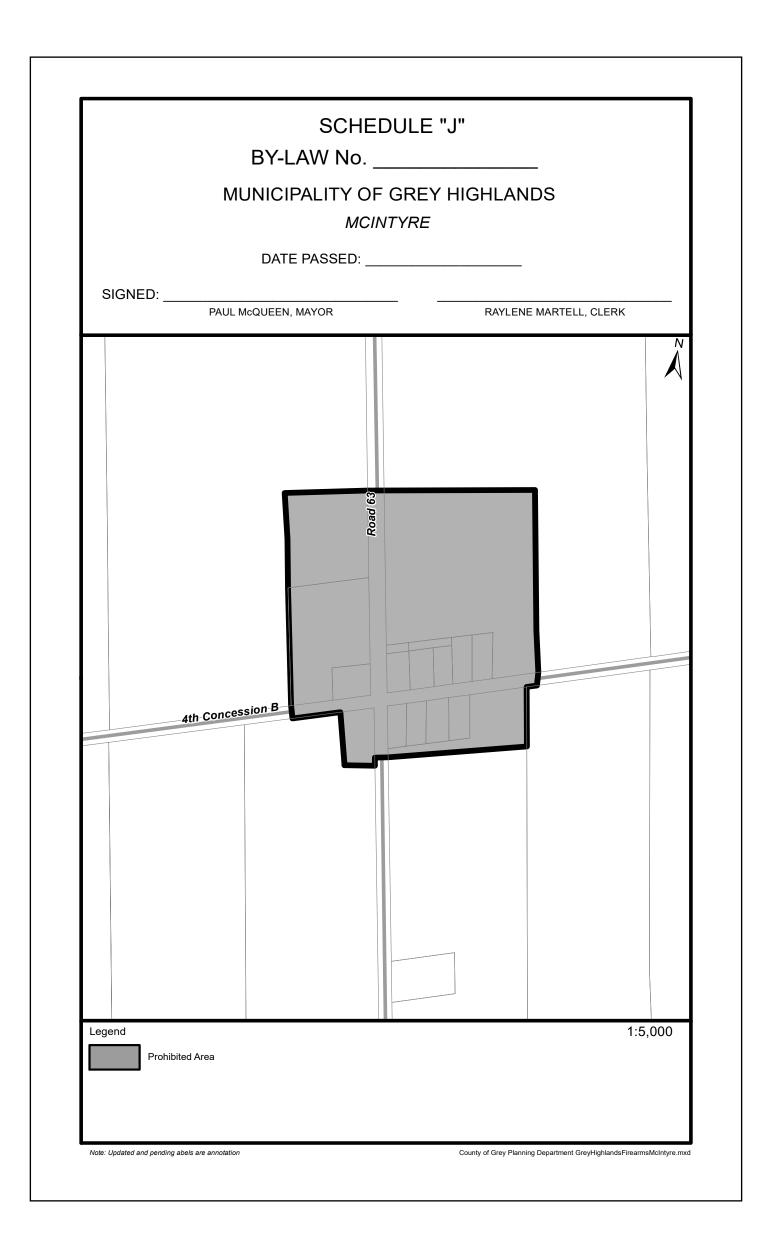


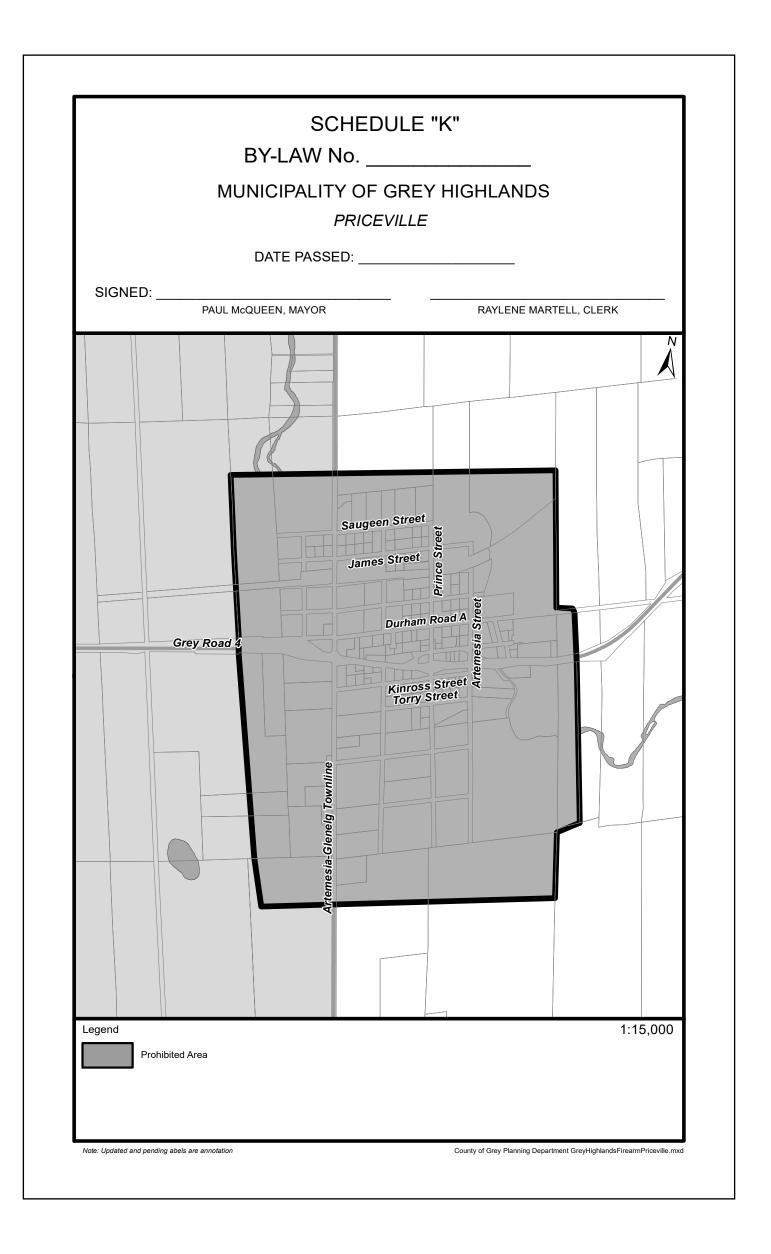


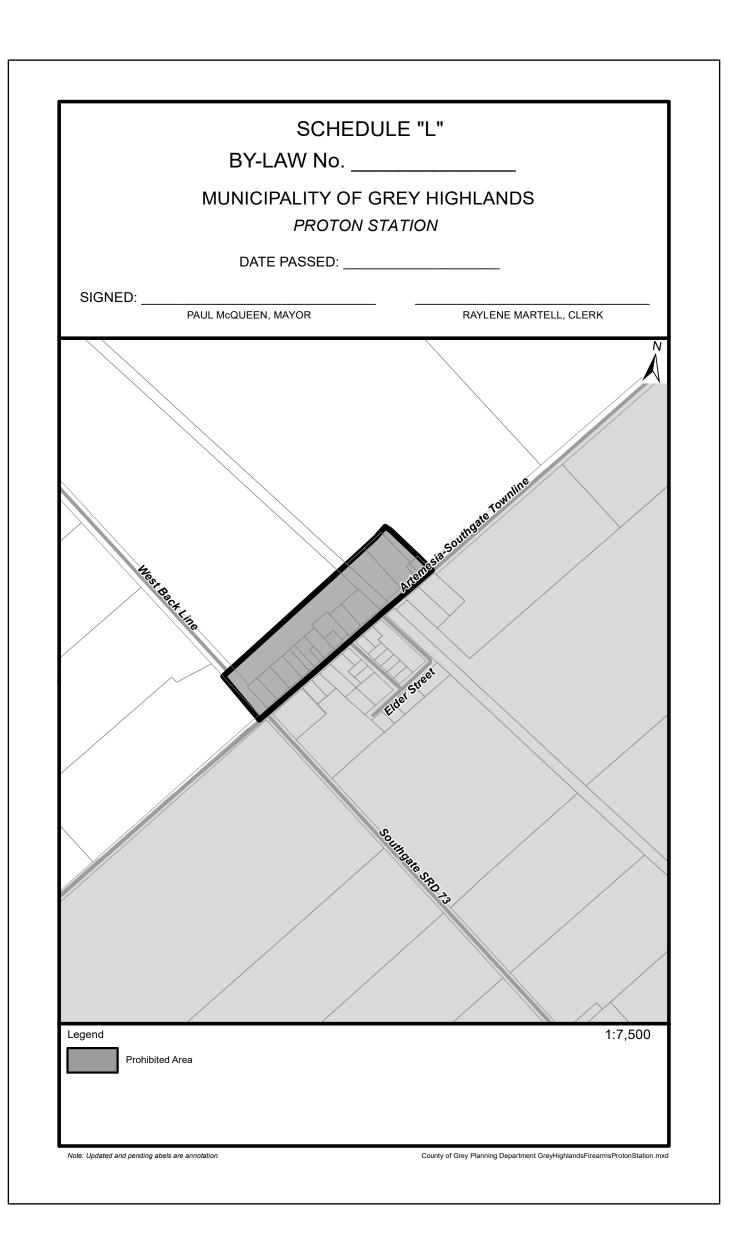


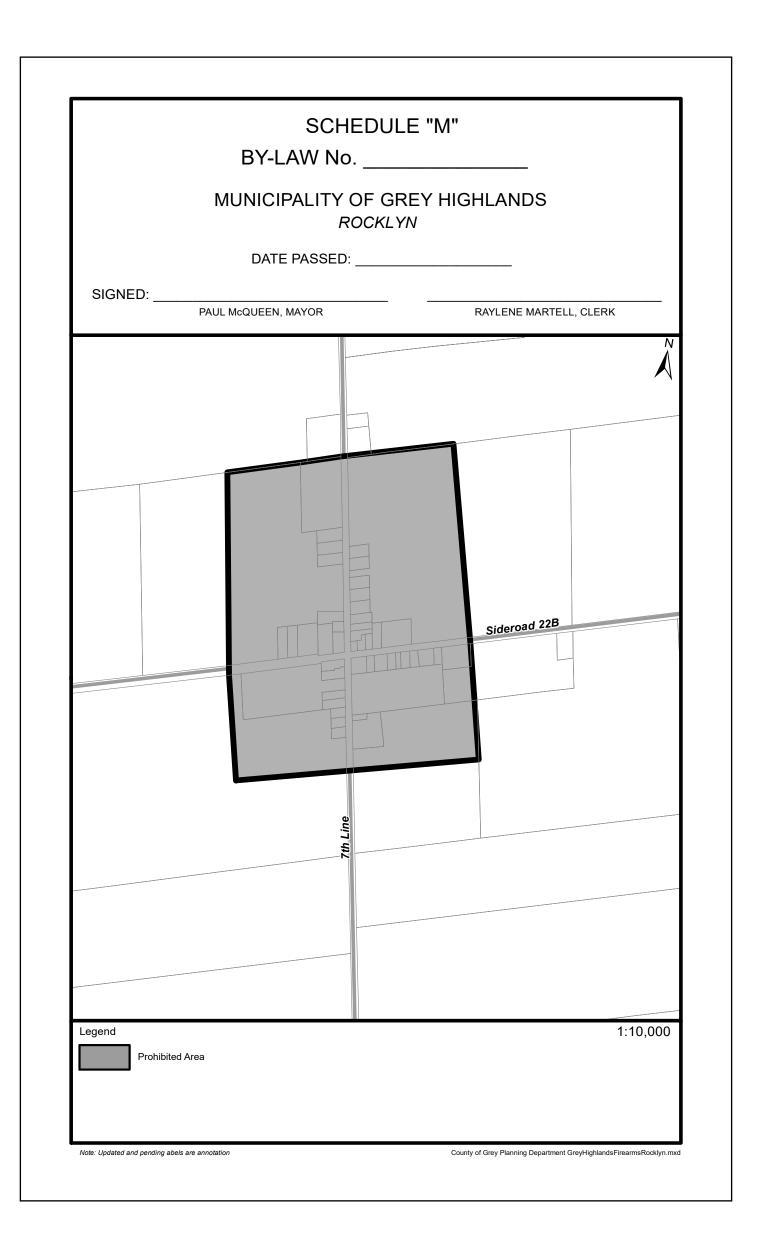


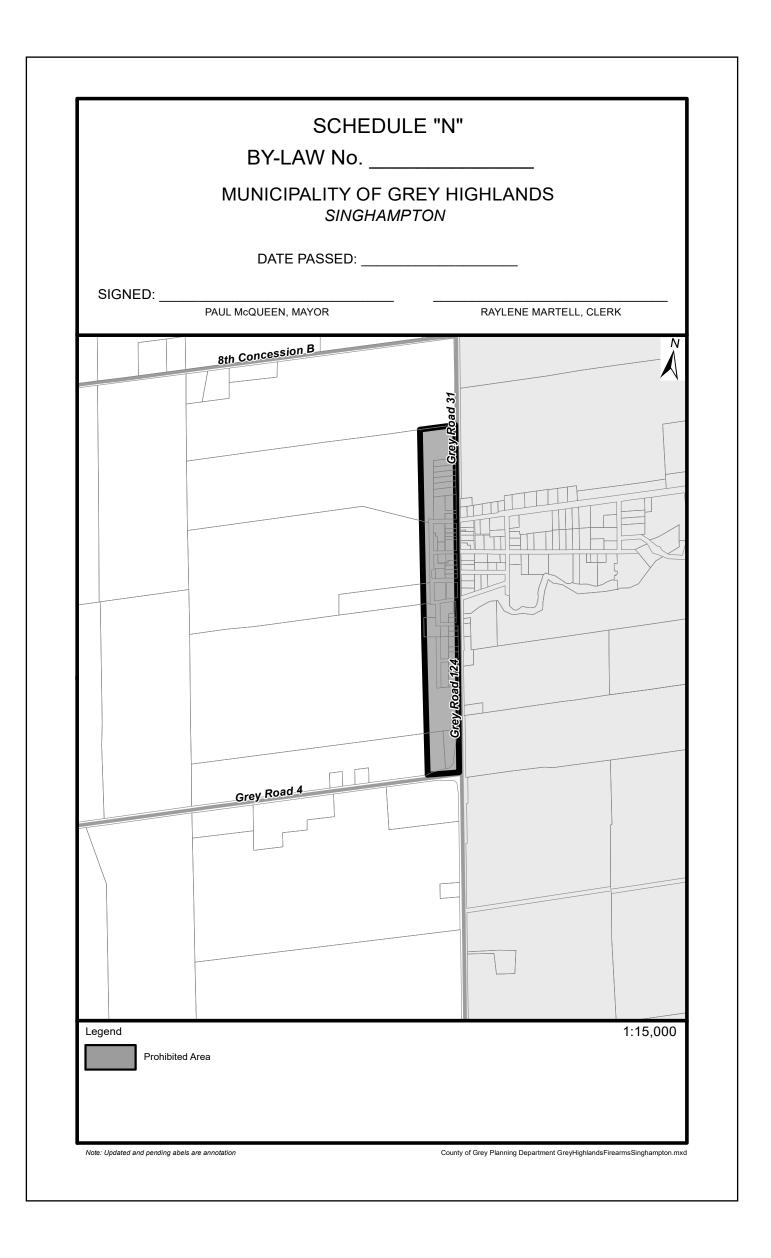


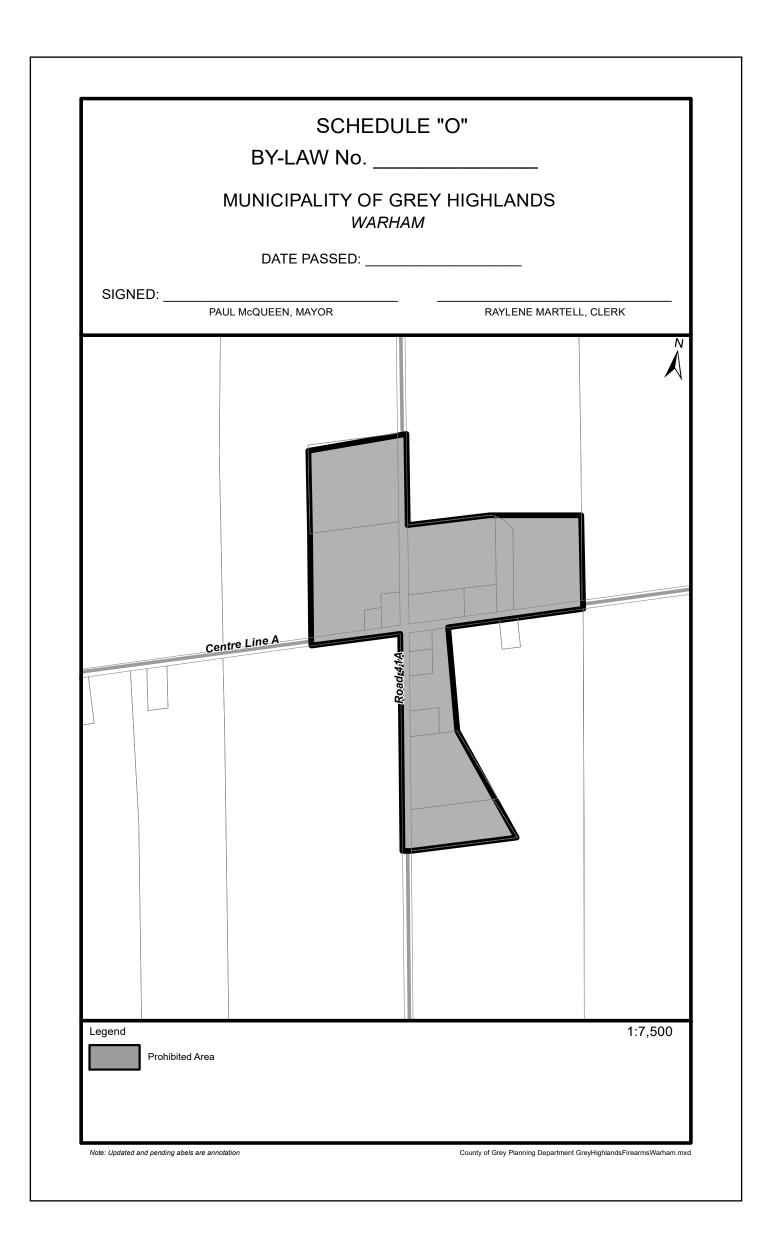












Appendix A

Municipality of Grey Highlands

Part 1 Provincial Offences Act

By-Law 2022-xxx: Discharge of Firearms By-law

Page 1 of 1

Item	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or defining offence	COLUMN 3 Set Fine
1	discharge a firearm in a prohibited area	3.1	\$400
2	discharge a firearm on, over or across any highway or portion thereof	3.2 a)	\$400
3	discharge a firearm on, over or across any public municipally owned lands	3.2 b)	\$400
4	discharge a firearm over or on any place of worship public hall or school property	3.2 c)	\$400
5	discharge a firearm over or on a registered plan of subdivision once applications for building permit has been received	3.2 d)	\$400
6	discharge a firearm over or on the County owned Rail Trail	3.2 e)	\$400
7	discharge a firearm over or on Lake Eugenia, Irish Lake, Brewster's Lake or Wilcox Lake	3.2 f)	\$400
9	Discharge of Firearm outside of permitted hours	3.2 g)	\$400
10	Discharge of firearm over or on private or OPG property without permission	3.2 h)	\$400

Note: The penalty provision for the offences indicated above is section 5 of by-law 2022-xxx, a certified copy of which has been filed.

Schedule P Municipality of Grey Highlands Part 1 Provincial Offences Act By-law No. 2022-XXX: Discharge of Firearms

Set Fines Schedule

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
	Short FormWording	Provision Creating or Defining Offence	Set Fine
1	Discharge in a prohibited area	3. a.	\$400
2	Discharge across highway	3.b.i.	\$400
3	Discharge on, over, or across any public Municipally owned Lands	3.b.ii.	\$400
4	Discharge on, over, or across worship, hall or school properties	3.b.iii.	\$400
5	Discharge on, over, or across subdivision lands	3.b.iv.	\$400
6	Discharge on, over, or across County owned rail trail	3.b.v.	\$400
7	Discharge on, over or across Lake	3.b.vi.	\$400
8	Discharge during prohibited hours	3.b.vii.	\$400
9	Discharge on, over or across property without permission	3.b.viii.	\$400
10	Obstruction of a peace officer	6.	\$400

NOTE: the general penalty provision for the offences listed above is Section 5 of By-law 2022-xxx, a certified copy of which has been filed.

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