

**THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE**

**BY-LAW NUMBER 2019-119-HU**

BEING A BY-LAW to regulate the discharge of Firearms  
within the Town of Whitchurch-Stouffville and to repeal  
By-law 2002-61-HU

**WHEREAS** pursuant to Section 11 of the *Municipal Act, 2001 S.O. 2001, c.25* a municipality may pass by-laws to protect the health, safety and well-being of persons; and

**WHEREAS** pursuant to Section 119 of the *Municipal Act, 2001 S.O. 2001, c.25*, a municipality may, for the purpose of public safety, prohibit or regulate the discharge of Firearms and Bows and other similar devices; and

**WHEREAS** Council of the Town of Whitchurch-Stouffville has deemed it appropriate to regulate the discharge of Firearms within the Municipality for the purposes of public safety.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE ENACTS AS FOLLOWS:**

1) DEFINITIONS

For the purposes of this By-law the following terms shall have the corresponding meaning:

- a) "Agent" means a Person authorized by the Regulations under the Fish and Wildlife Conservation Act to act as an Agent for a landowner to kill, capture or harass wildlife for Protection of Property and includes:
  - Licensed Trappers;
  - Employees or agents of a member of the Ontario Society for the Prevention of Cruelty to Animals under the Prevention of Cruelty to Animals Act;
  - Members of a landowner's immediate family acting on behalf of the landowner on the landowner's own land;
  - Persons whose business is primarily the business of removing nuisance wildlife if they harass wildlife or if they capture and release it if it is capable of being released;
  - Persons holding a valid class H1 outdoors card, appointed by the landowner to kill, capture, or harass wildlife for the Protection of Property; and
  - Employees or agents of a municipality whose responsibility relates to wildlife control.
- b) "Bow" means a curved or re-curved stave of a resilient material, strung taut from end to end and used to launch an arrow, bolt, a quarrel or any similar projectile and that is capable of causing bodily injury or death to a Person and includes cross bows, long bows, re-curve bows and compound bows.
- c) "Conservation Officer" means a Conservation Officer or Deputy Conservation Officer appointed pursuant to the Fish and Wildlife Conservation Act.
- d) "Council" means the Council of The Corporation of The Town of Whitchurch-Stouffville.
- e) "Defined Areas" includes all the lands described in Schedule "A" and/or illustrated in Schedule "B" to this By-law.

- f) "Educational Property" includes school facilities operated by a Board of Education, a private school, a university, a provincial college, a private college or an outdoor area when in use for instructional purposes by a Board of Education, University or College, whether or not adjacent to a building.
- g) "Farmer" shall mean a Person who owns, leases, rents or manages an area of land for the primary use of raising crops, livestock and/or poultry.
- h) "Firearm" means a barrelled weapon from which any shot, bullet or other projectile can be discharged that is capable of causing bodily injury or death to a Person, and includes any frame or receiver of such a barrelled weapon and anything that can be adapted for use as a firearm, and includes shotguns, rifles, air guns, spring guns or any class thereof.
- i) "Firearms Act" means the Firearms Act, S.C. 1995, c.39 which regulates the possession, transport and storage of Firearms.
- j) "Farming and Food Production Protection Act" means the Farming and Food Production Protection Act, 1998, S.O. 1998, c 1,
- i) "Fish and Wildlife Conservation Act" means the Fish and Wildlife Conservation Act, 1997, S.O. 1997 c. 41, and the Regulations thereto, and any amending or successor legislation.
- j) "Officer" means a Police Officer, Peace Officer, Municipal Law Enforcement Officer, an Officer appointed under the Fish and Wildlife Conservation Act, or the Conservation Authorities Act.
- k) "Peace Officer" means a member of a Municipal, Provincial or Federal Police Force, Conservation Officer or the Canadian Armed Forces.
- l) "Person" means an individual, firm, corporation, business, association or partnership.
- m) "Property" means any parcel of land and any buildings or structures on the land and includes a portion of property, including livestock and domestic animals.
- n) "Protection of Property" means the killing, capturing or harassing of wildlife found damaging or destroying Property on a Person's own land, or on reasonable and probable grounds, that a Person believes is about to damage or destroy Property on their own land.
- o) "Town" means the Town of Whitchurch-Stouffville.
- p) "Trapper" means a Person licensed by the Ministry of Natural Resources in accordance with the Fish and Wildlife Conservation Act and Regulations to hunt and trap fur-bearing mammals.
- q) "Zoning By-law" means the Town's Zoning By-Law, 2010-001-ZO as amended, and any predecessor By-law as the context may require.

## 2. EXCEPTIONS

No Person shall discharge any Firearm or Bow within the Town except:

- a) A Peace Officer, Conservation Officer or Deputy Conservation Officer and the discharge is in the course of his or her duties.
- b) A landowner or a tenant, or an Agent with prior written permission of the landowner or tenant, and:

- i. the discharge is of a Firearm and the Property is located upon lands **outside** the Defined Areas; or
  - ii. where the Property is located **within** the Defined Areas provided that the parcel of land is within any zone of Section 4 pursuant to the Town's in force Zoning By-law and said parcel of land is a minimum of 10 acres in size, and the discharge is for the Protection of Property from nuisance wildlife that may be killed or harassed in accordance with Provincial and Federal legislation and provided that no bullet or shot pass over the boundary of the said lands.
- c) The landowner or occupier of land, or a licensed hunter or Trapper with prior written permission of the landowner or occupier, for the purpose of hunting or trapping, and the discharge is of a Firearm for the protection of crops or agriculture, and the discharge is upon lands within the Defined Areas where the land is being used for agriculture and the owner or occupier of the land possesses a valid Farm Business Registration number, provided that no bullet or shot shall pass over the boundary of the said lands.
  - d) The owner or occupier of land, or a licensed hunter or Trapper with prior written permission of the landowner or occupier, and the discharge is upon lands within the Town and **outside** the Defined Areas provided that the parcel of land is no less than 25 acres in size, and the discharge is of a Firearm for the purpose of hunting, trapping or target shooting and provided that no shot or bullet shall pass over the boundary of the said land.
  - e) The owner or occupier of land or a licensed hunter with prior written permission of the landowner or occupier, and the discharge is upon lands outside the Defined Area or **within** the Defined Areas provided that the parcel of land is no less than 10 acres in size, and the discharge is of a Bow for the purpose of hunting or target shooting and provided that no bolt or arrow shall pass over the boundary of the said land.
  - f) A Person firing blank ammunition which does not discharge a projectile for or in connection with lawful use in a motion picture, television, or stage production, historical play or for the purpose of starting or controlling a sporting event.

### 3. PROHIBITIONS

No Person authorized to discharge a Firearm or Bow by Section 2 b), c), d), e) or f) of this By-law shall discharge a Firearm or Bow in any area in which the discharge is not already prohibited, within 200 metres of the periphery of any Educational Property used for educational purposes, excepting those properties in use for instruction in the proper use of Firearms or Bows.

### 4. GRANT OF EXEMPTION BY COUNCIL

#### 4.1 Application to Council

Notwithstanding anything contained in this By-law, any Person may make application to Council to be granted an exemption from any of the provisions to this By-law with respect to the discharge of Firearms or Bows for which they may be prosecuted and Council by resolution may refuse to grant any exemption, or by resolution may grant the exemption applied for with the understanding that at Council's discretion the exemption may be revoked and may contain such terms and conditions as Council sees fit.

#### 4.2 Decision

In deciding whether to grant the exemption, Council shall give the applicant and any other Person an opportunity to be heard and may consider such other information and matters as it considers appropriate.

#### 4.3 Breach

A breach by the applicant of any of the terms or conditions of any exemption granted by Council shall render the exemption null and void and of no force or effect.

### 5. ENFORCEMENT

The provisions of this By-law may be enforced by an Officer or any other Person appointed to enforce by-laws for the Town.

### 6. POWER OF ENTRY

6.1 The Town may enter onto a Property at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- a) the provisions of this By-law;
- b) an order issued under this By-law; or
- c) an order made under section 431 of the *Municipal Act*.

6.2 Where an inspection is conducted by the Town, the Person conducting the inspection may:

- a) require the production for inspection of documents or things relevant to the inspection;
- b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- c) require information from any Person concerning a matter related to the inspection including their name, address, phone number and identification; or
- d) alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

6.3 The Town may undertake an inspection pursuant to an order issued under section 438 of the *Municipal Act*.

6.4 The Town's power of entry may be exercised by an Officer or any other Person appointed to enforce by-laws for the Town.

6.5 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person who is exercising a power of entry or performing any duty under this By-law.

### 7. PENALTIES

- a) Every Person who contravenes a provision of this By-law, including an order issued under this By-law, is guilty of an offence.
- b) Every Person who is guilty of an offence under this By-law shall be subject to the following penalties:

- i. upon first conviction, shall be liable to a fine of not less than \$250.00 and not more than \$50,000.00;
  - ii. upon second or subsequent conviction for the same offence, to a fine of not less than \$500.00 and not more than \$100,000.00;
  - iii. upon conviction for a continuing offence, to a fine of not less than \$500.00 and not more than \$10,000.00 for each day or part of a day that the offence continues. The total of the daily fines may exceed \$100,000.00;
  - iv. upon conviction of a multiple offence, for each offence included in the multiple offence, to a fine of not less than \$500.00 and not more than \$10,000.00. The total of all fines for each included offence is not limited to \$100,000.00.
- c) For the purposes of this By-law, "multiple offence" means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law.
- d) For the purposes of this By-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.
- e) For the purposes of this by-law, if an order has been issued under this bylaw, and the order has not been complied with, the contravention of the order shall be deemed to be a "continuing offence" for each day or part of a day that the order is not complied with.
- f) If a conviction is entered, in addition to any other remedy, and to any penalty imposed by this By-law, the court in which this conviction is entered, and any other court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the Person convicted.
- g) Every Person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990. Chapter P.33, as amended.

8. REPEAL OF BY-LAWS

By-law 2002-61-HU is hereby repealed.

9. EFFECTIVE DATE

This by-law shall come into effect and force on the date of its passing.

READ a first and second time this 19<sup>th</sup> day of November, 2019

READ a third time and passed this 19<sup>th</sup> day of November, 2019

  
Iain Lovatt, Mayor

  
Gillian Angus-Trall, Clerk

SCHEDULE "A"

TO BY-LAW 2019-119-HU

DESCRIPTION OF LANDS IN DEFINED AREAS

FIRSTLY:

All lands on the SOUTH SIDE of Bethesda Sideroad from the westerly limits of the Town (Highway 404) to the easterly limits of the Town (York/Durham Line) to the southerly limits of the Town, save and except Lot 9, Plan 65M-2741 (14 Stalwart Industrial Dive)

SECONDLY:

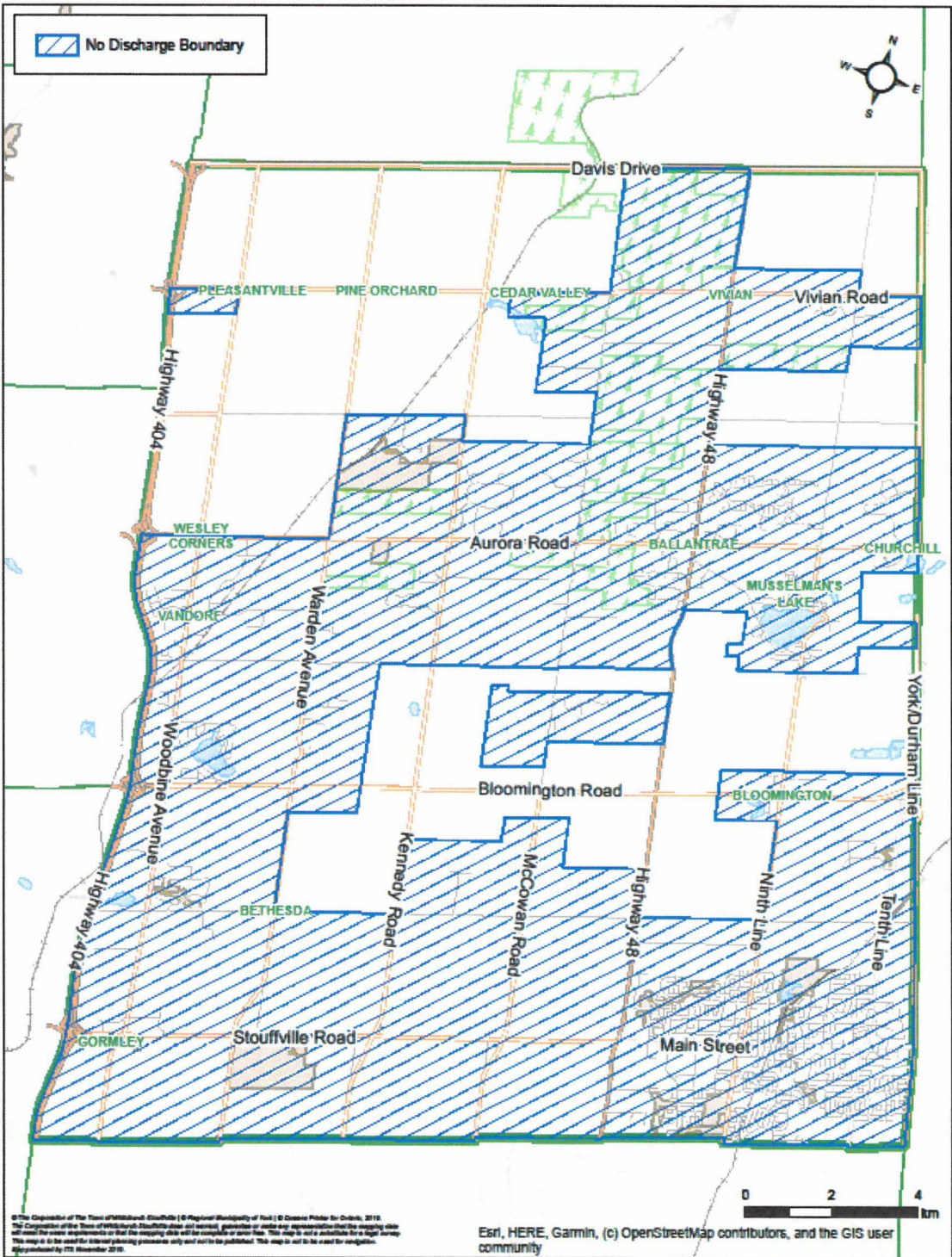
Lands on the NORTH SIDE of Bethesda Sideroad and comprising all the lands set out below:

- Concession 3  
The whole of Lots 6 to 20 inclusive and Lot 30
- Concession 4  
The whole of Lots 6 to 20
- Concession 5  
The west ½ of Lots 10, 11, 12 and 13      The west ½ of Lots 14 and 15  
The whole of Lots 16 to 25
- Concession 6  
The whole of Lots 6, 7 and 8      The east ¼ of Lot 9  
The east ½ of Lots 12, 13 and 14      The whole of Lots 16 to 24  
The east ½ of Lots 27, 28 and 29      The east ¾ of Lot 30  
The whole of 14022 McCowan Road (part east ½ Lot 12, part Lot 13, part Lot 14, part east ½ Lot 15 part 4 65R-952, save and except parts 1, 2 & 3 on 65R-20246)
- Concession 7  
The whole of Lots 6 and 7      The west ¼ of Lots 8 and 9  
The whole of Lots 13 and 14  
The whole of Lots 16 to 35, save and except the south ½ of the west ½ of Lot 25 (15887 McCowan Road)
- Concession 8  
The east ½ of Lots 10, 11, 16, 17 and 18  
The east 10 acres of the north-west ¼ of Lot 16  
The north ½ of the west ½ of Lot 18      The whole of Lots 19 to 24  
The whole of Lots 28 to 31
- Concession 9  
The whole of Lots 6 to 11      The whole of Lot 17  
The west ½ of Lots 16, 18 and 19      The whole of Lot 20 to 24  
The whole of Lots 29 and 30
- Concession 10  
The whole of Lots 6 to 13

SCHEDULE "B"

TO BY-LAW 2019-119-HU

WHITCHURCH-STOUFFVILLE DEFINED AREAS FOR NO-DISCHARGE OF FIREARMS BY-LAW



## SUMMARY

**This Summary is for informational purposes only, and does not form a part of the By-Law.**

### **Outside the Defined Areas:**

Outside the Defined Areas, a landowner, tenant, or hunter who has received the **prior written permission** of the landowner or tenant can discharge a Firearm for hunting, or target shooting on a parcel of land that is a minimum of 25 acres in size provided that no shot or bullet shall pass over the boundary of the said land.

Outside the Defined Areas, all Property owners or their Agents can discharge a Firearm for the purposes of protecting their Property from nuisance wildlife. It is important to note that hunting is not nuisance wildlife removal. It is a recreational and wildlife management activity that results in helping prevent nuisance wildlife problems from developing.

A ow can be discharged anywhere outside the Defined Areas where it is not prohibited by other sections of this by-law (e.g. in close proximity to a school).

### **Within the Defined Areas:**

No Person shall discharge a Firearm for the purpose of hunting or target shooting within the Defined Areas, however, a Person, who has the **prior written permission** of the landowner or tenant is permitted to discharge a Bow for the purpose of hunting or target shooting within the Defined Areas provided that the parcel of land is no less than 10 acres in size and provided that no bolt or arrow shall pass over the boundary of the said land.

This allows the discharge of a Bow only for target shooting or hunting within the Defined Areas but only on parcels of land at least 10 acres in size.

### **Prohibition within 200 metres of the periphery of any Educational Property:**

No Person shall discharge a Firearm or a Bow in any area which is within 200 metres of the periphery of any Educational Property used for educational purposes, excepting those properties in use for instruction in the proper use of Firearms or Bows.

Please note that all York Regional Forest tracts within Whitchurch-Stouffville are currently closed to hunting already.

### **Trappers:**

Trappers who hunt and trap in the municipality will be subject to the same restrictions with respect to the discharge of Firearms as hunters.

Where a licensed Trapper is acting as an Agent for a landowner in the removal of nuisance animals (e.g. beaver, fox, coyote) they may discharge a Firearm anywhere outside the Defined Areas for the purposes of dispatching *wildlife* that they are removing for the landowner. No bullet or shot shall pass over the boundary of the said lands.

If the licensed Trapper is acting as an Agent for a landowner within the Defined Areas *in* the removal of nuisance animals (e.g. beaver, fox, coyote) they may only discharge a Firearm for the purposes of dispatching wildlife that he or she is removing for the landowner if the parcel of Property is located within Section 4 pursuant to the Town's current Zoning By-law and the Property must be a minimum of 10 acres *in* size. No bullet or shot shall pass over the boundary of the said lands.

**Farmers within the Defined Area:**

A Farmer meets the definition of a Farmer, who owns land *within the Defined Areas* that is being farmed, may wish to hunt or allow hunters on his land or lands that he rents to help control wildlife populations that may be damaging his crops. The Farmer or hunters could discharge a Firearm for the purpose of hunting and would be subject to all the regulations pursuant to hunting (e.g. seasons, licence requirements, bag limit, etc.)