

THE CORPORATION OF THE MUNICIPALITY OF CLARINGTON

BY-LAW 2001-098

Being a By-law to prohibit and regulate the discharge of guns or other firearms, air-guns, spring-guns, cross-bows, long-bows in the Municipality of Clarington and to repeal By-law 2001-52

WHEREAS Section 210.36 of the Municipal Act R.S.O. 1990, Chapter M45 provides that for the purposes of public safety By-laws may be passed by the Council of a local municipality for the purpose of public safety for prohibiting or regulating 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 area thereof;

AND WHEREAS The Corporation of the Municipality of Clarington deems it desirable to exercise the said power to the extent hereinafter provided;

NOW THEREFORE the Council of The Corporation of the Municipality of Clarington enacts as follows:

1. For the purposes of this By-law the term:
 - (a) "animal control officer" means a person or persons employed or appointed to provide animal control services in the Municipality of Clarington;
 - (b) "agricultural land" means those lands zoned for any one or more agricultural purposes by the Zoning By-law;
 - (c) "Council" means the Council of the Municipality of Clarington;
 - (d) "environmental protection land" means those lands zoned for environmental protection purposes by the Zoning By-law;
 - (e) "farm" means an area of land used primarily for the purpose of raising crops, livestock or poultry;
 - (f) "farmer" means a person or persons who occupy a farm and who owns, leases or manages it;
 - (g) "firearm" includes a "firearm" as defined in Section 84 of The Criminal Code, R.S.C. 1985, c.C-46, as amended and an air-gun, a spring-gun, a cross-bow, a long bow and a compound bow;
 - (h) "high water mark" means the highest level on the shore of Lake Ontario reached during the twelve months preceding each date on which the high water mark is identified;
 - (i) "holding zone" means those lands zoned for deferred development by the Zoning By-law;
 - (j) "Municipality" means the lands within the Municipality of Clarington;
 - (k) "peace officer" has the same meaning as it has in the Criminal Code, R.S.C. 1985, c.C-46 as amended;
 - (l) "police officer" has the same meaning as it has in the Ontario Police Services Act, R.S.O. 1990, cP.15;
 - (m) "prohibited firearm" means a firearm as defined in the Criminal Code, R.S.C. 1985, cC-46, as amended that is not a shotgun and has a calibre greater than .275 inches;
 - (n) "residential land" means those lands zoned for residential purposes by the Zoning By-law;
 - (o) "Zoning By-law" means Municipality of Clarington By-law 84-63 as amended; and
 - (p) "zoo" means a corporation or person who operates a zoo in accordance with the provisions of the Zoning By-law in the Municipality of Clarington.
 - (q) "public centers" refers to, but is not limited to schools, churches, and community centers.
- 2.(1) Except as otherwise is provided in subsection 2(2) of this By-law no person shall discharge any firearm at any location in the Municipality of Clarington which is within:

- (a) three hundred meters from any portion of parcel of land which is zoned as residential by the Zoning By-law; or
- (b) fifty meters from any portion of a highway if the direction of shot, bullet, bolt or arrow, would intersect or run parallel to the aforesaid portion of the highway; or
- (c) three hundred meters from the high water mark; or
- (d) three hundred meters from any public center.

2.(2) A firearm may be lawfully discharge:

- (a) by a farmer or a member or members of a farmer's family who discharges a fireman where the farmer occupies a farm which located on land designated as agricultural land, environmental protection land, or a holding zone by the Zoning By-law, if the purpose of the discharge of the firearm is to control troublesome or noxious animals or birds on the farm;
- (b) by a person who has in his possession at all times while engaged in hunting such necessary valid licenses and permits required by the Dominion of Canada, the Province of Ontario and the Municipality of Clarington to permit him or her to carry and discharge a firearm on land designated as agricultural land, environmental protection land or a holding zone by the Zoning By-law provided that:
 - (1) the firearm that is discharged is not a prohibited firearm;
 - (2) such person has obtained the prior written consent of the owner or occupier of the aforesaid land which consent is dated not more than one year prior to the date of the occasion on which he discharges the firearm in question;
 - (3) the written consent is in the possession of the person who discharges the firearm;
 - (4) the written consent is available for inspection by an peace officer who asks to inspect the same, and;
 - (5) the written consent in fact is produced for inspection by such peace officer immediately after his request therefore is made to such person;
- (c) by a person in the course of an organized shooting competition or shooting practice, provided that;
 - (1) such competition or practice has received the prior approval of the
 - (2) Council at least thirty days prior to the competition or practice in question;
 - (3) a copy of the resolution of the Council granting such approval is maintained at the site of the competition or practice available at all times for inspection by any peace officer or police officer who asks to inspect the same, and;
 - (4) the resolution in fact is produced for inspection by such peace officer or police officer immediately after the request therefore is made to such person;
- (d) by a person who is a member of an incorporated gun, shooting or archery club in the course of club activities, provided that;
 - (1) the discharge of the firearm takes place on a range the location of which has been approved by resolution of the Municipality of Clarington Council adopted prior to the discharge of the firearm in question;
 - (2) where necessary by law, the location has been approved by the Solicitor General for Ontario, prior to the discharge of the firearm in question;
 - (3) a copy of the resolution of the Council and the evidence of the Solicitor General's approval is maintained on the range available for inspection at all times by any peace officer or police officer asking to inspect same, and;

(4) The resolution and evidence of approval in fact are produced for inspection by the peace officer or police officer immediately after his request therefore is made to such person;

(e) where permitted by the law, on land which is owned by Her Majesty the Queen in Right of the Province of Ontario, and

(f) by a bona fide hunter actively engaged in hunting during a permitted season therefore to whom has been issued such necessary licenses and permits required by the laws of the Dominion of Canada, the Province of Ontario and the Corporation of the Municipality of Clarington;

provided that in no case referred to in paragraphs 2(2)(a) to (f) inclusive may any person discharge a firearm at any location in the Municipality of Clarington which is within:

(1) three hundred meters from any portion of a parcel of land which is zoned as residential land by the Zoning By-law; or

(2) fifty meters from any portion of a highway if the direction of shot, bullet, bolt or arrow would intersect or run parallel to the aforesaid portion of the highway; or

(3) three hundred meters from the high water mark; or

(4) three hundred meters from any public center.

3. Notwithstanding any other provision of this By-law, on any land on which any person may lawfully discharge a firearm in compliance with this By-law, each person who discharges a firearm shall so act as to ensure that no shot, bullet, bolt or arrow, as the case may be, passes over a parcel of land adjacent parcel or parcels of land may be lawfully used by such person for the discharge of a firearm under this By-law and the person discharging the firearm has received the prior written approval of each adjacent owner or occupant of the adjacent parcel or parcels of land in question.
4. None of the provisions of this By-law apply to prohibit the discharge of a firearm by:
 - (a) a peace officer in the lawful execution of his duties;
 - (b) a police officer in the lawful execution of his duties;
 - (c) an animal control officer in the lawful execution of his duties;
 - (d) a member of the Canadian Armed Forces in the lawful execution of his duties; and
 - (e) an officer or employee of a zoo for the purpose of controlling or destroying, where necessary, animals in the care or custody of the zoo that have escaped, or are injured, dangerous or disturbed, provided that such action is undertaken in compliance with the laws of the Dominion of Canada, the Province of Ontario and the Municipality of Clarington.
 - (f) a person licensed by the Ministry of Natural Resources and authorized by the Clerk of the Municipality to carry out duties as assigned to regulate and remove nuisance animals.
5. By-law 2001-52 of the Corporation of the Municipality of Clarington is hereby repealed.
6. It is declared that if any section, paragraph or clause or a portion or portions of any of them contained in this By-law should be held by a Court of competent jurisdiction to be invalid in whole or in part, the validity of other sections, paragraph, clauses or portions of any of them contained in this By-law shall not be affected thereby, the intention of Council being that all

other sections, paragraphs and clauses and portions of any of them contained in this By-law are to be considered to be valid and enforceable.

7. Every person who contravenes any provision of this By-law is guilty of an offence and shall, upon conviction, be liable to punishment as provided under the *Provincial Offences Act*.

BY-LAW read a first time this 29th day of May, 2001.

BY-LAW read a second time this 29th day of May, 2001.

BY-LAW read a third time and finally passed this 29th day of May, 2001.

Original signed by the MAYOR

Original signed by the MUNICIPAL CLERK