

BILL NO. 2020.73

THE CORPORATION OF THE TOWNSHIP OF RAMARA

BYLAW NUMBER 2020.91

BEING A BYLAW TO REGULATE THE DISCHARGE OF FIREARMS

WHEREAS Section 8 (1) of the Ontario Municipal Act provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues.

AND WHEREAS Section 9 of the Ontario Municipal Act, 2001 states the municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act. 2006;

AND WHEREAS Section 119 of the Ontario Municipal Act, 2001, states a municipality is authorized to prohibit or regulate the discharge of guns or other firearms, air-guns, spring-guns, cross-bows, long-bows or any other weapon for the purpose of safety;

AND WHEREAS subsection 23.1(1) of the Municipal Act, 2001, a municipality is authorized to delegate its powers and duties under the Act, subject to certain restrictions;

AND WHEREAS Section 425 of the Municipal Act, 2001, a municipality is authorized to pass bylaws providing a person who contravenes a bylaw of the Municipality passed under the Municipal Act, 2001, is guilty of an offence;

AND WHEREAS Section 429 of the Municipal Act, 2001, a municipality may establish a system of fines for offences under a bylaw of the Municipality passed under the Municipal Act, 2001;

AND WHEREAS Section 434.1 of the Municipal Act, 2001, provides that a Municipality may establish administrative penalties for any contravention of a Municipal bylaw.

AND WHEREAS Section 436 of the Municipal Act, 2001, a Municipality may pass a bylaw providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not there is compliance with a bylaw, direction, order or condition of a licence passed or made under the Municipal Act, 2001;

AND WHEREAS Section 444 and 445 of the Municipal Act, 2001, provides that if a municipality is satisfied that a contravention of a bylaw passed under the Municipal Act, 2001, has occurred, that the municipality may make an order requiring the person who contravened the bylaw or caused or permitted the contravention or the owner or occupier of the land to discontinue the contravention or do the work to correct the contravention of the bylaw;

AND WHEREAS Council deems it advisable to the health, safety and welfare of residents and visitors to regulate the discharge of firearms within the Township;

NOW THEREFORE the Council of the Corporation of the Township of Ramara enacts as follows:

PART 1 – DEFINITIONS

1. For the purpose of this Bylaw:
 - i. **“Bylaw Enforcement Officer”** means a person appointed by Council to enforce municipal bylaws.
 - ii. **“Council”** means the Council for the Township of Ramara.
 - iii. **“Firearm”** means any type of gun or similar barrelled device from which any shot, bullet or other projectile can be discharged and that is capable of causing bodily injury or death and includes a *Prohibited and/or Restricted Firearm*.
 - iv. **“Gun Club or Shooting Range”** means a bona fide gun club or range, registered and regulated by the *Firearms Act*, S.C.1995, c.39, the use and location of which is permitted pursuant to the applicable zoning bylaw, site plan control and building requirements and any other applicable federal, provincial and municipal laws.
 - v. **“Land”** includes any public or private property, premises, grounds, yards or vacant lot and includes land owned by a Conservation Authority.
 - vi. **“Officer”** means a police officer, bylaw enforcement officer, officer appointed under the Fish and Wildlife Conservation Act, 1997 or Conservation Authorities Act, or other person appointed to enforce the provisions of this bylaw.
 - vii. **“Person”** includes a company, a corporation, a partnership, or an individual Person.
 - viii. **“Private Gun Club or Shooting Range”** means a gun club or range that does not meet the requirements of a *Gun Club or Shooting Range* where an owner or

any *Person* discharges a *firearm* on a location or within a building that is designed or intended for the safe discharge, on a regular and structured basis, of *firearms* for the purpose of shooting at an object to be aimed in shooting practice, training or contest.

- ix. **“Rapid-Fire”** means the firing of more than five (5) consecutive shots from a firearm in rapid succession.
- x. **“Prohibited Firearm”** means a firearm that has a prohibited use under the Criminal Code of Canada.
- xi. **“Restricted Firearm”** means a means a firearm that has a restricted use under the Criminal Code of Canada.
- xii. **“Township”** means The Corporation of the Township of Ramara

PART II GENERAL PROHIBITIONS

2. Regulations

- a. No person shall discharge or cause to be discharged or allow to be discharged, a *firearm* on any land except with the express consent of the owner of the land.
- b. No owner or occupier of land where the discharge of a *firearm* is prohibited shall knowingly allow any person to discharge a *firearm* on such land.
- c. No person shall discharge a *firearm* on land or within a building used as a *Private Gun Club or shooting Range*, except in accordance with the following:
 - i. On more than one (1) day within a thirty (30) day period for no more than three (3) consecutive hours;
 - ii. Not in a manner that is considered to be *Rapid-Fire*
- d. No person shall discharge a *firearm* on land used as a bona fide *Gun Club or shooting Range* outside the hours established in **Schedule “A”** attached hereto and forming part of this bylaw.
- e. No person shall discharge a *firearm* without having in his or her possession any necessary licences required in Ontario and Canada to permit him or her to carry and discharge a *Firearm*.

- f. Where a contravention of this bylaw has occurred, every owner of land shall take reasonable precautions to prevent the continuation or repetition of the contravention on such land.

PART III – APPLICATION FOR EXEMPTION PERMIT

3. Exemption Permits

- a. Notwithstanding Section 2 of this By-law, any person may make application to the Clerk of the Township requesting an exemption permit from such provisions of this By-Law.
- b. The Clerk presents request to Council who may grant such exemption, grant an alternative exemption or refuse such exemption. The Council may impose specific conditions on any exemption granted pursuant to this By-Law.
- c. Every person applying for an exemption permit shall provide the Clerk in writing:
 - i. A completed application as set in Schedule "B" of this By-Law.
- d. An exemption granted shall specify the time-period for the exemption during which it is effective and may contain such conditions as set out by the Clerk or Council.
- e. The applicant shall take all reasonable actions to notify all persons who may be affected by the granting of an exemption prior to the effective date(s).
- f. No person shall breach any of the terms or conditions of an exemption issued by the Township. Where a breach is caused or permitted by the applicant, such breach shall immediately render the exemption null, void and subject to enforcement.
- g. Council or their designate is to respond to exemption request within two (2) Council meetings.

PART IV - ENFORCEMENT AND PENALTIES

4. Enforcement, Penalty and Administrative Penalties

- a. This bylaw shall be enforced by a Bylaw Enforcement Officer and/or a Police Officer;

- b. Any person who contravenes any provision of this bylaw is guilty of an offence and, upon conviction, is subject to a fine as provided in the *Municipal Act, 2001*, or the *Provincial Offences Act* and to any other applicable penalties.
- c. An officer who finds that a person has contravened any provisions of this bylaw may issue a penalty notice addressed to that person.
- d. Any person who contravenes any provision of this bylaw shall, upon issuance of a penalty notice pursuant to section 4.(c), be liable to pay to the Township an administrative penalty in the amount of:
 - i. First Offence - \$1000.00
 - ii. Second Offence - \$2000.00
 - iii. Third and each subsequent Offence - \$3000.00
- e. The penalty notice shall be given to the person to whom or to which it is addressed as soon as is reasonably practicable and shall include the following information:
 - i. Particulars of the contravention, including to which property it applies;
 - ii. The amount of the administrative penalty
 - iii. Information respecting the process by which the person may exercise the person's right to request a review of the administrative penalty; and
 - iv. A statement advising that an administrative penalty will, unless modified or rescinded pursuant to the review process, constitute a debt to the Township.
- f. A person may appeal an administrative penalty to the Township's Appeal Tribunal Committee.
- g. An administrative penalty that is deemed to be affirmed constitutes a debt to the Township of each person to whom or to which the penalty notice was given.
- h. An administrative penalty that is not paid may be added to the tax roll of the property to which it applies and collected in the same manner as taxes.
- i. When a person has been convicted of an offence under this By-law, the Ontario Court of Justice, or any Court of competent jurisdiction thereafter, may, in addition to any penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation or repetition of the offence.

PART V – SEVERABILITY

4. If a court of competent jurisdiction should declare any section or part of a section of this Bylaw to be invalid the remainder of this Bylaw shall continue to be valid and remain in force.
5. This Bylaw shall be superseded by all Provincial and Federal statutes, regulations and laws relating to the handling and discharge of firearms.

PART VI – SHORT TITLE

6. This Bylaw may be referred to as the “Discharge of Firearms” Bylaw.

PART VII – EFFECTIVE DATE

7. This Bylaw comes into force on the day it is passed.

BYLAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED
THIS 23RD DAY OF NOVEMBER 2020.



JOE GOUGH, DEPUTY MAYOR



JENNIFER CONNOR, CLERK

SCHEDULE "A"
BYLAW NUMBER 2020.91

BEING A BYLAW TO REGULATE THE DISCHARGE OF FIREARMS

1. Dates and times when a Gun Club and Shooting Ranges are authorized to operate:
 - I. Tuesday to Saturday between the hours of 10:00 am and thirty (30) minutes before sunset.

SCHEDULE "B"
BYLAW NUMBER 2020.

Request for Exemption Permit Discharge of Firearms Bylaw

Applicants are responsible for the completion and content of this form

Applicant		
Name (first and last)		Home Telephone
Address		Other Telephone
City		Fax Number
Province	Postal Code	Email Address
Applicant's Signature:		

Exemption Permit Location (Property Information)	
Owner's Name (first and last)	Address
Home Telephone	Email Address
Owner's Signature:	

Reason for Requested Exemption Permit (you are required to provide specific reason(s))
<ul style="list-style-type: none"> ▪ Please provide a factual and detailed explanation of your reason(s) for your exemption request. ▪ Please provide specific details of your requested exemption to Section 2 of the Bylaw. ▪ If you wish to support your application with images or other documentation please attach them to this application.

