



# Township of Perry

PO Box 70, Emsdale, ON POA 1J0

PHONE: (705)636-5941

FAX: (705)636-5759

[www.townshipofperry.ca](http://www.townshipofperry.ca)

(RELEASE – JULY 29, 2024)

## **DRAFT Discharge of Firearms By-law**

The Township of Perry Discharge of Firearms By-law No. 571 which was enacted on September 3, 1960 is currently in place and prohibits the discharge of firearms within the limits of the Township of Perry for a period commencing June 15<sup>th</sup> and ending September 15<sup>th</sup> every year.

***The current by-law in place restricts use of any firearms in the Township for 3 months out of the year with no exceptions from June 15<sup>th</sup> to September 15<sup>th</sup> every year.***

Staff receive multiple calls throughout the year regarding the use of firearms in the Township. The existing By-law limits the use of firearms in the Township for three (3) months of the year with no exceptions restricting people from using any firearms on their property during this timeframe. The By-law is very outdated, however it is still active and in force. Staff made Council aware of the need to update the Discharge of Firearms By-law No. 571 during the June 5, 2024 Council Meeting. Council supported that staff draft a Discharge of Firearms By-law and that they circulate the DRAFT to the public to allow the public ample time to provide their input and comments prior to Council consideration.

The public may provide their comments to the Township by **Friday August 16, 2024** to the attention of Mike Wilmon at 705-636-5941 or [mike.wilmon@townshipofperry.ca](mailto:mike.wilmon@townshipofperry.ca). Council will review the DRAFT By-law at the Wednesday, August 21, 2024 Regular Meeting of Council and provide Staff with their comments and direction on the DRAFT By-law.

*Note:* that the By-law is in draft form only and it will not be considered for adoption during this meeting.

The DRAFT By-law will repeal By-law No. 571, and if adopted by Council, will implement the following Prohibitions:

### **Section 2.0 Prohibitions**

2.1 No Person shall discharge, cause to be discharged or allow to be discharged a Firearm or Bow at any time, within the limits of the following areas within the Township of Perry:

- a) on any Property owned or occupied by the Township without written permission from the Township of Perry; and

***This means that you are prohibited to discharge a Firearm or Bow on any lands owned by the Township (ie Municipal Parks, Facilities) unless you have***

**written permission from the Township. This section does not apply to privately owned lands.**

- b) on any Property smaller than 1.21 hectares (3 Acres) located within the boundaries of the Township of Perry; and

***This means that you are prohibited to discharge a Firearm or Bow on any property less than 3 acres in size within the Township of Perry. This does not apply to properties that are 3 acres or larger in size, outside of the Settlement Areas.***

- c) within the Settlement Area's of Novar and Emsdale as designated within the Township's Official Plan.

***This means that you are prohibited to discharge a Firearm or Bow within the communities of Emsdale and Novar outlined as 'Settlement Areas' on Schedules A-1 and A-2 of the Township's Official Plan and attached hereto.***

**NOTE: This By-law does not apply to lands outside of the Settlement Areas that are 3 acres or more in size and privately owned (not owned by the Township of Perry).**

### **3.0 Exemptions**

- 3.1 Despite Section 2.0 of this by-law, this by-law shall not restrict the discharge of Firearms or Bow by:

- (a) an Agent or Officer in the performance of his or her duty;
- (b) a Person, other than a peace officer, who is authorized to carry a Firearm by any Act of the Province of Ontario or the Government of Canada in the course of his or her employment duties;
- (c) members of a Provincially regulated and licensed gun club, archery club, rifle range, or skeet club in a specific area;
- (d) a Person engaged in an archery sporting or educational event which has been sanctioned by a bonafide enthusiast organization such as Archery Canada, Archery Ontario, Ontario Federation of Anglers and Hunters, or a school board;
- (e) a Person where the use or discharge of Firearms is reasonably required for the protection of persons, property or livestock;
- (f) members of a government sponsored or sanctioned education program in a specific area;
- (g) a Person firing blank ammunition which does not discharge a projectile, involved in any of the following activities:
  - i) a ceremonial event, historical display or educational program;
  - ii) a theatrical presentation, film or television production, or a sporting event;
  - iii) a special event in which the special event organizer has authorization from the Township of Perry and
  - iv) an establishment or business providing paint ball gaming
- (h) a Person involved in the disposal of an injured, crippled or diseased animal, bird or reptile;
- (i) a Person discharging a Firearm or Bow when lawfully hunting as per the Fish and Wildlife Conservation Act, 1997, S.O. 1997, c. 41 or the

Migratory Birds Convention Act, 1994, S.C. 1994, c. 22 and provided that such discharge may only occur on a lot equivalent to 1.21 hectares (3 Acres) or greater in size;

- (j) a Person discharging a Firearm or Bow for the purposes of target practice or sighting provided that such discharge may only occur on a lot equivalent to 1.21 hectares (3 Acres) or greater in size.

***This means that despite the prohibitions outlined in Section 2, there are specific exceptions within the By-law to allow for the discharge of firearms or bow as outlined in Section 3 above. Example: Exemption 3.1.(i) and (j) states a person may lawfully hunt or sight on their property, including within the Settlement Areas, if their property is 3 acres or greater in size.***

Section 4.2 of the By-law specifies that nothing in this by-law shall be interpreted as reducing or eliminating the need for full compliance with the provisions of all applicable Provincial and Federal Statutes and regulations relating to Firearms and Bows.

***The Municipal Act, S.O. 2001, c.25 provides a municipality with the power to pass by-laws to protect the health, safety and well-being of persons, including the prohibiting or regulating the discharge of firearms and other similar devices, however it does not supersede Provincial and Federal Statutes, regulations and laws relating to Firearms and Bows.***

Residents are encouraged to make written comments or submissions before the meeting. Comments can be emailed to the Township by **Friday August 16, 2024** to the attention of Mike Wilmon at [mike.wilmon@townshipofperry.ca](mailto:mike.wilmon@townshipofperry.ca).

Individuals who submit their comments, a letter and other information to Council should be aware that all information, including contact information, contained within their communications may become part of the public record and may be made available through the agenda process which includes publication on the Municipality's website.

**The draft by-law will be presented to Council for their review on Wednesday August 21, 2024 at 7 p.m.**

All Council Meetings are open for the public to attend in person in the Council Chambers located at 1695 Emsdale Road, Emsdale, Ontario P0A 1J0, with meetings commencing at 7 p.m.

Members of the public are also be able to attend virtually through Zoom. For those persons attending electronically or by teleconference they are able to join the meeting by live teleconference audio meeting by calling:

Phone Number: 1 (647) 374 4685 Meeting ID: 842 0364 6523

Passcode: 044953

Zoom Meeting Link:

<https://us06web.zoom.us/j/84203646523?pwd=MHhiVTJTU3Z4WXVMVGtxSHN6dHQyUT09>



**CORPORATION OF THE TOWNSHIP OF PERRY**

**BY-LAW NUMBER 2024-XX**

**BEING A BY-LAW TO REGULATE THE DISCHARGE  
OF FIREARMS WITHIN THE TOWNSHIP OF PERRY**

**WHEREAS** pursuant to Subsection 11(2) paragraph 6 of the Municipal Act 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, a municipality may, for the purpose of public safety, prohibit or regulate the discharge of firearms and other similar devices;

**AND WHEREAS** pursuant to Section 436 of the Municipal Act, a municipality has the power to enter onto lands at any reasonable time for the purpose of carrying out an inspection to determine compliance with this by-law;

**AND WHEREAS** Council of the Township of Perry has deemed it in the public interest to regulate the discharge of firearms within the Township for the purposes of public safety;

**NOW THEREFORE:** the Council of the Corporation of the Township of Perry enacts as follows:

**1.0 Definitions**

a) "Agent" means an individual or company authorized by the Regulations under the Fish and Wildlife Conservation Act to act as an agent for a Person to kill, capture or harass wildlife for the protection of property and includes:

- i. Trappers licensed under Ontario Regulation 667/98 (Trapping);
- ii. Employees or agents of a member of the Provincial Animal Welfare Services Act, 2019, S.O. 2019, c. 13 or any amending or successor legislation;
- iii. Members of a Person's immediate family acting on behalf of the Person on the Person's own Property;
- iv. 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;
- v. Employees or agents of a municipality whose responsibility relates to wildlife control; and
- vi. Persons who hold a valid class H1 outdoors card issued under Ontario Regulation 665/98, for the purposes of killing or harassing the wildlife but not capturing it.

b) "Bow" means a crossbow, longbow, compound bow, re-curve bow, or any class thereof;

c) "Business" means a person who carries on a business that includes the manufacture, assembly, possession, purchase, sale, importation, exportation, display, repair, restoration, maintenance, storage, alteration, pawn brokering, transportation, shipping, distribution or delivery of firearms, and ammunition for firearms.

d) "By-law Enforcement Officer" means the Township's By-Law Enforcement Officer, or designate, as appointed by the Council of the Township of Perry.

- e) "Conservation Officer" means a Conservation Officer or Deputy Conservation Officer appointed pursuant to the Fish and Wildlife Conservation Act.
- f) "Council" means the Council of the Corporation of the Township of Perry.
- g) "Firearm" means a barrelled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious 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. Including bows, cross bows, paint ball guns, pellet or BB guns or similar class of firearm (for the purpose of this by-law).
- h) "Firearms Act" means the Firearms Act S.C. 1995, c. 39, or any amending or successor legislation.
- i) "Fish and Wildlife Conservation Act" means the Fish and Wildlife Conservation Act, 1997, S.O. 1997 c. 41, or any amending or successor legislation.
- j) "Migratory Birds Convention Act" means the Migratory Birds Convention Act, 1994, S.C. 1994, c. 22, or any amending or successor legislation.
- k) "Municipal Act" means the Municipal Act, 2001, S.O. 2001, c. 25, or any amending or successor legislation.
- l) "Officer" means a By-law Enforcement Officer, or designate, a Conservation Officer or Peace Officer.
- m) "Peace Officer" means a member of a regional, provincial or federal police force or the Canadian Armed Forces.
- n) "Person" means any human being, property owner/landowner, association, firm, partnership, incorporated company, corporation, business, agent or trustee, and their heirs, executors or other legal representatives of a Person to whom the context can apply, according to law.
- o) "Property" means any parcel of land and any buildings or structures on the land and includes a portion of property.
- p) "Settlement Area" means the settlement areas of Novar and Emsdale as defined in the Township's Official Plan.
- q) "Township" means the geographic area comprising the Township of Perry.
- r) "Trapper" means a person licensed by the Ministry of Natural Resources and Forestry in accordance with the Fish and Wildlife Conservation Act, 1997 and Regulations to hunt and trap fur-bearing mammals.

## 2.0 Prohibitions

- 2.1 No Person shall discharge, cause to be discharged or allow to be discharged a Firearm or Bow at any time, within the limits of the following areas within the Township of Perry:
- a) on any Property owned or occupied by the Township without written permission from the Township of Perry; and
  - b) on any Property smaller than 1.21 hectares (3 Acres) located within the boundaries of the Township of Perry; and
  - c) within the Settlement Areas of Novar and Emsdale as designated within the Township's Official Plan.

## 3.0 Exemptions

- 3.1 Despite Section 2.0 of this by-law, this by-law shall not restrict the discharge of Firearms or Bow by:
- (a) an Agent or Officer in the performance of his or her duty;
  - (b) a Person, other than a peace officer, who is authorized to carry a Firearm by any Act of the Province of Ontario or the Government of Canada in the course of his or her employment duties;
  - (c) members of a Provincially regulated and licensed gun club, archery club, rifle range, or skeet club in a specific area;
  - (d) a Person engaged in an archery sporting or educational event which has been sanctioned by a bonafide enthusiast organization such as Archery Canada, Archery Ontario, Ontario Federation of Anglers and Hunters, or a school board;
  - (e) a Person where the use or discharge of Firearms is reasonably required for the protection of persons, property or livestock;
  - (f) members of a government sponsored or sanctioned education program in a specific area;
  - (g) a Person firing blank ammunition which does not discharge a projectile, involved in any of the following activities:
    - i) a ceremonial event, historical display or educational program;
    - ii) a theatrical presentation, film or television production, or a sporting event;
    - iii) a special event in which the special event organizer has authorization from the Township of Perry and
    - iv) an establishment or business providing paint ball gaming
  - h) a Person involved in the disposal of an injured, crippled or diseased animal, bird or reptile;
  - i) a Person discharging a Firearm or Bow when lawfully hunting as per the Fish and Wildlife Conservation Act, 1997, S.O. 1997, c. 41 or the Migratory Birds Convention Act, 1994, S.C. 1994, c. 22 and provided that such discharge may only occur on a lot equivalent to 1.21 hectares (3 Acres) or greater in size;
  - j) a Person discharging a Firearm or Bow for the purposes of target practice or sighting provided that such discharge may only occur on a lot equivalent to 1.21 hectares (3 Acres) or greater in size.

**4.0 Interpretation**

4.1 The regulations established by this by-law apply to the discharge of Firearms and Bows on all Property within the boundaries of the Township of Perry.

4.2 Nothing in this by-law shall be interpreted as reducing or eliminating the need for full compliance with the provisions of all applicable provincial and federal statutes and regulations relating to Firearms and Bows.

**5.0 Entry and Inspection**

5.1 An Officer may enter upon Property at any reasonable time for the purpose of enforcing this by-law or carrying out an inspection to determine whether or not the by-law is being complied with;

5.2 Every Person shall permit an Officer to inspect any Property for the purposes of determining compliance with this By-law.

**6.0 Obstruction:**

6.1 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law.

6.2 Every Person who has been alleged to have contravened any of the provisions of this by-law, shall identify themselves to the Officer upon request, failure to do so shall be deemed to have hindered or obstructed the Officer under Section 6.1 of this by-law.

**7.0 Penalties:**

7.1 Every Person who contravenes any provision of this By-law 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.

7.2 Any Person who contravenes a provision in Section 2.0 of this By-law is guilty of an offence and, upon conviction, is liable to a fine in accordance with the Provincial Offences Act.

7.3 Any Person who is guilty of an offence under this By-law, if permitted under the Provincial Offences Act, may pay a set fine as approved by the appropriate Justice of the Ontario Court of Justice, in accordance with Schedule "A" attached to this By-law.

**8.0 Enforcement:**

8.1 Nothing in this By-law shall restrict or limit the Ontario Provincial Police to enforce this by-law at any time.

9.0 **Repeal:**

9.1 That By-law No. 571 and any amendments thereto are hereby repealed upon receiving approval from the Ministry of the Attorney General for the set fines as identified in Schedule "A" of this by-law.

10.0 **Severability:**

10.1 If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof, other than the part which was declared to be invalid.

**READ** a First, Second and Third Time and Finally Passed and enacted in Open Council this XX day of XXXX, 2024.

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**Mayor** (Norm Hofstetter)

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**Clerk/Administrator** (Beth Morton)

**CORPORATION OF THE TOWNSHIP OF PERRY**  
**PART I PROVINCIAL OFFENCES ACT**  
**BY-LAW No. 2024-XX**  
**Schedule "A"**

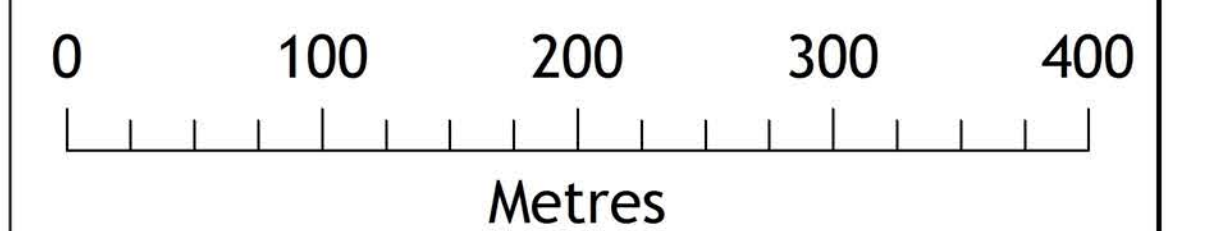
<b>ITEM</b>	<b>Short form Wording</b>	<b>Offence Creating Provision or Defining Offence</b>	<b>Set Fine</b>
1.	Discharge firearm or bow without Township permission	s. 2.1(a)	\$150.00
2.	Discharge a firearm or bow on an undersized property	s. 2.1(b)	\$150.00
3.	Discharge a firearm or bow within the Settlement Areas of Novar or Emsdale	s. 2.1(c)	\$150.00
4.	Discharge a firearm by individual not permitted to do so	s. 3.1	\$150.00
5.	Hinder or obstruct an officer from performing their duty	s. 6.1	\$300.00

NOTE: The general penalty provision for the offences listed above is Section 7.0 of the By-law 2024-XX, a certified copy of which has been filed.

Schedule 'A-1'  
NOVAR  
**Township of Perry**  
**Official Plan**  
Land Use

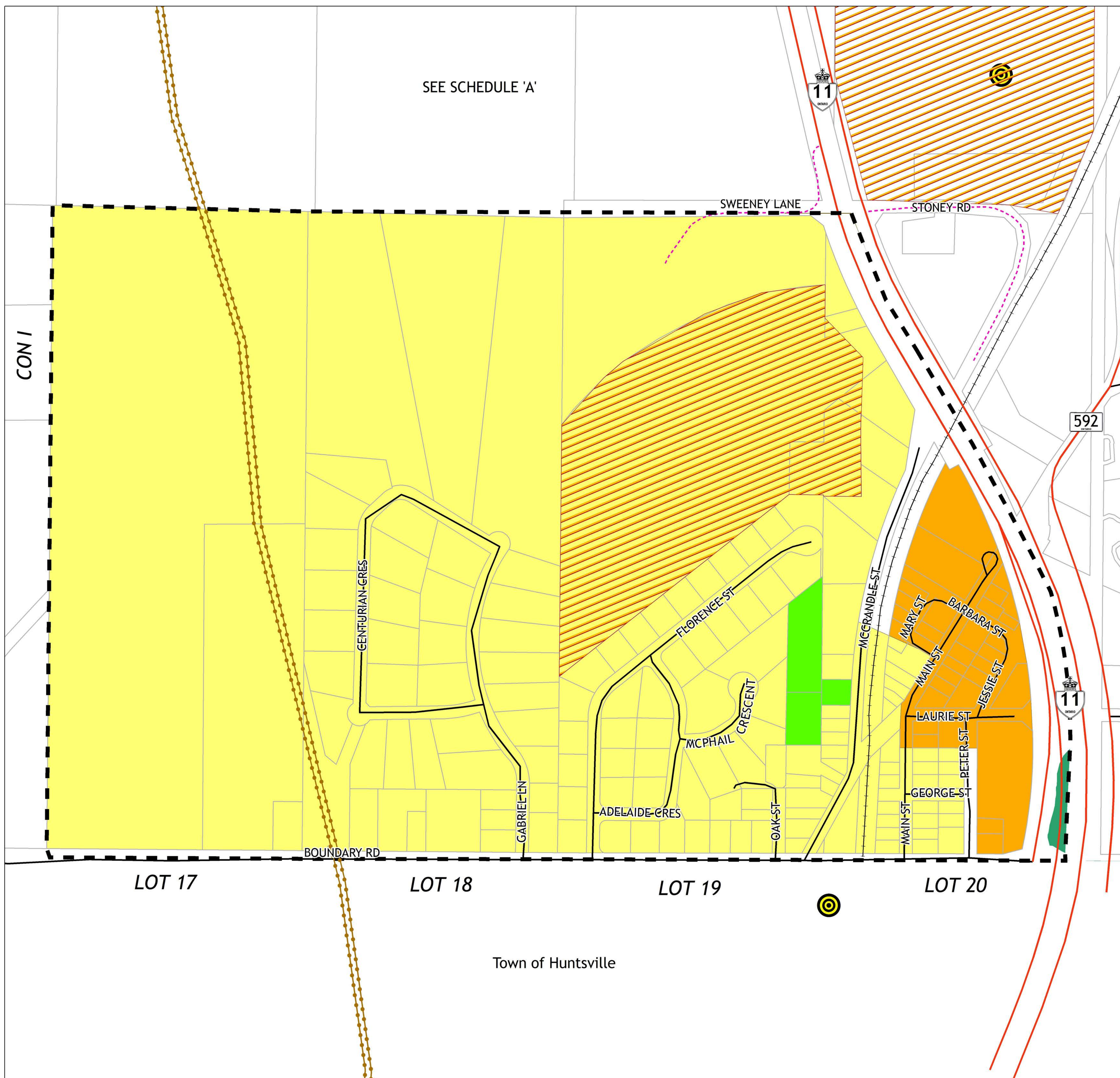
**Legend**

-  Former Waste Disposal
-  TransCanada Pipeline
-  CNR
-  Provincial Highway
-  Township Road
-  Private Road
-  Settlement Area
-  Hamlet
-  Institutional
-  Employment
-  MixedUse
-  Rural
-  Public Parks
-  Environmental Protection
-  Existing ARA Licence



SEE SCHEDULE 'A'







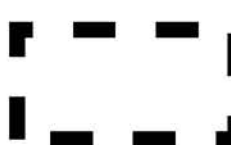
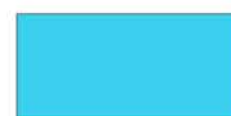



CON 1

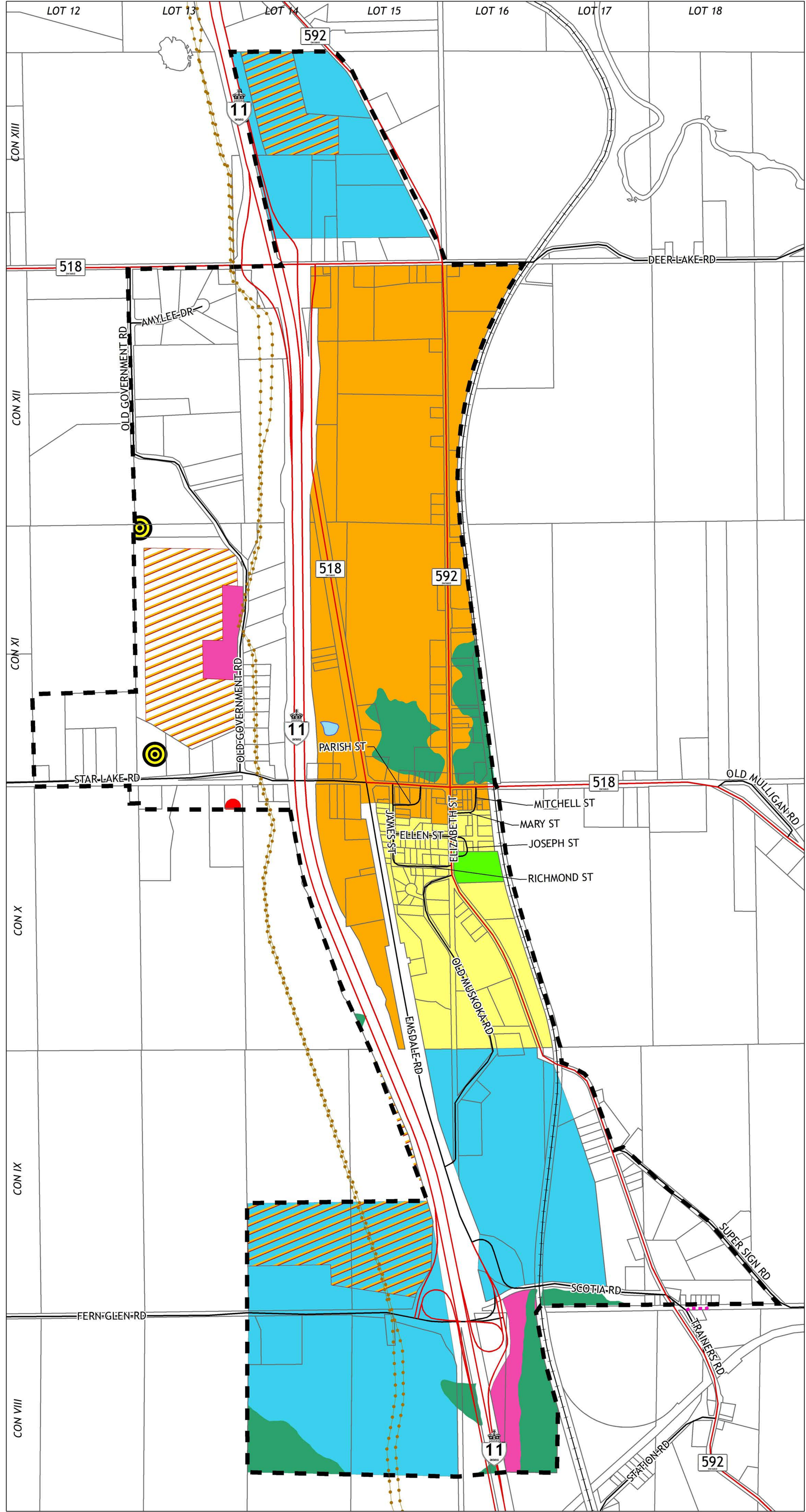
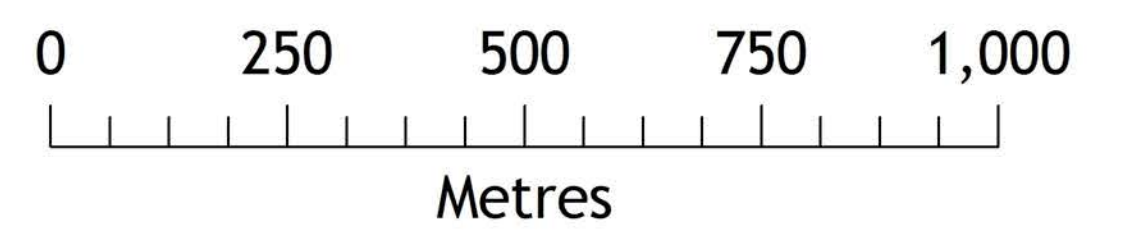
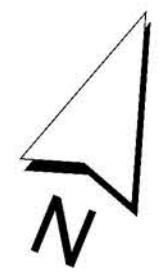


Town of Huntsville

# Schedule 'A-2' EMSDALE Township of Perry Official Plan Land Use

## Legend

-  Former Waste Disposal
-  Abandoned Mine Site
-  TransCanada Pipeline
-  CNR
-  Private
-  Provincial Highway
-  Township Road
-  Settlement Area
-  Hamlet
-  Institutional
-  Employment
-  Mixed Use
-  Rural
-  Public Parks
-  Environmental Protection
-  Existing ARA Licence



## Bylaw No. 571

Being a Bylaw to prohibit the discharge of guns or other firearms within the limits of the Township of Perry.

Whereas damage to buildings during the summer months is being caused by the shooting of firearms in resort areas. Therefore it is considered expedient and necessary that the discharge of firearms be prohibited during and for a period commencing June 15<sup>th</sup> and ending September 15<sup>th</sup> every year.

Now therefore the Municipal Corporation of the Township of Perry enacts that the discharge of guns or other firearms be prohibited in the Township of Perry for a period commencing June 15<sup>th</sup> and ending September 15<sup>th</sup> every year.

Any person convicted of a breach of the provisions of this By-law shall under the Summary Convictions Act forfeit and pay at the discretion of the Convicting Magistrate a penalty not exceeding the sum of \$50.00 for each offence exclusive of costs.

Read a first, second and third times and finally passed this 3rd day of September 1960.

John Shannon  
Mayor

H. Clifford  
Clerk