

**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.