

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 123-2016

A By-law of the Corporation of the City of Vaughan regulating the discharge of firearms, to repeal By-law Number 21-86, as amended.

WHEREAS section 119 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may, for the purpose of public safety, prohibit or regulate the discharge of guns or other firearms, air-guns, spring-guns, cross-bows, long-bows or any other weapon;

AND WHEREAS section 8(1) of the Municipal Act, 2001 provides that sections 8 and 11 shall be interpreted broadly as to confer broad authority on municipalities to (a) enable them to govern their affairs as they consider appropriate, and (b) enhance their ability to respond to municipal issues;

AND WHEREAS section 425 of the Municipal Act provides for a municipality to pass by-laws providing that a person who contravenes a by-law of the municipality passed under the Act is guilty of an offence;

AND WHEREAS section 426 of the Municipal Act provides that no person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this Act or under a by-law passed under this Act;

AND WHEREAS section 429 of the Municipal Act provides for a municipality to establish a system of fines for offences under a by-law of the municipality passed under this Act;

AND WHEREAS section 436 of the Municipal Act provides for a municipality to pass by-laws that authorize it to enter on land at any reasonable time for the purpose of carrying out an inspection; require information and inspect documents; and take samples;

AND WHEREAS the Council of The Corporation of the City of Vaughan wishes to pass a by-law that for the purpose of public safety and nuisance control, regulates the discharge of guns or other firearms, air-

guns, spring-guns, compound bows, cross-bows, long-bows or any other designated weapon;

NOW THEREFORE the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

SHORT TITLE

1. This By-law shall be known and may be cited as the "Discharge of Firearms By-law."

DEFINITIONS

2. In this By-law,

- a) "City" means the Corporation of the City of Vaughan, in the Regional Municipality of York;
- b) "Chief Firearms Officer" means the person designated as the chief firearms officer for the province of Ontario by the provincial minister of that province;
- c) "Chief of Police" means the Chief of the York Regional Police;
- d) "Designated Weapon" means a *Firearm*, *Prohibited Air Gun*, spring-gun, cross-bow, long-bow, compound-bow or any other similar weapon that can discharge a projectile that is capable of causing serious bodily injury or death;
- e) "Director" means the City's Director of By-law & Compliance, Licensing & Permit Services and shall include his or her designate;
- f) "Firearm" has the same meaning as in the *Criminal Code of Canada*, R.S.C., 1985, c.C.-46 and for purposes of convenience is reproduced here as: 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;

g) "Municipal Enforcement Officer" means a person appointed or employed by the City as a municipal law enforcement officer under Section 15 of the *Police Services Act*, R.S.O. 1990, c.P. 15, as amended;

h) "Prohibited Air Gun" means an air gun capable of a muzzle velocity that exceeds 64.5 metres-per-second.

3. No person shall discharge a *Designated Weapon* within the borders of the City of Vaughan.
4. Notwithstanding Section 3, a Police Officer, Conservation Officer, or Animal Control Officer may discharge a *Firearm* in the exercise of his or her duties.
5. Notwithstanding Section 3, a land owner, or his or her agent, may discharge a *Designated Weapon* solely for the purpose of destroying an animal, subject to the *Migratory Birds Convention Act*, 1994, Chap.22 and the *Fish and Wildlife Conservation Act*, 1997, S.O. 1997, Chap. 41, as amended, to protect and preserve his or her crops, livestock and other property as long as such discharge occurs within the land owner's property and the projectile discharged does not cross the property line, and that such property is zoned as agricultural (i.e., Zone A).
6. Paintball guns not deemed *Prohibited Air Guns* may be used for purposes of conducting paintball in a lawful facility approved for that purpose.
7. No person shall hinder or obstruct a *Municipal Enforcement Officer*, other agent of the City or York Regional Police Officer from entering and inspecting all lands at any reasonable time for purposes of determining whether there is compliance with this By-law.

8. Every person who contravenes this By-law is guilty of an offence and shall, upon conviction thereof, pursuant to Section 429 of the *Municipal Act, 2001*, be subject to the following penalties:
 - a) Upon a first conviction, to a fine of not less than \$300.00 and not more than \$50,000.00;
 - b) Upon a second or subsequent conviction for the same offence, to a fine of not less than \$400.00 and not more than \$100,000.00.
9. The following organizations are granted specific exemptions from the provisions of this By-law as outlined below:
 - A. No Glare Architectural Glass Inc. for the purposes of performing ballistic testing to develop and improve glass products.
 - B. Paramount Canada's Wonderland for the purposes of performing its entertainment shows, from time to time. This exemption is limited to the use of prop guns with blank ammunition only.
 - C. Maple Lions Club for the purpose of conducting its annual Christmas Turkey Shoot, subject to the following conditions:
 - (i) At least 30 days prior to the event, the *Director* and the Office of the *Chief of Police* are notified of the date, time and location of the event;
 - (ii) The discharge of firearms is not open to participation by the general public; and
 - (iii) no live animals are used in any way as part of the event.

10. The exemptions noted in Section 9 apply only if the named organizations maintain a valid Business Firearms Licence as issued by the *Chief Firearms Officer* under the *Firearms Act*, S.C. 1995, c.39, and there is no objection by York Regional Police.

11. Nothing in this By-law shall be interpreted as reducing or eliminating the need for full compliance with the provisions of all applicable Acts of the Province of Ontario and the Government of Canada that relate to the use of *Firearms* or other *Designated Weapons*.

12. By-law Number 21-86, as amended, is hereby repealed.

Enacted by City of Vaughan Council this 20th day of September, 2016.

Hon. Maurizio Bevilacqua, Mayor

Jeffrey A. Abrams, City Clerk