



CORPORATION OF THE TOWN OF HUNTSVILLE

BY-LAW NUMBER 2020–XX

BEING A BY-LAW TO REGULATE THE DISCHARGE OF FIREARMS WITHIN THE TOWN OF HUNTSVILLE

WHEREAS Section 119 of the Municipal Act, 2001, S.O. 2006, c. 32, Sched. A, S. 60, a local 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 it is considered desirable that such power be exercised within the Town;

NOW THEREFORE: the Council of the Corporation of the Town of Huntsville enacts as follows:

1.0 Definitions

In this By-Law:

- 1.1 “**Bow**” means a crossbow, longbow, compound bow, re-curve bow, or any class thereof;
- 1.2 “**By-law Enforcement Officer**” means a person who is appointed by Council to enforce by-laws enacted and passed by Council;
- 1.3 “**Firearm(s)**” means a barreled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing bodily injury or death, and includes air gun, spring-gun, pellet gun or paint ball gun;
- 1.4 “**Person**” means any human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executors or other legal representatives of a Person to whom the context can apply, according to law;
- 1.5 “**Town**” means the Corporation of the Town of Huntsville;

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;
 - a) on any property owned or occupied by the Town or the District of Muskoka, without written permission of the property owner;
 - b) in all lands within the boundaries shown on Schedules A-1, A-2, A-3, A-4, A-5, A-6, A-7 and A-8 of this by-law

- c) within 100 meters (328 feet) of all the following water bodies shown in Schedule A-8:

i)	Vernon Lake	v)	Fairy Lake
ii)	Penninsula Lake	vi)	Mary Lake
iii)	Skeleton Lake	vii)	Lake of Bays
iv)	Lake Waseosa	viii)	Robinson Lake

3.0 Exemptions

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

- (a) a Peace 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 the Federation of Canadian Archers, the Ontario Association of Archers, Ontario Association 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 holds a valid Special Event Permit issued pursuant to the Town's Special Event By-law; and
 - iv) an establishment or business providing paint ball gaming.
- (h) a person discharging a shotgun 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 between the hours of one-half hour after sunrise and one-half hour before sunset and that such discharge occurs on a lot equivalent to 3 hectares (7.4 Acres) or greater in size.
- (i) a person discharging a shotgun or bow for the purposes of target practice or sighting provided that such discharge may only occur between the hours of one-half hour after sunrise and one half hour before sunset and that such discharge occurs on a lot equivalent to 3 hectares (7.4 Acres) or greater in size.

4.0 Firearms By-law Exemption Application Process

- 4.1 Notwithstanding the prohibitions contained in this by-law, any Person may submit a Firearms By-law Exemption Application to the Town. The Town may approve, approve with conditions or refuse to approve a Firearms By-law Exemption Application. An approved Firearms By-law Exemption Application shall specify the time period, during which it is effective and may contain such terms and conditions as the Town sees fit.

- 4.2 To initiate the process for a Firearms By-law Exemption Application, an Applicant shall submit the prescribed form which is available from the Town.
- 4.3 No Person shall make a false or misleading recital of fact, statement or representation on a Firearms By-law Exemption Application.
- 4.4 Upon receipt of a Firearms By-law Exemption Application, the Clerk shall schedule the matter for consideration on the next Development Services Committee Meeting agenda and shall notify the Applicant of the scheduling details. The Applicant and any other Person wishing to speak to the matter shall be given the opportunity to depute the matter before Development Services Committee.
- 4.5 At the Development Services Committee meeting, the onus is on the Applicant to demonstrate cause as to why the Firearms By-law Exemption Application should be approved, with or without Conditions;
- 4.6 Where the Applicant has been provided with notification of the Development Services Committee meeting and does not attend, Committee may proceed to deal with the matter in the absence of the Applicant.
- 4.7 Development Services Committee shall hear the application and ask questions of the By-Law Enforcement Officer, the Applicant if present, and any other Person permitted to be heard.
- 4.8 After hearing all of the submissions, Development Services Committee shall debate the matter and reach a decision.
- 4.9 The decision made by Development Services Committee shall be confirmed by resolution and is final.
- 4.10 A copy of the resolution shall be mailed to the Applicant or be personally served on them.
- 4.11 Where a Firearms By-law Exemption Application is approved, with or without Conditions, no Person shall have a vested right to its continuation or re-issuance.
- 4.12 The term of the approval of any Firearms By-law Exemption Application shall be indicated on the Firearms By-law Exemption Permit. After such time the Firearms By-law Exemption Permit shall become null and void.
- 4.13 The Town may revoke an approved Firearms By-law Exemption Permit when:
 - (a) the Applicant cannot satisfy the Terms required for the Firearms By-law Exemption Permit being sought;
 - (b) the Firearms By-law Exemption Permit holder has failed to remedy any reasonable concern with regard to conditions of a Firearms By-law Exemption Permit;
 - (c) the Applicant has failed to comply with any requirements of this or any other applicable by-law, or any provincial or federal statute or regulation;
 - (d) the Applicant made a material misrepresentation in their Firearms By-law Exemption Application or supporting documentation;
 - (e) the Applicant is not complying with any Terms or Conditions of the approved Firearms By-law Exemption Permit; or
 - (f) the Applicant may have, since receiving the Firearms By-law Exemption Permit, acted in a manner that would appear to give rise to issues relating to the specific grounds for consideration.

- 4.14 Notice of Revocation of a Firearms By-law Exemption Permit issued shall be in a written form and may be communicated to the Applicant by a By-law Enforcement Officer via any one of the following approved methods:
- (a) personal service to the Applicant;
 - (b) mailing the notice through registered mail to the Applicant at the address noted on the Firearms By-law Exemption Application. When notice of the Firearms By-law Exemption Permit revocation is communicated to the Applicant via regular mail, the Firearms By-law Exemption Permit shall be deemed to be suspended or revoked five (5) business days after mailing.
- 4.15 Where a Firearms By-law Exemption Permit is revoked, the Applicant must cease the activity causing the Firearm activity for which they have been exempted and may submit a written appeal to the revocation with the Clerk within five (5) calendar days of receipt of the Notice of Revocation.
- 4.16 Upon receipt of a written appeal to Firearms By-law Exemption Permit revocation, the Clerk shall schedule the matter for consideration on the next Development Services Committee Meeting agenda and shall notify the Applicant of the scheduling details. The Applicant shall be given the opportunity to depute the matter before Development Services Committee.
- 4.17 At the Development Services Committee meeting, the onus is on the Applicant to demonstrate cause why the Firearms By-law Exemption Permit should not be revoked.
- 4.18 Where the Applicant has been provided with notification of the Development Services Committee meeting and does not attend, Development Services Committee may proceed to deal with the matter in the absence of the Applicant.
- 4.19 Development Services Committee shall hear the evidence and ask questions of the By-Law Enforcement Officer, the Applicant if present, and any other Person permitted to be heard.
- 4.20 After hearing all of the evidence and submissions, Development Services Committee shall debate the matter and reach a decision.
- 4.21 The decision made by Development Services Committee shall be confirmed by resolution and is final.
- 4.22 A copy of the resolution shall be mailed to the Applicant or be personally served on them.
- 5.0 **Interpretation**
- 5.1 The regulations established by this by-law apply to the discharge of firearms on all lands and waters with the boundaries of the Town.
- 5.2 The attached Schedules A-1 to A-8 form part of this by-law.
- 5.3 Nothing in this by-law shall be interpreted as reducing or eliminating the need for full compliance with the provisions of all applicable federal and provincial statutes and regulations relating to firearms.
- 6.0 **Entry and Inspection**

- 6.1 An officer may enter upon land at any reasonable time for the purpose of enforcing the by-law or carrying out an inspection to determine whether or not the by-law is being complied with;
- 6.2 Every owner shall permit an Officer to inspect any land for the purposes of determining compliance with this By-law.
- 7.0 **Obstruction:**
- 7.1 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.
- 7.2 Every Person who has been alleged to have contravened any of the provisions of this by-law, shall identify them selves to the Officer upon request, failure to do so shall be deemed to have hindered or obstructed the Officer under section 7.1 of this by-law.
- 8.0 **Penalties:**
- 8.1 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.
- 8.2 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.
- 8.3 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 "B" attached to this By-law.
- 9.0 **Enforcement:**
- 9.1 Nothing in this by-law shall restrict or limit the Ontario Provincial Police to enforce this by-law at any time.
- 10.0 **Repeal:**
- 10.1 That By-law No 95-40 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 "B" of this by-law.
- 11.0 **Severability:**
- 11.1 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 time, this XXth day of XXXXX A.D., 201X.

Mayor (Scott Aitchison)

Clerk (Tanya Calleja)

Read a second and third time and finally passed this XXth day of XXXX A.D., 201X.

Mayor (Scott Aitchison)

Clerk (Tanya Calleja)

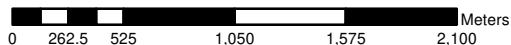
CORPORATION OF THE TOWN OF HUNTSVILLE

**PART I PROVINCIAL OFFENCES ACT
BY-LAW No. 2019-XX
Schedule "B"**

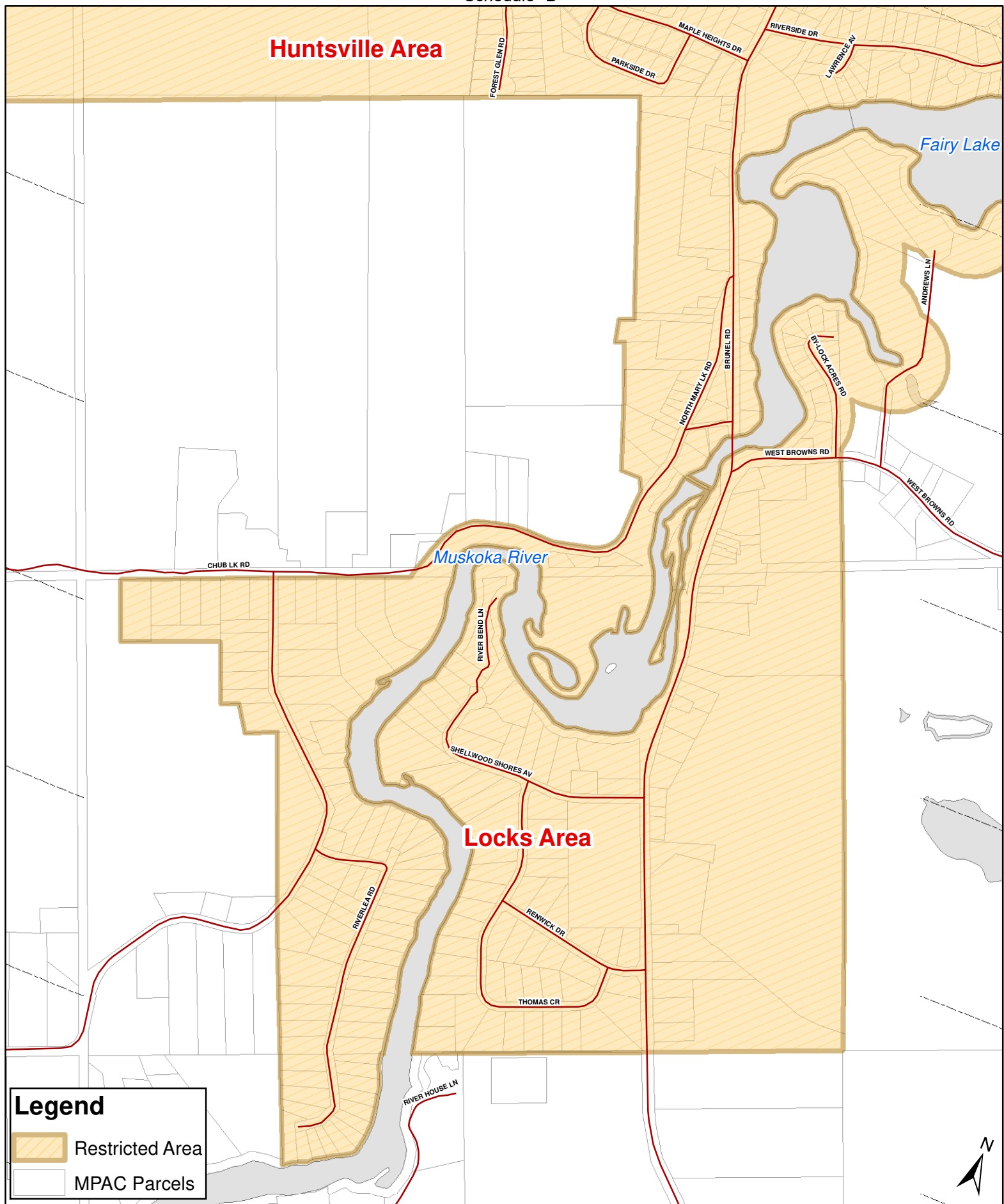
ITEM	Short form Wording	Offence Creating Provision or Defining Offence	Set Fine
1.	Discharge a firearm on a property not permitted	s. 2.1(a)	\$250.00
2.	Discharge a firearm within a prohibited area	s. 2.1(b)	\$250.00
3.	Discharge a firearm within 100 meters of a prohibited body of water	s. 2.1(c)	\$250.00
4.	Hinder or obstruct an officer from performing their duty	s. 7.1	\$300.00

NOTE: The general penalty provision for the offences listed above is Section 8.0 of the By-law 2019-XX, a certified copy of which has been filed.

**DRAFT Schedule A-1 Huntsville Area
Town of Huntsville Firearms By-Law 2020-xx**



June 10, 2020 @ Town of Huntsville
Aiphoote Data Captured: Spring 2018
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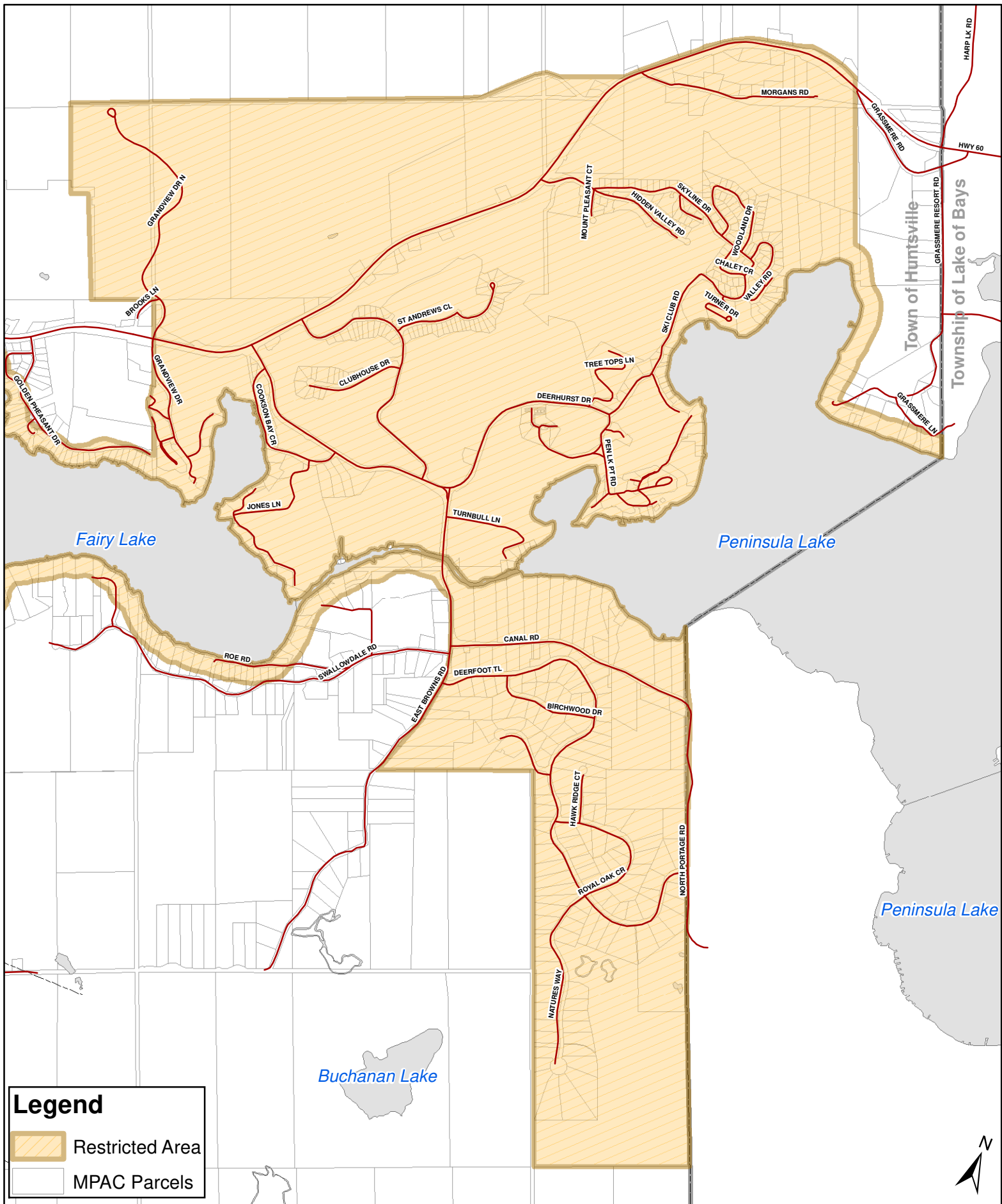
UTM Zone 17 NAD 83



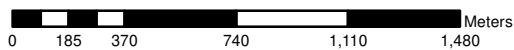
DRAFT Schedule A-2 Locks Area
Town of Huntsville Firearms By-Law 2020-xx

0 75 150 300 450 600 Meters

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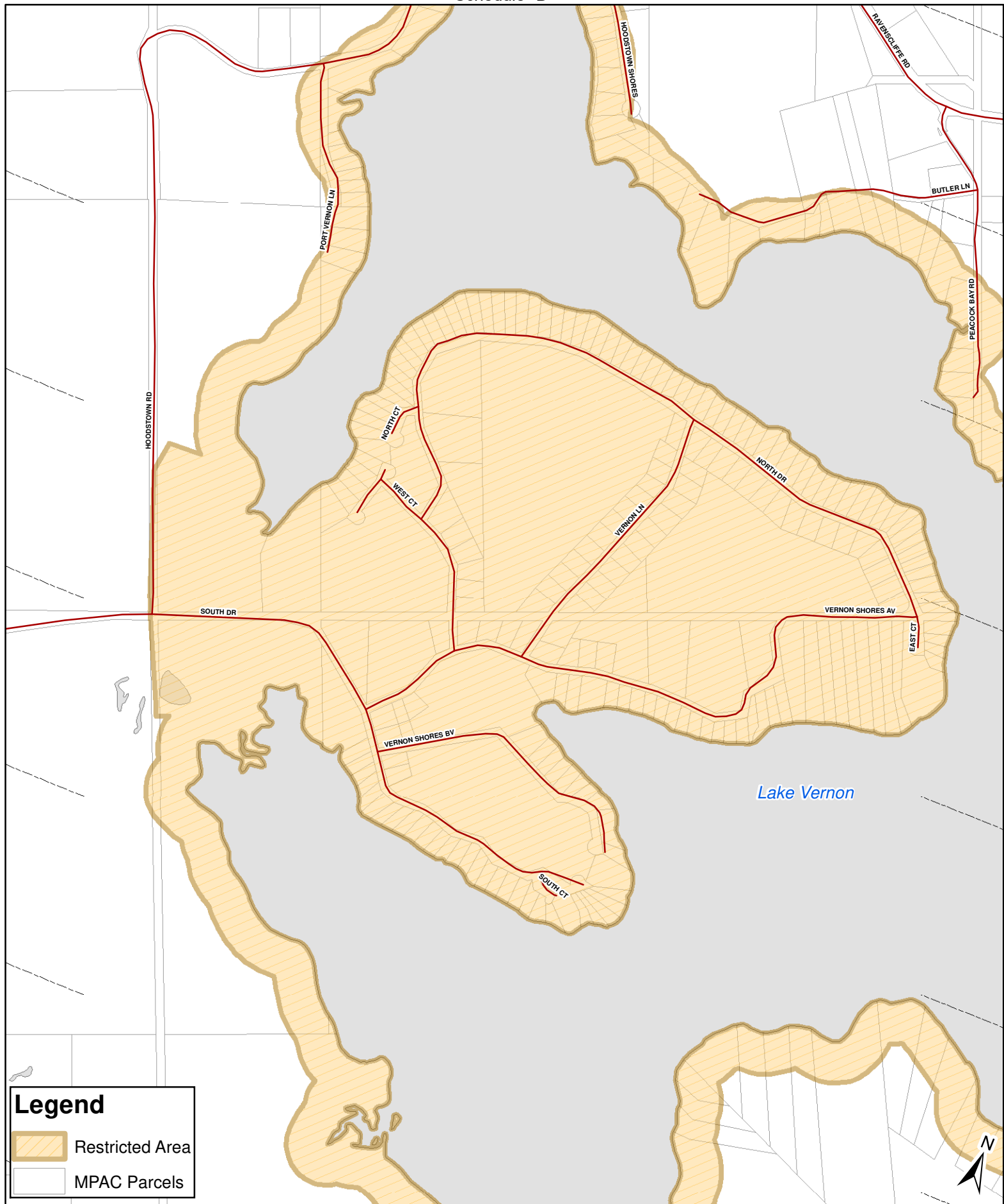


DRAFT Schedule A-3 Hidden Valley Area Town of Huntsville Firearms By-Law 2020-xx



UTM Zone 17 NAD 83

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UTM Zone 17 NAD 83

DRAFT Schedule A-4 Vernon Shores Peninsula Area Town of Huntsville Firearms By-Law 2020-xx

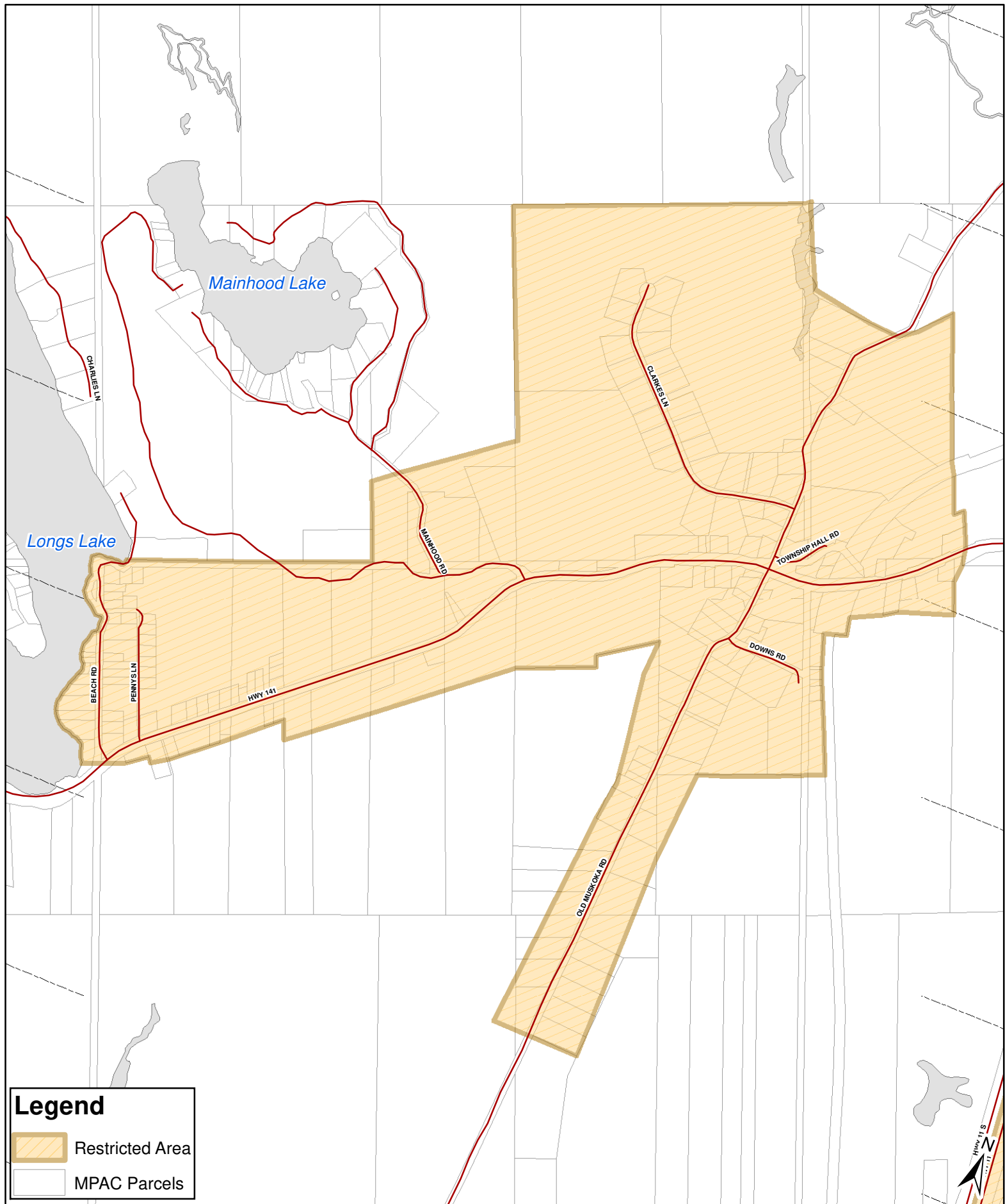


0 87.5 175 350 525 700 Meters

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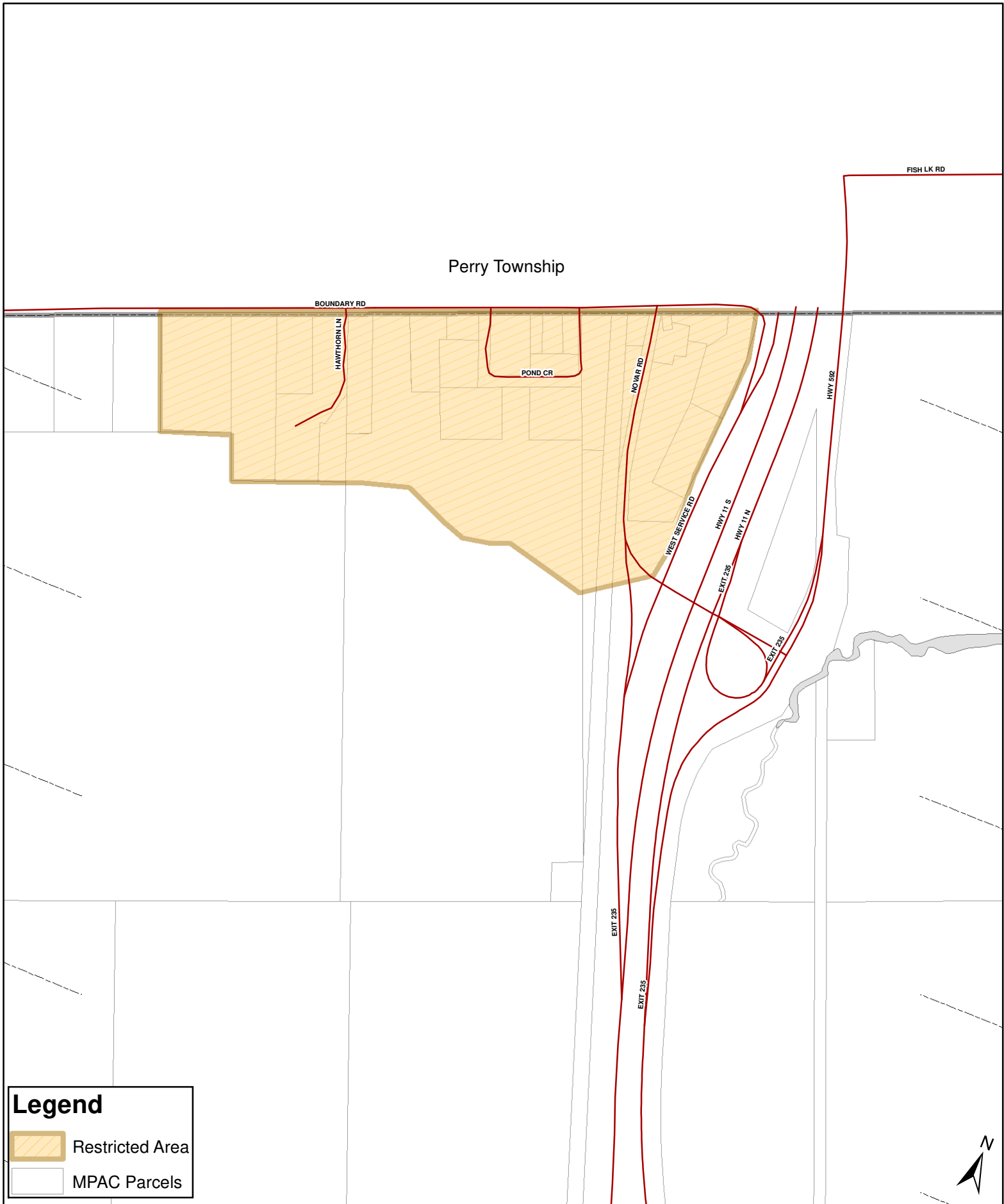
UTM Zone 17 NAD 83



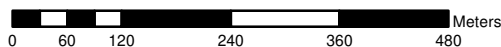
**DRAFT Schedule A-6 Utterson Area
Town of Huntsville Firearms By-Law 2020-xx**

0 100 200 400 600 800 Meters

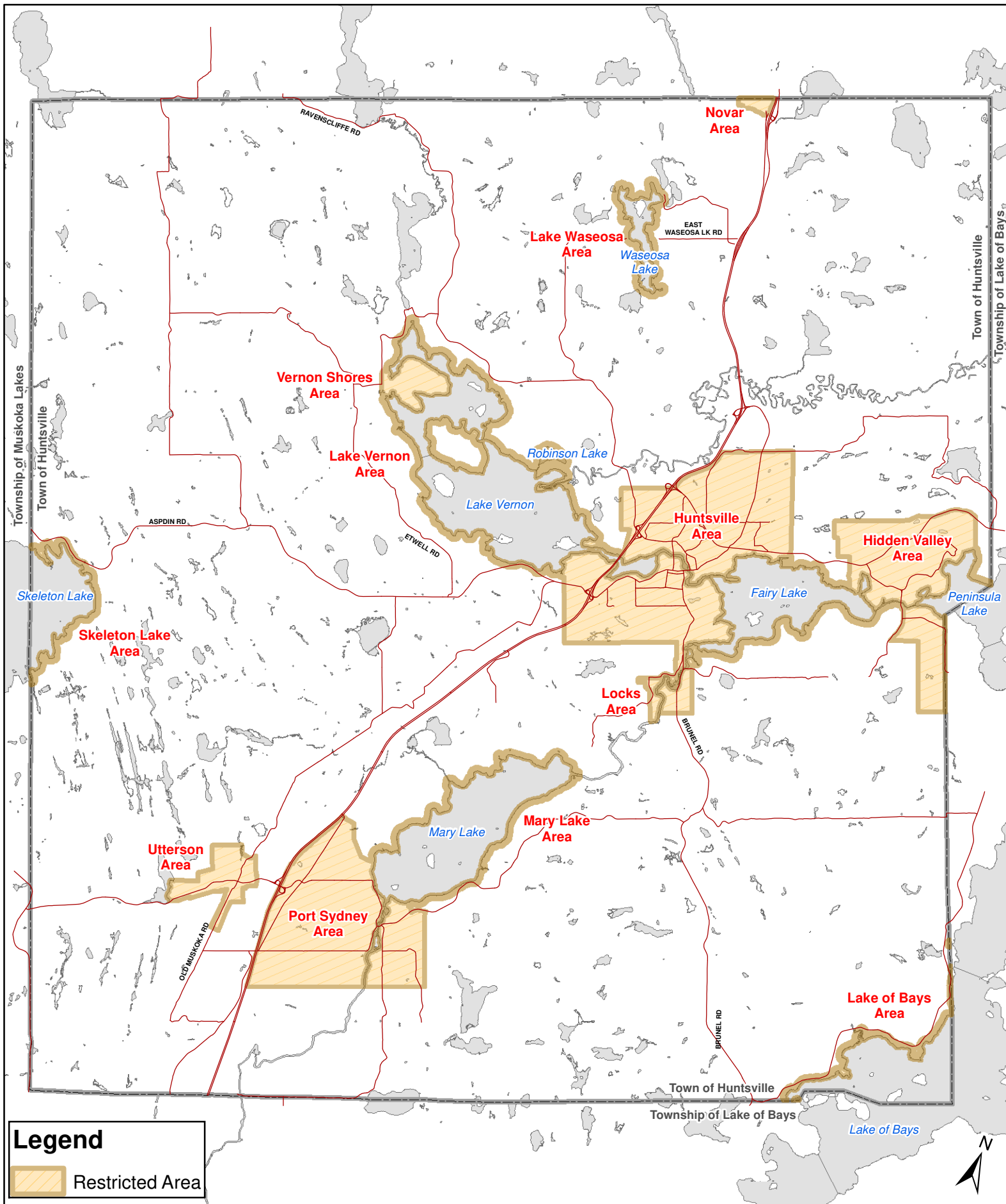
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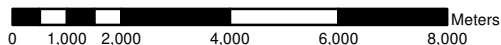
**DRAFT Schedule A-7 Novar Area
Town of Huntsville Firearms By-Law 2020-xx**



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DRAFT Schedule A-8
100 Meters Around Lake Areas
Town of Huntsville Firearms By-Law 2020-xx



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