

## THE CORPORATION OF THE TOWN OF MILTON

### BY-LAW NO. 062-2016

BEING A BY-LAW TO REGULATE THE DISCHARGE OF FIREARMS WITHIN THE TOWN OF MILTON, ONTARIO, CANADA AND TO REPEAL BY-LAW NUMBERS 80-1995, AS AMENDED AND 104-2010

**WHEREAS** Section 9 of the Municipal Act, 2001 S.O. 2001, c.25 provides a municipality the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**AND WHEREAS** Section 11 of the Municipal Act, 2001 S.O. 2001, c.25 provides that municipalities may provide any service or thing that the municipality considers necessary or desirable for the public, including the passing of by-law within the respective sphere of jurisdiction;

**AND WHEREAS** Sections 23 of the Municipal Act, 2001 S.O. 2001, c.25 authorizes a municipality to delegate certain powers and duties;

**AND WHEREAS** Section 119 of the Municipal Act, 2001 S.O. 2001, c.25 authorizes a local municipality for the purpose of public safety to prohibit or regulate the discharge of firearms;

**AND WHEREAS** Section 425 of the Municipal Act, 2001 S.O. 2001, c.25 authorizes a municipality to provide offences for a contravention of a by-law;

**AND WHEREAS** Section 429 of the Municipal Act, 2001 S.O. 2001, c.25 authorizes a municipality to establish a system of fines under a by-law;

**NOW THEREFORE** the Council of the Corporation of the Town of Milton hereby enacts as follows:

#### 1. SHORT TITLE

This by-law may be cited as the “FIREARMS DISCHARGE BY-LAW”

#### 2. DEFINITIONS

- (a) “Firearm(s)” shall mean any type of device from which a projectile can be discharged and that is capable of causing serious bodily injury or death, including, but not limited to, handguns, shotguns, rifles, air or pellet guns, paintball guns, spring-guns, bows, long-bows, compound bows and crossbows.

- (b) “Highway” shall mean a common and public highway and includes a street, public land and road allowance and any bridge, trestle, viaduct or structure that forms part of a highway and all lands between the lateral boundaries;
- (c) “Law Enforcement Officer” shall mean a Police Officer, a member of the Armed Forces of Canada, a peace officer, an Officer appointed under the Fish and Wildlife Conservation Act or the Town’s Municipal By-law Enforcement Officers.
- (d) “Livestock Product” shall be defined as in the Livestock and Livestock Products Act, R.S.O. 1990, c.L.20, as amended, or any successor legislation thereto;
- (e) “Occupier” shall include,
  - (i) a person who is in physical possession of premises, or
  - (ii) a person who has responsibility for and control over the condition of premises or the activities there carried on, or control over persons allowed to enter the premises, even if there is more than one occupier of the same premises; (“occupant”) e.g. an agent
- (f) “Recreational Trail” shall mean a property that is open to the general public for permitted recreational trail uses, and includes any bridge, trestle, viaduct or structure that forms part of a trail and all lands between the lateral boundaries;
- (g) “Regulated Area 1” shall mean the areas in the Town of Milton, Ontario as described in Schedule “A ~~to A8~~” attached hereto which forms a part of this by-law. (amended by by-law 108-2019)
- (h) “Regulated Area 2” shall mean the areas in the Town of Milton, Ontario, as described in Schedules “A ~~to A8~~” attached hereto, which forms a part of this by-law. (amended by by-law 108-2019)
- (i) “Target” shall mean an animal, reptile, bird or object.
- (j) “Shooting Range” a location 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 at in shooting practice or contests.
- (k) “Urban Area” shall mean the areas in the Town of Milton, Ontario as described in Schedules “A ~~to A8~~” attached hereto which forms a part of this by-law. (amended by by-law 108-2019)

- (l) “Town” shall mean the Corporation of the Town of Milton, Ontario and its geographical boundaries.
- (m) “Wildlife” shall be as defined in the Fish and Wildlife Conservation Act, 1997, S.O. 1997, c.41, as amended, or any successor legislation thereto;

### **3. INTERPRETATION**

- 3.1 The regulations established by this by-law apply to the discharge of firearms on all lands and waters with the boundaries of the Town.
- 3.2 The attached Schedules “A to A8”, “B” & “C” form part of this by-law.  
(amended by by-law 108-2019)
- 3.3 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.

### **4. REGULATIONS**

#### **Urban Area**

- 4.1 No person shall discharge, cause to be discharged, or allow to be discharged, a firearm in the urban area of the Town.

#### **Regulated Area 1**

- 4.2 No person shall discharge, cause to be discharged, or allow to be discharged, a firearm in regulated area 1 of the Town unless:
  - (i) the discharge is on privately owned lands or at a target on privately owned land and only if express written permission has been obtained.
  - (ii) the discharge is on publically owned lands, but only when it is expressly posted by the public authority that lawfully owns the land.

#### **Regulated Area 2**

- 4.3 No person shall discharge, cause to be discharged, or allow to be discharged, a firearm in regulated area 2 of the Town unless the said person is a property owner, occupier, or his/her agent, and that person believes on reasonable grounds, that wildlife is threatening to injure or is injuring that person’s property, including, but not limited to crops, livestock product, pets or person(s) on that property and provided that the discharge of the firearm is not within 150 metres, or at any target

within 150 metres of a building or structure (occupied or not) on that property.

### **Compliance**

- 4.4 No person shall discharge or cause to be discharged, or allow to be discharged, a firearm on any property on which the discharge of firearms is permitted unless he or she is in compliance with the provisions of the (Canada) Criminal Code; the (Canada) Firearms Act, any and all other federal or provincial legislation and municipal by-laws relating to firearms.
- 4.5 No person shall discharge or cause to be discharged, or allow to be discharged, a firearm on any private property on which the discharge of firearms is permitted unless he or she is:
- 4.5.1 the owner or occupier of the property, or
  - 4.5.2 has the express written permission of the owner or occupier of the property.

## **5. GENERAL**

Although the provisions of section 4.2, 4.3 & 4.4 allow for the discharge of firearms in certain specified circumstances, no person shall discharge, cause to be discharged or allow to be discharged a firearm in Regulated Area 1 or 2 of the Town of Milton;

- (i) on any property owned or occupied by the Town, without express permission by the Town;
- (ii) on or within 150 metres, or at any target within 150 metres, of any property used for the purposes of a school, place of worship, day nursery, community recreation centre or park;
- (iii) within 150 metres, or at any target within 150 metres of any building or structure (occupied or not).
- (iv) on, across or within 30 metres, of any highway, private road or recreational trail
- (v) for the purpose of detonating “Tannerite” (also known as “Shockwave”) or any other binary explosive that requires a shot by a firearm to initiate a detonation.

## **6. EXEMPTIONS**

Despite the provisions of sections 4 & 5 of this by-law, nothing in the by-law shall serve to prohibit the discharge of a Firearm by:

- (i) A Law Enforcement Officer in the lawful execution of their duties.
  - (ii) Any person, while lawfully discharging a firearm at a rod and gun club, gun club, skeet club or a shooting range which is operating in compliance with all federal and provincial legislation and all municipal by-laws and wherein all necessary and property safety precautions have been implemented to the satisfaction of the Halton Regional Police and full approval has been obtained by the Chief Firearms Officer of Ontario.
  - (iii) The Regional Municipality of Halton or its nominees within the boundaries of the property known municipally as 5400 Regional Road No. 25, Milton, Ontario, owned and operated by the Regional Municipality of Halton, as a waste management site.
  - (iv) A person firing blank ammunition which does not discharge a projectile, for or in connection with its lawful use, in any of the following activities; a motion picture, television or stage production, historical re-enactment or display, starting or controlling a sporting event or in connection with special honour guard tribute by the Royal Canadian Legion or similar community-based event, provided that the person has obtained Town approval and any appropriate permits.
  - (v) An establishment or business providing “paint ball gaming”, at a location zoned for this purpose and duly authorized pursuant to the Town of Milton’s Zoning By-law, as amended.
7. The hours of the operation for gun clubs and skeet clubs shall be as shown on Schedule “B” attached hereto and forming part of this by-law.
  8. The Shooting hours for the Halton Sportsman’s Association shooting range located at 5125 Steeles Avenue, Milton, Ontario shall be as stated on Schedule “C” attached hereto and forming part of this by-law.

## **9. ENFORCEMENT AND PENALTIES**

- 9.1 The applicable Law Enforcement Officer(s) is responsible for enforcing the provisions of this by-law;

- 9.2 A Law Enforcement Officer may enter upon land at any reasonable time for the purpose of enforcing the by-law or carrying out an inspection to determine compliance with the by-law;
- 9.3 Any person who contravenes any provision of this by-law is guilty of an offence; and, upon conviction is liable to a penalty in accordance with the Provincial Offences Act and to any other applicable penalties.
- 9.4 For the purpose of subsection 9.3 an offence is a subsequent offence if there has been a previous conviction under this by-law as prescribed by the Provincial Offences Act, R.S.O. 1990, C. P. 33, as amended, or any successor legislation thereto.

## **10. REPEAL OF EXISTING BY-LAW**

- 10.1 By-law Nos. 80-1995, as amended and 104-2010 be hereby repealed in their entirety.

## **11. VALIDITY**

- 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.

## **12. EFFECTIVE DATE**

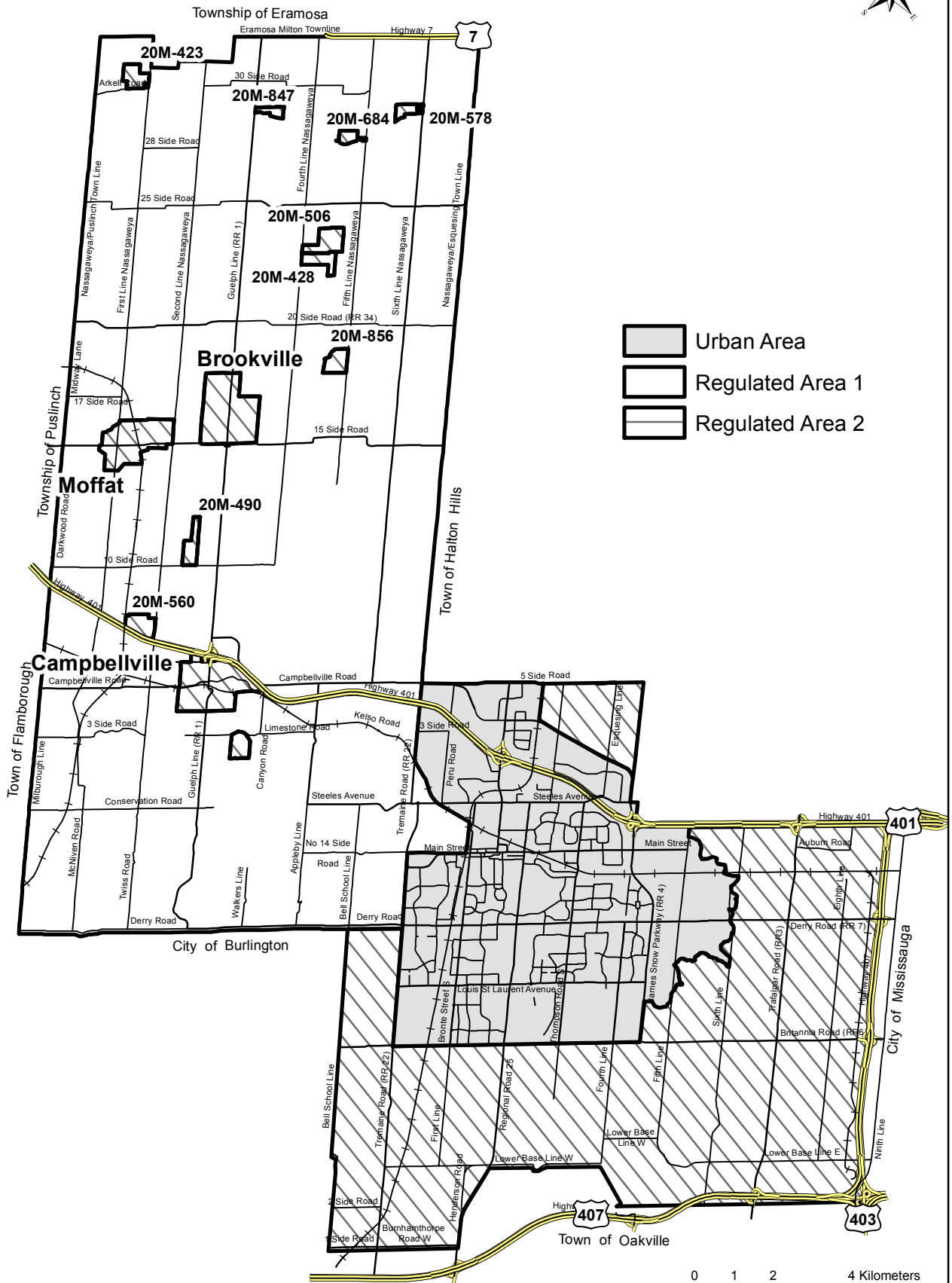
- 12.1 This by-law shall come into full force and effect on the date of the final passing.

**PASSED IN OPEN COUNCIL ON JULY 26, 2016.**

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Gordon A. Krantz Mayor

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Troy McHarg Town Clerk

# SCHEDULE "A" to BY-LAW NO. 108-2019



**SCHEDULE “B” to BY-LAW NO. 062-2016**

**Dates and times when rod & gun, gun and skeet clubs are authorized to operate:**

<b>MONTH(S)</b>	<b>DAY</b>	<b>TIMES</b>
January	Third Sunday	9:00 a.m. to 3:00 p.m.
January – December (inclusive)	Second & Third Saturday	12:00 p.m. to 3:00 p.m.
May – October (inclusive)	Third Sunday	9:00 a.m. to 3:00 p.m.
June – September (inclusive)	Wednesdays	6:00 p.m. to 8:00 p.m.
October	First Sunday	10:00 a.m. to 4:00 p.m.
December	Second Sunday	9:00 a.m. to 3:00 p.m.
	Good Friday (whichever month it falls in)	9:00 a.m. to 4:00 p.m.



**SCHEDULE “C” to BY-LAW NO. 062-2016**

**Shooting Hours for the Halton Sportsman Association’s Shooting Range – 5125 Steeles Avenue, West, Milton, ON L9Y 2Y3:**

<b>DAYS</b>	<b>TIMES</b>
Monday to Friday (excluding statutory holidays)	9:00 a.m. to dusk
Saturdays, Sundays and Statutory Holidays	9:00 a.m. to 4:00 p.m.