



City of  
**Peterborough**

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**To:** **Members of the Committee of the Whole**

**From:** **Patricia Lester, City Solicitor and Director of Legal Services**

**Meeting Date:** **September 21, 2015**

**Subject:** **Report OCS15-006**  
**A New By-law to Replace the Existing Firearms Discharge**  
**By-law**

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## **Purpose**

A report to recommend that a new by-law be enacted to prohibit the use of firearms in the City of Peterborough, and that the existing by-law be repealed.

## **Recommendations**

That Council approve the recommendations outlined in Report OCS15-006 dated September 21, 2015, of the City Solicitor and Director of Legal Services, as follows:

- a) That a new by-law be passed by City Council to prohibit the use of firearms in the City of Peterborough, and
- b) That the existing Firearms Discharge By-law, Chapter 671 of the Peterborough Municipal Code and By-laws 1985-165 and 93-188 be repealed.

## **Budget and Financial Implications**

There are no budget or financial implications to receiving this report.

## **Background**

Every year, the City of Peterborough responds to telephone and online enquiries from the public about our firearms by-law. The current Firearms Discharge By-law has not been reviewed since 1994 and it does not clearly define what constitutes a “firearm”. Upon review of other municipal by-laws, the current Firearms by-law does not prohibit the use of a bow, within the geographic boundaries of the City of Peterborough nor is the offence section of the by-law clear.

The proposed new by-law will define more comprehensively, a “bow” and a “firearm”, as follows:

### **Definitions**

Bow - means a compound bow, cross bow, long bow, re-curve bow or any other class or type thereof from which any arrow or other projectile can be discharged and that is capable of causing bodily injury or death to a person;

Firearm - means any barrelled weapon from which any shot, bullet, missile or other projectile can be discharged and that is capable of causing bodily injury or death to a person, and includes anything that can be adapted for the use as a Firearm, and for the purpose of this By-law includes an air gun, air soft gun, Bow, paint ball gun, slingshot and spring gun or any class or type thereof.

### **Exemptions**

The exemptions in the current by-law for the police, animal control officers and employees at the Riverview Park and Zoo, will continue to apply to the proposed by-law. In addition, the proposed by-law will have further exemptions for individuals who are firing blank ammunition in the discharge of a firearm for the purposes of a ceremonial event, film or television production or a sporting event, or individuals who are discharging a bow that has been modified so that it is incapable of causing bodily injury or death.

The exemptions in the proposed by-law also apply to an owner or occupier of property that is owned by the police or the military for the training of officers and for property that is being used for a sanctioned event at gun clubs, rifle and archery ranges, and paint ball facilities.

The Peterborough Police and the Municipal Prosecutor have reviewed the proposed by-law and have commented favourably on the wording and intent of the by-law. The proposed set fine is \$125, with the total payable, after the Victim Fine Surcharge and costs added, will be \$155. This set fine is comparable to other municipalities. An application for short form wording and a set fine has been prepared for the Chief Justice of the Ontario Court of Justice.

## Summary

The new Firearms Discharge by-law will more comprehensively describe what constitutes a “firearm”; will expand the exemption section to include sanctioned events where firearms are used for ceremonial events, media productions and sporting events.

Patricia Lester  
City Solicitor & Director of Legal Services

Contact Name:

Patricia Lester  
City Solicitor & Director of Legal Services  
Phone: 705-742-7777, Extension 1603  
Toll Free: 1-855-738-3755  
Fax: 705-742-3947  
E-mail: [plester@peterborough.ca](mailto:plester@peterborough.ca)

Attachments:

Appendix A – Draft Firearms Discharge By-law

## Appendix A

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### The Corporation of the City of Peterborough

#### By-Law Number 15-xxx

#### Being a By-law to repeal Chapter 671 of the City of Peterborough Municipal Code – Firearms – Discharge, By-law 93-188, By-law 1985-165 and enact City of Peterborough Firearms Discharge By-law Number 15-xxx

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**Whereas** subsection 10(2) of the *Municipal Act, 2001, S.O. 2001, c.25* as amended (the “*Act*”), provides that a municipality may enact By-laws for the health, safety and well-being of persons and for the protection of persons and property;

**And Whereas** section 119 of the *Act* provides that a municipality may, for the purpose of public safety, prohibit or regulate the discharge of Firearms or other weapons in the municipality;

**And Whereas** the Council of the Corporation of the City of Peterborough considers it desirable to repeal Chapter 671 of the Peterborough Municipal Code Firearms – Discharge, By-law 93-188 and By-law 1985-165 and replace them with this Firearms Discharge By-law;

**Now Therefore** the Corporation of the City of Peterborough enacts as follows;

#### Article 1 - Definitions

- 1.1 Act** - means any *Act*, regulation, order, Order in Council, approval or any other instrument adopted or obtained under the authority of an *Act*;
- 1.2 Bow** - means a compound bow, cross bow, long bow, re-curve bow or any other class or type thereof from which any arrow or other projectile can be discharged and that is capable of causing bodily injury or death to a person;
- 1.3 City, City of Peterborough or Peterborough** – means, as the context requires, The Corporation of the City of Peterborough or the municipal boundary of the City of Peterborough;
- 1.4 Firearm** - means any barrelled weapon from which any shot, bullet, missile or other projectile can be discharged and that is capable of causing bodily injury or death to a person, and includes anything that can be adapted for the use as a Firearm, and for the purpose of this By-law includes an air gun, air soft gun, Bow, paint ball gun, slingshot and spring gun or any class or type thereof;

- 1.5 Municipal Law Enforcement Officer** – means a person that is employed and appointed by the City to perform the duties of enforcing City By-laws;

## **Article 2 - Prohibition**

- 2.1** No person shall discharge, cause to be discharged, or permit to be discharged a Firearm within the City of Peterborough.

## **Article 3 - Exemptions**

- 3.1** The prohibition in Article 2 does not apply to:

- a. a peace officer who is authorized to carry a Firearm by any *Act* of the Province of Ontario or the Government of Canada and who discharges a Firearm in the lawful performance of their 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 and who discharges a Firearm in the lawful performance of those duties;
- c. a person who lawfully discharges a Firearm or Bow in a building or on a property where a Firearm or Bow may be discharged under Article 3.2 of this by-law;
- d. the Manager of Animal Control Services for the City, or a designated Animal Control Officer, who discharges a Firearm in the lawful performance of his or her employment duties in order to kill an animal that is rabid and poses a threat to public safety or to alleviate the suffering of an animal, or to subdue sick, injured or animals in distress;
- e. any person appointed from time-to-time by the Peterborough Utilities Commission as a Curator, Zookeeper, or Groundskeeper for the Riverview Park and Zoo may discharge any Firearm in the performance of their duties, for animal control purposes, on those lands described as the Riverview Park and Zoo in the City of Peterborough;
- f. a person who is firing blank ammunition in the discharge of a Firearm for the purposes of:
  - i. a ceremonial event, historical display or educational programme;
  - ii. a theatrical, film or television production, or
  - iii. a sporting event; or

- g. a person who is firing an arrow or other projectile in the discharge of a Bow where one of the Bow, the arrow, or other projectile is modified so that the discharged arrow or projectile is incapable of causing bodily injury or death to a person;
- h. a person who discharges a bow, when the discharge occurs at a competition or educational event which has been sanctioned by the Federation of Canadian Archers, the Ontario Association of Archers, Ontario Association of Anglers and Hunters, Saugeen Shafts, or the Peterborough Fish and Game Association.

**3.2** The prohibition in Article 2 does not apply to an owner or occupier of a property:

- a. that is owned by the Peterborough Police Service, Ontario Provincial Police, Royal Canadian Mounted Police, or the Department of National Defence for the training of their personnel;
- b. during the time in which the property is being used or operated by the Peterborough Police Service, Ontario Provincial Police, Royal Canadian Mounted Police or the Department of National Defence for the training of their personnel and for no other time;
- c. that is permitted to operate as a gun club, trap and skeet club, rifle range, archery range, paint ball facility or other facility for the use of Firearms that is in compliance with all applicable municipal, provincial and federal requirements; or
- d. during the time in which the property is being used for a sanctioned competition or educational event.

**3.3** None of the exemptions in Article 3 may be interpreted or construed to permit the discharge of a Firearm or Bow by any person for the purpose of hunting within the City of Peterborough.

**Article 4 - Enforcement**

**4.1** Police officers employed by the Peterborough Police Service and Municipal Law Enforcement Officers are responsible for enforcing the provisions of this By-law.

**Article 5 - Penalty**

**5.1** Every person who contravenes any provision of this By-law, is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, and the *Municipal Act*, 2001, as each may be amended from time to time.

**Article 6 – Short Title**

**6.1** This By-Law may be referred to as the Firearms Discharge By-law.

**Article 7 – Effective Date and Repeal**

**7.1** This By-law comes into effect on the day it receives third reading.

**7.2** Chapter 671 of the Peterborough Municipal Code, By-law 93-188 and By-law 1985-165 are repealed on the date this By-law is read for a third time.

By-Law read a first, second and third time this                      day of, 2015.

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Daryl Bennett, Mayor

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John Kennedy, City Clerk