CONSOLIDATED

THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE

BY-LAW NO. 56/2016

Being a By-law to Regulate the Discharge of Firearms within the Municipality of Port Hope

WHEREAS section 119 of the Municipal Act, 2001 authorizes municipalities to enact By-laws, for the purpose of public safety, to prohibit or regulate the discharge of firearms;

AND WHEREAS Council deems it advisable to enact a by-law to regulate the discharge of firearms within the Municipality of Port Hope;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE ENACTS AS FOLLOWS:

1. **Definitions:**

“binary target” means any target that when hit with a projectile or bullet discharged from a firearm creates an explosive reaction ;

“conservation area” means land in the Municipality of Port Hope owned by the Ganaraska Region Conservation Authority;

“dwelling unit” means a suite operated as a housekeeping unit, used or intended to be used by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities and includes a residential unit used on a seasonal or part-time basis;

“firearm” includes any type of gun or other firearm, air gun, spring gun, pellet gun, tranquillizer gun, paint ball gun, cross-bow and long-bow;

“highway” means a common and public highway, and includes a street, public lane and road allowance and any bridge, trestle, viaduct or structure that forms part of a highway and all lands between the lateral boundaries;

“municipality” shall mean the Municipality of Port Hope;

“park” means a recreational area that is open to the general public for permitted recreational uses, and includes picnic areas and sports fields;

“police officer” means a police officer employed by the Ontario Provincial Police or the Port Hope Police Services;

“private road” means a privately-owned street or lane used by members of the general public for the passage of motor vehicles;

“property” means a parcel of land and any buildings or structures on the land, and includes a portion of a property;

“settlement area” means within the boundaries of the Urban Area (former Town of Port Hope) and within the boundaries of the hamlet designations of Welcome, Canton, Campbellcroft, Garden Hill, Elizabethville and Osaca as set out in the Municipality of Port Hope Official Plan;

“school” includes an elementary school, secondary school, community college, university or other post-secondary institution, and any private school or college;

2. **Regulations:**

2.1 No person shall discharge a firearm within a settlement area.

2.2 No person shall discharge a firearm outside of a settlement area:

(a) On any property owned or occupied by the Municipality or the County of Northumberland, except when having expressed permission thereof;

(b) On or within 150 metres of any property used for the purposes of a school, place of worship, day nursery, community recreation centre, park or campground;

(c) Within 150 metres of any conservation area where hunting is prohibited;

(d) Within 150 metres of any dwelling, other than a dwelling owned or lawfully occupied by the person discharging the firearm or a person having the express permission of the owner or lawful occupier of that property in accordance with the provisions of the (Ontario) Trespass to Property Act;

(e) On, across or within 8 metres of any highway, private road, or recreational trail, or

(f) Within 10 metres of any property other than those properties referred to in clauses 2.2(b), (c), (d) and (e);

(g) Outside the hours of 7:00 a.m. to 7:00 p.m., however in no season may a firearm be discharged later than one half-hour after sunset;

(h) On any parcel of land less than 4.05 hectares (10 acres) in size.

2.3 The use of binary targets is prohibited within the Municipality of Port Hope.

3. **Exemptions:**

<u>Exempted Individuals</u>

3.1 The regulations established in Section 2 regarding the discharge of firearms do not apply to the following persons in the performance of their duties:

(a) A police officer;

(b) An animal control officer, conservation officer, or inspector or Agent of the Ontario Society for the Prevention of Cruelty to Animals.

3.2 The regulations established in Section 2.2 regarding the discharge of firearms do not apply to a person who:

(a) Has reasonable grounds to believe that wildlife is damaging or is about to damage his or her property. In that situation you may harass, capture or kill wildlife on your own land to stop that wildlife from damaging your property;

(b) Protecting his or her property from damage by migratory birds in accordance with a permit under section 25 or section 26 of the (Canada) Migratory Birds Regulations;

(c) Firing blank ammunition for the purposes of (i) a ceremonial event, historical display or educational program, (ii) a theatrical film or television production; (iii) a sporting event; or (iv) the training of animals;

(d) Implementing remedial actions to reduce wildlife hazards on airport/aerodrome lands to accommodate aircraft and airport/aerodrome operation;

(e) Hunting following all provincial rules and regulations.

3.3 Any person using an air gun, pellet gun, paint ball gun, cross-bow and long-bows are exempt from section 2.2 (g) and (h).

Exempted Properties

3.4 The regulations established in Section 2.2 do not apply to the lawful discharge of firearms on the following properties:

(a) A facility operated or utilized by police officers for training purposes;

(b) 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.

(c) The 116 Royal Canadian Sea Cadet Corp Skeena – Air Rifle Marksmanship Competition.
(By-law 08-2024, Feb 13/24)

4. Interpretation:

4.1 The regulations established by this By-law apply to the discharge of firearms on all lands and waters within the boundaries of the Municipality.

4.2 The use of the word “includes” in Part 1 of this By-law is not to be interpreted as limiting the meaning of a word or term to the phrases or descriptions that follow.

4.3 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.

5. Compliance with Federal and Provincial Requirements:

5.1 No person shall discharge 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 and all other federal requirements relating to firearms.

5.2 No person shall discharge a firearm for the purpose of hunting on any property on which the discharge of firearms is permitted unless he or she is in compliance with the provisions of the (Ontario) Migratory Birds Regulations and all other applicable regulations relating to hunting in Ontario.

6. Enforcement:

6.1 Police Officers employed by the Ontario Provincial Police, Port Hope Police Services and, where appropriate, the Municipality’s By-law

Enforcement Officers are responsible for enforcing the provisions of this By-law.

6.2 No person shall obstruct or hinder or attempt to obstruct a Police Officer or a By-law Enforcement Officer who is performing a duty under this By-law.

7. Offence and Penalty Provisions:

7.1 Any person who contravenes the provisions of this By-law is guilty of an offence and, upon conviction, is subject to a fine as provided in the (Ontario) Provincial Offences Act and to any other applicable penalties.

7.2 If this By-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

8. Administration:

8.1 If a court of competent jurisdiction declares any provision or any part of a provision of this By-law to be invalid, or to be of no force or effect, it is the intention of Council in enacting this By-law that each and every provision of this By-law authorized by By-law be applied and enforced in accordance with its terms to the extent possible according to law.

8.2 This By-law shall be superseded by all Provincial and Federal Statutes, Regulations and Laws relating to the handling and discharge of firearms.

8.3 This By-law shall repeal By-law 1409 passed by the former Township of Hope, and By-law 2405-62 passed by the former Town of Port Hope.

8.4 This By-law shall come into force and take effect on the date that it is given third reading and passed.

READ a FIRST, SECOND and THIRD time and finally passed in Open Council this 20th day of September 2016.

Original signed by R.J. Sanderson

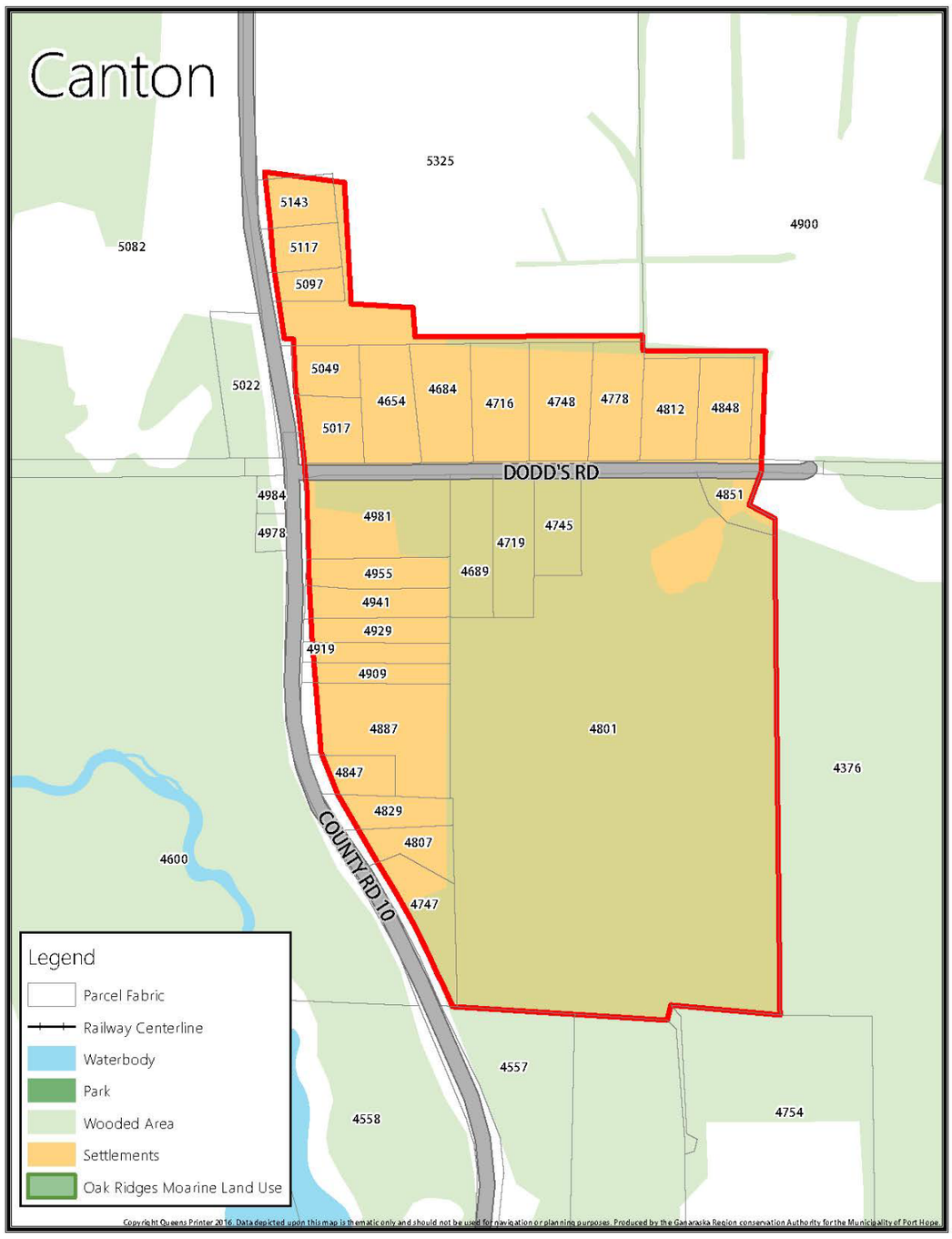
R.J. Sanderson, Mayor

Original signed by B. Gilmer

B. Gilmer, Municipal Clerk

By-law 72-2019 – November 5, 20219 – exemption to By-law 56-2016 re 116 Royal Canadian Sea Cadet Corp Skeena – Air Rifle Marksmanship Competition

By-law 08-2024 – February 13, 2024 – added 3.4 c) re 116 Royal Canadian Sea Cadet Corp Skeena – Air Rifle Marksmanship Competition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5017
DODD'S RD
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4719
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COUNTY RD 10
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Legend
Parcel Fabric
Railway Centerline
Waterbody
Park
Wooded Area
Settlements
Oak Ridges Moarine Land Use
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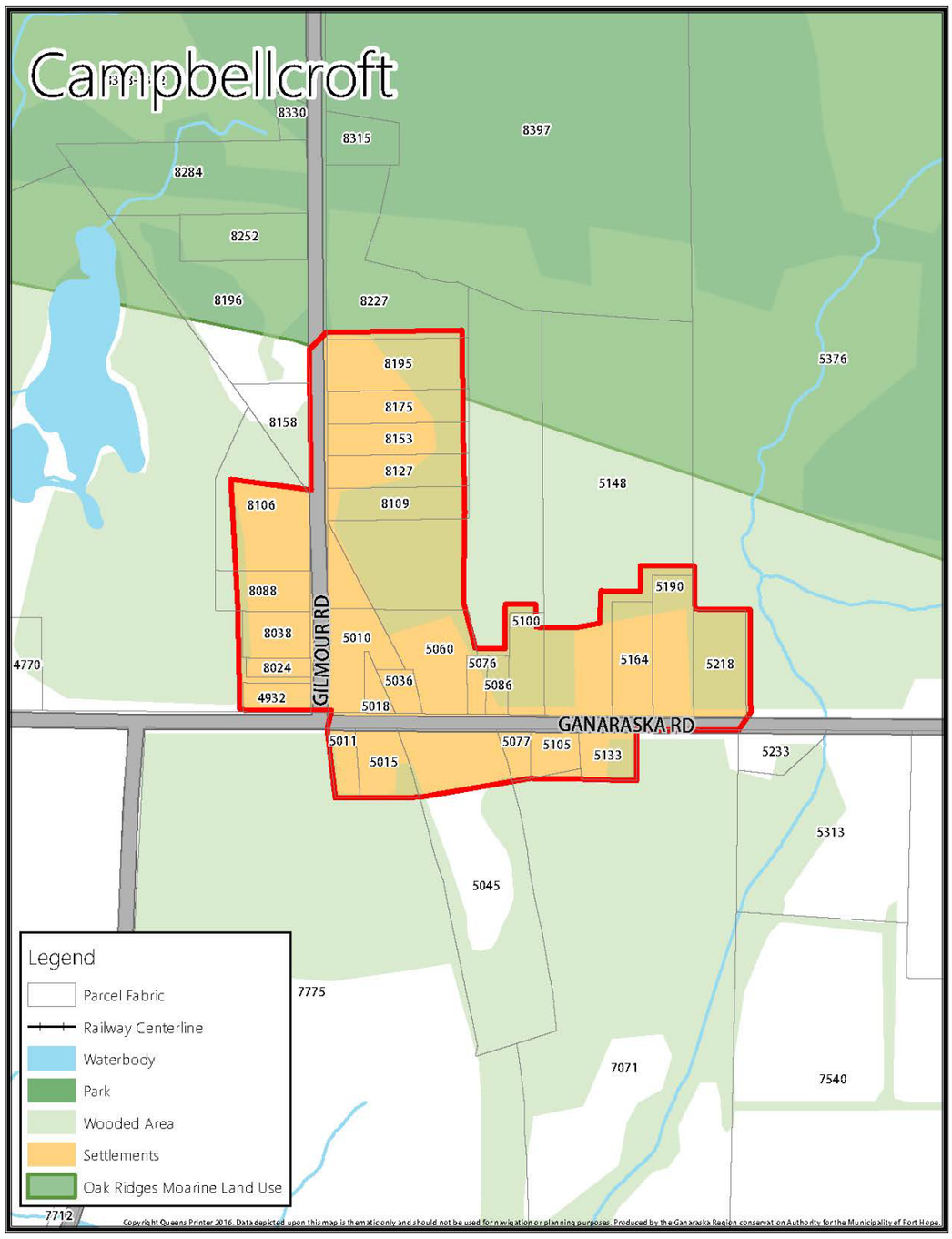
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5010
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5076
5086
5036
5018
5100
5190
5164
5218
GILMOUR RD
GANARASKA RD
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5015
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5233
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5045
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Legend
Parcel Fabric
Railway Centerline
Waterbody
Park
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Oak Ridges Moarine Land Use
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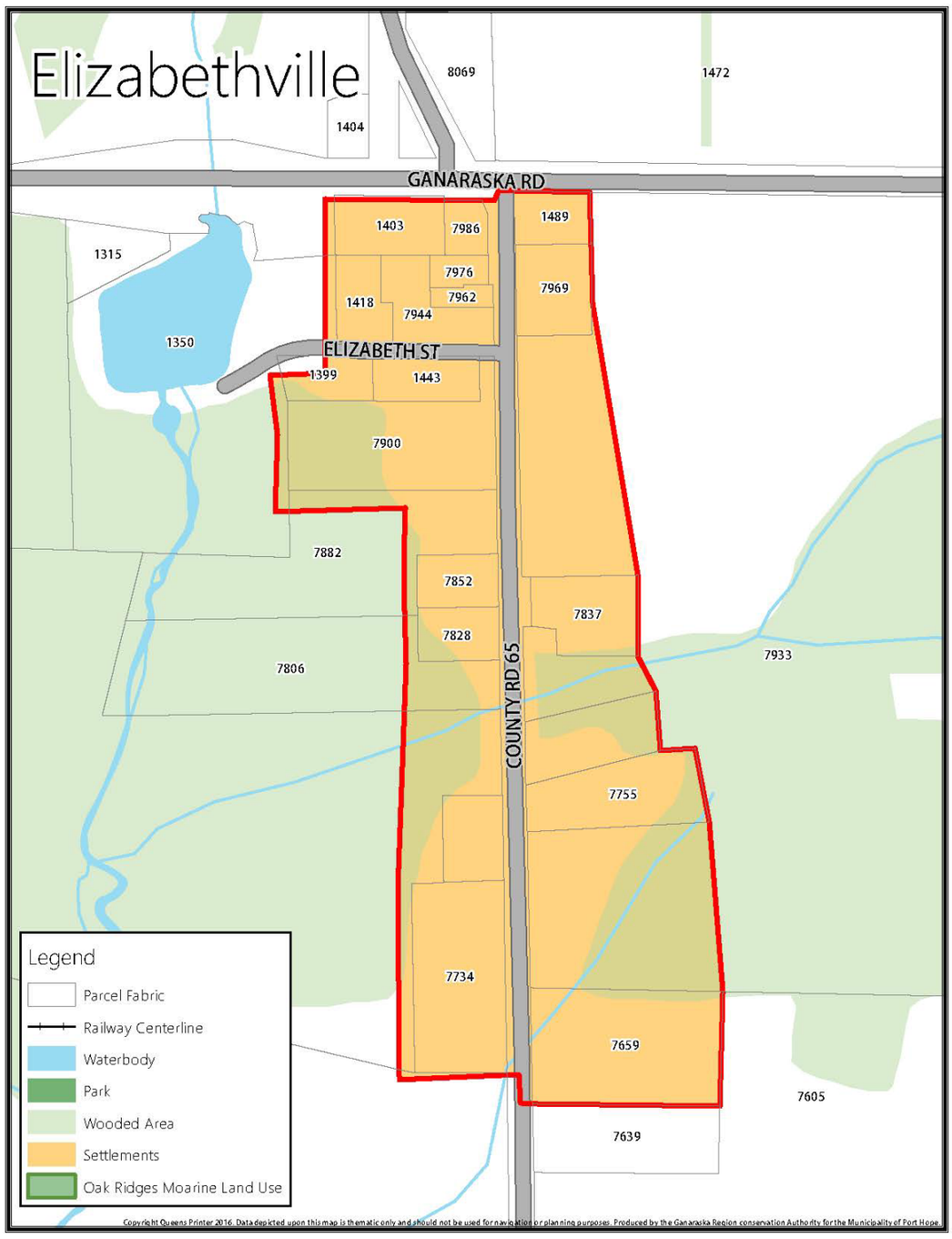
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ELIZABETH ST
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7806
COUNTY RD 65
7755
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Legend
Parcel Fabric
Railway Centerline
Waterbody
Park
Wooded Area
Settlements
Oak Ridges Moarine Land Use
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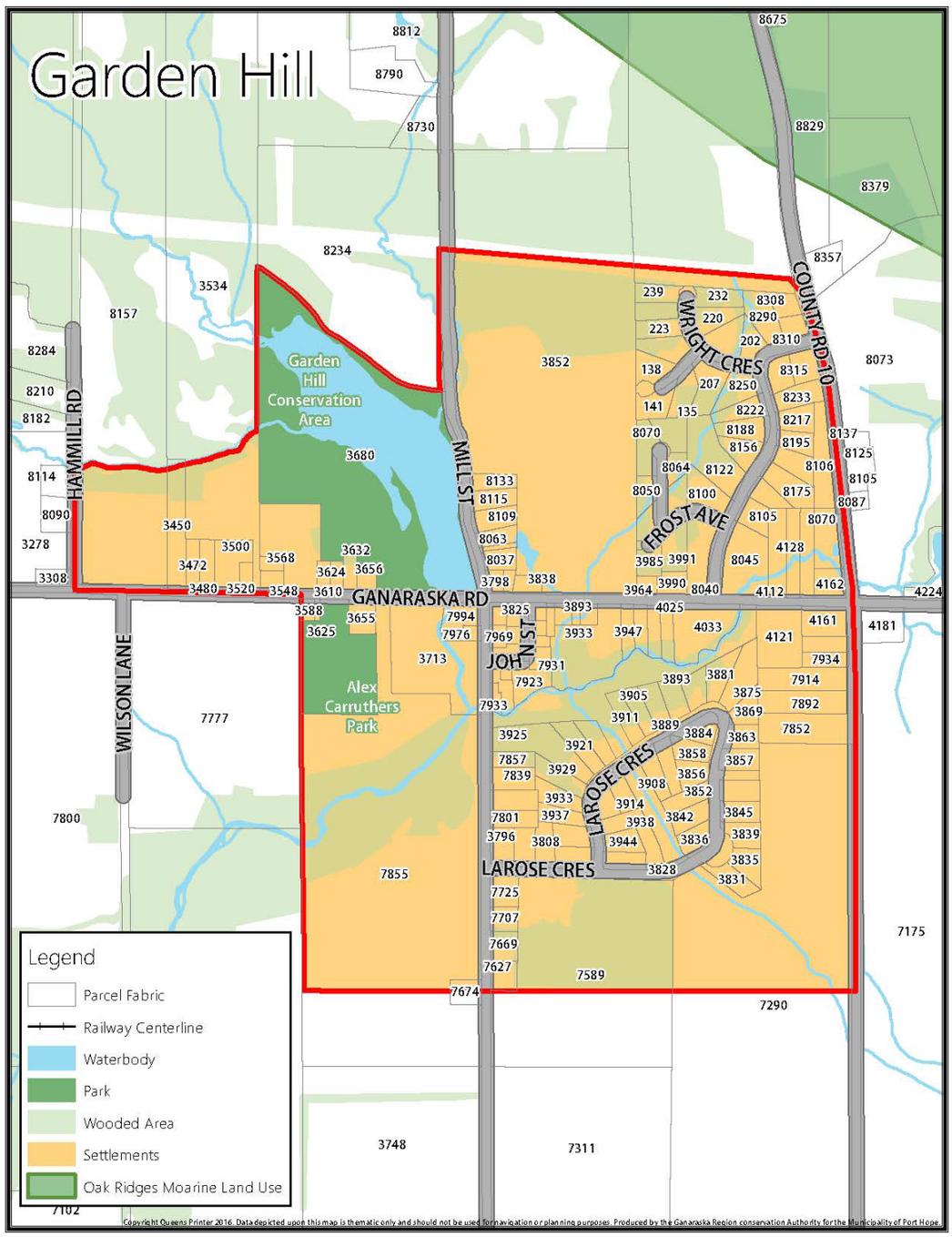
Garden Hill
Garden Hill Conservation Area
Alex Carruthers Park
HAMMILL RD
WILSON LANE
MILL ST
JOHN ST
GANARASKA RD
WRIGHT CRES
FROST AVE
LAROSE CRES
COUNTY RD 10
Legend
Parcel Fabric
Railway Centerline
Waterbody
Park
Wooded Area
Settlements
Oak Ridges Moarine Land Use
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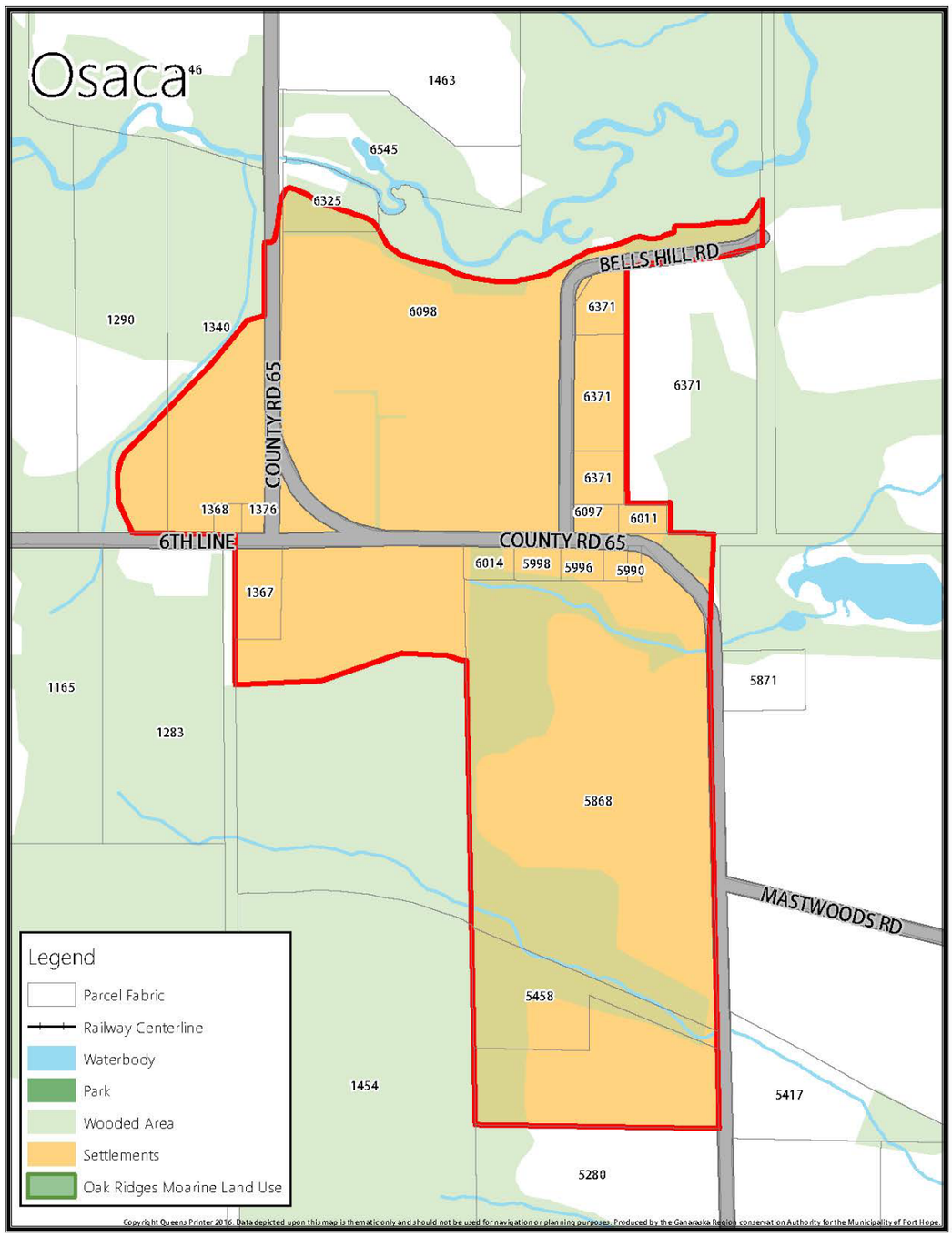
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6TH LINE
COUNTY RD 65
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MASTWOODS RD
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Parcel Fabric
Railway Centerline
Waterbody
Park
Wooded Area
Settlements
Oak Ridges Moarine Land Use
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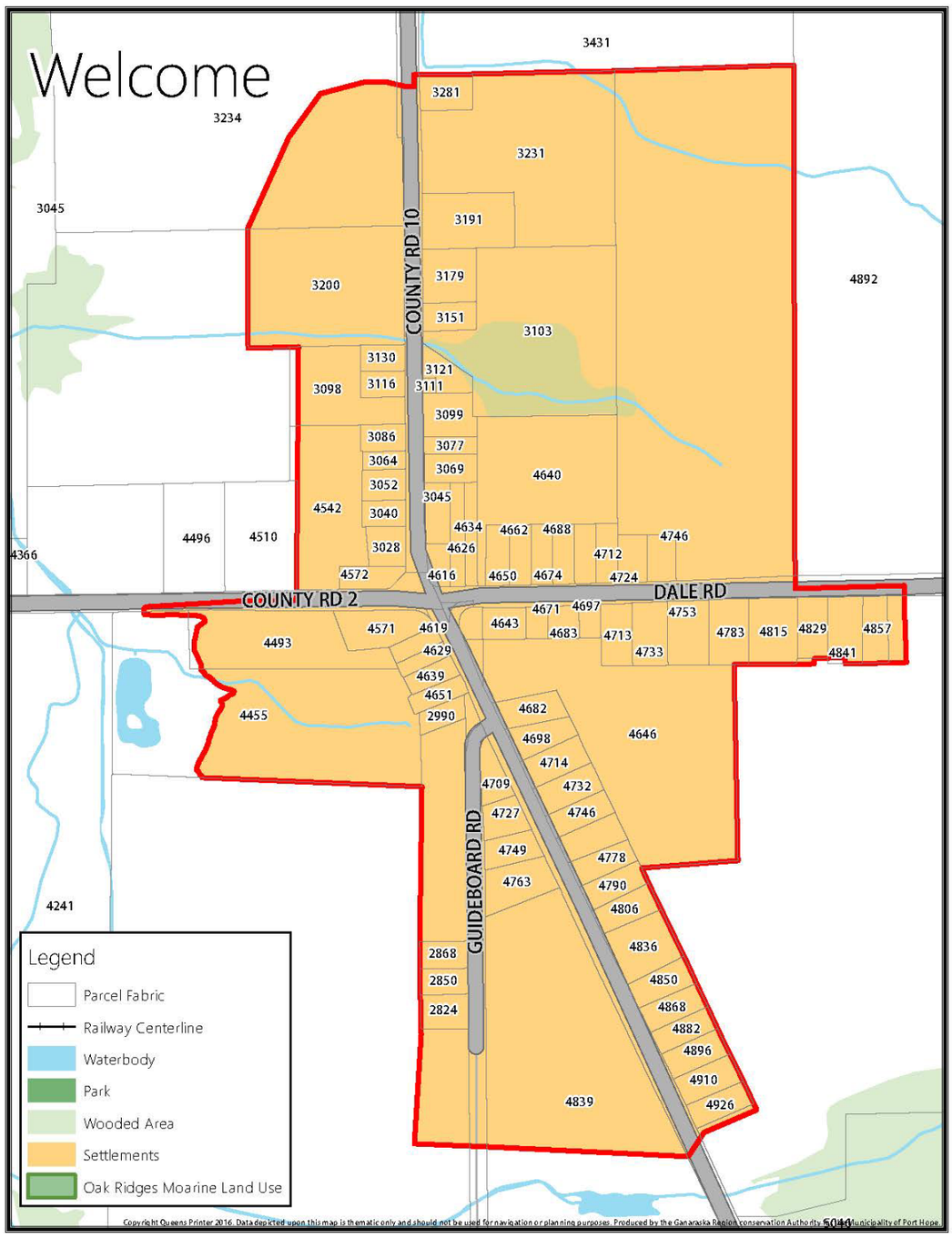
Welcome
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COUNTY RD 2
DALE RD
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4749
4778
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4790
4806
4241
GUIDEBOARD RD
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2824
4882
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Legend
Parcel Fabric
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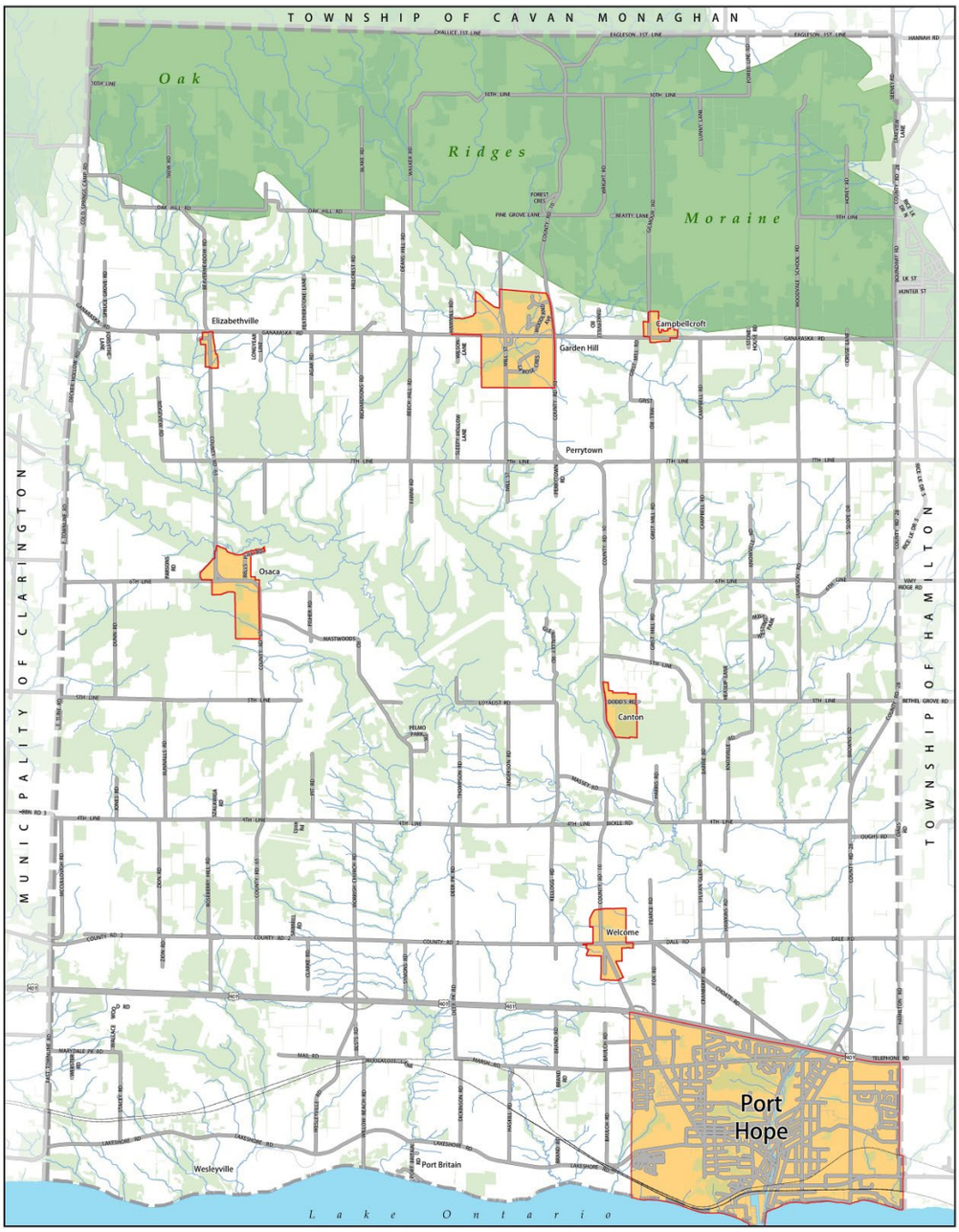
TOWNSHIP OF CAVAN MONAGHAN
Oak
Ridges
Moraine
Elizabethville
Campbellcroft
Garden Hill
Perrytown
Osaca
Canton
Welcome
Port
Hope
Wesleyville
Port Britain
Lake Ontario
MUNICIPALITY OF CLARINGTON
TOWNSHIP OF HAMILTON