



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Parking and By-law Services Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	May 17, 2016
SUBJECT/REPORT NO:	Discharge of Firearms (PED16107) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
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SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That Report PED16107 respecting Discharge of Firearms be received.

EXECUTIVE SUMMARY

The City Solicitor, through Report LS15020 (Regulating Guns and/or Ammunition) dated August 10, 2015, informed General Issues Committee that the Discharge of Firearms By-law is in need of updating.

On September 23, 2015, City Council approved Item h(ii) of Planning Committee Report 15-014 directing staff to undertake a comprehensive review of the Discharge of Firearms By-law No. 05-114, including stakeholder consultation, for recommendations for an effective, updated by-law that incorporates the recent and future urban developments in the City.

The purpose of this Report is to outline and inform Members of Council the process intended by staff for this comprehensive review.

Alternatives for Consideration –Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

N/A

HISTORICAL BACKGROUND

On August 10, 2015 General Issues Committee received Report LS15020 (Regulating Guns and / or Ammunition) regarding options with respect to the City's authority over guns and / or ammunition. The City Solicitor informed the General Issues Committee that the Discharge of Firearms By-law was in need of updating that would require consultation with the stakeholders, and be modified to clearly re-inforce the Federal and Provincial regulation of firearms.

At its meeting of September 23, 2015, Council approved Information Item h(ii) of Planning Committee Report 15-014 which reads as follows:

- (a) That Municipal Law Enforcement staff, in consultation with Legal Services and Planning staff, as well as the Hamilton Police Service, undertake a comprehensive review of the Discharge of Firearms By-law No. 05-114, including stakeholder consultation;
- (b) That staff be directed to report back with recommendations for the most effective Discharge of Firearms By-law including, but not limited to, consideration of where the discharge of firearms is permitted.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

Preliminary discussions were conducted with staff from Hamilton Police Service (HPS), Ministry of Natural Resources (MNR), and selected area Councillors.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The purpose of the Discharge of Firearms By-law No. 05-114, in part, is to regulate where firearms may be discharged in the City for the safety of the inhabitants where firearms are lawfully used in the community. The current by-law is a compilation of the former municipalities of the City (Report PD05119, Harmonization of Discharge of Firearm By-law, dated April 15, 2005) and, for the most part, has been adequate in controlling the discharge of firearms in the City of Hamilton.

Public complaints to the police for the discharge of firearms have been problematic and will be examined in consultation with the Hamilton Police Service. There have been considerable changes in the demographics of the City and a gaining popularity of archery, paintball guns and other armaments as recreational activities that require examination to balance the overall needs of the community.

The primary direction for staff was to update the Schedule Map(s) to expand the boundaries to satisfy recent and future development; and to provide clear, well-defined identification delineating the areas where the discharge of firearms is prohibited. This initiative is intended to protect the safety of the public and requires little research or argument to support that position. The map in Appendix "A" attached to this Report represents those areas where the discharge of firearms is currently prohibited and includes the current and future urban development for examination.

Staff analysis of the boundary changes will determine how the use of the different firearms, as defined in the By-law, will be affected by a change in the boundaries. For example, it is acknowledged that different aspects exist for bows vs common firearms (gun, rifle) that may require less stringent controls for archery. Any recommended change to the By-law in this respect, including re-drafts of the map(s), will not move forward until proper consultation with the public, firearm-related associations and businesses, and other regulatory bodies take place.

As part of the comprehensive review of the Discharge of Firearms By-law, staff will be consulting with Legal Services, Planning and HPS, including stakeholder consultation. More analysis is needed to update the substantive provisions of the By-law. Staff intend to:

- Establish a working group (including representation from Municipal Law Enforcement, HPS, MNR, Conservation Authorities) to review the overlapping jurisdictions, respective roles, safety issues, criteria for high risk areas, develop strategies and tasks for an enforcement / administration / communication plan;
- Consult with City Councillors;
- Consult with the numerous stakeholders and property owners having interest;
- Conduct a broader research of best practices in other jurisdictions.

The City will be hosting public consultations with affected parties throughout the Summer and Fall of 2016 to gain community feedback. While dates and locations for the public consultations are not yet determined, the information will be posted on the public meetings page of the City website, and affected Ward Councillors will be notified once the appropriate arrangements have been confirmed.

Staff expects to present a draft By-law to Council for consideration in early 2017.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN

Strategic Priority #1

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective

1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A”: Urban Boundary Map for examination and discussion of prohibited area relating to the Discharge of Firearms By-law

JB:RU:cab