

Discharge of Firearms By-law

Working Group - Meeting Minutes

Date: January 5, 2017 9:30am

Location: MR – City Centre – 2nd Floor, 250A

Attendees: R. Ustrzycki, Senior Project Manager, MLE
T. Rodzoniak, Area Firearms Officer, HPS
B. McRea, Zone/Member & Club Services Liaison, OFAH
P. Sertic, MLEO
G. Costie, Director, Conservation Area Services, HCA
R. Kirouac, MLEO

Absent: L. Shewfelt, Coordinator Contract Services, MLE

1. Introductions

Members provided their professional and individual background/experience relating to firearms. Overall, members of the working group are familiar with the relevant legislation, current By-law & Hamilton area. Collectively, the members represent many years of enforcing (criminal & regulatory, legal) and administering (instruction, permit approval, hunter safety) aspects dealing with firearms. Most members are recreational users of firearms and are expected to bring to discussions a balanced safety conscious approach that will meet the various needs of the community.

2. Overview - Scope of Project

R. Ustrzycki presented copies of Terms of Reference containing the following scope of this project:

- Update the Schedule map(s) regulating the discharge of firearms to incorporate recent and future urban development.
- Complete a review of the By-law and provide recommendations that:
 - refines and provides clear interpretation and understanding its provisions
 - acknowledges and recognizes the different aspects of bows vs common firearms
 - balances the varied needs of the community
 - maintains public safety
 - supports fed / prov firearm regulations

A copy of the Contact List identifying the Working Group Members, Internal Consultation/Resources contacts, Stakeholders (over 40 associations, clubs, organizations), and individuals identified as having interest in this project was provided for reference – confidentiality of the contact information was stressed. **R. Ustrzycki to send a copy of the invitation to B. McRea.**

The critical path and timelines for this project was outlined to the members.

3. Role of the Working Group

The working group is not a committee of council, but an advisory group that will primarily review/analyse public comments and provide recommended changes to the substantive issues or any changes to the Discharge Firearm By-law. As part of this initiative the working group will review the overlapping jurisdictions, respective roles, safety issues, criteria for high risk areas, best practices, and develop strategies and tasks for an enforcement/administration/ communication plan.

Confidentiality is needed to avoid any miscommunication until the final report is submitted to Committee.

4. Discussion

A draft copy of comments and issues already put forth by the public was distributed to all members. There was extensive discussion and debate to the items with a view of public safety for a balanced approach to the varied needs of the community.

Sunday Hunting:

Sunday hunting was examined by the City several years will not be considered in this comprehensive review. The current by-law does not prohibit the discharge of firearms on Sunday, and is a separate approval process governed through the MNR regulations.

Overlapping Jurisdictions (respective roles):

Four enforcement agencies (MNR, Police, City By-law, Conservation Authorities) have overlapping responsibilities and obligations to enforce 9 additional (3 Federal, 8 Provincial) legislation relating the activities surrounding the recreational use of firearms. Improvements and service levels may be available through partnerships, sharing of information and contacts. **R. Ustrzycki will arrange for a separate meeting inviting MNR to a meeting with Police, By-law, and Conservation Authority) to discuss this issue.**

Buffer Zones:

Safe distances from high risk areas (populated locations) were discussed for firearms and bows. It was the consensus of members that the current 100m distance for firearms in the current By-law is sufficient and consistent with current best practices in other jurisdiction for the following locations:

- Dwelling, building or structure
- Schools
- Parks
- Public trails
- Churches
- Community Centres
- Urban properties/subdivisions/settlement areas
- Private/public golf courses (except season closures)
- Private/public campgrounds/picnic areas (except season closures)
- Conservation lands and areas

All members agreed that a distance for the above locations of 50m for bows is consistent with other jurisdictions and appropriate.

For airports and registered aerodromes, adopted a distance of 300m (best practices) would be recommended.

Buffer zones relating to highways are suitably dealt with under the applicable laws, and the current provision in the By-law regarding direction of discharge (ensure projectiles remain on site).

Further information was required regarding setbacks for railways. **R Ustrzycki will examine/research the Railway Safety Act and report back to members.**

10ac Restriction:

Prohibiting properties less than 10ac in size seemed problematic considering the irregular shape of lands and placement of dwellings/buildings thereon. Members suggested reliance on the 100m setback with no reference to lot size. **B.McRea suggested consideration of having the express permission of the building owner, and will forward examples from other jurisdictions to other members.**

Express Permission:

It was the consensus of members that the express permission of the property owner was required for each person discharging a firearm. Although written

authority was recommended, it is not a necessary change or requirement of the By-law for successful enforcement.

Conservation Authorities are considered a private landowner and their express permission would be required. This remaining status allows these agencies the flexibility to regulate their respective lands accordingly.

There was consensus that the express permission of the owner of a dwelling/building/structure was required for the discharge of any firearm within 100 m (50m for bows) thereof. [also see above comments in 10ac Restriction].

Definition of Firearm:

Members discussed the various definitions drawn from other legislation/jurisdictions for a firearm. All agreed that bow/archery remain outside the definition of firearm; and that any reference to a firearm as a weapon be removed.

Short Title:

Public comment emphasized that the by-law clearly reference firearms for recreational use. Member responses were divided to: include the term in the short title/name of the By-law; or, a statement to that effect in the scope of the by-law. Further consultation with the stakeholders and public to this issue may be required.

5. Other

Brian Skye, representative to the Haudenosaunee Wildlife & Habitat Authority, attended before commencement of this meeting. He was explained the purpose of comprehensive review and that any proposed changes would not impact any agreements on Conservation lands, and reviewed the consultation map (areas of concern). Mr. Skye left the meeting with an invitation to the Stakeholders meeting on January 26, 2017 and that any further questions or concerns could be directed to R. Ustrzycki.

6. Next Meeting

This meeting was concluded at 1:30pm. The next meeting was scheduled for March 23, 2017 to continue examination/review of issues/concerns following the public consultations.

Discharge of Firearms By-law

Working Group - Meeting Minutes

Date: March 23, 2017 9:30am

Location: MR – City Centre – 2nd Floor, 250A

Attendees: R. Ustrzycki, Senior Project Manager, MLE
T. Rodzoniak, Area Firearms Officer, HPS
B. McRea, Zone/Member & Club Services Liaison, OFAH
P. Sertic, MLEO
G. Costie, Director, Conservation Area Services, HCA
R. Kirouac, MLEO

Absent: L. Shewfelt, Coordinator Contract Services, MLE

1. Review of Previous Meeting Minutes

Item 4 Discussion, Buffer Zones: was amended by adding Conservation lands and areas.

Item 5 Other: G. Costie confirmed the status of Brian Skye as a *representative* of the Haudenosaunee Wildlife & Habitat Authority. Project records were corrected accordingly

R. Ustrzycki to send a revised version of Minutes to members.

R. Ustrzycki to still arrange a meeting with the enforcement agencies.

2. Update

R. Ustrzycki provided the Working Group a verbal update to the following meetings:

- Stakeholders meeting, January 26, 2017
- Public Consultation, Glanbrook, February 13, 2017
- Public Consultation, Rockton, February 14, 2017
- Public Consultation, Ancaster, March 31, 2017

3. Review of Current By-law

The Working Group reviewed the current provisions of the by-law to become familiar with its provisions to identify any deficiencies, and improvements through the Groups discussions. This initial review did identify areas in the current By-law that are outdated, confusing (i.e., reference to non-existent/wrong sections) and improperly structured or administered (permit system).

4. Discussion Issues

Stakeholder Meeting, January 26, 2017

A summary of the meeting was distributed to all members for review. There was extensive discussion and debate to the following issues raised by the stakeholders:

Buffer Zone:

It was the consensus of members that the 100m buffer zone remains for firearms, but the distance for archery be reduced to 50m for schools and certain high risk areas. Although arguable from many positions, this distance is consistent with other jurisdictions and considers public perception when the recreational use is for hunting. The discussion evolved into other high risk areas (churches, cemeteries, golf clubs, community centres, private/public parks). There is the public perception that Conservation lands/areas are “safe”, and that there must be clarity in describing locations such as camp sites or walking/public trails as ‘*managed*’ areas to identify the diverse uses therein.

There was additional discussion in adopting this same standard (100m/50m) to the CN Police proposal for railway lands and public roads. Reliance on the 8m provision under the Fish & Wildlife Conservation Act and directional regulation for projectiles was examined in contrast to the public perception/culture of the inhabitants. At the initial meeting, the Group considered that buffer zones relating to highways are suitably dealt with under the applicable laws, and the current provision in the By-law regarding direction of discharge (ensure projectiles remain on site). Considering the divergent uses and broad demographics, discussions to an appropriate buffer zone was tabled until the end of this review (public consultation meetings).

Maps:

It was the consensus of members that the current mapping is outdated and needs to be improved. Public opinion throughout the consultation process was mixed; varying from detailed maps (similar to the consultation maps), no maps with full reliance on the general provisions, or a map with no mention of the settlement maps.

The Group discussed the various options from the common readers (general public), enforcement agencies and adjudicators perspective. Copies of the City of Ottawa Discharge Firearm By-law were distributed for members to review its mapping provisions.

Overall, the use of maps is the best tool to direct/assist and meet the visual needs of the reader to identify the prohibited areas. Details denoting the prohibited areas need to be accurate, with identifiable physical boundaries (i.e. road, watercourse). Members agree that the expansion areas (rural settlement areas) that recognize the urban growth that exceeds those areas currently prohibited in the By-law be included. Those areas that denote the future urban expansion should not be included unless development is expected to occur shortly. **R. Ustrzycki will consult with the Planning Department regarding the tract of land both side of Golf Club Rd, from Trinity Church Rd to Hendershot Rd portion identified in the City-wide.**

Exceptions

The current by-law recognizes general and specific exemptions to the by-law. Members considered and agreed with the Stakeholder organizations that the by-law should continue to recognize these lawful and sanctioned uses; in particular, shooting ranges, gun/skeet clubs, and similar organizations regulated by the Firearms Act and approved through the Chief Firearms Office where the regulations and level of inspection exceeds any municipal by-law.

It was the consensus of members there should be more effort to identify the various exemptions for inclusion in the scope and exemption section of the by-law. However, the group agreed that naming the specific organization/club in the by-law would be problematic and that generic/type/class descriptions be used.

Members identified that the indoor use of archery and airguns, or use of starter pistols and military re-enactments (blanks) as potential exemptions, although further discussion is required on this subject to reach a conclusion.

Enforcement:

The general public has a misunderstanding of the by-law and are frustrated by the lack of response, public education, and disconnect of the enforcement agencies (police, MNR, MLE, Conservation Auth.). Group members recognized this issue as a continual public concern during all public meetings, and acknowledged the need for the related enforcement agencies to meet separately to discuss solutions and enforcement strategy to improve service levels. Public education and a communication strategy for the public should form part of the discussion.

R. Ustrzycki will make the arrangements for a separate meeting.

Definitions:

The Group discussed the removal of the word *weapon* from the definition of firearm, and agreed that the term does not fall within the general intent and purpose of the by-law to regulate the lawful use of recreational firearms and bows. Members will be forwarding any example/recommendations to the definition of firearms for review.

5. Next Meeting

This meeting was concluded at 1:45pm. The next meeting was scheduled for April 20, 2017 to continue examination/review of issues/concerns following the public consultations.

Discharge of Firearms By-law

Working Group - Meeting Minutes

Date: April 20, 2017 10:30am

Location: MR – City Centre – 2nd Floor, 250A

Attendees: R. Ustrzycki, Senior Project Manager, MLE
T. Rodzoniak, Area Firearms Officer, HPS
B. McRea, Zone/Member & Club Services Liaison, OFAH
P. Sertic, MLEO
G. Costie, Director, Conservation Area Services, HCA
R. Kirouac, MLEO

Absent: L. Shewfelt, Coordinator Contract Services, MLE

1. New Business

Lynne Shewfelt stepping down from the Working Group

2. Review of Previous Meeting Minutes

No changes. Minutes were accepted by the Working Group

3. Discussion Issues

Summaries of the Public Consultation Meetings were distributed to members of the Working Group prior to the meeting. Members reviewed and commented to the public concerns received at the information sessions.

Glanbrook Municipal Service Centre, February 13, 2017

Buffer Zone

The reasoning behind the 100m firearm and 50m archery distance was re-examined. It was the consensus of members this remains as a safe distance for the recreational use of firearms/bow as a general provision and for high risk areas. Further discussion to identify those areas that would benefit from either a greater or less distance was set aside to the end of the meeting.

Consultation Maps and Expansion areas

Members were in agreement with public comments that the current maps are unclear and confusing. The boundaries are in need of updating to reflect the recent and future urban developments and presented in a different, user friendly, format. Consideration should be given to the use of on-line interactive maps on the City website to allow for viewing the prohibited/ permitted areas for specific properties.

R. Ustrzycki will consult with the Planning Department regarding the tract of land both side of Golf Club Rd, from Trinity Church Rd to Hendershot Rd portion identified in the City-wide map to determine the time frame for development and construction.

Enforcement

Members acknowledge the disconnect between the enforcement agencies (police, MNR, MLE, Conservation Auth.). To reduce the public’s frustration and recurring issues, public education needs to be improved with better communication and support from the MNR.

R. Ustrzycki will make the arrangements for a separate meeting with the enforcement agencies to discuss a public education in a communication strategy and enforcement strategy.

Overview of By-law

Members discussed the public comment that crossbows be included in the definition of firearm. This inclusion/comment is not found in other by-laws. Members concluded that the 500ft+/second velocity marker found in the Criminal Code to be problematic to enforce. It was the consensus of members that crossbows remain in the definition of bows, and that any change to the definition of a firearm should remove the term ‘weapon’.

The public concern with the lack of information was discussed. Members discussed the creation of an education pamphlet, but agreed that an information package be developed for inclusion to the City website with the inclusion of maps, excerpts from the by-law & other related legislation, and contact information for enforcement agencies. All members agreed an

information package would be an excellent tool for the public and all enforcement agencies.

Exemption

In addition to the exemptions for police, military, shooting/gun clubs and ranges, the following should be recognized as an exemption in the by-law:

- Indoor use for archery, air/pellet guns, paint ball guns
- Military re-enactments (using blanks)
- Starter pistols (blanks)
- Trappers
- Farmers

A further examination into best practices in other jurisdictions and the Federal Regulation to the Firearms Act is needed to determine other exemptions that may be included in the scope of the by-law, or as a specific exemption.

Rockton Fairgrounds, February 14, 2017

Enforcement

The Working Group recognized and acknowledged the public’ frustration at this meeting with the various enforcement agencies. The agencies require a better understanding of everyone’s role so calls may directed to the correct service for information or action.

Members disagreed with the public comment that a hot-line be established for hunting contraventions. The Working Group favoured the use of the hot-line currently in place (911, police emergency calls, 1-800-MNR-TIPS) for any hunting or related incidents. Although public perception favours a single source for all matters relating to the discharge of firearms, referral to the appropriate agency eliminates the release of inaccurate information (Officially Induced Error).

Consultation Maps and Expansion Areas

A consensus was reached that the current maps need to be updated, and that information is readily available on the City website.

Buffer Zone

There was a public concern that Conservation owned lands were taking away hunting areas and that the current 100m distance be reduced for public trails on conservation lands. It was confirmed there are no changes made to those lands that Conservation permit hunting, but that newly acquired Conservation lands merely have a different use. This matter was discussed further at the conclusion of the meeting

Member discussion concluded that the public suggestion for the City to annually mail out the various hunting regulations to all residents in the rural area, and all prohibited area/zones and property posted/signed was unrealistic, and would be available on the City website.

Concerns with Current By-law

The Working Group received and acknowledged the public concern that the current by-law is hard to understand. There was public suggestion to include crossbows as a firearm, and that separate definitions/restrictions be in place for different firearms (high powered rifles, shotguns, air guns). Members determined that these suggestions would be difficult to administer and enforce. It was concluded that the definitions should remain with the two general categories of firearms and bows. All agreed that the public suggestion to allow the discharge of firearms on all NEC lands to be problematic.

The Working Group considered the definition of ‘structure’ and application of the 100m setback from a structure/dwelling. A previous meeting adopted the experience in the Township of Cavan Monaghan where the distance requirement may be reduced with the permission of the owner, thereby accommodating the varied demographics. It was the consensus of members that the definition of structure considers the actual uses within the building (e.g., whether occupied).

R Ustrzycki to research and re-examine the definition for a dwelling and adopt the best interpretation for this by-law.

Members agree with the public concerns that the mapping must be simplified with more emphasis toward public education and communication.

Exemption

Members of the working group agreed with the public comments that there should be more effort to identify the various exemptions to the recreational use of firearms. Members discussed expanding the exemptions for farmers to any person protecting their property from animals. Considering the intent of the applicable Provincial/Federal legislation in this regard, the majority of members opted for this exemption to remain with farmers.

Further discussion to the possible exclusions was deferred following conclusion of the public comment reviews.

Ancaster Old Town Hall, March 3, 2017

Enforcement

The frustration with the various enforcement agencies is a recurring public concern. Members of the Working Group continue to advocate that the agencies require a better understanding of everyone’s role so calls may be directed to the appropriate agency for service.

Consultation Maps and Expansion Areas

Most of the participants found the consultation maps to be beneficial, and Members agree that the current maps need to be updated.

The expansion of the firearm prohibition boundary, extending the tract of land within Concession 2 and Regional Road 52, northeast of Copetown, west of Inksetter Road, was discussed. Members recognize this particular public concern targets a specific person within that area. Examining the demographics, members were not in agreement that the boundary should be expanded for a person that has merely become a nuisance to some of the neighbouring residents.

There was a public suggestion that firearms in the rural area of the Stoney Creek Mountain be allowed to control deer populations. It was the consensus of Members there was no scientific basis to support growing deer populations,

and that wildlife management falls within the jurisdiction of the MNR. To do otherwise does not meet the general intent and purpose of the By-law that has for decades prohibited the discharge of firearms in the former municipality of Stoney Creek.

Buffer Zone

There was consensus that the 100m for all firearms (50m for bows) as the best practice overall and the creation of separate standards for shotguns and muzzleloaders would be problematic.

Discussion was held regarding written permission, and verbal permission of the landowner. Members unanimously agreed that the wording for the landowners permission allow for both alternatives as “*the expressed verbal – or – written permission*”.

Concerns with Current By-law

The concern that the current by-law is hard to understand is the primary issue presented at all public meetings, summarized as:

- Providing better wording and understanding
- Eliminating any ambiguity to the definitions
- Simplifying the overall structure of the By-law and its mapping
- More emphasis to public education and communication

There was a suggestion expressed from one individual regarding the unsafe use of high power firearms for target practicing. Members agreed that the suggestion was aiming toward a specific person, and that the careless/unsafe of firearms is criminal in nature which falls outside the scope of the By-law.

The related noise from gun ranges or target shooting was discussed. Additional public concern of this nature, received outside of the public meetings, was also considered. Members agreed that the City’s Noise Control By-law would be the appropriate means to address these concerns.

Final Discussions

All members were in agreement that the general intent and purpose of a Discharge Firearms By-law is for the lawful recreational use of firearms and

bows. The criminal, unsafe, careless, or illegal use/activities involving firearms is properly dealt with under the Criminal Code, Firearms Act and other applicable Federal/Provincial legislation. Generally speaking, recreational users are responsible individuals that follow strict Federal and Provincial regulations for the possession and safe use of the related activities.

Buffer Zones

There was discussion how buffer zones would be applied in different locations (e.g., public trails on private lands). All were in agreement that the 100m distance for firearms and 50m for bows was a reasonable distance under most circumstances. Safety and public perception was tantamount to have this distance requirement for the following:

- Schools
- Recreational properties (community centres, sportsfields)
- Private and public golf courses
- Managed public trails
- Campgrounds
- Cemetery
- Hospitals

The possibility of hunting during off-season times was discussed. Although no consensus was reached, the requirement for the expressed verbal or written permission of the landowner would be sufficient to apply under these circumstances.

The Working Group, following best practices in other jurisdictions agreed that a 300m buffer zone around airports and registered aerodromes is preferred.

R Ustrzycki will be speaking with the three airport/aerodromes in this regard.

The Group concluded that the distance requirement relating to highways and railway tracks are best dealt with the current provision in the By-law regarding direction of discharge (ensure projectiles remain on site), and hunting regulations by the MNR.

Considering the demographics of the City, there was consensus that exemption permit process currently in place is the best solution dealing with

extraordinary circumstances where the general provisions may not be reasonable.

Exceptions

The current by-law recognizes general and specific exemptions to the by-law. Members considered and agreed that the by-law should continue to recognize the following lawful and sanctioned uses:

- farmers
- police agencies
- educational institutions (archery)
- national defence
- shooting ranges, gun/skeet clubs, and similar organizations regulated by the Firearms Act and approved through the Chief Firearms Office where the regulations and level of inspection exceeds any municipal by-law

It was the consensus of Members there should be more effort to identify the other exemptions for inclusion in the scope and exemption section of the By-law, that may be found in other Federal/Provincial legislation. Members identified the following uses as potential additions to the By-law exemptions:

- Indoor use of archery and airguns
- Licensed trappers
- Starter pistols
- Theatrical props (blanks)
- Military re-enactments (blanks)
- Dog trials
- NASP (educational)
- Sanctioned events

R. Ustrzycki to research the applicable laws and regulations to identify these exemptions

Boundary Expansion

Maps:

Members discussed the various public suggestions and options to improve the current outdated maps. Overall, the use of maps is the best tool to

direct/assist and meet the visual needs of the reader to identify the prohibited areas. Members agree that the expansion areas (rural settlement areas) that recognize the urban growth that exceeds those areas currently prohibited in the By-law be included. Details denoting the prohibited areas need to be accurate, with identifiable physical boundaries (i.e. road, watercourse).

Those areas that denote the future urban expansion should not be included unless development is expected to occur shortly. **R. Ustrzycki will consult with the Planning Department regarding the tract of land both side of Golf Club Rd, from Trinity Church Rd to Hendershot Rd portion identified in the City-wide.**

The area west of Clearview/Oakhill Estates (Jerseyville Road W), identified by G. Costie, requires further examination to extend the prohibition boundary for those lands where the discharge of firearms/bows is not likely (i.e., Robert E. Wade Ancaster Community Park). **R. Ustrzycki will review the aerial maps and consult with the appropriate agencies and landowners.**

R. Ustrzycki will review further the Inksetter area discussed at the Ancaster Public Meeting to determine if the boundary needs to be expanded.

Enforcement

Members of the Working Group acknowledge and recognize as a recurring public concern with the lack of response, public education, and disconnect of the enforcement agencies (police, MNR, MLE, Conservation Auth.) answering complaints. Members stress the need for the related enforcement agencies to meet and discuss solutions for an enforcement strategy to improve service levels. This discussion should also consider public education and a communication strategy.

R. Ustrzycki will make the arrangements for a separate meeting.

High Risk Areas

Members reflected upon the principles of public safety to establish those areas prohibiting the discharge of firearms/bows. Expansion of existing prohibition boundaries should not be arbitrary, but evidence based on:

- urban development
- density threshold
- type/use of buildings and property (e.g., dwelling, commercial, institutional)
- population density
- number of incidents/complaints
- public roads/trails
- volume of traffic

4. Next Meeting

This meeting and work by the Working Group in this review was concluded. The City extended its appreciation for the tremendous effort, dedication, and invaluable contributions from members of the Working Group. R Ustrzycki will keep members apprised of the continued work to this comprehensive review, and forward any draft report to the members. Members agreed to return to the table if required.