

ENFORCEMENT STRATEGY

Discharge of Recreational Firearms By-law 19-###

Municipal Law Enforcement

The general intent and purpose of the *Discharge of Recreational Firearm By-law 19-###* is public safety in the discharge of recreational firearms/bows. The purpose and objective of this Enforcement Strategy is to ensure compliance with the By-law.

As with all by-laws enforced by Municipal Law Enforcement (MLE), education, prevention and voluntary compliance are the desired outcome. As such, the general enforcement practice, unless directed otherwise, is to educate and seek voluntary compliance. However, one can anticipate that a certain percentage will resist any regulatory scheme regardless of MLE staff efforts to be congenial. Although staff approach will remain firm, fair, friendly and consistent, legal action will be initiated should efforts toward voluntary compliance fail.

Communications

Details of the new By-law will be shared with the public through a media release, social media and the City website.

A brochure with general information regarding the new By-law and contact information of the relevant enforcement agencies will be posted in key locations, including local conservation areas, stores and locations where hunting and fishing licenses and supplies can be purchased.

Action plan

Enforcement:

Enforcement will be complaint driven. The City's call center as well as MLE clerical staff will be provided with key information regarding the new By-law to assist in addressing calls received. Complaint calls regarding the sound of gun shots with no other detail will be immediately referred to Hamilton Police Services (HPS).

Staff experience is that most complaint calls involve the observation of hunting or shooting activity within a particular area combined with the sound of gun shot or the observation of a cross bow. Municipal Law Enforcement Officers (MLEOs) generally arrive before or after the discharge of a firearm or bow, and commonly deal with the property owner when unable to locate/identify the suspect(s). Municipal Orders may be issued to discontinue the activity, or compel the landowner to revoke consent or take actions to bar or prevent the unlawful entry onto the property.

Most offenders are unfamiliar with the provisions of the By-law, or mistake the boundary for prohibited areas. The Municipal Order is an educational tool issued in the first instance before taking enforcement steps. Once issued, having presumed knowledge of the By-law, a charge would follow for re-offending or disobeying the order; and/or require any remedial action at the property owner's expense.

Where a complaint is received, the MLEO will:

- interview the complainant;
- determine the municipal address for the location of the complaint
- using City tax base information, obtain contact information for owner

If the location of the contravention is within the prohibited area, (see Schedule A of the By-law - no recreational firearms activity is acceptable)

- make every reasonable effort to contact the property owner and discuss the complaint in person
 - emphasize owner responsibilities and obligations under the *Discharge of Recreational Firearms By-law*
 - educate the property owner and explain the role/procedure for City staff administering/enforcing the By-law
 - seek voluntary compliance to cease the contravention
- review with supervisor any recommendation to issue a charge under the By-law noting any required witness to the event

If the location of the contravention is outside of the prohibited area (see Schedule A of the By-law for prohibited area)

- check the MLE database to determine if an exemption permit exists for the location
- If a permit exists,
 - review complaint and the conditions of any permit found. If applicable, educate the complainant as to the conditions of the permit
- If no permit is found or if conditions of any issued permit may have been violated
 - make every reasonable effort to contact the property owner and discuss the complaint in person at the property
 - educate the property owner about the By-law and their responsibilities.
 - If any condition(s) of a permit may have been violated, review with Supervisor any recommendation to cancel permit
 - review with Supervisor any recommendation to issue a charge under the By-law noting any required witness

Protocols are already in place for the sharing of information between HPS and MLE. Similar protocols have been developed between MLE and the Ministry of Natural Resources and Forestry (MNR). These agencies will continue to meet yearly to discuss legislative, enforcement and administrative changes for the continuous

improvement of service levels to the community. MLE Policies and Procedures will be created that adopt the principles of this Enforcement Strategy and support the mandate of the enforcement partners.

Exemption permit:

Contained within this new By-law are provisions for an exemption permit system in certain permitted rural locations. After a satisfactory site inspection by a MLEO, an exemption permit may be issued following the Director of Licensing and By-law Services review and consultation with nearby landowners and the Ward Councillor. This permit would allow for the discharge of a recreational firearm(s) at approved locations during pre-arranged times. All exemption permits will be tracked within the MLE database making this information readily available to MLE clerical staff and MLEOs responding to complaint calls from concerned citizens.

At this time, all exemption permit applications, renewal applications and required payments must be made in person until an on-line option is available.

Conclusion

Both proactive and reactive enforcement strategies are important components in ensuring compliance with any by-law. This strategy focuses on an education and a consultative approach with complainants and home owners to conclude most matters. If necessary and viable, the issuance of a charge will act as a general and specific deterrent to prevent the individual from re-offending.