

June 24, 2010



City Council Committee Report

To: Mayor & Council

**Fr: Richard Perchuk, Manager of Operations
Jeff Simpson, By-Law Enforcement Officer**

Re: Discharge of Firearms By-Law Amendment

Recommendation:

That Council hereby approves amending By-Law 41-2001, being a by-law to regulate the discharge of firearms, air-guns, spring-guns, cross-bows, long-bows or any class or type thereof to include the following sections: Short title, Definitions, General and Administration; and,

That approval be given to amend By-Law 41-2001, to include additions under section 5.1 "Exemption" to read as follows:

- 5.1.1 The Kenora Airport Authority as defined by the fenced area located on Airport Road.
- 5.1.2 Municipal Law Enforcement Officer, or a By Law Enforcement Officer for the City of Kenora authorized and in the actual and bona fide performance of his or her duties
- 5.1.3 A Police Officer when duly authorized and in the actual and bona fide performance of his or her duties.
- 5.1.4 A staff member of the Correctional Services of Canada.
- 5.1.5 An inspector or agent of the Ontario Society for the Prevention of Cruelty to Animals when duly authorized and in the actual and bona fide performance of his or her duties.
- 5.1.6 An Conservation Officer or a Deputy Conservation Officer of the Ministry of Natural Resources, and any other person authorized to enforce the *Ontario Fish and Wildlife Conservation Act*, R.S.O. 1997, or the *Firearms Act*, R.S.C. 1995, c.39. ; and,

That approval be given to amend By-Law 41-2001, to replace Schedule "A" - word description with Schedule "A" - location drawing; and further,

That following the adoption of the new by-law, Administration make arrangements to establish and have approved, a Set Fine Schedule for this purpose as set out below:

ITEM	SECTION	WORDING	FINE
1	3.1	Discharge firearm in restricted area	200.00

Background:

An amendment to the Discharge of Firearms By-Law # 41-2001 is required for clarification and enforcement purposes.

The Exemption Section requires expanding in order to add enforcement agencies and others not addressed in the current bylaw. MNR (Bear Techs)and Bylaw Officers are required to use air gun (blowgun) for immobilization of wildlife (bears) and under the current By-Law are not exempt and therefore subject to charges.

The term "Firearm" needs to be defined and would be included in an added "Definition Section". This is required to enable clarification for enforcement and to aid courts in determining if there is a violation to the bylaw . Also, it allows the public a better understanding of what is and isn't allowed within the City.

It is recommended that the following Sections be removed: Sections 4 (a) removed and given its own section ie. 5.2. in order to simplify the reading of the by-law and Section 4 (c) removed as the City of Kenora no longer has a Chief of Police and Council would have the power to grant exemption to the bylaw. If an exemption was given the Ontario Provincial Police would receive notification of the exemption.

Schedule "A" contains wording that references former Townships. It is suggested that it be removed and replaced with the attached location drawing.

The addition of a Set Fines Schedule is required as it enables enforcement officers the option of warning, charging or having the person attend court. In the current bylaw the officer at the scene has limited options and is required to issue the offender a summons to appear in court. Court appearance is still possible if the offender decides to fight a violation ticket. The set fine gives the court a starting point as to how to deal with the matter. It is suggested that the Set Fine Schedule be referred to as Schedule "B" to keep it together with the By-Law.

Budget: N/A

Communication Plan/Notice By-law Requirements:

Resolution & By-law required.

Distribution: R. Perchuk, K. Robertson, J. Simpson