

TOWNSHIP OF KING

DATE: July 9, 2012
TO: Committee of the Whole
FROM: Clerk's Department
SUBJECT: Clerks Department Report Number CL-2012-15
Discharge of Firearms By-law Review 2012

1. RECOMMENDATIONS

1.1. It is respectfully recommended that:

- (1) Report Number CL-2012-15 be received for information purposes;
- (2) AND THAT staff be directed to conduct an outreach and consultation period during the summer Council hiatus with area residents to assess all concerns and positions within the community;
- (3) AND THAT staff report back with recommendations to Committee of the Whole on September 24, 2012, with consideration given to the concerns and positions received following the community consultation.

2. PURPOSE

This report is to provide Committee with an update on the Regulatory By-law review, specifically the Discharge of Firearms By-law 2007-118, as amended, and to obtain direction to proceed to community consultation and outreach with the objective of obtaining residents' concerns and positions prior to further consideration.

3. BACKGROUND

In alignment with the Clerk's Department 2012 Work plan, including reviewing and updating current Township regulatory by-laws, Staff has been conducting a review of the Township of King Discharge of Firearms By-law 2007-118, as amended.

Committee members may be aware that periodically, complaints are made to the Township staff or directly to Council, on the existing regulatory by-law for the discharge of firearms within the Township of King. Specifically, the most common issues consistently raised are as follows:

- Noise as a result of gun shots – fear, concern, impacting peaceful environment

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- General Criticism/Disappointment with the discharge of firearms being permitted in the Township – conflict of messaging of “trails, hiking” within King and/or protection of our “Natural Environment”

Key areas taken into consideration during Staff’s review of the current by-law included the following:

(1) Analysis:

- How the discharge of firearms is currently regulated in the Township, compared to other municipalities – application of Provincial/Federal Legislation?
- Appropriate? If a discharge of firearms by-law is appropriate/practical/safe in King Township?
- Needs of Community? Agricultural/hunting sport versus hikers/nature lovers?

The review recognized that there are four (4) potential options to consider, subject to public comment and consultation. These options are as follows:

- (1) **Option 1:** to repeal existing discharge of firearms by-laws and to allow the pre-existing Federal and Provincial Legislation to control the discharge of Firearms within the Township – only permitted in accordance with higher legislation;
- (2) **Option 2:** to repeal and replace the existing discharge of firearms by-law and to prohibit, the discharge of firearms completely, in the Township – hunting prohibited, right to protect always permitted;
- (3) **Option 3:** to amend the existing by-law by expanding the current defined area boundaries – increase prohibited areas and buffers surrounding the built up communities;
- (4) **Option 4:** do nothing, leave by-law “status quo”.

4. ANALYSIS & PROPOSAL

4.1. Discharge of firearms and current regulations

The Discharge of Firearms regulations have been in place in the Township since approximately 1966. The current Discharge of Firearms By-law 2007-118, as amended, was enacted in 2007 following extensive meetings with stakeholders and public input throughout 2005 and 2006.

The regulation of the acquisition, licensing and use of firearms is under the jurisdiction of the Federal and Provincial governments, through Statutes such as the Criminal Code, the Firearms Act and the Fish and Wildlife Conservation Act. The current Discharge of Firearms By-law 2007-118, as amended, provides additional restrictions at the municipal

level within the Township by establishing locations where firearms are permitted to be used as well as where their use is not permitted.

In considering Option 1, the use of Firearms is regulated completely through Provincial and Federal Legislation (acquiring licences, operating safely, only hunting when and where permitted, etc.).

4.2. Discharge of firearm regulations in the Township, comparisons to other municipalities

Many municipalities have enacted by-laws that restrict the discharge of firearms completely, or alternatively, restrict the discharge of firearms to minimal land mass (ie. 10 acres or more) and areas outside of built up communities.

In considering Option 2, the additional municipal by-law prohibits hunting (as a sport) within the Township, it does not limit a farmer to protect or defend his livestock from wildlife.

4.3. Defined Areas

The current By-law includes Defined Areas (parts of the municipality where the discharge of firearms is prohibited). The areas were mainly defined by using the existing community boundaries. It has become evident that built communities have extended to the outer perimeter of these boundaries, causing conflicts between urban/rural matters.

In considering Option 3, staff proposes to expand the boundaries considerably to create a safer "buffer" area for the built communities. In addition, consideration to including institutional/conservation lands within the defined areas (ie. Seneca College) further enhances the natural buffering of existing uses conflicting with proposed, permitted hunting areas.

4.4. Existing By-law "status quo"

Staff is not recommending maintaining the existing by-law "status quo". With the development within the King City area to date, it is evident that there is greater urban/rural conflict than what existing in 2007.

The Option 4 consideration is provided for the purpose of obtaining public comment.

5. FINANCIAL IMPLICATIONS

There will be additional staff time dedicated to prepare information packages and comment forms, as well as mailing and advertising costs. Overall, the anticipated direct costs will be minimal and well within the standard operational budgets associated with the Clerks/By-law Department. The use of the Township website will also be maximized to keep costs and use of resources at a minimum.

6. SUSTAINABILITY PLAN - ALIGNMENT

The Township of King's Integrated Community Sustainability Plan was formally adopted by Council on April 2nd, 2012. The Plan is an overarching guiding document that is based on common values, priorities and community aspiration with the following vision:

"King Township is an idyllic countryside community of communities, proud of its rural, cultural and agricultural heritage. We are respected for treasuring nature, encouraging a responsible local economy and celebrating our vibrant quality of life."

This report and its recommendations align with the following ICSP priority:

"Strengthen the Township of King's planning legislation and by-laws to reinforce environmental protections and public health and safety." A strategy of this priority being to ensure planning policies and by-laws are strong, current, and enforceable

7. CONCLUSION

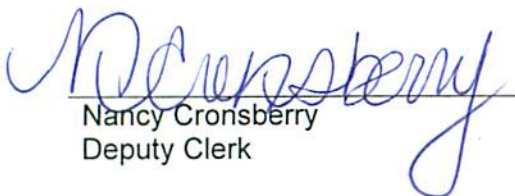
The Clerk's Department 2012 Department Business Plan identified the objective to review and revise a number of Regulatory By-laws, in an effort to minimize conflicts within the by-laws and/or create processes to better serve the community and its current needs.

Staff will be reporting back with recommendations to Committee of the Whole on September 24, 2012, with consideration given to the concerns and positions received following the community consultation to take place throughout the summer months.

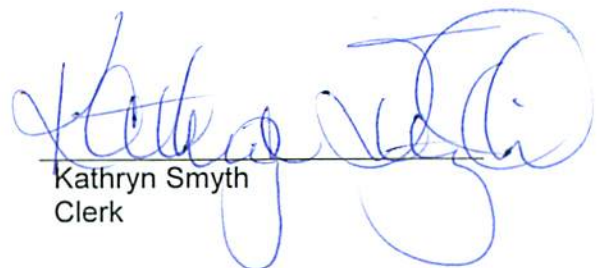
8. ATTACHMENTS

None

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Submitted By:


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