

Hunting and Firearms

Consolidation of By-law 126-97 approved December 15, 1997.

Amended by By-laws 80-98, 41-2008 and 41-2014.

Note: This consolidation is prepared for convenience only. For accurate reference the original by-laws should be reviewed.

2014 04 08

of The Corporation of the City of Oshawa

being a by-law to repeal and replace By-laws 211-66 and 54-81, as amended, of the city, in addition to By-law 1878, as amended, of the former Township of East Whitby.

Recitals

- (a) The City and the former Township of East Whitby previously passed By-laws 211-66 and 1878, respectively, to prohibit the discharge of firearms in the city and to regulate the hunting of pheasants, rabbits and foxes in the former Township of East Whitby.
- (b) The City previously passed By-law 54-81 to authorize the issuing of licenses to hunt pheasants and rabbits in Oshawa.
- (c) The Ontario Municipal Act, R.S.O. 1990, c.M.45, authorizes councils of municipalities to pass by-laws prohibiting the discharge of Firearms in the municipality or in any defined areas thereof.
- (d) The Ontario Game and Fish Act, R.S.O. 1990, c.G.1, further authorizes municipal councils to pass by-laws, subject to the approval by the Minister, regulating the Hunting of pheasants, rabbits and foxes.
- (e) The City wishes to permit the hunting of pheasants and rabbits in designated locations by persons issued a valid hunting license, and to prohibit the discharge of Firearms in the City except by authorized persons and in designated locations.

Now Therefore Council enacts as follows:

1.00 Definitions / Interpretation

1.01 Definitions: In this By-law, unless stated otherwise, certain terms shall be defined as indicated in the lettered paragraphs of this section. When words appear in capital letters, the meanings prescribed in this section shall apply. When the words appear in regular case, they should be read as having their ordinary meanings.

- (a) "Chief of Police" means the Chief of Police of the Regional Municipality of Durham or his delegate.
- (a.01) "Camp Samac Rifle Range" means a firing range located on the property known municipally as Camp Samac at 1709 Simcoe Street North, Oshawa. (41-2008)
- (b) "City" means the Corporation of the City of Oshawa, a municipal corporation pursuant to the Ontario Municipal Act.
- (c) "Council" means the elected Council of the Corporation of the City of Oshawa.
- (d) "Farmer" means a person whose chief occupation is farming and who is living upon and tilling his own land, or land to the possession of which he is for the time being entitled.
- (e) "Firearm" means any barrelled weapon from which any shot, bullet or other missile can be discharged and that is capable of causing serious bodily injury or death to a person or animal, and includes any frame or receiver of such a barrelled weapon and anything that can be adapted for use as a FIREARM. It shall include a device that propels a projectile by means of an explosion, compressed gas or spring and includes a rifle, shotgun, handgun or spring gun, crossbow, longbow, air or pellet rifle.
- (f) "Hunting" includes chasing, pursuing, following after or on the trail of, searching for, shooting, shooting at, stalking or lying in wait for, worrying, molesting, taking or destroying any animal or bird, whether or not the animal or bird be then or subsequently captured, injured or killed, and "hunt", "hunted" and "hunter" have corresponding meanings.

- (g) “License” means an instrument issued under the Ontario Game and Fish Act, R.S.O. 1990, c.G.1, conferring upon the holder the privilege of doing the things set forth in it, subject to the conditions, limitations and restrictions contained in it and in that Act and in its regulations.
- (h) “Minister” means the Minister of Natural Resources for the Province of Ontario.
- (i) “Officer” means an Animal Services Officer of the city, a conservation officer or a deputy conservation officer of the Ministry of Natural Resources, a member of the Royal Canadian Mounted Police, a police officer of the Durham Regional Police Service and any other person authorized to enforce the Ontario Game and Fish Act, R.S.O. 1990, c.G.1, or the Firearms Act, R.S.C. 1995, c.39.
- (j) “Oshawa” means the geographical area comprised of land, air and water which exists within the Regional Municipality of Durham and is legally referred to as the Corporation of the City of Oshawa.

1.02 Number/Gender: All words and personal pronouns relating to words contained in this By-law shall be read and constructed with the number and gender of the person referred to in each case.

1.03 Headings: The headings of sections, paragraphs, clauses, and/or sentences in this By-law are inserted for ease of reference only and do not affect the interpretation of this By-law.

1.04 Severability: In the event that any of the provisions of this By-law are deemed invalid or void, in whole or in part, by any court or tribunal of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

1.05 Schedules: The schedules and/or attachments to this By-law form an integral part of it.

1.06 Legislation: Reference to legislation within this By-law, including municipal by-laws, shall be deemed to include that legislation, as amended, including successor legislation. In the event of a conflict between the provisions of this By-law and the Acts or Regulations issued by the Government of Canada or the Province of Ontario, those Acts or Regulations shall take precedence.

2.00 Duties of Chief of Police

2.01 Enforcement: The Chief of Police shall be responsible for the enforcement of this By-law.

3.00 Discharge of Firearms

3.01 Prohibition: It shall constitute an offence for a person to discharge a Firearm within Oshawa.

3.02 Exemptions: Section 3.01 does not apply to:

- (a) an officer in the official execution of his duties;
- (b) a firearms owner at a firing range where both owner and firing range are authorized by the Firearms Act, S.C. 1995, c.39; (41-2008)
- (c) a hunter issued a valid hunting license;
- (d) a farmer protecting his crops or livestock from predatory animals.
- (e) a person at Camp Samac Rifle Range, subject to the following conditions:
 - i) the person is at all times under the direct supervision of a person described in paragraph 3.02(b);
 - ii) Camp Samac Rifle Range and all persons therein comply at all times with all applicable law including, without limitation, the *Firearms Act*, S.C. 1985, c. 39;
 - iii) no firearm is discharged except entirely within an enclosed building or structure; and

- iv) no person is in possession of ammunition and a firearm outside of a building or structure. (41-2008)
- (f) a person who is not prohibited by law from discharging a firearm where the discharge is within a part of a premise that is closed to the public and on land zoned 'General Industrial' pursuant to Zoning By-law 60-94, as amended, and the discharge is otherwise lawful, necessary for and solely in relation to the lawful manufacture, assembly, repair, restoration, maintenance or alteration of the firearm. (41-2014)

4.00 Hunting

4.01 Prohibition: Subject to Section 4.02, it shall constitute an offence for a person to hunt in Oshawa.

4.02 Hunting Areas: Hunting is permitted in those areas of Oshawa shown in Schedule "A".

5.00 Penalty

5.01 Every person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to the penalties prescribed by the *Provincial Offences Act*, R.S.O. 1990, c.P.33, for each offence.

6.00 General

6.01 Short Title: This By-law shall be known as the "Hunting By-law".

6.02 This by-law shall come into effect upon date of passage. (80-98)

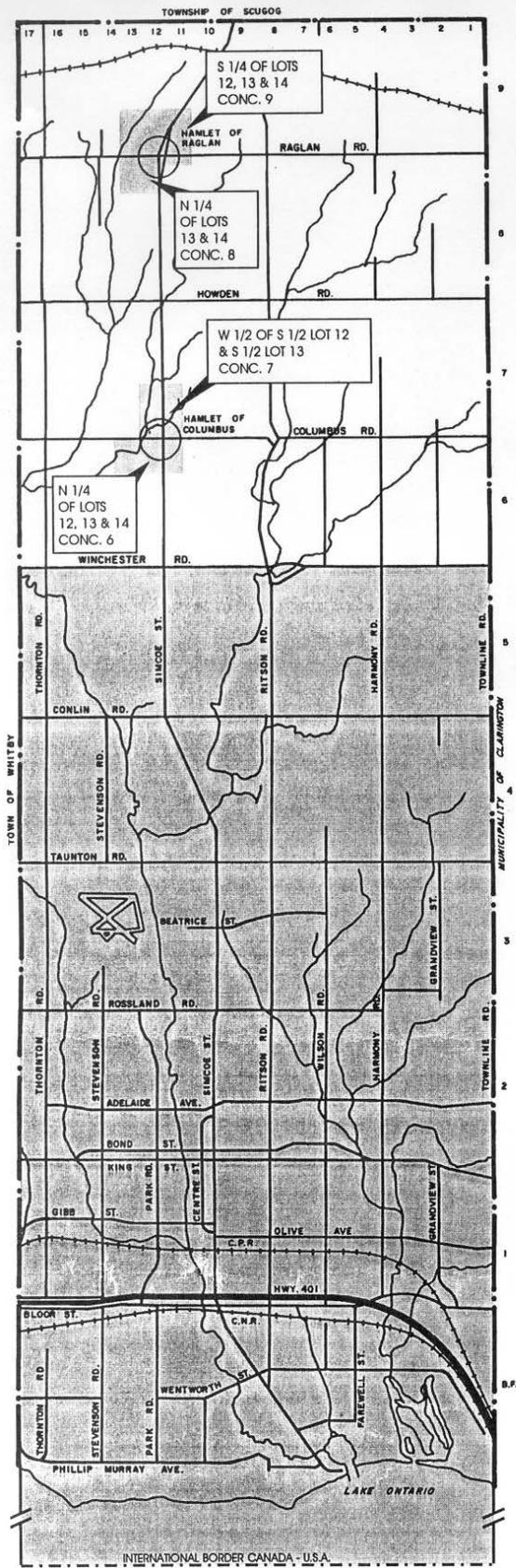
6.03 Repeals: By-laws 211-66 and 54-81 of the CITY and By-law 1878 of the former Township of East Whitby, together with all amending by-laws, are hereby repealed.

By-law read a first, second and third time and finally passed this fifteenth day of December, 1997.

Schedule “A” to By-Law 126-97

1. The areas of Oshawa which are not shaded on the attached plan, Appendix “A”, are designated as hunting areas in Oshawa. Hunting is permitted in accordance with Section 4.02 in those areas.
2. For clarity, the following lands constitute areas where hunting is prohibited:
 - (a) All lands and water courses from Winchester Road, also known as Concession Road 6, south to the International Border;
 - (b) the south quarter of Lots 12, 13 and 14, Concession 9 and the north quarter of Lots 13 and 14, Concession 8, known as the Hamlet of Raglan; and,
 - (c) the west half of the south half of Lot 12 and the south half of Lot 13, Concession 7, and the north quarter of Lots 12, 13 and 14, Concession 6, known as the Hamlet of Columbus.

Appendix 'A' to
 Schedule 'A' to
 By-law 126-97



LEGEND

 NON-HUNTING AREAS

CONC. CONCESSION

N NORTH

S SOUTH

W WEST