

THE CORPORATION OF THE TOWN OF WHITBY

BY-LAW NO. 4823-01

BEING A BY-LAW TO PROHIBIT THE DISCHARGE OF GUNS, FIREARMS, AIR-GUNS, SPRING-GUNS, PELLET GUNS, CROSS-BOWS, LONG-BOWS OR ANY CLASS OR TYPE THEREOF IN CERTAIN DEFINED AREAS OF THE TOWN OF WHITBY

WHEREAS, Subsection 210(36) of the Municipal Act, R.S.O. 1990, c. M.45, as amended, provides that by-laws may be passed by the councils of local municipalities for the purpose of public safety, for prohibiting or regulating the discharge of guns or other firearms, air-guns, spring-guns, cross-bows, long-bows or any class or type thereof in the municipality or in any defined areas thereof;

AND WHEREAS, the Council of the Corporation of the Town of Whitby considers it appropriate and necessary for the purpose of public safety to pass such a by-law;

NOW THEREFORE, the Council of the Corporation of the Town of Whitby enacts as follows:

DEFINITIONS

1. In this by-law,
 - (a) "animal control officer" means a person or persons employed by, under contract to, or employed by a contractor under contract to the Town to provide animal control services;
 - (b) "farmer" means a person whose chief occupation is farming and,
 - (i) who is living upon and tilling his or her own land, or land to the possession of which he or she is for the time being entitled; or
 - (ii) who is a settler engaged in clearing land for the purpose of bringing it to a state of cultivation;
 - (c) "firearm" includes a gun, an air-gun, a spring-gun, a pellet gun, a cross-bow, a long-bow or any class or type thereof;
 - (d) "person" means an individual, firm, corporation, association or partnership; and,
 - (e) "Town" means the Corporation of the Town of Whitby.

GENERAL

2. (1) No person shall discharge a firearm within those defined areas of the Town as are shown on Schedules "A" and "B", attached to and forming part of this by-law and as are more particularly described in Schedule "C" attached to and forming part of this by-law.
- (2) Despite the provisions of Subsection 2(1) of this by-law, nothing in this by-law shall serve to prohibit the discharge of a firearm by,
 - (a) a farmer or any member of a farmer's family who resides with the farmer or an agent of the farmer as prescribed under the Fish and Wildlife Conservation Act, 1997, as amended, or any successor legislation in substitution thereof, for the purpose of protecting the farmer's property;
 - (b) a member of the Durham Regional Police Service or any other police officer during the performance of his/her duties as a police officer;
 - (c) an animal control officer during the performance of his/her duties as an animal control officer; and,
 - (d) a person participating in an activity involving the discharge of a firearm which has been approved, in writing, by the Town.

PENALTIES

3. Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction thereof is liable to a fine or penalty for each offence, exclusive of costs, as prescribed by the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, or any successor legislation in substitution thereof.

SHORT TITLE

4. This by-law may be referred to as the Firearm By-law.

By-law No. 4823-01 (Continued)

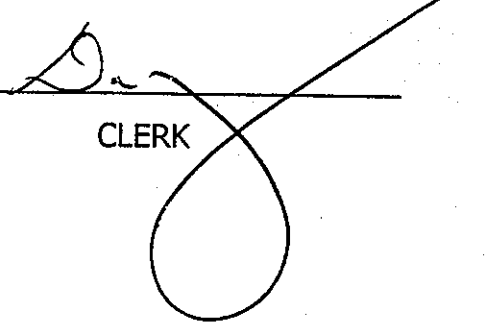
REPEAL OF EXISTING BY-LAWS

5. By-law No. 2854-90 is repealed.

EFFECTIVE DATE

6. This by-law shall come into force and take effect on the day of the final passing thereof.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 23RD DAY OF APRIL A.D., 2001.



CLERK

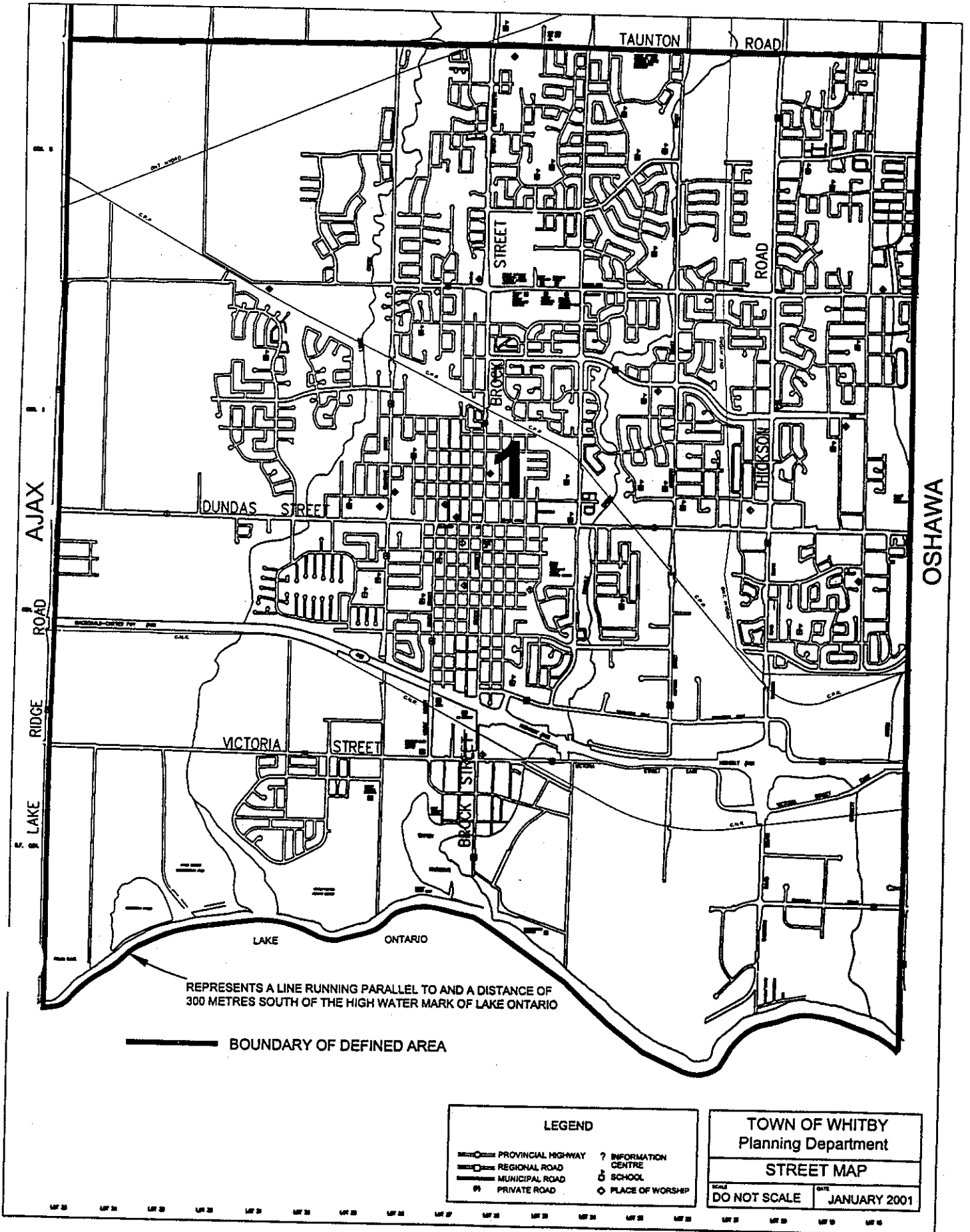


MAYOR

SCHEDULE "A"

TO:1

BY-LAW NO. 4823-01

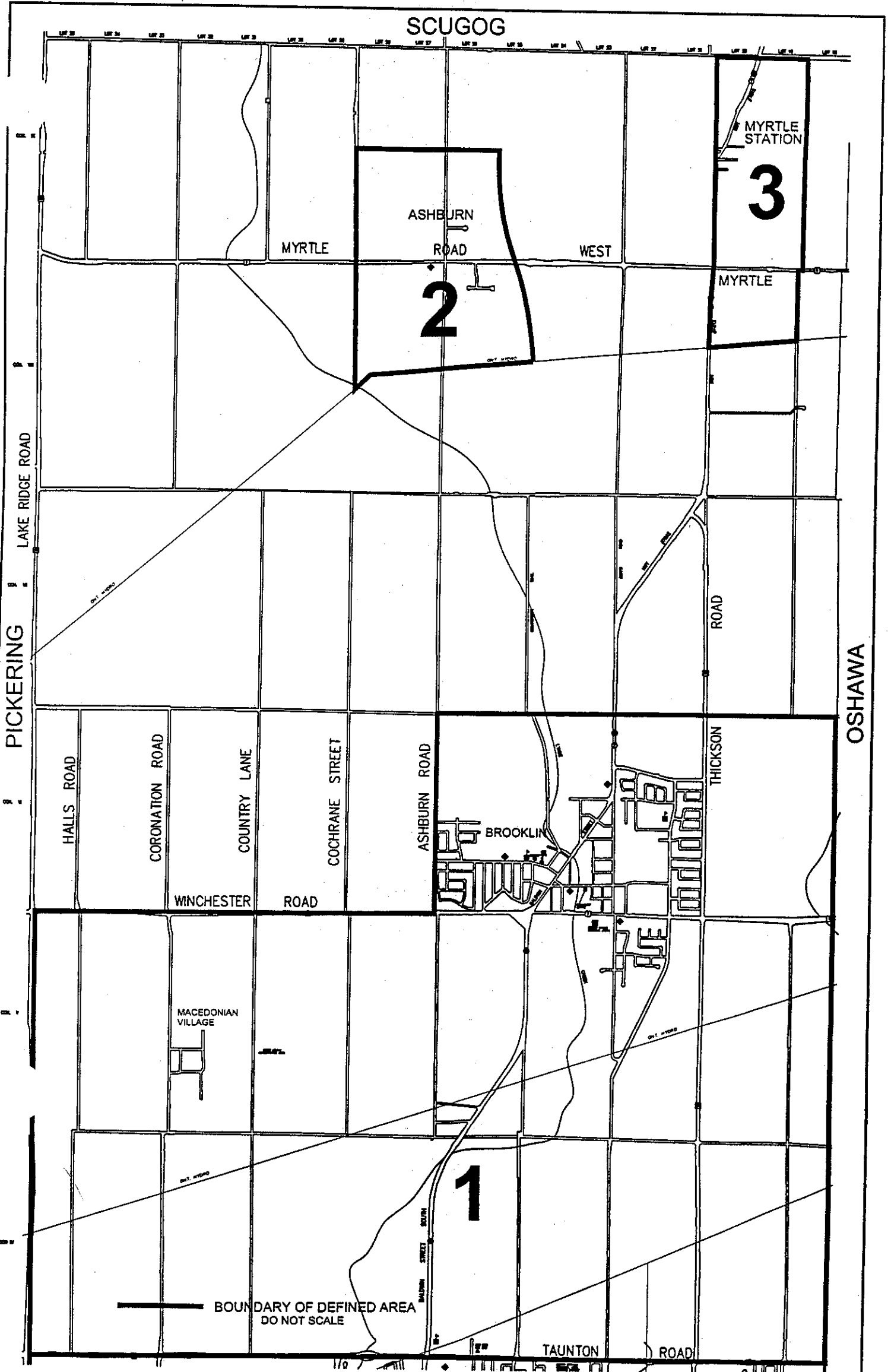


SCHEDULE "B"

TO

BY-LAW NO. 4823-01

SCUGOG



PICKERING

OSHAWA

BOUNDARY OF DEFINED AREA
DO NOT SCALE

SCHEDULE "C"
TO
BY-LAW NO. 4823-01

DEFINED AREA

BOUNDARIES OF DEFINED AREAS

1.

Commencing at a point 300 metres south of the high water mark of Lake Ontario in the southeast corner of Lot 18, Broken Front Concession;

Thence northerly along the boundary between the City of Oshawa and the Town of Whitby to its intersection with the southerly limit of Columbus Road East;

Thence westerly along the southerly limits of Columbus Road East and Columbus Road West to the easterly limit of Ashburn Road (Regional Road 4);

Thence southerly along the easterly limit of Ashburn Road to the southerly limit of Winchester Road West;

Thence westerly along the southerly limit of Winchester Road West to the boundary between the City of Pickering and the Town of Whitby;

Thence southerly along the boundary between the City of Pickering and the Town of Whitby and the boundary between the Town of Ajax and the Town of Whitby to a point 300 metres south of the high water mark of Lake Ontario; and,

Thence easterly following a line running parallel to and a distance of 300 metres south of the high water mark of Lake Ontario to the point of commencement.

2.

Commencing at the northeast corner of the intersection of Heron Road and Myrtle Road West (Regional Road 5);

DEFINED AREA

BOUNDARIES OF DEFINED AREAS

Thence southerly along the easterly limit of the unopened road allowance between Lots 28 and 29, Concession 8, to the northerly limit of the H.E.P.C. right-of-way;

Thence easterly along the northerly limit of the H.E.P.C. right-of-way, across Ashburn Road, to the westerly limit of Lynde Creek;

Thence northerly along the westerly limit of Lynde Creek to a point 804.5 metres (.5 miles) north of the northerly limit of Myrtle Road West;

Thence westerly and parallel to Myrtle Road West to the easterly limit of Heron Road; and,

Thence southerly along the easterly limit of Heron Road to the point of commencement.

3.

Commencing at the northeast corner of the intersection of Highway Nos. 7 and 12 and the H.E.P.C. right-of-way as it passes through Concession 8;

Thence easterly along the northerly limit of the H.E.P.C. right-of-way to the westerly limit of the unopened road allowance between Lots 18 and 19, Concession 8;

Thence northerly along the westerly limits of the unopened and opened road allowance between Lots 18 and 19, Concessions 8 and 9, to the boundary between the Township of Scugog and the Town of Whitby;

Thence westerly along the boundary between the Township of Scugog and the Town of Whitby to the easterly limit of Mud Lake Road; and,

Thence southerly along the easterly limit of Mud Lake Road and Highway Nos. 7 and 12 to the point of commencement.