



**THE CORPORATION OF THE CITY OF MISSISSAUGA
DISCHARGE OF FIREARMS BY-LAW 271-11**

WHEREAS subsection 11 (2) 1. of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (the “*Municipal Act, 2001*”) provides that a municipality may enact by-laws for the health, safety and well-being of persons;

AND WHEREAS subsection 11 (2) 8. of the *Municipal Act, 2001* provides that a municipality may enact by-laws for the protection of persons and property;

AND WHEREAS subsection 119 of the *Municipal Act, 2001* provides that a municipality may, for the purpose of public safety, prohibit or regulate the discharge of guns or other fire-arms, air-guns, spring-guns, cross-bows, long-bows or any other weapon in the municipality;

AND WHEREAS the Council of The Corporation of the City of Mississauga considers it desirable to repeal the City Firearms By-law No. 331-77, as amended, and replace it with this Discharge of Firearms By-law;

NOW THEREFORE the Council of The Corporation of the City of Mississauga **ENACTS** as follows:

PART I – SHORT TITLE

1. This By-law shall be known as the “Discharge of Firearms By-law”.

PART II - DEFINITIONS

2. In this by-law:

“**Act**” for the purposes of this By-law includes any *Act*, regulation, order, order in council, approval or any other instrument adopted or obtained under the authority of an *Act*;

“**Bow**” means a long bow, a cross bow, a compound bow, re-curve bow or any other class thereof from which any arrow or other projectile can be discharged and that is capable of causing bodily injury or death to a person;

“**City**” means The Corporation of the City of Mississauga and includes where the context requires the territorial jurisdiction of the City;

“Commissioner” means the Commissioner of the Transportation and Works Department for the City or his or her designate;

“Council” means the Council of The Corporation of the City of Mississauga;

“Firearm” means any barrelled weapon from which any shot, bullet, missile or other projectile can be discharged and that is capable of causing bodily injury or death to a person, and includes anything that can be adapted for the use as a firearm, and for the purpose of this by-law includes a slingshot, a spring gun, air gun, paint ball gun and air soft gun;

“Municipal Law Enforcement Officer” means a person that is employed and appointed by the City to perform the duties of enforcing City by-laws;

“Shooting Range” means a place that is designed or intended for the safe discharge, on a regular and structured basis, of Firearms for the purpose of target practice or target shooting competitions;

PART III – INTERPRETATION

3. The prohibition and regulations established under this By-law apply to the discharge of Firearms and Bows on all lands and waters within the boundaries of the City.
4. Nothing in this By-law shall be interpreted as reducing or eliminating the need for full compliance with the provision of all applicable *Acts* of the Province of Ontario and the Government of Canada that relate to the use of Firearms and Bows.
5. The Commissioner shall prescribe all forms necessary to implement this By-law and may amend such forms, from time to time, as the Commissioner deems necessary.
6. A reference to the singular or masculine shall be deemed to refer to the plural or feminine as the context may require.
7. In the event that any particular provision or part of a provision in this By-law is found to be invalid or unenforceable by a court of competent jurisdiction, then such provision or part of a provision shall be deemed to be severed and all other provisions of this By-law shall remain in full force and shall be valid and enforceable.

PART IV – ADMINISTRATION AND ENFORCEMENT

8. The Commissioner shall be responsible for the administration of this by-law.
9. Police Officers employed by the Peel Regional Police Force and Municipal Law Enforcement Officers are responsible for enforcing the provisions of this By-law.

PART V - GENERAL PROHIBITION

10. No person shall discharge, cause to be discharged or permit to be discharged a Firearm or Bow within the limits of the City.
11. No owner or occupier of a property shall permit the discharge of a Firearm or Bow on the property that they own or occupy, except as provided for in this By-law.

PART VI – COMPLIANCE WITH FEDERAL AND PROVINCIAL EQUIREMENTS

12. No person to whom an exemption to section 10 applies shall discharge a Firearm or Bow in the City unless he or she is in compliance with the provisions of any *Act* of the Province of Ontario or the Government of Canada that may prohibit, restrict or regulate the discharge of the Firearm or Bow.
13. No owner or occupier of a property for which an exemption to section 11 applies shall permit the discharge of a Firearm or Bow on the property unless the owner or occupier are in compliance with the provisions of any *Act* of the Province of Ontario or the Government of Canada that may apply to the discharge of a Firearm or Bow on the property.
14. No owner or occupier of a property for which an exemption to section 11 applies shall permit the discharge of a Firearm or Bow on the property unless the property is in compliance with all City by-laws or other requirements that may regulate the use of the property, which include, but are not limited to:
 - (i) the City's Zoning By-law No. 225-2007, as amended, or any successor by-law;
 - (ii) any agreement or instrument registered on title to the property that was executed with the City under any *Act*; and
 - (iii) any requirement for site plan approval that was required by the City for the property pursuant to the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

PART VII - EXEMPTIONS

15. The prohibition in Section 10 does not apply to:
 - (a) a peace officer who is authorized to carry a Firearm by an *Act* of the Province of Ontario or the Government of Canada and who discharges a Firearm in the lawful performance of his or her duty;
 - (b) a person, other than a peace officer, who is authorized to carry a Firearm by an *Act* of the Province of Ontario or the Government of Canada in the course of his or her employment duties and who lawfully discharges a Firearm in the performance of those duties;

- (c) a person who lawfully discharges a Firearm or Bow in a building or on a property where a Firearm or Bow may be lawfully discharged under section 16 of this By-law;
- (d) a person employed by or under contract to the Greater Toronto Airport Authority for wildlife control services while lawfully discharging a Firearm at Lester B. Pearson International Airport in the performance of his or her employment duties;
- (e) the Manager of Animal Services for the City, or a designated Animal Service Officer, who discharges a Firearm in the lawful performance of his or her employment duties in order to terminate an animal that is rabid and poses a threat to public safety or to alleviate the suffering of an animal, or to subdue sick, injured or animals in distress;
- (f) a person who is firing blank ammunition in the discharge of a Firearm for the purposes of:
 - (i) a ceremonial event, historical display or educational programme;
 - (ii) a theatrical, film or television production; or
 - (iii) a sporting event.
- (g) a person who is firing an arrow or other projectile in the discharge of a Bow where:
 - (i) the Bow, arrow or other projectile are modified so that the discharged arrow or projectile is incapable of causing bodily injury or death to a person, and
 - (ii) the Bow is being discharged in a theatrical, film or television production.

16. The prohibition in section 11 does not apply to an owner or occupier of a property:

- (a) that is owned by the Peel Regional Police Force, Ontario Provincial Police, Royal Canadian Mounted Police or the Department of National Defence for the training of their personnel;
- (b) during the time in which the property is being used or operated by the Peel Regional Police Force, Ontario Provincial Police, Royal Canadian Mounted Police or the Department of National Defence for the training of their personnel and for no other time;
- (c) where an enclosed building, or part thereof, is used as a shooting range for the lawful discharge of Firearms where there is no danger of any projectile fired or discharged therein passing out of the building or into any other part of the building not used for the lawful discharge of Firearms;
- (d) where an enclosed building, or part thereof, is used as an archery range for the lawful discharge of Bows where there is no danger of any projectile fired or discharged therein passing out of the building or into any other part of the building not used for the lawful discharge of Bows;

- (e) where an enclosed building, or part thereof, is used for the discharge of a paint ball gun or air soft gun that are used for paint ball gaming or air soft gaming where there is no danger of any projectile fired or discharged from the paint ball gun or air soft gun passing out of the building or into any other part of the building that is not used for the lawful discharge of the paint ball gun or the air soft gun; and
- (f) owned by the City or a school board, that is used as an archery range for the lawful discharge of a Bow which is limited to a long bow where the use is part of a recreation programme conducted by the Community Services Department or the Boards of Education.

17. None of the exemptions in sections 15 and 16 may be interpreted or construed as permitting the discharge of a Firearm or Bow by any person for the purposes of hunting within the boundaries of the City.

PART VIII - OBSTRUCTION

18. No person shall obstruct or hinder or attempt to obstruct a police officer or a Municipal Law Enforcement Officer in the performance of their duties under this By-law.

PART IX - PENALTY

19. (1) Every person who contravenes any provision of this By-law, is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, and the *Municipal Act, 2001*, as each may be amended from time to time.

(2) In addition to Subsection 19 (1) of this By-law, any person who is charged with an offence under this By-law by the laying of an information under Part III of the *Provincial Offences Act*, and is found guilty of the offence is liable, pursuant to the fine provisions of the *Municipal Act, 2001*, to a fine of no more than \$100,000.00.

PART X - REPEAL

20. By-law 331-77, as amended is hereby repealed.

ENACTED AND PASSED this 26TH day of October, 2011
Signed by: Hazel McCallion, Mayor and Crystal Greer, City Clerk