

Minutes of a Special Meeting of Amherstburg Council held on Monday, June 19, 2006 at 7 p.m.

**PRESENT**

Mayor Wayne Hurst  
Deputy Mayor Anthony Leardi  
Councillor Robert Bailey  
Councillor Gord Freeman  
Councillor Carl Gibb  
Councillor Paul Renaud  
Councillor Rosa White

**ALSO PRESENT**

Frank Pizzuto, CAO  
David Mailloux, Clerk  
Lory Bratt, Planning Coordinator  
Stephen Brown, CBO  
Nick Renaud, IT  
See attendance list attached

Council held a Public meeting to hear comments on and to consider Bylaw 2006-47, being a bylaw to prohibit or regulate the discharge of firearms within the Town of Amherstburg.

Mayor Hurst opened the meeting. He welcomed all present and introduced Bill Mailloux, Chair of the Discharge of Firearms Committee.

Bill then introduced the members of the Committee and gave a brief background leading up to where we are today. By way of a power point presentation, the Committee reviewed the highlights of Bylaw 2006-47. After the presentation, Mayor Hurst called for questions or comments from Council and those in attendance. Chairman Bill advised that the members of the Committee and the CBO had a discussion regarding Schedule B. There may be some adjustments to work out.

Dave Martin, County Rd. 8 - the restricted area covers his yard and a good portion of his farm. He does not feel that this is fair. He enjoys archery and target practices. He questioned whether he would be compensated for the loss of use of his property.

Tom Teeple, Dalhousie St. - he is involved with a historical group that fires canons and muskets. Will this be allowed under the new Bylaw? He also would like to be able to use a firearm to shoot wild or sick animals.

Mayor Hurst advised that it was not the intention of this Bylaw to stop the firing of historical canons and muskets. There is provision for exemptions. With regard to the use of firearms to shoot wild or sick animals in the restricted area Mayor Hurst advised that in the interest of public safety that could not be allowed.

Discussion took place on the caliber of rifle allowed in the Bylaw (.243). Kip Strachuk suggested that .270 should be allowed. Provincial standards allow a .270. Why would we not go by Provincial Standards? Frank Nissen advised that Ministry officials agreed with the .243 caliber.

Mark Krawchuk of 332 McLellan asked if he could do bow shooting in his back yard. The answer was that being that a prohibited area, bow shooting was not allowed.

Mike Davis of Lake Erie Drive requested some clarification of permitted discharge of firearms in the Lake Erie Country Club area.

Further comments were made and discussed.



**DISCHARGE OF FIREARMS BYLAW 2006-47  
PRESENTATION BY THE TOWN OF  
AMHERSTBURG FIREARM DISCHARGE COMMITTEE**

**BACKGROUND**

Municipalities of Amherstburg, Anderdon and Malden each had Discharge of Firearms Bylaw.

In 1998 Amherstburg, Anderdon and Malden were amalgamated and it became necessary to consolidate the bylaws into one comprehensive bylaw that would encompass the new boundaries.

- In the spring of 2005 our Clerk Assistant/student was asked to prepare a draft bylaw for consideration
- Following initial review, a public meeting was called on June 20, 2005 to hear input from any interested parties
- Meeting was extremely well attended – much input
- Council realized that further work had to be done
- Council decided that a committee would be appointed to do research and prepare another draft for Council consideration
- Council chose the Committee members from a list of people who indicated interest in serving
- The Committee consists of:
  - Duane Eddie*
  - Bill Mailloux*
  - Dick Malott*
  - Frank Nissen*
  - Dianne Serran*
  - Kevin Sprague*
  - Rusty Wismer*
- Committee held first meeting in July 2005
- During next 5 months they had several meetings, reviewed correspondence received and worked with administration toward preparing a final draft
- December 2005 submitted a final draft to Council for consideration
- May 2006 Council & Committee held a working session to review draft – minor changes were agreed to
- Decision to have a Public Meeting to hear comments on draft bylaw on Monday, June 19, 2006 at 7 p.m.
- Advertising of the June 19<sup>th</sup> meeting took place in the Amherstburg Echo and the River Town Times during the weeks of June 5<sup>th</sup> and June 12<sup>th</sup>
- Draft bylaw was made available on the Town website and at the Clerks Office
- It is the intention of Council to adopt the bylaw at the June 19<sup>th</sup> meeting pending public input

### Highlights of Bylaw 2006-47

- purpose of bylaw is to prohibit or regulate the discharge of firearms for the purpose of **Public Safety**.
- bylaw defines permitted firearm as a compound bow, cross bow, long bow, recurve bow, shotgun, muzzleloader, BB gun, pellet gun or rifle with a caliber no larger than .243 or 6mm
- Schedule A to the bylaw sets out areas where the discharge of firearms is permitted and those areas where it is not permitted
- Restricted areas have been determined generally by residential development and the existence of school or park uses
- **In a permitted area the discharge of a permitted firearm must be:**
  1. **at least 100 meters away from any habitable or commercial building or structure**
  2. **at least 200 meters away from an educational site**
  3. **at least 200 meters away from an unfenced park and at least 150 meters away from a fenced park**

### Exemptions:

The By-law shall not apply to:

- a) organized Gun Clubs, when the discharge occurs in firearm or archery ranges which;
  - (i) are within a building constructed so that there is no danger of a bullet or projectile discharged or fired therein passing out of the building; and
  - (ii) where a minimum of \$1,000,000.00 public liability insurance is carried; and
  - (iii) all necessary and proper safety precautions are taken to the satisfaction of the Amherstburg Police Department or such other persons or persons as designated by the Council to enforce the provisions of this By-law; and
  - (iv) is situated in a location which is in conformity with the provisions of the Town Official Plan and Zoning By-law; and
  - (v) where application in Schedule "B", as attached hereto and forming part of this By-law has been filed with and has subsequently received written approval of the Town CAO.
- b) premises used especially for that purpose, approved by the said Council; or
- c) a farmer, landowner or their agent as allowed and described by Provincial law outside the restricted area, for the protection of his or her crops, property or livestock; or

- d) Peace Officers entitled by law to carry restricted firearms, under circumstances which make the use of such guns or other firearms imperative for the preservation of life, property or to prevent the unnecessary suffering of animals.
- e) Police Officers as authorized under the Police Services Act.
- f) a person using a tranquilizing gun prescribed and as permitted in Ontario Regulation 665/98, made under the Fish & Wildlife Conservation Act, within the limits of the Town of Amherstburg to capture wild or stray animals, with the gun to be used only in extreme cases, and when possible, with a Police or Conservation Officer present to assist in the interest of public safety, and further that the gun is to be used only while performing his or her duties.
- g) rifles larger than 6 millimetres (.243) in diameter being discharged outside the Prohibited Firearm Discharge Area for sighting in purposes only, provided such rifles are discharged into an appropriate and safe backstop; or
- h) a private park, at the owner's discretion during the off season or when not in use.

### **CONCLUSION**

In summary, the Committee first and foremost has considered Public Safety as a priority while attempting to keep as much area as possible open to allow the discharge of permitted firearms.

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