
*For the Second Meeting of the Firearms Regulation Task Force
to be held on **Thursday, June 1st, 2005**
in Committee Room C-40 (Fourth Floor), Tom Davies Square **4:00 p.m.***

(PLEASE ENSURE CELL PHONES AND PAGERS ARE TURNED OFF)

Place Tom Davies Square is wheelchair accessible. Please speak to the City Clerk prior to the meeting if you require a hearing amplification device. Persons requiring assistance are requested to contact the City Clerk's Office at least 24 hours in advance of the meeting if special arrangements are required. Please call (705) 671-2489, extension 2475. Telecommunications Device for the Deaf (TTY) (705) 688-3919. Copies of Agendas can be viewed on the City's web site at www.greatersudbury.ca.

SANDWICHES AND DRINKS WILL BE SERVED

1. **Call Meeting to Order.**
2. **Declarations of Pecuniary Interest.**

PRESENTATIONS/DELEGATIONS

3. Presentation from Ontario Federation of Anglers & Hunters regarding the question of the need of a by-law and the impact such by-law would have on anglers and hunters in the Sudbury Area
(FOR INFORMATION ONLY)
 - ▶ Greg Farrant, Government Relations & Communications, Ontario Federation of Anglers & Hunters
4. Presentation from Gilles Goudreau regarding views of the Bear Outfitters.
(FOR INFORMATION ONLY)
 - ▶ Gilles Goudreau

PRESENTATIONS/DELEGATIONS (cont'd)

5. Presentation from Crean Hill Gun Club regarding safety concerns, public opinion and the history of The Crean Hill Gun Club
(FOR INFORMATION ONLY)
 - Vance McPhee, President, Crean Hill Gun Club

MINUTES

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1. Report No. 2, Firearms Regulation Task Force Minutes of May 19th, 2005 . 1 - 10

ITEMS FOR DISCUSSION

1. Draft Advertising (English version)
(TO BE TABLED)
2. Draft Letter of Acknowledgement (English version) 11

FOR INFORMATION ONLY

1. Memo dated May 25th, 2005 from the City Solicitor regarding municipal authority over Crown lands 12
(FOR INFORMATION ONLY)
2. Hunting Accident Statistics involving the use of firearms.
(FOR INFORMATION ONLY) (TO BE TABLED)
3. EMAILS RECEIVED FROM WEBSITE
(None received since last meeting.)

ADJOURNMENT
(RESOLUTION PREPARED)

TASK FORCE MEMBERS

Councillor Bradley (*Ward 2*)
Councillor Dupuis (*Ward 3*)
Gary Lampi
Michael Pilon
Jean (Jack) Rivet
Dr. Darren Stinson
Roy Polsky,
(*Representative, Ontario Federation of
Anglers & Hunters, Zone D and its affiliate
local clubs*)

RESOURCE PERSONS (NON-VOTING)

Bryan Gutjahr, *Manager of By-law
Enforcement Services*

Sgt. Joe Williams, *Greater Sudbury Police
Services*

Steve Massé, *Conservation Officer
(Enforcement - Sudbury District), Ministry
of Natural Resources.*

AGENDA/MINUTES DISTRIBUTION

Mayor and Members of Council
CAO
General Managers
Executive Director, Administrative Support Services
City Solicitor
City Clerk

Angie Haché
Deputy Clerk

Franca Bortolussi
Planning Committee Secretary

THE SECOND MEETING OF THE FIREARMS REGULATION TASK FORCE OF THE CITY OF GREATER SUDBURY

**Committee Room C-41
Tom Davies Square**

**Tuesday, May 19th, 2005
Commencement: 4:56 p.m.
Adjournment: 6.25 p.m.**

DR. DARREN STINSON IN THE CHAIR

Task Force

Councillor Bradley (D. 5:45 p.m.); Councillor Dupuis (D. 6:00 p.m.); G. Lampi; M. Pilon; J. Rivet; R. Polsky

Resource Personnel

Bryan Gutjahr; Constable Joe Williams; S. Massé

Others

T. Mowry, City Clerk; F. Bortolussi, Committee Secretary

Declarations of Pecuniary Interest

None declared.

DELEGATIONS

Sudbury Area Trapper's Council

Ken Moxam, President, Sudbury Area Trapper's Council; James Bucholtz, Director, Sudbury Area Trapper's Council; and Blair Brydges, Sudbury Area Trapper's Council were present.

Mr. Ken Moxam gave a verbal presentation regarding the Trapper's Council's concerns with the wording in any proposed by-law. Mr. Moxam requested that the following be considered in the preparation of any proposed by-law:

1. Definition of 'dwelling house' - 'dwelling house' to be a residence that is designated to be a primary dwelling place and not include a trap camp or hunt camp.
2. Regarding the discharge of a firearm, that the following be included - except for a trapper operating under the authority of a licence pursuant to the *Fish and Wildlife Conservation Act* and its regulations, i.e. dispatching an animal in a trap or snare.

PRESENTATIONS (cont'd)

Greater Sudbury Police Services

Sgt. Joe Williams, Greater Sudbury Police Services gave a verbal presentation regarding statistics on the hunting complaints regarding firearm discharge within the City limits, definitions under the *Criminal Code of Canada* and typical velocity for common firearms. A copy of the presentation is attached as Schedule "A".

Sgt. Williams indicate this is not a concern for Police Services as most of their calls dealing with firearm discharge are not hunting related. He finds hunters and gun owners in the City to be very responsible and safety minded.

Ministry of Natural Resources

Steve Massé, Conservation Officer, Ministry of Natural Resources gave a verbal presentation regarding the role of Ministry of Natural Resources Conservation Officers. A copy of the presentation is attached as Schedule "B".

Steve Massé stated the deer population in the Sudbury area is rising and the bear population is the highest in North America. Also, many hunters come to the Sudbury area with permission to hunt on private lands within the City limits. Firearms are also discharged for protection of property. He further stated that the *Fish and Wildlife Conservation Act* does not deal with discharge of firearms for recreational shooters (target practice and gun clubs).

The Task Force requested a report from Legal Services to determine if municipality has jurisdiction over Crown lands - both provincial and federal.

MINUTES

The following recommendation was presented:

2005-3 Polsky-Rivet: That Report #1, Firearms Regulation Task Force Minutes of May 5th, 2005, be adopted.

CARRIED

NEW BUSINESS

Advertising

The Chair stated that many people are afraid to lose their heritage of hunting. It has to be made clear that the activity of hunting will not be affected; only where the activity can take place. He further stated that before the Task Force decides

NEW BUSINESS (cont'd)

Advertising (cont'd)

whether or not a by-law is required, it should hear from other interested groups. It was also stated that, if it is decided a by-law is required, there will have to be provisions for the enforcement of the by-law.

The City Clerk advised that an ad is being prepared to inform the public and provide an opportunity for comments; which ad will be made available at the next meeting for review by the Task Force.

Accidents

It was agreed that statistics would be collected to ascertain how many people were injured in a hunting accident while not being part of the hunting party. Steve Massé indicated that the number of hunting accidents has greatly decreased over the years due to safety training.

Future Presentations

Ontario Federation of Anglers & Hunters and Crean Hill Gun Club will make a presentation at the June 1st, 2005 meeting. Also, it was agreed that Gil Goudreault be invited to this meeting.

It was the consensus of the Task Force that Oliver Barriault and Brian Ramako will be invited to the June 22nd, 2005 meeting.

Email Comments

The Task Force agreed that a reply be sent to anyone submitting comments to acknowledge receipt and thank them for their comments. A draft reply will be prepared for review by the Task Force at the next meeting.

Adjournment

2005-4 Pilon-Polsky: THAT we do now adjourn.
Time: 6:25 p.m.

CITY CLERK

DR. DARREN STINSON

SCHEDULE "A"

Firearms Regulation Task Force

19 May 2005

Statisticians Report:

The Greater Sudbury Police statistician advises that a maximum of five (5) calls annually are received with respect to hunting complaints involving a firearm being reportedly discharged. If circumstances are found to be in order or if a firearm wasn't involved at all (ie. Fireworks), then the call is headed as a "Noise Complaint". If a firearm is involved in an inappropriate manner and circumstances warrant investigation and/or charges, the call is headed "Weapons Complaint".

To clarify, the Greater Sudbury Police Service receives many weapons complaints, but those which originate in a hunting type scenario are less than five (5) annually. These calls are rural in nature and are not inherent to any Ward in particular.

These types of calls, though always a safety concern to police, do not presently pose any major time or investigative burdens.

Definitions:

Firearm: C.C.C. Sec. 2

A barreled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person, and includes any frame or receiver of such a barreled weapon and anything that can be adapted for use as a firearm.

Restricted Firearms: C.C.C. Sec. 84(1)

Handguns that are not prohibited

Barrel less than 470 mm or firearm less than 660mm when folded, etc.

Capable of firing in semi-auto fashion

Prohibited Firearms:

Handgun with barrel length 105mm or less; .25 or .32 caliber

Firearm adapted from a rifle or shotgun (sawed off) less than 660mm or more than 660mm with barrel less than 457mm

Automatic firearms

Exceptions: C.C.C. Sec. 84(3)

Antique Firearms

Flare Guns

Tranquillizer guns (such as farm use)

Barreled weapon with muzzle velocity less than 152.4m/sec.

Crossbow: C.C.C. Sec. 84(1)

Bow and bowstring mounted on a stock

Designed to propel an arrow, bolt or similar projectile guided by a barrel or groove

Capable of causing serious bodily harm or death

Common Criminal Offences for Firearms:

C.C.C. Sections:

85.(1) Use firearm in commission of offence

86.(1) Careless Use/storage

87.(1) Pointing Firearm

88.(1) Possession of Weapon for Dangerous Purpose

90.(1) Carrying concealed weapon

91. Unauthorized possession

94.(1) Unauthorized possession in motor vehicle

96.(1) Possession of Weapon obtained by commission of Offence

99.(1) Weapons Trafficking

108. Tampering with Serial number

175.(1) Discharging in a Public Place (Causing a Disturbance)

244. Discharging with Intent

267. Assault with a Weapon

There are also numerous offences in relation to licensing, storage, and prohibition orders.

Typical Velocity for Common Firearms

* (Muzzle Velocity)

Handguns:

.38 cal.----1025 ft./sec.

.9mm.----1250ft./sec.

.40 cal.----1150ft./sec.

Shotguns:

.410 (birdshot)----1225ft./sec.

.410 (slug)----1830ft./sec.

.12 gauge (buckshot)----1197ft./sec.

.12 gauge (rifled slug)----1600ft./sec.

Rifles:

.22 cal.----1255ft./sec.

.223 cal.----2500-3500ft./sec.(1301 ft./sec. At 500yds. For 3240ft./sec muzzle velocity)

.30-30----2390ft./sec.(973 ft./sec. At 500yds.)

.308----2750ft./sec.(1664ft./sec. At 500yds.

.30-06----2600ft./sec.(1685ft./sec. At 500 yds.)

*Note:

The above velocities are working figures. Ballistics are subject to considerable fluctuation and are dependent upon ammunition types.

Crossbows:

250-325 ft./sec.

Airguns:

.177 or .22 round pellets----200-900ft/sec.

SCHEDULE " B "

Role of Conservation Officers / MNR

ROLE

The role of Conservation Officers and the MNR is to preserve, Manage and protect the Natural Resources of the Province of Ontario.

The main functions of a CO are to enforce the laws relating to the resource, educate the public and prosecute and give evidence before the courts.

Their job is to ensure that abuses to Ontario Natural Resource are stopped so that legitimate users may continue to enjoy and benefit from them.

CO's investigate under many federal and provincial statutes but the main enforcement legislation that concerns the task force will be The Fish and Wildlife Conservation Act and its accompanying Regulations specifically Ontario Regulation 665/97.

The MNR and its enforcement branch made up of Conservation Officers as well as protecting the resources of Ontario, protect the constitutional rights of all Ontario's people as they relate to the use of natural resources and as well protect public health and safety in Natural resource emergency situations. They also educate the public to understand the rights as resource users within the province as resource users.

Resource users that will be found within the City that the MNR will deal with are as follows

1. Hunters consisting of the following species and firearms commonly associated to that hunt
 - a) Moose-Bow, Rifles 3006,308,300 etc
 - b) Deer- Bow, Rifles as above and Shotguns (slugs, buckshot)
 - c) Bear –Bows,Rifles as above and Shotguns as above
 - d) Small game(hare, grouse,waterfowl) Shotguns (small shot) small rifle 22 cal. And occasionally Bows
2. Outfitters – Mostly Bear but some Moose.
3. Trappers
4. Prospectors
5. Trial dog trainers
6. Game Bird trial and train areas
7. Aboriginal resource users exercising traditional rights

Other discharges dealt with are defence of property destruction of the offending species. On occasion we are called to investigate gun fire related to organized and non organized target practice .

Existing Bylaw Experience

The MNR and its officers are often called when gun shots go off within the City of Greater Sudbury and Officers respond as the City is a unique mix of built up residential areas and rural and wooded areas that are often hunted. As well the City of Greater Sudbury is a mix of Large private Land owners (INCO ,Falconbridge) and smaller private landowners and small pockets of Crown Land. The investigations result most often as being a hunter who is abiding to MNR legislation . On occasion the Bylaw is not being adhered to and as well, many are landowner disputes between neighbours. In our records few Careless hunting charges have been recorded because of proximatety of gun shots to residential buildings.

Legislation

The MNR and its enforcement staff deal with many (30+) pieces of legislation but the legislation that most relates to the question is a Bylaw required or how is the Bylaw implemented is The Fish and Wildlife Conservation Act and its regulations We will go over the Act and will also discuss powers of the Officers enforcing the act so you have an understanding.

The Fish and Wildlife Conservation Act regulates hunters, trappers, Trial and train areas ,outfitters (Bear Moose etc..) and other resource users on Crown Land and Private land.

It also describes who a CO is as per Section 87 (refer to Act page 28)

It is important to know what hunt or hunting means so page 5 the definition includes lying in wait for, searching for, being on the trail of, pursuing, chasing, capturing, harassing or shooting at wildlife

Section 90 (1) (page 29) allows the officer the right to enter any building or place for the purpose that relates to hunting , trapping and wildlife, but does not include a dwelling place .

Section 88 (page 28) allows an officer to inspect any firearm in an area usually inhabited by wildlife (see definition at page 6)

Section 94 (page 32) allows for a CO acting under this act (FWCA) to enter private lands or anyone else assisting the CO whether the CO is there or not.

Safety-

Section 14 (page 11) states that a person shall not hunt with a firearm in an area prescribed by regulation as being unsafe.

Section 16(1) states that a person who is in possession of a firearm for the purpose of hunting or trapping shall not discharge or handle the firearm or cause it to be discharged or handled without due care and attention or without reasonable consideration for people or property.

This section (careless use of a firearm) in the courts one needs to prove injury or damage or a successful prosecution may not be possible.

Section 17(1) page 11 restricts firearms loaded within or on vehicles in a game inhabited area which one could argue is all of Greater Sudbury

Section 20(1) page 12 restricts the use or possession of firearms unless encased from ½ hour after sunset to ½ before sunrise.

Protection Of Property

Section 31(1) page 14 allows a person on reasonable grounds that wildlife is destroying or is about to damage the property the person may harass, capture or kill the wildlife except moose, deer or elk.

This person may use an agent as described in Reg 665/98 section 132 page 23 of that regulation.

Train and Trail Areas

Regulation 668/98 should be referenced as we MNR licence a few within the City and they are allowed to discharge firearms only for sick or injured animals.

Conclusion

Many species that are hunted within the boundaries of the new city limits pose a nuisance and if are not hunted could increase in numbers and pose more of a problem. Examples of these would be the obvious Black Bear. This would increase calls to MNR and actions taken by nuisance animal technicians and Conservation officers as well increased calls to local Police Service and action by their Officers.

The second example would be the Canada Geese located within the City. The traditional hunting areas are within the “new City boundaries” and traditionally far removed from residences. Golf course owners, farmers and lake front landowners tend to take the brunt of increased numbers of the geese. If a hunt in this area was not to exist numbers would probably rise and then so would the complaints and defence of property issues with discharge of firearms.

The Fish and Wildlife Conservation Act only deals in people who are hunting, trapping etc but does not deal in incidental firearm owner incidents ie: target practice



May 24, 2005

Mr. Allan Guse
1171 Pilon Crescent
CHELMSFORD ON P0M 1L0

Dear Mr. Guse:

RE: Firearms Regulation Task Force

PO BOX 5000 SIN A
200 BRADY STREET
SUDBURY ON P3A 5P3

CP 5000 SUCCA
200 RUE BRADY
SUDBURY ON P3A 5P3

705 671 2489

www.
city.greatersudbury
.on.ca

Thank you for your May 9, 2005 e-mail regarding the issue of firearms regulation in the City of Greater Sudbury. The Firearms Regulation Task Force was established by City Council to study the issue of firearms regulation and to make recommendations to Council.

Your comments are important and appreciated. I want you to know that your comments have been shared with all members of the Task Force. The Task Force will, over the next several months, provide other ways and means to allow the public to be heard on this very important issue and to actively participate in the forming of recommendations that this Task Force will be presenting to Council.

I do want to stress to you that the regulation of firearms in the City of Greater Sudbury is under review and as such no final decisions have been made regarding recommendations that this Task Force may make on any eventual regulations.

As Chair of the Firearms Regulation Task Force responsible for overseeing this review, it is my intention and commitment that it will be both transparent and public.

You will be afforded ample opportunity to provide further input into this process.

Yours truly,

A handwritten signature in black ink, appearing to read 'DR. STINSON', with a large, stylized flourish at the end.

**DR. DARREN STINSON, Chair
Firearms Regulation Task Force**

INTEROFFICE CORRESPONDENCE

May 25, 2005

TO: Thom Mowry

FROM: Ronald Swiddle

RE: Firearms Regulation Task Force
Our File: Firearms Discharge By-Law / By-Laws

It is my understanding that the Firearms Regulation Task Force has asked for comments on whether or not the City could pass a by-law that would apply to Crown land.

This is to confirm that a City by-law passed under the authority of the *Municipal Act, 2001*, being a by-law of general application, would indeed apply to land, whether privately held or owned by the Crown.

Please feel free to submit this to the Task Force, and if there are any further questions, I would be happy to address them as well.



RMS*sc

Ronald M. Swiddle
Director of Solicitor/Clerks
City Solicitor