

MUNICIPALITY OF CHATHAM-KENT
COMMUNITY AND DEVELOPMENT SERVICES
BUILDING AND ENFORCEMENT SERVICES

TO: Mayor and Members of Council

FROM: Lee Holling, C.B.O., Director
Building, Enforcement and Licensing Services

DATE: January 12, 2005

SUBJECT: Amendments to By-law 41-2004 Chatham-Kent Noise By-law

RECOMMENDATIONS

It is recommended that:

1. By-law 41-2004, being the Chatham-Kent Noise By-law, be amended as follows:

a) Interpretation 1. Definition of "firearm" be replaced with the following:

"firearm" means 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 barreled weapon and anything that can be adapted for use as a firearm; excluding spring and air powered firearms, long or cross bows.

b) Schedule 2, Limitation by Time, Section 13 be replaced with the following:

the discharge of firearms other than as part of an otherwise lawful hunt or gun club, or where such discharge has agricultural purposes	Monday to Sunday Between 11:00 p.m. - 7:00 a.m.
---	--

BACKGROUND

Council approved the new Chatham-Kent Noise by-law at its meeting of February 16, 2004. Subsequent to the by-law's passage, the issue of recreational discharge of firearms arose, specifically how the by-law would be applied to individuals involved in sport shooting activities.

Subsequently, a motion to amend the by-law was brought forward by Councillor Herman at the meeting of September 7, 2004. The issue was referred to administration to meet with the affected groups and report back to Council.

COMMENTS

Definition Change

The Noise By-law, as passed, carried forward a definition of firearm from the Municipal Act. That definition stated "means any gun, including an air, pellet or spring gun and a long-bow and a cross-bow". Given the intent of the by-law was to control noise, upon consultation with affected groups, air guns, pellet guns and bows have been removed from the definition.

Therefore, it has been proposed to use the definition of firearm from the Criminal Code of Canada and adding the exclusions of spring guns and air powered weapons, long and cross bows, which make little noise.

Limitation by Time

The Noise By-law, as passed, carried forward exemptions for noise created by firearms for a legal hunt, gun club or agricultural purposes. These activities were exempted from the by-law and thus any noise associated with the same would be legal. This section, however, was silent on sport shooting activities which would not be part of a legal hunt, gun club or agricultural purposes.

While no known complaints have been received by Chatham-Kent Police regarding sport shooting activities, there was a perception by affected groups that if the activities were not exempted they could be subject to the noise by-law at any time.

Therefore, the new Schedule 2-13 now provides that sport shooting is exempted from the provisions of the noise by-law from 7:00 a.m. to 11:00 p.m., Monday to Sunday. Essentially, sport shooting now enjoys the same noise exemption as an individual running a lawn mower.

COMMUNITY STRATEGIC PLAN

The recommendations in this report support the following objective and strategic direction:

E: Leadership - Encouraging community leadership that is supportive to the whole of Chatham-Kent

E3: Promote understanding and communication among all community leaders and groups

Expected Results

- Increased cooperation and collaboration between groups

The recommendations will not adversely impact on the remainder of the Community Strategic Plan.

CONSULTATION

The Canadian Shooting Sports Association, Cloverleaf Club, Dover Rod & Gun Club, Rondeau Rod & Gun Club, Chatham-Kent Police Services, Legal Services and concerned citizens were consulted.

The above mentioned were represented at a meeting with administration, made input and concur with the recommendations of this report.

FINANCIAL IMPLICATIONS

There are no financial implications resulting from the recommendations.

Prepared by:

Lee Holling, C.B.O.

Director, Building, Enforcement and Licensing Services

Reviewed by:

Reviewed by:

Evelyn Bish, B.A.

Acting General Manager



Joe G. Pavelka, P. Eng.
Chief Administrative Officer

c.

Canadian Shooting Sports Association	Cloverleaf Club
Dover Rod & Gun Club	Rondeau Rod & Gun Club
Chatham-Kent Police Services	Legal Services