



City of Richmond

Report to Committee

To: Parks, Recreation and Cultural Services
Committee

Date: June 2, 2021

From: Gregg Wheeler
Manager, Sport and Community Events

File: 11-7000-01/2021-Vol
01

Re: Amendment to Regulating the Discharge of Firearms Bylaw No. 4183

Staff Recommendation

1. That Regulating the Discharge of Firearms Bylaw No. 4183, Amendment Bylaw No. 10278 to amend the terms of the bylaw as described in the staff report titled "Amendment to Regulating the Discharge of Firearms Bylaw No. 4183" dated June 2, 2021, from the Director, Recreation and Sport Services, be introduced and given first, second and third readings.

Elizabeth Ayers
Director, Recreation and Sport Services
(604) 247-4669

Att. 3

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Law	<input checked="" type="checkbox"/>	
Parks Services	<input checked="" type="checkbox"/>	
Community Safety Administration	<input checked="" type="checkbox"/>	
RCMP	<input checked="" type="checkbox"/>	
Community Bylaws	<input checked="" type="checkbox"/>	
SENIOR STAFF REPORT REVIEW	INITIALS: MO	APPROVED BY CAO

Staff Report

Origin

At the January 12, 2021, Community Safety Committee, staff received the following referral:

That staff revisit the City's firearms discharge bylaws for potential modification and editing of the firearms discharge map.

Since January, staff have worked with the RCMP and the Rod and Gun Club to review the Regulating the Discharge of Firearms Bylaw No. 4183, and the Hunting by Permission program provided by the bylaw. This report outlines staff findings and recommendations regarding changes to the Regulating the Discharge of Firearms Bylaw No. 4183.

This report supports Council's Strategic Plan 2018-2022 Strategy #1 A Safe and Resilient City:

Enhance and protect the safety and well-being of Richmond.

1.1 Enhance safety services and strategies to meet community needs.

Analysis

Background

The use of a firearm in Richmond is regulated through the Regulating the Discharge of Firearms Bylaw No. 4183 ("the bylaw") (Attachment 1), which generally prohibits the discharge of firearms within the Municipality. The bylaw provides for hunting in designated areas where "hunting by permission" is allowed with the necessary permits and permissions in place.

The bylaw authorizes the Richmond Rod and Gun Club ("the Club") to operate the Hunting by Permission program which they have been doing since the bylaw was established in 1983. The Hunting by Permission program is run on an annual basis for the purpose of safely managing the recreational hunting of waterfowl during the hunting season in Richmond's Agricultural Land Reserve ("ALR") as shown in Schedule A of Attachment 1.

As per the attached letter (Attachment 2) from Mike Thorne, President, Richmond Rod & Gun Club, the Club only issues hunters a Hunting by Permission pass once they provide proof of the following:

- Federal Government PAL (Possession and Acquisition License);
- Province of BC's CORE Certificate (Conservation and Outdoor Recreation Education Certificate);
- Lower Fraser Valley Special Area License;
- Federal Government's Migratory Game Bird Hunting Permit; and
- Proof of insurance, in the amount of \$5M.

Once a pass is issued the hunter needs to gain the permission of the property owner for the land on which they wish to hunt.

The above licenses, certifications and permit requirements ensure that individuals that take part in the Club's Hunting by Permission program understand the importance of their legal obligations as hunters. This includes the safe handling of firearms, choice of appropriate firearm, storage and transportation of firearms along with what constitutes ethical practices related to hunting and recommendations on location and direction of shooting.

Before the start of each hunting season staff from the City of Richmond, Richmond RCMP, BC Ministry wildlife biologist and President of the Club meet to discuss any issues from the previous season along with discussing particulars related to the pending season.

Review of Richmond Rod and Gun Club Hunting by Permission Pass Program

The Club issued 22 Hunting by Permission passes this past season that were valid from September 2020 to March 2021. The Club recently completed a telephone survey of last year's 22 pass holders and collected the following information as part of the survey:

Richmond Rod and Gun Club 2020/2021 Hunting by Permission Telephone Survey	
Number of pass holders surveyed	20 of 22 pass holders (91%)
Number of years hunting	1-55 years (30 years average)
Number of years with a hunting by permission pass	1-30 years (10 years average)
Number of times hunted with their pass this past season	0-17 times (average of 8 times)
Number of pass holders that didn't hunt this past season	4 pass holders
Number of farms that pass holders hunted within Richmond's ALR this past year	13 pass holders hunted on one farm and three pass holders on two to four different farms
Number of times pass holders hunted south of Steveston Highway in the ALR	4 pass holders hunted a total of 24 times
Number of times pass holders hunted east of No. 6 Road in the ALR	13 pass holders hunted a total of 85 times
Number of pass holders that hunted in both ALR zones	1 pass holder

The telephone survey of the 22 pass holders shows that there is a small number of hunters who have taken part in the Hunting by Permission pass this past year. The survey shows that the pass holders are hunters who have been hunting on average over 30 years and have been hunting in Richmond as part of the Club's Hunting by Permission program for an average of 10 years. The survey shows that pass holders are hunting on specific farms with the permission of the farmer/land owner and not hunting on multiple farms over the course of a single hunting excursion or over the duration of the hunting season.

The waterfowl that are taken by pass holders are harvested in an ethical manner and the protein from the fowl is cleaned and consumed, or frozen for later consumption.

The Club, which was established in 1955, has worked hard volunteering over the years to continue the tradition of hunting for recreational purposes in Richmond's ALR zones. Through the Club's management of the program they ensure that hunting is carried out in a safe and lawful manner as required by the bylaws and laws at the municipal, provincial and federal levels of government that govern the hunting of waterfowl in the City of Richmond.

Richmond RCMP Calls for Service Related to Shots Fired

A review of the Richmond RCMP's shots fired call for service over the past three years, in the designated Hunting by Permission zones, showed that there were a total of 28 calls (average of 9 calls per year). Of the 28 calls, upon investigation by the RCMP, none resulted in charges being laid. The incident that occurred on November 11, 2020, off No. 4 Road and Steveston Highway was still under investigation as of May 2021 with the RCMP working with Crown on possible charges related to this incident.

Amendment to Regulating the Discharge of Firearms Bylaw No. 4183

Upon review of the bylaw and a survey of the Hunting by Permission users, staff recommend that that program continue in its current form and that other than three housekeeping items no changes to the bylaw are recommended.

For housekeeping purposes staff propose that under Section 2 of the bylaw that the liability insurance be increased from the current \$1,000,000 to \$5,000,000 as highlighted in Attachment 3 – Proposed Amendment to Firearms Discharge Regulation Bylaw 4183 – redline version. This increase is in alignment with other insurance requirements across the Community Services Division. It is also recommended that the offences section of the bylaw be replaced to bring it into alignment with other City bylaws and to ensure that if enforcement action is ever required to be taken the City has the ability to pursue the most stringent possible fines under the current legislation. Without the replacement of Section 12, the maximum prosecution fine under the Offence Act (BC) would be \$2,000; with the replacement of Section 12 the maximum prosecution fine under the Offence Act to be not less than \$1,000 and can be up to \$50,000. Lastly, that the Schedule A (map) of the bylaw be replaced with an updated map as included in Attachment 3. This update will provide clarity on the areas designated for Hunting by Permission.

Staff will continue to work with the Club to ensure that the Hunting by Permission program is delivered effectively and safely for future hunting seasons.

Financial Impact

None.

Conclusion

That the City of Richmond continue to work with the Club to ensure that the Hunting by Permission program is effectively and safely managed in the future for all pass holders related to the safe discharge of firearms in Richmond. Hunting has a long and safe history in Richmond from a recreational and farm protection perspective that can still occur on farms within the ALR.



Gregg Wheeler
Manager, Sport and Community Events
(604-244-1274)

- Att. 1: Regulating the Discharge of Firearms Bylaw No. 4183
- 2: Letter from Mike Thorne, President, Richmond Rod & Gun Club
- 3: Proposed Amendment to Firearms Discharge Regulation Bylaw 4183 - redline version



REGULATING THE DISCHARGE OF FIREARMS

BYLAW NO. 4183

EFFECTIVE DATE – March 29, 1983

CONSOLIDATED FOR CONVENIENCE ONLY

This is a consolidation of the bylaws below. The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws on this subject.

<u>AMENDMENT BYLAW</u>	<u>EFFECTIVE DATE</u>
SCHEDULE A No. 6106	June 26, 1993
SCHEDULE A No. 6491	July 24, 1995
SCHEDULE A No. 6941	August 24, 1998
Bylaw 8538	November 9, 2009

The bylaw numbers in the margin of this consolidation refer to the bylaws that amended the principal Bylaw No. 4183. The number of any amending bylaw that has been repealed is not referred to in this consolidation.

**REGULATING THE DISCHARGE OF FIREARMS
BYLAW NO. 4183**

A Bylaw for the Purpose of Regulating
the Discharge of Firearms

The Council of The Corporation of the Township of Richmond, in open meeting assembled, enacts as follows:

INTERPRETATION

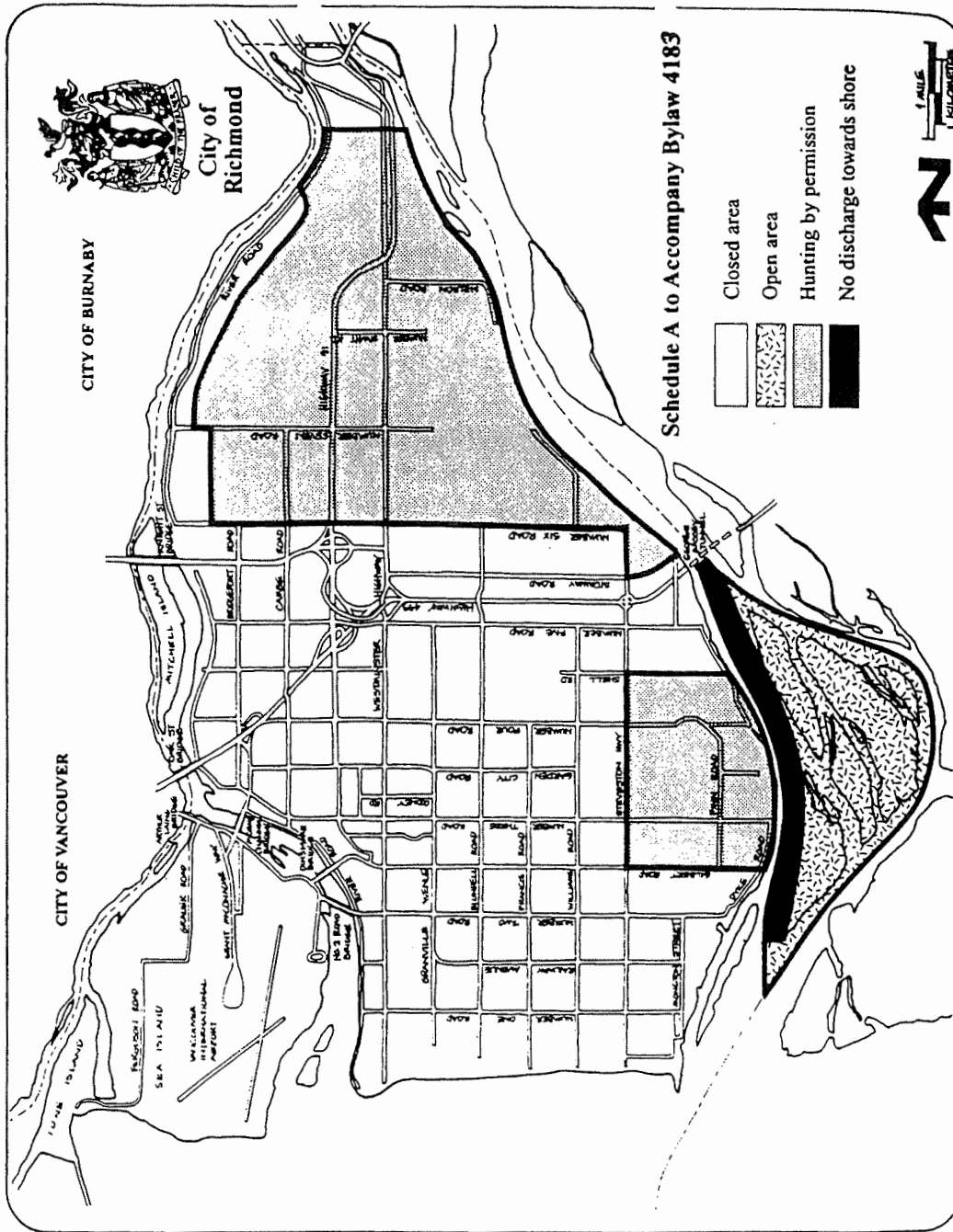
For the purposes of this Bylaw

1. "FIREARM" means a rifle, pistol, or shotgun and includes air guns, air rifles, air pistols and spring guns but does not include firearms used for the discharge of blank ammunition in connection with an athletic or sporting event.
2. "PUBLIC HIGHWAY" means highway as defined in the Municipal Act.
3. The provisions of this Bylaw shall not apply to Peace Officers, employees of the Fisheries & Wildlife Branch, employees of the Ministries of Fisheries & Oceans, employees of the Canadian Wildlife Service, or employees of the Society for the Prevention of Cruelty to Animals required to use firearms in the line of duty.
4. No person shall discharge a firearm within or into the area designated as "closed" on Schedule "A" attached hereto and forming part of this Bylaw.
5. No person shall discharge a firearm utilizing a single projectile within the Municipality except as specifically provided under section 6 and section 7 hereof.
6. (1) A permit to allow the discharge of firearms within the Municipality shall be required:
 - (a) for the operation of a pistol, rifle, trap and/or skeet shooting range, and
 - (b) for an organized trap or skeet shooting event not located on a shooting range permitted to operate under this Bylaw, and
 - (c) when the discharge of firearms is to be conducted by a person who is the holder of a valid resident trapping licence and a resident hunting or firearms licence issued by the Province of British Columbia who has produced written permission from the owner or the lessee of the lands upon which he proposes to operate his trap line.
- (2) A permit for the discharge of firearms may be issued providing the applicant is covered by an existing public liability and property damage insurance policy in the minimum amount of \$1,000,000.00 validated for the duration of the permit.

- (3) Any person requiring a permit under this section shall make application in writing to the Council of the Municipality setting forth complete details of the activity or event for which the permit is required.
 - (4) The Council of the Municipality may, after considering the application referred to in section 6(3) hereof, issue a permit subject to such terms and conditions as the Council deems necessary.
7. Notwithstanding sections 4 and 5 hereof, but subject to the Migratory Birds Convention Act, the Wildlife Act and regulations thereto, a person may discharge a firearm within the Municipality without first obtaining a permit therefor when:
 - (a) he is engaged in a farm operation and the firearm is discharged for the purpose of protecting his crops or livestock from birds or animals,
 - (b) he is engaged in the humane destruction or slaughter of domestic livestock, or
 - (c) he is engaged in a commercial slaughter-house operation, or
 - (d) he is engaged in shooting on a pistol, rifle, trap or skeet shooting range duly authorized by a permit pursuant to section 6 of this Bylaw.
8. Notwithstanding the provisions of section 4 hereof a person may, in that portion of the Municipality designated as open hunting on Schedule "A" attached hereto and forming part of this Bylaw, during that part of each year when the hunting of wildlife may be carried out in accordance with the laws of the Province of British Columbia and where that person is a holder of a valid and subsisting licence issued by the Province of British Columbia and as required by the laws of the said Province and of Canada for the hunting and killing of such wildlife, discharge firearms therein without the necessity of obtaining a permit therefor pursuant to this Bylaw.
9. Notwithstanding the provisions of section 4 hereof, a person may, in the area designated as "hunting by permission only" on Schedule "A" attached hereto and forming part of this Bylaw, if he has a hunting by permission pass issued by the Richmond Rod and Gun Club and validated by the owner of the property, during that period of each year when the hunting of wildlife may be carried out in accordance with the laws of the Province of British Columbia and where that person is a holder of a valid and subsisting licence issued by the Province of British Columbia and as required by the laws of the said Province and of Canada for the hunting and killing of such wildlife, discharge firearms therein without the necessity of obtaining a permit therefor pursuant to this Bylaw.
10. Notwithstanding any provisions of this Bylaw:
 - (a) unless authorized by a permit issued in keeping with this Bylaw, no person shall discharge, within the limits of the Municipality, any firearm within 135 metres of any school building, school yard, public park, playground, church, workshop, place of business, dwelling house, farm building, public highway, or other place where persons may be assembled or engaged in work of any kind,

- (b) it shall be lawful for a person to discharge a firearm within or into the Vancouver International Airport with the written permission of the Manager of Vancouver International Airport.
- 11.
 - (a) No person shall discharge a firearm in the area designated as "no discharge toward shore" on Schedule "A" attached hereto and forming part of this Bylaw unless the firearm is aimed into an adjacent area designated as "open area" on Schedule "A" attached hereto and forming part of this Bylaw.
 - (b) The area designated as "no discharge toward shore" shall be a strip 180 metres wide measured out from a line drawn parallel to and perpendicularly distant 180 metres from the shore on the outside foot of the dyke as the case may be.
- 12. Every person who violates any of the provisions of this Bylaw shall be liable to prosecution under the provisions of the "Offence Act".
- 13. Bylaw No. 4106 is hereby repealed.
- 14. This Bylaw is in effect and in force and binding on all persons as from the day following the date of its adoption.

SCHEDULE A to BYLAW NO. 4183





RICHMOND ROD & GUN CLUB

Box 26551 Blundell Centre P.O.

Richmond, B.C. V7C-5M9

www.rrgc.homestead.com

Hunting in the ALR within the city of Richmond is both safe, viable, and should remain open for future generations.

In order for a person to hunt, the hunter has gone through courses and obtained licences before they are able to go afield.

If they want a fire arm they have to take a PAL course which is a Possession and acquisition Licence. This does not enable the person to hunt. It is required to obtain a licence to own a fire arm.

The person then needs to take and successfully pass a CORE course which would let them acquire a hunting licence. CORE stands for conservation outdoor recreation education. This is a fairly in depth course teaching not only wildlife identification and game handling, but also the ethics that go with it.

You then need a Migratory Game Birds Licence to hunt migratory birds within the province.

If you live in the Lower Fraser Valley you will also have to obtain the Fraser Valley Special Area Licence which shows that you are insured for \$2 million liability.

You then have to obtain a Hunting by Permission pass through the RRGCC to hunt within the City of Richmond. You can not get this pass without having all the other licences. We take names, phone numbers, addresses, all licence numbers, make, model, color and licence plate numbers of vehicles, and driver's licence.

Once the applicant has provided all the necessary information, they are then eligible to go to farms of their choice and then ask the farmer if they can hunt on their property. Having all the licences does not mean that the farmer has to let you hunt on their land. It is entirely up to the farmer if they will let you hunt on their land.

The Landowner, not the farmer, if they are not the same, then has to sign your Hunting by Permission pass. If they choose to sign your pass, you can then make arrangements with that farmer to hunt on their land. The signature is only good for that particular farm. If you want to hunt on another property you would have to get signed permission for each individual farm.

Once you have all these licences, and a Landowner has signed your pass you are then legally allowed to go hunting, on that property.

I recently did a Pass Holder's survey.

Of 20 passholders surveyed:

Passholders have had a Provincial hunting licence on average of 31 years plus.

Over 70% of the pass holders live in Richmond.

On average passholders have had a Hunting by Permission pass for 10 years.

15 of 20 pass holders used their pass this year.

4 people were shooting in South Richmond and 13 in East Richmond.

Majority of hunters have only one location to hunt with permission.

Many hunters have been hunting here for generations, bonding with family and friends as they go. They have built up a rapport and trust with the farmer, and are welcome onto the property.

The RRGCC takes it's position as stewardship seriously.

We have been teaching and promoting safety, competency, and education, with regards to wildlife, conservation, and outdoor recreation since forming as a society in 1955.

Our connection with the City of Richmond and serving the community is part of the legacy of the city itself.

We realize that these are changing times and we are adapting, monitoring, and looking at more ways to keep both the Public, farmers and hunters safe.

With Leadership, Monitoring, and Education, we should be able to share our experiences for generations to come. The RRGC is looking forward to continue working as Stewards, within our mandate of our Constitution and By-Laws, with the City of Richmond, supporting our longstanding role as a Society in Richmond.

Please contact me if you have any further questions regarding our club or this program that is valued by our members.

Regards

Mike Thorne

President RRGC



REGULATING THE DISCHARGE OF FIREARMS

BYLAW NO. 4183

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June 26, 1993
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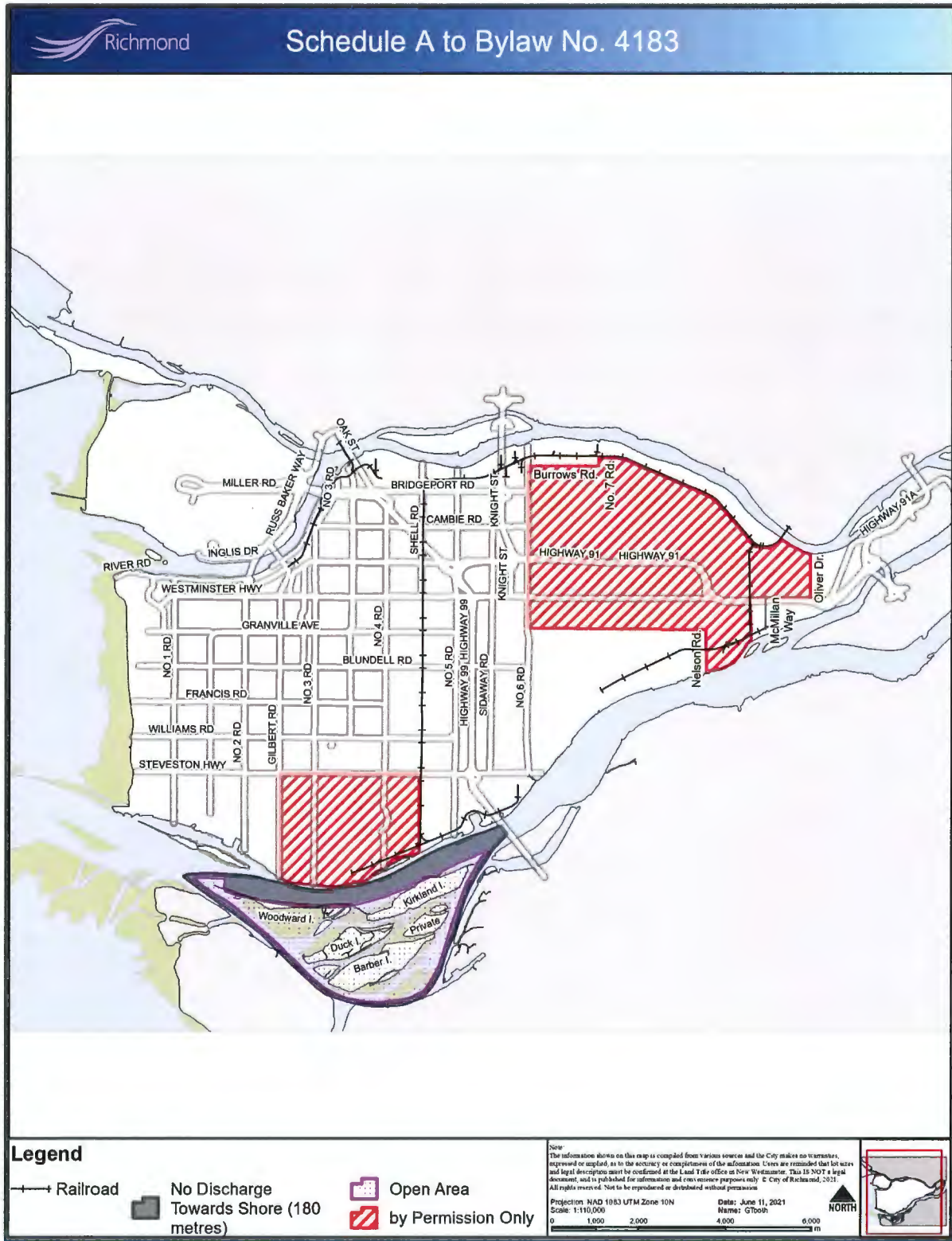
INTERPRETATION

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4. No person shall discharge a firearm within or into the area designated as "closed" on Schedule "A" attached hereto and forming part of this Bylaw.
5. No person shall discharge a firearm utilizing a single projectile within the Municipality except as specifically provided under section 6 and section 7 hereof.
6. (1) A permit to allow the discharge of firearms within the Municipality shall be required:
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 - (b) for an organized trap or skeet shooting event not located on a shooting range permitted to operate under this Bylaw, and
 - (c) when the discharge of firearms is to be conducted by a person who is the holder of a valid resident trapping licence and a resident hunting or firearms licence issued by the Province of British Columbia who has produced written permission from the owner or the lessee of the lands upon which he proposes to operate his trap line.
- (2) A permit for the discharge of firearms may be issued providing the applicant is covered by an existing public liability and property damage insurance policy in the minimum amount of ~~\$1,000,000.00~~ \$5,000,000 validated for the duration of the permit.

- (3) Any person requiring a permit under this section shall make application in writing to the Council of the Municipality setting forth complete details of the activity or event for which the permit is required.
 - (4) The Council of the Municipality may, after considering the application referred to in section 6(3) hereof, issue a permit subject to such terms and conditions as the Council deems necessary.
7. Notwithstanding sections 4 and 5 hereof, but subject to the Migratory Birds Convention Act, the Wildlife Act and regulations thereto, a person may discharge a firearm within the Municipality without first obtaining a permit therefor when:
 - (a) he is engaged in a farm operation and the firearm is discharged for the purpose of protecting his crops or livestock from birds or animals,
 - (b) he is engaged in the humane destruction or slaughter of domestic livestock, or
 - (c) he is engaged in a commercial slaughter-house operation, or
 - (d) he is engaged in shooting on a pistol, rifle, trap or skeet shooting range duly authorized by a permit pursuant to section 6 of this Bylaw.
8. Notwithstanding the provisions of section 4 hereof a person may, in that portion of the Municipality designated as open hunting on Schedule "A" attached hereto and forming part of this Bylaw, during that part of each year when the hunting of wildlife may be carried out in accordance with the laws of the Province of British Columbia and where that person is a holder of a valid and subsisting licence issued by the Province of British Columbia and as required by the laws of the said Province and of Canada for the hunting and killing of such wildlife, discharge firearms therein without the necessity of obtaining a permit therefor pursuant to this Bylaw.
9. Notwithstanding the provisions of section 4 hereof, a person may, in the area designated as "hunting by permission only" on Schedule "A" attached hereto and forming part of this Bylaw, if he has a hunting by permission pass issued by the Richmond Rod and Gun Club and validated by the owner of the property, during that period of each year when the hunting of wildlife may be carried out in accordance with the laws of the Province of British Columbia and where that person is a holder of a valid and subsisting licence issued by the Province of British Columbia and as required by the laws of the said Province and of Canada for the hunting and killing of such wildlife, discharge firearms therein without the necessity of obtaining a permit therefor pursuant to this Bylaw.
10. Notwithstanding any provisions of this Bylaw:
 - (a) unless authorized by a permit issued in keeping with this Bylaw, no person shall discharge, within the limits of the Municipality, any firearm within 135 metres of any school building, school yard, public park, playground, church, workshop, place of business, dwelling house, farm building, public highway, or other place where persons may be assembled or engaged in work of any kind,

- (b) it shall be lawful for a person to discharge a firearm within or into the Vancouver International Airport with the written permission of the Manager of Vancouver International Airport.
11. (a) No person shall discharge a firearm in the area designated as "no discharge toward shore" on Schedule "A" attached hereto and forming part of this Bylaw unless the firearm is aimed into an adjacent area designated as "open area" on Schedule "A" attached hereto and forming part of this Bylaw.
- (b) The area designated as "no discharge toward shore" shall be a strip 180 metres wide measured out from a line drawn parallel to and perpendicularly distant 180 metres from the shore on the outside foot of the dyke as the case may be.
12. ~~Every person who violates any of the provisions of this Bylaw shall be liable to prosecution under the provisions of the "Offence Act".~~
- Any person who contravenes or violates any provision of this Bylaw, or who suffers or allows any act or thing to be done in contravention or violation of this Bylaw, or who fails or neglects to do anything required to be done under this Bylaw, commits an offence and upon conviction shall be liable to a fine of not less than One Thousand Dollars (\$1,000) and not more than Fifty Thousand Dollars (\$50,000.00), in addition to the costs of the prosecution, and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence."
13. Bylaw No. 4106 is hereby repealed.
14. This Bylaw is in effect and in force and binding on all persons as from the day following the date of its adoption.





REGULATING THE DISCHARGE OF FIREARMS BYLAW NO. 4183, AMENDMENT BYLAW NO. 10278

The Council of the City of Richmond enacts as follows:

- 1. Regulating the Discharge of Firearms Bylaw No. 4183, as amended, is further amended at Section 6(2) by deleting the number "\$1,000,000.00" and replacing it with the number "\$5,000,000.00".
2. Regulating the Discharge of Firearms Bylaw No. 4183, as amended, is further amended by deleting Section 12 and replacing it with the following:
"12. Any person who contravenes or violates any provision of this Bylaw, or who suffers or allows any act or thing to be done in contravention or violation of this Bylaw, or who fails or neglects to do anything required to be done under this Bylaw, commits an offence and upon conviction shall be liable to a fine of not less than One Thousand Dollars (\$1,000.00) and not more than Fifty Thousand Dollars (\$50,000.00), in addition to the costs of the prosecution, and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence."
3. Regulating the Discharge of Firearms Bylaw No. 4183, as amended, is further amended by deleting Schedule A to Bylaw 4183 and replacing it with Schedule A attached to this Bylaw.
4. This Bylaw is cited as "Regulating the Discharge of Firearms Bylaw No. 4183, Amendment Bylaw No. 10278".

FIRST READING

SECOND READING

THIRD READING

ADOPTED

Four horizontal lines for signatures

CITY OF RICHMOND
APPROVED for content by originating dept.
APPROVED for legality by Solicitor

MAYOR

CORPORATE OFFICER

