March 6, 2006

Mr. K.C. Christenson  
City Clerk  
City of Hamilton  
71 Main Street West  
Hamilton, ON L8P 4Y5

Dear Mr. Christenson,

**Re: Replica and Imitation Firearms By-law**

The GTA Mayors & Chairs considered the above matter and at a meeting held on February 17, 2006 the Group adopted the following resolution:

"THAT the Township of Scugog's by-law regarding the restrictions of the use of replica and imitation firearms be endorsed in principle; and

FURTHER THAT a copy of the by-law be forwarded to the GTA municipalities, Provincial and National Chiefs of Police Associations, the GTA School Boards, the GTA MP's and MPP's, and the Association of Municipalities of Ontario."

Please find enclosed a copy of the Township of Scugog's by-law, as well as a variety of local newspaper articles, for your information and consideration.

Yours truly,

Roger Anderson  
Co-chair of the GTA Mayors and Regional Chairs Group

Enclosures

C: Mr. J. Couto, Director, Ontario Association of Chiefs of Police  
Mr. P. Cuthbert, Executive Director, Canadian Association of Chiefs of Police  
GTAH School Board  
GTAH MPs  
GTAH MPPs

Contact Address: Office of the Regional Chair & CAO  
Regional Municipality of Durham  
605 Rossland Road East, Whitby, Ontario, L1N 6A3  
905-668-7711 ext. 2029
THE CORPORATION OF THE TOWNSHIP OF SCUGOG

BY-LAW NUMBER 02-06

BEING A BY-LAW TO REGULATE THE SALE AND POSSESSION OF REPLICA FIREARMS AND ImitATION FIREARMS IN THE TOWNSHIP OF SCUGOG.

WHEREAS Section 130 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, permits municipalities to pass by-laws related to the health, safety and well-being of the inhabitants of the municipality.

AND WHEREAS the Corporation of the Township of Scugog has determined that the purchase, sale, possession and use of Replicas of Firearms are activities having the potential to negatively effect the health safety and well-being of the inhabitants of the Township.

AND WHEREAS the Corporation of the Township of Scugog has determined that the regulation of the purchase, sale, possession and use of Replicas of Firearms is related to the health, safety and well-being of the Inhabitants of the Township of Scugog.

NOW THEREFORE the Council of the Corporation of the Township of Scugog enact as follows:

SECTION ONE - DEFINITIONS

1.1 In this by-law:

(a) "Criminal Record" means any conviction under the Criminal Code and includes any amendments thereto;

(b) "Firearm" means any barrelled weapon from which a shot, bullet or other projectile can be discharged by means of rimfire or centrefire ammunition.

(c) "Identification" means a valid driver's license issued by the Province of Ontario or any other Ontario Government issued photo identification.

(d) "Imitation Firearm" means any device that is designed or intended to resemble a Firearm or Replica Firearm or may be reasonably mistaken as a Firearm or Replica Firearm and shall include a device that with limited modification may be reasonably mistaken as a Firearm or Replica Firearm.

(e) Municipal Law Enforcement Officer" means a Municipal Law Enforcement Officer appointed to enforce the By-laws of the Township of Scugog.

(f) "Officer" means a Police Officer and/or a Municipal Law Enforcement Officer.

(g) "Person" includes a Person as defined in accordance with the Interpretation Act, R.S.O. 1990, c. I.11, as amended.

(h) "Police Officer" means a Police Constable sworn in and for the Province of Ontario and shall include a Constable of the Royal Canadian Mounted Police.
(i) "Police Report" means a Criminal Information Request received from the Durham Regional Police Service, Ontario Provincial Police Service and Royal Canadian Mounted Police Service and such Police Report shall be current to within six (6) months.

(j) "Purchaser" means the purchaser of a Replica Firearm or Imitation Firearm and includes a Person.

(k) "Replica Firearm" means any barrelled weapon from which a shot, bullet or other projectile can be discharged by means other than rimfire or centrefire ammunition.

(l) "Township" means the Township of Scugog.

(m) "Vendor" means the seller of a Replica Firearm or Imitation Firearm and includes a Person.

SECTION TWO – GENERAL REGULATION

2.1 No Person shall purchase, sell, possess or use a Replica Firearm or Imitation Firearm in the Township except in accordance with this By-law.

SECTION THREE – REGULATION OF SALE

3.1 No Person shall sell a Replica Firearm or Imitation Firearm to any Person who is less than 18 years old and confirms, by way of identification, that the Purchaser is not less than 18 years old;

SECTION FOUR – REGULATION OF PURCHASE

4.1 No person shall purchase a Replica Firearm or Imitation Firearm unless that person confirms, by way of identification, to the Vendor, to the satisfaction of the Vendor, that the Purchaser is not less than 18 years old;

SECTION FIVE – REGULATION OF POSSESSION AND USE

5.1 No person who is less than 18 years old shall possess a Replica Firearm or Imitation Firearm while on public property or on private property to which the public has general access.

5.2 No Person shall use a Replica Firearm or Imitation Firearm in a manner that is reasonably likely to cause harm or damage to another person or property.

5.3 No Person shall use a Replica Firearm or Imitation Firearm in a manner that is reasonably likely to instil fear in or intimidate any other person.

5.4 Any person who is found in contravention of Section 5 shall forthwith surrender such Replica Firearm or Imitation Firearm to an Officer.
SECTION SIX – ADMINISTRATION AND ENFORCEMENT

6.1 The Municipal Law Enforcement Officer shall be responsible for the Administration of this By-law.

6.2 The Officer will be responsible for the Enforcement of this By-Law.

SECTION SEVEN – OFFENCE

7.1 Every Person who contravenes any provision, section or paragraph of this By-law is guilty of an offence and upon conviction is liable to a fine or penalty for each offence, exclusive of costs, as prescribed by the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.

SECTION EIGHT – SEVERABILITY

8.1 If a court of competent jurisdiction should declare any section of this By-law, or part thereof, to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this By-law as having being invalid and is hereby declared that the remainder of the By-law shall be valid and shall remain in force.

SECTION NINE – NON-APPLICATION

9.1 This By-law shall not apply to the possession or use of a Replica Firearm or Imitation Firearm for, or in connection with, the lawful use thereof in motion pictures, television and stage productions, the historical displays or educational programs of a public museum or duly constituted sporting events.

SECTION TEN – SHORT TITLE

10.1 The short title of this By-law shall be the "Replica Firearm By-law"

SECTION ELEVEN – DATE EFFECTIVE

11.1 This By-law shall come into effect on the day of its passing.

Read a First, Second and Third time and finally passed this 9th day of January, 2008

(Signed) Marilyn Pearce
MAYOR, Marilyn Pearce

(Signed) Kim Coates
CLERK, Kim Coates
Ban sought on fake guns

Feb 14, 2006
By David Blumenfeld

WHITBY -- They may be "toys," but they pose a real danger to police and the kids using them.

Police are encountering replica firearms on the streets of Durham Region far too often these days, and in some cases, are responding to radio calls thinking a real gun is being used.

"When we arrive on scene and we're faced with weapons like this, we could be dealing with very serious consequences that these boys don't recognize," Durham Regional Police Constable Todd Petzold said. "These weapons present a very serious threat to police officers on the streets."

Const. Petzold was at Whitby council Monday asking Town staff to create a bylaw banning the possession and use of replica firearms in public among those under 18 years of age. The townships of Scugog and Uxbridge recently implemented similar bylaws, and Const. Petzold is taking his message to other municipalities in Durham Region asking them to do the same.

There is a bylaw that currently regulates the sale and possession of imitation firearms to people under the age of 18, but no bylaw regulating the possession of replica firearms. The new bylaw would not extend to private property.

When an officer responds to a call involving imitation firearms, oftentimes the call that comes into the police station is "there's two guys outside shooting each other," Const. Petzold said. When police arrive on scene, it can be dark and late at night -- conditions that make it hard for police to tell the difference between the real guns and the fake ones. Some of these "toys" are even equipped with laser sights, he added.

"We don't know what we're dealing with," Const. Petzold said. "When we arrive, we're carrying real guns... (and) we have our policies that we are to respond with. They could be facing deadly force when we arrive."

Aside from telling local municipalities about the threat posed by replica firearms, Const. Petzold is also talking to students about the hazards as well. As a high school liaison officer for north Durham, he visits schools informing students that fake guns can be mistaken for real ones.

"Essentially, what we're doing is trying to protect the young people," he said. "The kids are recognizing the danger and they are turning them into the police now. This represents a real concern for us in the police department. What we're asking is that we not see them in the streets, on our playgrounds, in our schools or our stores."

At Monday's council meeting, a wide variety of replica firearms confiscated from youth in Durham were on display. In some instances, charges were laid against youth for using them, Const. Petzold said.

"Until I got real close, I thought they were real," Councillor Gerry Emm said.

Council is expected to implement a bylaw banning the possession of replica firearms in public by youth at its next meeting of council on Feb. 27.
Toy gun scare in Pickering
Alert issued following $14,000 paintball gun heist

Jan 26, 2006

DURHAM -- Durham Regional Police have issued a community alert following the theft of thousands of dollars worth of paintball guns from a shop in Pickering.

Police are concerned some of the guns, valued as high as $1,500, may closely resemble real firearms and be used in the commission of crime. In all, 26 of the guns were stolen during a break-in at the Premium Paintball shop on Kingston Road early Wednesday.

Thieves broke a front glass door to gain entry to the shop, then hauled away an estimated $14,000 worth of guns.

Anyone who encounters one of the stolen guns or who has information about the break-in is urged to contact Durham Regional Police at 905-579-1520, ext. 2525, or Crime Stoppers at 1-800-222-8477.
Deputy shoots teen wielding pellet gun

Teen painted weapon to make it look real, sheriff says

(CNN) -- A sheriff's deputy shot a 15-year-old he believed was armed with a 9 mm handgun at a Florida middle school Friday only to learn later that the weapon was a modified pellet gun, the Seminole County sheriff said.

The student is on "advanced life support" at Orlando Regional Medical Center, Sheriff Don Eslinger said, adding, "It was a terrible situation."

Eslinger said that the student, Christopher David Penley, painted the brightly colored tip of the pellet gun black to make it look like a real gun.

The sheriff's deputy was a member of the SWAT team and shot the eighth-grader only after the student raised the gun and threatened officers, Eslinger said.

The shooting occurred about 9:30 a.m. at the 1,100-student Millwee Middle School in Longwood, Florida. (Watch the aftermath of the shooting – 1:54)

The suburban Orlando school was evacuated after the shooting.

The incident began when the teen's fellow students saw a gun in his backpack. The students were planning to tell a teacher about it, the sheriff's office said.

One of the students confronted the teen, who responded by pointing the weapon at the student and putting him in a closet, Eslinger said. The armed teen then fled, and a school resource officer and others gave chase.

Deputies were called to the scene, and the teen led them on a foot chase across campus to an isolated alcove area where police cornered him in a bathroom, the sheriff's office said.

Deputies tried to talk the teen into surrendering, but he refused to speak with them, Eslinger said.

"I'm going to kill myself or I'm going to die somehow," Eslinger quoted the boy as saying. "He refused to even comment. All he said was his first name. He did not drop the firearm."

The student eventually exited the bathroom and pointed the gun at his own head and throat. When he "raised the firearm in a tactical position and pointed it" at one of the SWAT team members, the officer "decided to use deadly force," Eslinger said.

"From what the deputies explained to me, (the teen) was suicidal," the sheriff said.

Florida Department of Law Enforcement investigators, who respond any time an officer fires a gun, determined the teen's weapon was an airsoft pellet gun, which shoot BBs or small paintballs, Eslinger said.

Authorities showed the gun alongside a real 9 mm handgun, and there appeared to be little difference between the two.

The teen's motive was not clear, but authorities were looking into some things from his past, Eslinger said without elaborating.
Scugog takes aim at ban on toy gun sales

Township considering bylaw to curb potential for violence, accidental shootings.

BY CHRIS HALL

SCUGOG — The sale of toy guns which closely resemble the real thing may soon be a thing of the past in Scugog.

Municipal officials say they want to curb the potential for gun violence and accidental shootings here in the township.

Fearing the worst, municipal officials agreed during Monday's council meeting to consider prohibiting the sale of toy guns after a spate of recent incidents which has raised concerns around the potential for gun violence. In one case, paintball guns were fired from a moving vehicle near Port Perry High School about a month ago, injuring two teens. In another case, police were called after two boys were seen near a Water Street variety store with guns, which turned out to be replicas.

The move has support from one affected resi-

Father of two kids attacked likes move

From page 1

dent. Timothy Stepe, a Queen Street resident has raised concerns around youths and toy guns after two of his sons were shot with a 'BB' gun last week by other youths. According to Mr. Stepe, his nine-year-old son was shot in the face while his 12-year-old son suffered minor injuries after he was hit in the stomach.

"It's marvellous," he said of the Township's actions. "I most definitely support them. I don't understand why these weapons are on the shelf... for youths to buy."

During the council meeting, Scugog Mayor Marilyn Pearce stressed Monday there is a potential for injury or worse in such incidents, and the Township must step forward in an effort to protect its residents.

"There is absolutely the possibility with toy guns sold that someone is going to get hurt and it may simply be a case of mistaken identity... but that's putting the police in a terrible position where they have to make a judgement call," said the mayor, adding she fears that someone may be shot if a police officer mistakes a toy or replica weapon for the real thing.

To drive home the point, Mayor Pearce and the rest of council agreed to allow two Durham Regional Police Service officers to make an unscheduled deputation on Monday to showcase how indistinguishable some toy and replica weapons are from real guns. With more than a dozen weapons scattered across a table in the council chambers, the two officers urged council members to take a guess to see if the municipal leaders could distinguish the real ones from fakes. Very rarely did the councillors identify the real weapons.

In his presentation, Constable Todd Petzold held up a number of weapons - both real and fake - and stressed to council that they look, weigh and sometimes sound the same. "They're indistinguishable from the real thing," said Const. Petzold of the toy and replica guns. "There's not a lot of difference (between the two)... and (police officers) can't distinguish them apart without close inspections and most times we're not given the time for close inspections."

He noted toy and replica guns are not considered firearms in the Criminal Code because weapons are categorized by velocity rate, or the speed at which a projectile is shot. To be considered a weapon, a gun must have a velocity rate of more than 500-feet per second; most pellet or 'BB' guns have a rate of about 175-feet per second.

Mayor Pearce later called for a resolution to ban the sale of toy guns in the Township and urged the other municipalities in Durham to consider the same.

"If we're thinking about the safety of our residents (with bans and restrictions on fireworks and pesticides) then I think we should push for a ban for the safety of our residents on an issue like this," she said, noting that Markham has a similar bylaw.
Retailer pulls “low impact” pellet guns off shelves

By Jennifer O’Meara
The Scugog Standard

Concern about children and young adults with realistic toy pellet guns has led one retailer to pull the guns off the shelves.

After recent pellet gun incidents in the community, Canadian Tire has decided to voluntarily stop selling low impact type pellet guns.

Jeff Hodgkinson, owner/operator of the local Canadian Tire Store, told The Standard that he had made the decision to pull the guns shortly after discussing the matter with Scugog Mayor Marilyn Pearce.

“After recent stories in (The Scugog Standard) and after discussing the possible implications to safety, we made the decision to pull low impact air guns and ammunition off of our shelves,” Mr. Hodgkinson said. “As the father of young children myself I don’t know how I could look at my children if I knew that a young person had been hurt or killed after one of these items was incorrectly used. It’s part of our duty as corporate citizens of Scugog.”

Insp. Mike Ennis of the North Durham Community Police Office commended Mr. Hodgkinson for his actions.

“This is an example of police officers and the community coming together to solve a mutual concern,” Insp. Ennis said. “The kind of civic responsibility that has been shown by Canadian Tire needs to be emulated by all retailers. I congratulate Mr. Hodgkinson, Scugog Council and my officer (Const. Todd Pezzold) for being pro-active.”

Mayor Pearce publicly thanked Canadian Tire for getting rid of the guns. She is hoping other retailers in the community who sell pellet guns will follow Canadian Tire’s lead.

“We have to ask the rest of our corporate citizens to pull these off the shelves,” Mayor Pearce said.

Scugog Council passed a motion at their last meeting (Oct. 24) to have township staff look into drafting a bylaw to prohibit selling the type guns.

“There’s no place in our township for these weapons,” Ward 3 Councillor Lynn Hodgson said.

According to Sergeant Paul Wassill, a police expert on firearms and member of the highly trained Tactical Support Unit of the DRPS, the City of Toronto and York Region have passed similar bylaws in the past.

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TOO REAL FOR COMFORT: Sgt. Paul Wassill of the Durham Regional Police Tactical Support Unit holds two nearly identical CAR 15 automatic assault rifles... except that one is a "replica." Police are concerned that replicas like these and other realistic “low impact” pellet guns could have tragic results if police responding to an emergency call were faced with one. By the way, the one on the right is the fake!

RICK DAVIES/THE SCUGOG STANDARD
Scugog Council will look at controls over weapons

Constable Perzold, the School Community Liaison Officer, brought the matter to Mayor Marilyn Pearce after police were called to two incidents involving low impact pellet guns.

The first occurred at Port Perry High School when students were shot with a low-impact pellet gun. Charges have now been laid in that incident.

The second incident happened last week, involving three boys, ages 13, 12, and nine, with replica pellet guns. One boy was shot in the face, leaving a bruise, and the police were called.

The boys ran off before police arrived. But the parents of two of the boys confiscated the toys and contacted the police.

Police and council are concerned that one day a youth wielding one of these toy guns could be seriously injured or killed by a police officer who thinks the gun is real.

Ward 3 Councillor Lynn Hodgson is set to lobby the province for legislation against the guns and current Attorney General Michael Bryant wrote a bill to ban the weapons when he was in opposition that never made it past first reading.

"Let's resurrect that bill and make it law," Councillor Hodgson said.

"These weapons being used on the street are strikingly resembling the real thing...," Constable Perzold said, "We're not given the time to have a close inspection, when we're dealing with it on the street."

The township is working to bring forward the bylaw that bans selling the realistic toy guns in Scugog. Mayor Pearce said a ban on selling the toys would help address the safety concerns.

"We can ban for the safety of our residents, if it's pesticides. We can ban for the safety of our residents, if it's fireworks...The bylaw office has already started to investigate this," Mayor Pearce said. "Public safety has to be our primary focus."

With Files From
Rich Davie
Students used as target practise

Police issue warning about paintball guns after two males shot near school

PORT PERRY — Durham police have issued a warning regarding the safe use of paintball guns after two young males were shot several times by an occupant in a passing car near Port Perry High School recently.

According to Durham police reports, two male students, aged 14 and 16, were waiting to cross Ottawa Street, west of the school, around 8:45 p.m. on Sept. 14 when a white Cadillac with several occupants pulled up in front of them and stopped.

One of the occupants stared at the two males while the car was stopped and, when traffic began to move and the Cadillac pulled away, the two teenagers “heard the sound of gunfire and felt a stinging sensation throughout their bodies,” say police.

Both victims “realized that they had been shot several times,” report police, adding that the injuries to the teenagers included welts and did not require any medical attention.

Police believe the weapon was a replica machine gun, capable of rapid fire. The weapon has a capacity of 88 rounds and can fire a projectile at 175 feet-per-second, say police.

Officers from the North Durham Community Police Office are looking for witnesses.

As a result of this incident, police are reminding the public that shooting paintball guns in public is a very dangerous practice and warn that those responsible for the Sept. 14 incident could face charges such as possession of weapons dangerous, pointing a firearm, assault with a weapon and mischief or assault causing bodily harm.

Parents are also advised that these weapons should only be used under supervised conditions where proper safety equipment is being utilized, add police.

Anyone with information about this or any similar incidents are asked to call Durham Regional Police at 905-579-1500 or Crime Stoppers at 1-800-222-TIPS (8477).