

ORDER

STANDISH TOWN COUNCIL

DATE: January 13, 2015

ORDER NUMBER: 4-15

SUBMITTED BY: Blanck

TITLE: AMENDMENT TO STANDISH TOWN CODE, ADD NEW CHAPTER 235, SHOOTING FACILITY ORDINANCE

ORDERED that the Town of Standish hereby ordains the following amendment to the Standish Town Code, effective immediately upon adoption (additions are underlined; deletions are ~~struck out~~):

SHOOTING FACILITY ORDINANCE

ARTICLE I. PURPOSE

This Shooting Facility Ordinance (this "Ordinance") is intended to regulate the use, establishment and/or operation of Shooting Facilities and Shooting Ranges pursuant to 12 M.R.S.A. § 13201(1) and 25 M.R.S.A. § 2011(3), as they may be amended, and 30-A M.R.S.A. § 3001 et seq. (Maine's Home Rule Law). Due to their potential noise impacts and safety concerns, Shooting Facilities and Shooting Ranges merit careful review to minimize adverse effects on adjoining properties. This Ordinance does not otherwise apply to the general discharge of Firearms during hunting activities or by property owners on their own property when conducted in accordance with existing laws.

ARTICLE II. INTENT

In order to protect the public's safety and welfare, it is the intent of this Ordinance to prohibit the discharge of Firearms other than during hunting activities, or by property owners when conducted in accordance with existing laws at unlicensed Shooting Facilities and Shooting Ranges and to regulate and license all Shooting Facilities and Shooting Ranges within the Town.

ARTICLE III. DEFINITIONS

As used in this Ordinance, the following terms shall have the respective meanings ascribed to them:

Firearm(s): A weapon, including but not limited to pistols, rifles, and shotguns, capable of firing a projectile using an explosive charge as a propellant.

NRA Range Source Book: The latest edition of The Range Source Book, as published by the National Rifle Association.

Occupied Dwelling(s): Any residential structure which is legally occupied by one or more Persons.

Person(s): Any individual, corporation, association, club, firm, or partnership.

Shooting Facility(ies): Any public or private facility that allows the use of Firearms either at individual Shooting Ranges designed to provide a place for the discharge of various types of Firearms or made available for that use without construction of an actual Shooting Range; said use by other than the property owner for a fee, or with a membership or merely with the owners' consent; provided, however, that a Shooting Facility shall not include incidental Target practice on private property by the owners thereof.

Shooting Range(s): An area specifically designed and improved to encompass shooting stations or firing lines, Target areas, berms and baffles, and other related components located separately or within a Shooting Facility.

Shotfall Zone(s): An area within which the shot or pellets contained in a shotgun shell typically fall.

Structure(s): A walled and roofed building that is principally above ground or any other permanent, manmade facilities.

Surface Danger Zone: Any area that may reasonably expect projectile impact resulting from direct fire, including misdirected and accidental discharges, and ricochets from any Firearm, which takes into consideration all mitigation efforts as submitted by the applicant and determined by a certified engineer.

Target(s): Any object or area which is used as the intended recipient of the projectiles fired from a Firearm.

Town: The town of Standish, Maine.

ARTICLE IV. LICENSING

A. LICENSE REQUIRED

No Shooting Facilities or Shooting Ranges shall be established and/or operated, except in accordance with a valid license issued by the Town Council. No Shooting Facilities or Shooting Ranges shall be established except in sites properly zoned for the same. Thereafter, if licensed, they shall comply with the remaining provisions of this Ordinance.

B. APPLICABILITY

The Ordinance applies to all existing and future Shooting Facilities and Shooting Ranges in the Town.

C. LICENSE PROCEDURE

- 1. Application.** An application for a license to establish and operate a Shooting Facility and/or Shooting Range shall be submitted by the legal property owner(s) or lessees (or their agent) to the Town Council, which application shall contain detailed contact information regarding the applicant. Such license shall be secured prior to issuance of any other grading, building or improvement permit by the Town for such use.

2. **Fees.** There shall be no application fee, but the applicant shall be responsible to reimburse the Town for engineering and other professional services needed to review the application.
3. **Required Information.** The applicant shall provide sufficient information to demonstrate compliance with these provisions, which shall include a detailed description of the types and uses of Firearms and ammunition either used or proposed to be used at the site.
4. **Site Plan.** A site plan for the entire Shooting Range and/or Shooting Facility that shows the following information drawn by a licensed professional to a scale of no less than one (1) inch equals one hundred (100) feet, shall accompany the license application:
 - (a) Property lines for any parcel upon which the Shooting Range and/or Shooting Facility is to be located, north arrow, plan scale, date, and ownership information for the site;
 - (b) Complete layout of each Shooting Range in a Shooting Facility, including, shooting stations or firing lines, Target areas, shot-fall zones or backstops, berms, and baffles, if any;
 - (c) Projected noise contours sufficient to demonstrate compliance determined by a Maine licensed engineer;
 - (d) Existing and proposed Structures; occupied dwellings within one-half (1/2) mile (two thousand six hundred forty (2,640) feet)); roads, streets, or other access areas; buffer areas; and parking areas for the Shooting Facility; and
 - (e) Any other appropriate information related to the specific type of Shooting Range and/or Shooting Facility, whether existing or proposed.

D. ACTION.

1. **Municipal Hearing.** The Town Council shall annually hold a public hearing to determine whether to issue or renew a license. Such license will be valid for one year; prior to expiration, the Code Enforcement Officer shall reinspect the facility. In the event that any Shooting Facility or Shooting Range, either new or existing is found to be in noncompliance with this Ordinance or its license as approved by the Town Council, no new license will be issued until it is brought into compliance and any existing license will be declared void.
2. **Decision.** Within thirty (30) business days, the Town Council shall take one (1) of the following actions:
 - (a) Reject the application as incomplete; or
 - (b) Approve the license with or without conditions, which conditions may include specific findings regarding phasing for said application; or
 - (c) Deny the license.

In any case, written findings to support the action taken shall be provided to the applicant by the Town Council.

ARTICLE V. PERFORMANCE STANDARDS

The following performance standards shall apply to all Shooting Ranges and Shooting Facilities:

A. SHOT CONTAINMENT

Shooting Ranges and Shooting Facilities shall be designed to contain all of the bullets, shot or other projectiles or any other debris within the site.

B. NOISE MITIGATION

Noise levels measured at the property line where the Shooting Facility and/or Shooting Range is operated or, in the case of leased land, at the property line of any leased parcel, shall not exceed sixty-five (65) dBA when said property line is located within one thousand (1,000) feet of an Occupied Dwelling, subject to the limitations of 30-A M.R.S.A. § 3011, as it may be amended.

ARTICLE VI. DEVELOPMENT REQUIREMENTS

A. MINIMUM DESIGN REQUIREMENTS

Where not otherwise specified within this Ordinance, Shooting Ranges and Shooting Facilities shall meet or exceed the design standards for general and utility type of range specified by the NRA Range Source Book.

B. SETBACKS

Notwithstanding the performance standards of Article V, the following setbacks shall apply:

1. All shooting stations and Targets on a Shooting Range shall be located a minimum of three hundred (300) feet from any property line.
2. The Surface Danger Zone shall be contained within the property boundary line.

C. WARNING SIGNS

Warning signs meeting or exceeding the standards set forth in the NRA Range Source Book shall be posted at one hundred-foot intervals along the entire perimeter of the Shooting Range and along the entire perimeter of the Shooting Facility's property lines in the same intervals.

D. DISTANCE FROM OCCUPIED DWELLING

All shooting stations, Targets, and firing lines shall be located at least one-half (1/2) mile (two thousand six hundred forty (2,640) feet) from any existing Occupied Dwelling. Existing Shooting Facilities located closer than one-half (1/2) mile from any existing Occupied Dwelling shall not be permitted to relocate or enlarge said range to further encroach within said setback.

E. ACCESS TO SHOOTING RANGE FACILITY

Access to both the Shooting Range Facility and/or a Shooting Range shall be secured and controlled, with ingress and egress permitted only during those operating hours established herein, except during routine maintenance or other business that does not involve shooting firearms.

ARTICLE VII. OPERATIONAL REQUIREMENTS.

A. MAINTENANCE

Where not otherwise specified within this Ordinance, Shooting Ranges and Shooting Facilities shall be operated and maintained in a manner that shall meet or exceed the operation and maintenance standards specified in the NRA Range Source Book.

B. HOURS OF OPERATION

Shooting Ranges and Shooting Facilities shall be allowed to operate between 8 a.m. to one-half hour before sunset Monday through Saturday and from noon to one-half hour before sunset on Sundays.

C. LIABILITY INSURANCE

The licensee shall be required to carry a minimum of Three Million Dollars (\$3,000,000.00) per occurrence of comprehensive general liability insurance. Such insurance shall name the Town as an additional insured and shall save and hold the Town, its agents, officers and employees acting within the scope of their duties, harmless from and against all claims, demands, and causes of action of any kind or character, including the cost of defense thereof, arising in favor of a Person or licensee's members or employees or third parties on account of any injury and/or property damage arising out of the acts or omissions of the licensee, its agents, officers and employees. The Town shall be notified of any policy changes or lapses in coverage.

ARTICLE VIII. ABANDONMENT AND DISCONTINUANCE

When an existing Shooting Range and/or Shooting Facility is discontinued without the intent to reinstate the licensed use, the property owner shall notify the Town of such intent. In any event, the discontinuance of the Shooting Range and/or Shooting Facility or its non-use for a period in excess of one year shall create the presumption that its use is abandoned. As established by 30-A M.R.S.A. § 3011, if there has been no shooting activity for a period of three (3) years, resumption of shooting shall require a license as a new Shooting Range and/or Shooting Facility for purposes of this Ordinance.

ARTICLE IX. LICENSE TRANSFERABILITY

A license issued pursuant to this Ordinance shall not be transferred without the prior written approval and consent of the Town Council.

ARTICLE X. ENFORCEMENT, REMEDIES, AND PENALTIES

A. ENFORCEMENT AND REMEDIES

The Town's Code Enforcement Officer shall be responsible for the enforcement of this Ordinance. Any violation of this Ordinance or of any condition or requirement adopted pursuant to these provisions may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings as allowed by law. Any license issued under this Ordinance may be suspended or revoked following a public hearing before the Town Council.

B. CIVIL PENALTIES

Any Person who violates any of the provisions of this Ordinance shall be subject to a civil penalty of not less than \$100.00 per violation plus costs of prosecution, including, but not limited to, attorney's fees. No penalty shall be assessed until the Person alleged to be in violation has been notified of the violation. Each act of violation and every day that such violation shall occur shall constitute a separate offense. Any such penalty shall be recovered for the use of the Town.

APPROVED _____ DISAPPROVED _____

ROLL CALL YEA NAY ABSTAIN

BLANCK _____
NESBITT _____
NEWBEGIN _____
OLSON _____
POMERLEAU _____
SARGENT _____
SPENCER _____

COUNCIL CHAIR _____

CLERK/SECRETARY _____

Scheduled timeline: Introduction – January 13, 2015
 First Reading – February 10, 2015
 Public Hearing – March 10, 2015