

DRAFT MEMORANDUM

TO: Cape Elizabeth Town Council
FROM: Ordinance Committee
DATE: April 12, 2017
SUBJECT: Shooting Range Ordinance Amendments

Introduction

The Town Council referred to the Ordinance Committee technical revisions to the Shooting Range Ordinance at the February 13, 2017 meeting. The review was needed to eliminate the role of the Firing Range Committee and to make typical adjustments after an ordinance is used in a "real-world" application. The Ordinance Committee is also recommending some reorganization of the ordinance for ease of use for all parties.

Process

The Ordinance Committee discussed the Shooting Range Ordinance at 5 meetings. Comments were solicited from the Police Chief, the Code Enforcement Officer, the Chair of the Firing Range Committee and the Spurwink Rod and Gun Club. Public comment was received from # members of the public (including representatives from the Spurwink Rod and Gun Club) at Ordinance Committee meetings. The draft ordinance revisions were also reviewed by acting town attorney Durward Parkinson. *(Do you want to include written comments from staff, from everyone?)*

Summary of revisions

The draft amendments to the Shooting Range Ordinance are presented in 2 formats. The existing ordinance is shown with all changes tracked in the document. The second format shows the proposed changes saved for ease of readability.

1. Reorganization for clarity. The current Shooting Range Ordinance represents a milestone effort by the Town to protect public safety by adopting an ordinance in an atmosphere charged with emotion. The ordinance has been applied to issue a license and significant public safety improvements have been implemented.

The Ordinance Committee is recommending that the existing ordinance be reorganized to make it easier for all parties to use. While the tracked changes document appears to depict substantial ordinance changes, almost all the existing ordinance text has been preserved and relocated. The proposed changes reorganize the license provisions into functional sections of (1) review procedure, (2) submission requirements, and (3) license

standards of review. This approach makes the information needed much clearer to the applicant, allows the reviewing authority to use a checklist for checking information and applying standards, and should make the process more accessible to the public.

2. Firing Range Committee removed. The current ordinance creates a meaningful role for the Firing Range Committee, both in reviewing licenses and enforcement. With no applications received to serve on the committee, committee responsibilities need to be reassigned. The amendments assign to the Police Chief the responsibility to receive and review a license application, and then to provide a recommendation to the Town Council. The Town Council would then hold a public hearing before voting to issue a license. The Police Chief is also responsible for renewals (see below). Enforcement and receipt of complaints has been clarified to be the responsibility of the Police Department.

3. License duration. The duration of a license has been expanded from 1 year to 3 years. This change allows both the licensee and town staff to focus resources on implementing the license improvements rather than procedural efforts. The Ordinance Committee also emphasizes that enforcement of the license and the ordinance is continuous and not limited to license renewals.

4. Renewal. The current ordinance provides for a 1 year license renewal and inspection by the Firing Range Committee. The Ordinance Committee considered several renewal options, ranging from retaining the 1 year renewal to no expiration of the original license (eliminating the need for a renewal). The Ordinance Committee also discussed how expansive a role town staff and the Town Council should have, and reasonable expectations of a volunteer organization with responsibility to manage a shooting range. The Ordinance Committee made clear that enforcement to protect public safety and to investigate complaints is ongoing and independent of the license renewal process.

The amendments clearly call out renewals in an easy to find, new section. A renewal of a license must be requested before the expiration date of the license. The renewal process is now specified as a written request from the licensee that includes an assertion that no materials changes from the license have occurred. A renewal request is submitted to the Police Chief, who may issue the renewal or forward it to the Town Council. A renewal can be issued for 3 years and additional renewals can be requested without limitation. The Ordinance Committee appreciated the effort and cost of obtaining a license and supports focusing resources on complying with an existing license. (The Spurwink Rod and Gun Club estimates the cost to prepare materials for the current license at \$25,550).

5. Written notification. The Spurwink Rod and Gun Club expressed concern that a volunteer organization would lose track of expiration dates. There is also little support

for initiating a new license process if a license expires. The amendments require that the Town must provide written confirmation that a license has been issued, and that written confirmation should also include the expiration date. It will remain the responsibility of the licensee to keep track of expiration dates.

6. Enforcement. The current ordinance splits enforcement responsibilities. The amendments assign all enforcement authority to the Police Department. There have been comments that an annual inspection of a license holder should occur. This could be added to the ordinance, or the Police Department can be administratively assigned to perform an annual inspection.

7. Legal review. The draft amendments have been reviewed by acting town attorney Durward Parkinson. He reviewed the status of the ordinance in light of LD 1500 and also the proposed revisions. He concluded that "Ultimately, this letter suggests that the Ordinance is legally valid, but cautions the Town regarding further regulation in this area." The proposed amendments include his recommendations for minor adjustments, such as specifying public notice to abutters prior to a public hearing.

8. Insurance. The minimum insurance amount has been reduced from 3 million to 1 million, recognizing the Town Council's granting of an exception to the Spurwink Rod and Gun Club.

Conclusion

The Ordinance Committee recommends to the Town Council the proposed amendments to the Shooting Range Ordinance by a vote of X.

Attachments:

Police Chief comments
Code Enforcement Officer comments
Firing Range Committee Chair comments
Spurwink Rod and Gun Club comments
Durward Parkinson letter