

ORDER
STANDISH TOWN COUNCIL

DATE: August 9, 2022
ORDER NUMBER: 63-22

SUBMITTED BY: LeClerc

TITLE: TOWN OF STANDISH MORATORIUM ORDINANCE ON SHOOTING RANGES

WHEREAS, the Town has recently received inquiries about the possibility of establishing a shooting range located in Standish; and

WHEREAS, the potential establishment of shooting ranges in the Town raises legitimate and substantial questions about the impact of such shooting ranges on neighboring property owners including questions of the compatibility of shooting ranges with existing uses and developments; the potential adverse health and safety effects of shooting ranges on the community if not properly regulated; the potential adverse impact to the natural environment if not properly regulated, and the potential increased burden on public safety and law enforcement personnel; and

WHEREAS, the Town's current ordinances do not adequately address the concerns listed above; and

WHEREAS, the possible effect of the location and operation of shooting ranges in the Town has implications for the health, safety and welfare of the Town and its citizens; and

WHEREAS, the Town needs time to study its own ordinances to determine the implications of shooting ranges and to develop reasonable ordinances governing the location and operation of such shooting ranges to address the concerns cited above; and

WHEREAS, the Town, under its home rule authority, its police power generally, under 30-A M.R.S. § 4351 *et seq.*, or as otherwise provided by current law, has the authority to impose reasonable restrictions, conditions, and limitations on uses within the Town; and

WHEREAS, the Town Council, with the professional advice and assistance of the Planning Board and Town staff, shall study the Town's ordinances to determine the land use and other regulatory implications of shooting ranges and consider what locations and conditions of approval might be appropriate for such shooting ranges; and

WHEREAS, the Town's current ordinances and other applicable laws, if any, are not adequate to prevent serious public harm possibly to be caused by the location and operation of shooting ranges in Standish, thereby necessitating a moratorium; and

WHEREAS, a moratorium is necessary to prevent an overburdening of public facilities that is reasonably foreseeable as the result of shooting ranges being located in the Town; and

WHEREAS, it is anticipated that such a study, review, and development of recommended ordinance changes will take at least one hundred and eighty (180) days from the date the Town first enacts this Moratorium Ordinance on Shooting Ranges;

NOW, THEREFORE, BE IT ORDAINED that the following Moratorium Ordinance on Shooting Ranges be, and hereby is, enacted, and, in furtherance thereof, the Town does hereby declare a moratorium on the location, licensing or permitting of any shooting range within the Town. This Moratorium Ordinance shall take effect on the date of enactment by the Town Council, but shall be applicable as of August 9, 2022, as expressly provided below. The moratorium shall remain in effect for one hundred and eighty (180) days from the date of applicability of this Moratorium Ordinance, unless extended, repealed, or modified by the Town Council, for the express purpose of drafting an amendment or amendments to the Town's current Code of Ordinances to protect the public from health and safety risks including, but not limited to, compatibility of shooting ranges with existing and permitted uses in all zoning districts; the potential adverse health and safety effects of shooting ranges if not properly regulated; the potential adverse environmental impacts of shooting ranges if not properly regulated; and the potential increased burden on public safety and law enforcement personnel serving the Town in responding to potential incidents or complaints related to shooting ranges; and

BE IT FURTHER ORDAINED, that this Ordinance shall apply to shooting ranges that may be proposed to be located within the Town on or after the August 9, 2022 applicability date of this Ordinance; and

BE IT FURTHER ORDAINED, that notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, this Ordinance, when enacted, shall govern any proposed shooting range for which an application for a building permit, Certificate of Occupancy, site plan or any other required approval has not been submitted to and granted final approval by the Code Enforcement Officer, Planning Board, Board of Appeals or other Town official or board prior to August 9, 2022, the applicability date of this Moratorium Ordinance; and

BE IT FURTHER ORDAINED, that no person or organization shall develop or operate a shooting range within the Town on or after the August 9, 2022 applicability date of this Ordinance without complying with whatever ordinance amendment or amendments Town Council may enact as a result of this moratorium ordinance; and

BE IT FURTHER ORDAINED, that during the time this moratorium ordinance is in effect, no officer, official, employee, office, administrative board or agency of the Town shall accept, process, approve, deny, or in any other way act upon any application for a license, permit and/or any other approval related to a shooting range; and

BE IT FURTHER ORDAINED, that those provisions of the Town's ordinances that are inconsistent or conflicting with the provisions of this Ordinance, are hereby repealed to the extent that they are applicable for the duration of the moratorium hereby ordained, and as it may be extended as permitted by law, but not otherwise; and

BE IT FURTHER ORDAINED, that if any shooting ranges are installed or established in violation of this Ordinance, each day of any continuing violation shall constitute a separate violation of this Ordinance, and the Town shall be entitled to all rights available to it in law and equity, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorney's fees and costs in prosecuting any such violations; and

BE IT FURTHER ORDAINED, that should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

Applicability Date: August 9, 2022

APPROVED _____ DISAPPROVED _____

ROLL CALL YEA NAY ABSTAIN

BUTLER	_____
GABA	_____
LECLERC	_____
LIBBY	_____
MACRI	_____
PAUL	_____
WATSON	_____

CLERK/SECRETARY _____

TOWN COUNCIL CHAIR _____

Introduced – 8/9/2022
Planning Board Public Hearing - TBD
First Reading – 9/13/2022
Public Hearing – 10/11/2022