

CONSOLIDATED VERSION

This consolidation is prepared for convenience only; for accurate reference see by-laws as adopted by Council.

BY-LAW NUMBER 2014-080 OF THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE

BEING A BY-LAW TO REGULATE, PROHIBIT AND OTHER- WISE CONTROL NOISE FROM SHOOTING RANGES IN THE TOWNSHIP OF UXBRIDGE

WHEREAS the Council for the Corporation of the Township of Uxbridge is exercising its licensing powers including imposing conditions, for the following reasons, as identified in Section 11 of the *Municipal Act, 2001 S.O. 2001, c.25*, as amended:

- Economic, social and environmental well-being of the municipality;
- Health, safety and well-being of persons; and
- Protection of persons and property, including consumer protection; and

WHEREAS Shooting Ranges are required to provide the provincial minister evidence of compliance with any operating licences required by federal, provincial or municipal laws, pursuant to s. 3(2)(e) of Regulation SOR/98-212 Shooting Clubs and Shooting Ranges under the *Firearms Act*; and

WHEREAS the Township of Uxbridge shall notify the Chief Firearms Officer of Ontario of the passage of this By-Law and any amendments to it for the purpose of ensuring compliance with this By-law and any compliance with requirements under Federal Regulation SOR/98-212; and

NOW THEREFORE, the Council of the Corporation of the Township of Uxbridge enacts the following:

Section 1- Definitions

1.1 For the purposes of this By-law,

- a) "Applicant" shall mean a Person seeking a Shooting Range Licence, or a Licensee whose Licence is being considered for renewal.
- b) "Clerk" shall mean the Clerk of the Township of Uxbridge.
- c) "Council" shall mean the council for the Township of Uxbridge.
- d) "Expansion, alteration or conversion" shall mean any development which may change the location, intensity, size or function of the existing use and includes number of attendees.
- e) "Expenses" shall mean, the cost of carrying out the work to be done plus a twenty five (25) percent administration fee as set out in Schedule 'A' of this By-law, and shall include the costs of any acoustical testing and preparation of Compliance Reports, and any work contracted out, including for all Persons or agencies believed required to carry out the work or ensure the safety of any Person carrying out the work.
- f) "Firearm" shall mean a barreled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person or animal, includes air-

guns, spring-guns and anything that can be adapted for use as a firearm.

- g) "License" shall mean a licence issued by the Township of Uxbridge for the operation of a Shooting Range.
- h) "Licensee" shall mean any Person who holds a Licence.
- i) "Officer" shall mean a Municipal Law Enforcement Officer, a person authorized by Council with the responsibility for enforcing and administering this By-law as appointed by Township of Uxbridge By-law, or a Police Officer.
- j) "Owner" shall include a Person who, alone or with others, owns a Lot as described in the most current assessment roll or is a director or officer of a corporation, as prescribed in a corporate profile or assessment roll.
- k) "Person" shall include an individual, a sole proprietorship, a partnership, an unincorporated association, a trust, a body corporate or a natural person.
- l) "Point of Reception" shall mean any location at which noise can be heard, other than the premises from which the noise originates;
- m) "Predictable worst case noise impact" shall mean the noise impact associated with a planned and predictable mode of operation for stationary source(s), during the hour when the noise emissions from the stationary source(s) have the greatest impact at a point of reception, relative to the applicable limit. The acoustic assessment of stationary source noise impacts at a point of reception must address the predictable worst case noise impact.
- n) "Shooting Range" shall mean a place that is designed or intended for the safe discharge, on a regular and structured basis, of firearms for the purpose of target practice and target shooting competitions. For greater clarity, a Shooting Range does not include periodic hunting of poultry, animals/livestock and sighting for the purposes of improving the skills and safety of its users in hunting poultry, animals/livestock of firearms on an open range and infrequent basis."
- o) "Township" shall mean the Corporation of the Township of Uxbridge.

Section 2 - General Licencing Provisions

LICENSING - POWERS

- 2.1 The Township system of licences with respect to Shooting Ranges may:
- a) prohibit the carrying on of or engaging in a Shooting Range without a Licence;
 - b) refuse to issue a Licence, refuse to renew a Licence, or revoke or suspend a Licence;
 - c) impose conditions, including special conditions as a requirement of obtaining, continuing to hold or renewing a Licence;
 - d) impose special conditions on a Shooting Range that have not been imposed on all of the Shooting Ranges in that class in order to obtain, to continue to hold or to renew a Licence.

LICENSING POWERS OF CLERK

- 2.2 The Clerk may issue, refuse to issue, and refuse to renew, to revoke or suspend a Licence under the provisions of this By-law.

LICENCE SHALL BE DISPLAYED

- 2.3 Every Person so licensed shall, when requested by any Officer, produce the Licence for inspection.

TERM OF LICENCES

- 2.4 A Licence issued under the provisions of this By-law shall be valid only for the period of time for which it was issued. All Licences shall expire annually on December 31st, at 11:59 p.m.

LICENCE FEES

- 2.5 All Licence fees are for administrative purposes and are, therefore, non-refundable if the application is refused for any reason or is withdrawn by the Applicant prior to the issuance of a Licence.
- 2.6 All Licence fees shall be as set out in Schedule 'A' to this By-law, and shall be reflected in the Township Fees By-law.
- 2.7 The Clerk shall charge the late application fee as set out in Schedule 'A' of this By-law and shall be reflected in the Township Fees By-law, to Applicants making application for renewal of a Licence after the 31st day of January in the year for which the application is made.
- 2.8 A duplicate Licence may be issued by the Clerk to replace any Licence previously issued which has been lost, stolen or destroyed and the Licence Replacement Fee shall be as set out in Schedule 'A' to this By-law, and shall be reflected in the Township Fees By-law.

LICENCE APPLICATION - FULL INFORMATION REQUIRED

- 2.9 Every Applicant shall provide in full a complete application at the time the application is submitted or the Clerk shall not accept the application.
- 2.10 . Subject to applicable further requirements under Section 2.12, a complete application shall provide:
- a) payment of the prescribed Licence fee of \$300.00;
 - b) a survey report, location certificate or other similar documents as of the date on prescribed application that shows:
 - i. the geographical location and layout of the Shooting Range, including the locations of all buildings, structures, skeet ranges, sporting clays and any other shooting positions, trajectories and all trap shooting stands; and
 - ii. the portion of the surrounding area that could be affected by shooting on the Shooting Range, as well as the land use of that portion;
 - c) the name under which the Applicant carries on or intends to carry on the Shooting Range; and
 - d) any other affidavit, document or information as may be requested by the Clerk at any time during the term of the Licence.
- 2.11 Upon receipt of an application for Licence or renewal, the Clerk shall undertake any inspections that, in their opinion, are necessary to determine that the application meets the applicable requirements of Section 2.

CONDITIONS FOR LICENCE ISSUANCE AND RENEWAL

2.12 Every Licence that is issued for the first time, and every renewal thereof, is subject to the following conditions, all of which shall be performed and observed by the Applicant of the Shooting Range:

- a) the Applicant shall pay the applicable Licence fee;
- b) the Applicant shall not carry on activities that are in contravention of this By-law or any other Municipal By-law;
- c) the Applicant shall pay in full, any fine for contravention of this By-law or any other Municipal By-law by himself or any of his operators or employees after the fine becomes due and payable under Section 66 of the *Provincial Offences Act*, including any extension of time for payment ordered under that section;
- d) the Applicant shall not construct or equip the premises used for the Shooting Range so as to hinder the enforcement of this By-law;
- e) where the Applicant is a corporation, it shall, within fifteen (15) days after the event, notify the Clerk in writing where there is a change in an officer or director of the corporation or where there is a change in the controlling interest;
- f) the premises in which the Shooting Range is located shall be in accordance with the requirements of the *Building Code Act, 1992* and the Regulations thereunder, the *Fire Protection and Prevention Act, 1997* and Regulations thereunder, and any By-law of the Township or the Regional Municipality of Durham prescribing standards for the maintenance and occupancy of property within the Township;
- g) where premises in which the Shooting Range is located are altered and a building permit is required to carry out the alterations, the premises, as altered, shall be in accordance with the *Building Code Act, 1992* and the Regulations thereunder, the *Fire Protection and Prevention Act, 1997* and the Regulations thereunder, and any By-law of the Township or the Regional Municipality of Durham prescribing standards for the maintenance and occupancy of property within the Township;
- h) the Applicant/shall have a contractual or proprietary interest in the lands and premises upon which the Shooting Range is to be operated which will enable the Applicant to carry on the Shooting Range;
- i) The Applicant shall submit any updated documents and site plan as prescribed.
- j) The Applicant shall provide the Township with notice of any material, planned expansion, alteration or conversion of the Shooting Range facilities.

MAXIMUM SOUND LEVEL

2.13 Every Licence issued to a Shooting Range existing prior to this By-law coming into force and effect shall be subject to the following maximum sound level requirements:

Maximum Sound Level

A maximum of 60 dBAI Logarithmic Mean Impulse Sound Level (L_{LM})

2.14 Every Licence issued to a new Shooting Range established following this By-law coming into force and effect shall be subject to a maximum noise level of 45 dBAI effective immediately upon issuance of Licence.

ACOUSTICAL/NOISE REPORTS

2.15 Licensees shall permit the Township to conduct acoustical testing and issue a Compliance Report to determine if the Shooting Range is in compliance with the applicable maximum sound level.

- 2.16 Acoustical testing and the preparation of the Compliance Reports shall be conducted by the Township at the cost of the Licensee, as set out in Schedule 'A' to this By-law.
- 2.17 The Compliance Report consists of:
- a) a dated report from a qualified person or acoustical/noise engineer reporting measurements of noise from the Shooting Range from points of reception selected by the Township;
 - b) a statement by the report author attesting or certifying that the acoustical and noise measurements were conducted on specified dates and is reported in accordance with the accepted industry standards, following the noise testing procedures outlined in Section 6; and
 - c) a statement of whether the results comply with the applicable maximum sound level requirement set out in Sections 2.13 or 2.14 of this By-law.
- 2.18 Licensees that are subject to Section 2.13 are required to permit the Township to prepare a Compliance Report:
- a) immediately upon determination by the Township, in its sole discretion, that a legitimate complaint has been made to the Township against the Shooting Range;
 - b) at such time as the Shooting Range is expanded, altered or converted; and
 - c) every four (4) years from the date of the last Compliance Report
- 2.19 If a Licensee meets the requirements of Section 2.18, the Compliance Report requirement in Section 2.18(d) may be amended upon request to be required every eight (8) years from the date of the last Compliance Report, provided the Licensee has completed two consecutive four-year Compliance Reports to the satisfaction of the Township, pursuant to Sections 2.17 and 2.18; and demonstrates that the Shooting Range has not been expanded, altered or converted. Such demonstration may require provision of documents detailing number of attendees and membership.
- 2.20 Applicants that are subject to Section 2.14 are required to permit the Township to prepare a Compliance Report:
- a) within 180 days of issuance of the Licence;
 - b) immediately upon determination by the Township, in its sole discretion, that a legitimate complaint has been made to the Township against the Shooting Range;
 - c) at such time as the Shooting Range is expanded, altered or converted; and
 - d) every four (4) years from the date of the last Compliance Report.
- 2.21 If a Licensee meets the requirements of Section 2.20, the Compliance Report requirement in Section 2.20(d) may be amended upon request to be required every eight (8) years from the date of the last Compliance Report, provided the Licensee has completed two consecutive four-year Compliance Reports to the satisfaction of the Township, pursuant

to Sections 2.17 and 2.20; and demonstrates that the Shooting Range has not been expanded, altered or converted. Such demonstration may require provision of documents detailing number of attendees and membership.

COMPLAINTS AND FAILURE TO COMPLY

- 2.22 Upon determination by the Township, in its sole discretion, that a legitimate complaint has been made to the Township against the Racing Facility, if the Township also determines there is an adverse effect caused by the Racing Facility, pursuant to s. 14(1) of the *Environmental Protection Act*, the Township may refer the complaint to the Ministry of the Environment.
- 2.23 Should any Licensee exceed the maximum sound level in accordance with the Compliance Report requirements, as determined in the sole and unfettered judgment of the Clerk, the Township will revoke their Licence. Such revocation will continue to remain in effect until such time as the Clerk is satisfied that the Licensee has come into compliance with this By-law.

NUISANCE ABATEMENT AND/OR MITIGATION

- 2.24 Applicants may, with the Township's prior approval, as may be required, and the Township's prior knowledge of such undertaking, implement or install abatement and/or mitigation on the Applicant's property. Subject to any Municipal By-law requirements, such abatement and/or mitigation efforts may not be deemed to be an expansion, alteration or conversion.

INCOMPLETE APPLICATION

- 2.25 Any application that does not comply with the provisions of Sections 2.10 and/or 2.12 shall be deemed incomplete and shall be returned by registered mail to the applicant pursuant to Section 2.27 of this By-law.

NOTICE

- 2.26 Every Applicant shall notify the Clerk in writing within ten (10) days of any change in his Shooting Range address or mailing address and shall be sent to:

**Clerk
Township of Uxbridge
P.O. Box 190
51 Toronto Street South
Uxbridge, ON
L9P 1T1**

- 2.27 Any notice or request made pursuant to this By-law shall be given in writing by registered mail and is effective:
- a) on the date on which a copy is hand delivered to the person to whom it is addressed;
 - b) on the fifth (5th) day after a copy is sent by registered mail to the person's last known address.

TRANSFER OF LICENCE IS PROHIBITED

2.28 Every Licence, at all times, is owned by and is the property of the Township and is valid only in respect of the Person and the premises or of the Person named therein and for the nature of Shooting Range stated in the Licence, and no Licence may be sold, purchased, leased, mortgaged, charged, encumbered, assigned, pledged, transferred, seized or otherwise dealt with.

REVOCAION OF LICENCE

2.29 The Township may revoke a Licence:

- a) which is voluntarily surrendered by the Licensee for revocation;
- b) at any time when the Applicant fails to meet any provision of this By-law, a condition of a Licence, or any other Municipal By-law; or
- c) that was obtained by any mistake or misstatement.

NOTICE OF LICENCE REFUSAL, REVOCATION OR SUSPENSION

2.30 Where the Township decides to refuse to issue, refuse to renew, or revoke or suspend a Licence, the Township shall give notice of its decision for refusal to the Applicant/Licensee, together with the reason for its decision, as well as to such other Persons, civic departments, boards, commissions, authorities or agencies as appear to have an interest in the decision.

REQUEST FOR A HEARING

2.31 Every Applicant/Licensee within ten (10) days of receipt of a Notice of Licence Refusal, Revocation or Suspension from the Clerk pursuant to Section 2.30 of this By-law may appeal the Licence Refusal, Revocation or Suspension and request a hearing before Council. Such request for a hearing shall be in writing and shall be accompanied by the Hearing Fee as set out in Schedule 'A' to this By-law, and shall be reflected in the Township Fees By-law.

NOTICE OF HEARING – CONTENT

2.32 Where the Clerk receives a written request for a hearing in compliance with Section 2.31 of this By-law the Clerk shall schedule a hearing before Council and shall provide Notice of Hearing to the Applicant pursuant to Section 2.27 of this By-law. The Notice of Hearing shall:

- a) contain the reason(s) for the refusal, suspension or revocation;
- b) specify the time, place and purpose of the hearing of Council at which the refusal, suspension or revocation will be considered;
- c) inform the Applicant/Licensee that he is entitled to attend the hearing and make submissions regarding the decision and that, in his absence, Council may proceed to consider the decision and the Applicant will not be entitled to any further notice in the proceeding;
- d) be given at least ten (10) days' notice prior to the date of the Council hearing.

SUSPENSION - INTERIM – HEARING PENDING

2.33 Where there is a request for a hearing to Council pursuant to Section 2.30 of this By-law, the Clerk may, where the Clerk considers it to be necessary and in the public interest, immediately suspend the Licence for a period not exceeding fourteen (14) days.

SUSPENSION - INTERIM NOTICE CONTENT

2.34 The Notice of Hearing in Section 2.32 of this By-law shall inform the Applicant of any interim suspension under Section 2.33 of this By-law.

COUNCIL – HEARING PROCEEDINGS

2.35 At a Hearing, Council:

- a) shall afford the Applicant an opportunity to make submissions in respect of the matter that is the subject of the Council hearing;
- b) may permit any other Person, at its discretion, an opportunity to make submissions in respect of the matter that is the subject of the Council hearing;
- c) may close a portion of the hearing to the Applicant/Licensee only for the purposes of receiving confidential legal advice;
- d) may close all or a portion of the hearing to the public if Council is of the opinion that intimate financial or personal matters may be disclosed of such a nature, having regards to the circumstances, that the desirability of avoiding disclosure thereof in the interests of any Person affected or in the public interest, outweighs the desirability of adhering to the principle that the hearing be open to the public;
- e) shall give due consideration to the submissions made to it;
- f) shall take such action to refuse, suspend or revoke the application or Licence, or not to refuse, suspend or revoke the application or Licence, as Council considers proper in the circumstances; and
- g) shall give written notice of its decision to the Applicant/Licensee, and to any person, department, board, authority or agency in attendance at the hearing, together with reasons for its decision.

HEARING - REFUSAL - SUSPENSION - REVOCATION BY COUNCIL

2.36 At the hearing, Council may suspend, revoke, or refuse to issue or renew any license that may be issued under the provisions of any Section of this By-law:

- a) where the Applicant/Licensee is in breach of a condition of the Licence or of this By-law; or
- b) if either:
 - i) a report filed subsequent to the date of the issuance of the Licence; or
 - ii) any department or agency which provided its approval originally to the issuance of the Licence

indicates that a licensed premises no longer complies with any of the provisions of this By-law.

COUNCIL - DECISION - IMMEDIATE EFFECT - FINAL

2.37 A decision of Council to refuse to issue, refuse to renew, suspend or revoke an application or Licence takes effect immediately upon the rendering of such decision by Council.

2.38 A decision of Council shall be final and binding.

Section - 3 General Provisions and Restrictions

3.1 No Person shall discharge any firearm other than a shotgun.

3.2 No Person shall discharge a shotgun at any time other than the times permitted below:

- a) Between December 1st to March 31st

Wednesdays 10:00 a.m. to 4:30 p.m.
Sundays 10:00 a.m. to 4:30 p.m.

b) Between April 1st to November 30th

Wednesdays 10:00 a.m. to 8:00 p.m.
Sundays 10:00 a.m. to 5:00 p.m.

c) In addition to the above times in Sections 3.2 (a) and (b), a maximum of six (6) additional Saturdays per year, one Saturday every other month from the times of 10:00 a.m. to 5:00 p.m. will be permitted for the discharge of shotguns only. Notice must be given to residents through the public relations officer and website sixty (60) days prior to the Saturday.

Section 4 - Exemptions

4.1 A Person acting on behalf of a Shooting Range seeking relief from Section 3.2 shall:

- a) apply to the Township in accordance with Sections 2.26 and 2.27; and
- b) apply in writing at least 180 days in advance of the date for which the relief from the requirements of Section 3.2 is sought.

4.2 Council may refuse the request or approve the request by way of resolution and attach such conditions thereto as deemed appropriate and necessary.

4.3 A decision of Council shall be final and binding.

Section 5 - Administration and Enforcement

5.1 Unless otherwise indicated, the administration of this By-law is assigned by Council to the Clerk who may delegate the performance of his functions under this By-law from time to time as occasion requires.

5.2 A Shooting Range shall give one hundred and eighty (180) days' notice to residents should a Shooting Range request relief from to any provisions of this by-law.

5.3 This By-law may be enforced by a Municipal Law Enforcement Officer or a Police Officer.

5.4 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer or the Clerk while exercising any power or performing any duty under this By-law.

5.5 No Person shall operate a Racing facility without a Licence.

5.6 No Person shall fail to comply with any conditions of a Licence.

5.7 No Person shall fail to comply with any conditions attached to an exemption.

5.8 No Person shall fail to display a Licence issued under this By-law in a conspicuous place.

Section 6- Noise Testing Procedures

Measurement procedures shall be carried out in accordance with the Ministry of the Environment Noise Publication NPC-103 Section 3. (4) (f) (Procedures) as follows;

1. A physical check shall be completed of all the equipment prior to going out in the field (which includes a battery check).
2. Testing shall be based on predictable worst case noise impact.
3. Testing days are selected with appropriate weather conditions, no high winds that would materially affect sound levels, during precipitation, in high humidity, or during temperatures that would not be supported by the sound level meter's manufacturer.
4. Measurements from an outdoor points of reception, the meter will be set up within 30m of the dwelling, at a height of 1.5m above ground, typically in backyards, front yards, terraces or patios, setback from any reflective surfaces, measurement verified by a reasonable accurate measuring device.
5. The meter shall be adjusted to the proper settings for measurement of the impulsive sounds (weighting network, "A", meter response set to "Impulsive").
6. The meter shall be calibrated before and after each measurement session.
7. The windscreen shall be installed at all times (outside of calibration).
8. Officer positioned behind meter.
9. All efforts shall be made to avoid extraneous sounds.
10. The impulse sound levels for each firing activity shall be noted and/or recorded/plotted and documented within the compliance measurement periods of one (1) hour each.
11. Readings shall be taken in accordance with NPC-103 Section 3. (4) (f) (Procedures) but based on an hourly count and averages in accordance with NPC-300.

Section 7 - Contravention of Other Laws Prohibited

- 7.1 This By-law is not intended and shall not be construed as permission or consent by the Township for a Person to contravene or to fail to observe or comply with any law of Canada or Ontario or any other By-law of the Township or the Regional Municipality of Durham.
- 7.2 If there is a conflict between a provision in this By-law and a provision of any other Township By-law, the provision that establishes the highest standard to protect the health, safety and welfare of the general public shall apply.

Section 8 - Penalty

- 8.1 Every Person who contravenes any of the provisions 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*.

Section 9 - Short Title

- 9.1 This By-law may be referred to as the "Shooting Range By-law".

Section 10 - Severability

- 10.1 If a court of competent jurisdiction should declare any section or part of a section in this By-law 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 and it is hereby declared that the remainder of this By-law shall be valid and shall remain in force.

Section 11 - Repeal of By-law

11.1 By-law numbers 89-137, 98-160 and 2012-184 are hereby repealed in their entirety.

Section 12 - Date Effective

12.1 This By-law shall come into force as of the date of its passing.

BY-LAW read the FIRST, SECOND and THIRD time and finally passed this 14 day of July 2014.

GERRI LYNN O'CONNOR
MAYOR

DEBBIE LEROUX
CLERK

SCHEDULE 'A'
SHOOTING RANGE BY-LAW
BY-LAW 2014-080

Shooting Range	\$300.00
Licence Replacement Fee	\$25.00
Hearing Fee	\$50.00
Late Application Fee	\$25.00
Expense Fee	Actual cost plus 25% Administration Fee