

Local Law #1 for the Year 2012
A Local Law Regulating Outdoor Recreational Shooting and the Establishment of
Approved Shooting Range Criteria within the Town of East Greenbush

Section 1. Purpose

This Local Law is intended to regulate outdoor recreational shooting and the establishment and operation of outdoor shooting range facilities in the Town of East Greenbush. Such recreational activities and shooting complexes, due to their potential noise impacts and safety concerns, merit careful review to minimize adverse effects on adjoining properties. This Local Law does not otherwise apply to the general discharge of firearms or the use of bows and arrows in accordance with all other applicable laws or regulations.

Section 2. Intent

It is the intent of this Local Law to accomplish the following:

- A. *Permitting, registration, and compliance.* New shooting range facilities shall only be established and operated in accordance with a valid permit issued by the Town of East Greenbush. In addition, existing ranges shall be registered and shall comply with the provisions of this Local Law within ninety (90) days.
- B. *Shot containment.* Each shooting range facility shall be designed to contain the bullets, shot or arrows on the range facility.
- C. *Noise mitigation.* Each shooting range facility shall be designed to minimize off-site noise impacts generated by the activities conducted on the range facility.

Section 3. Authority

This Local Law is adopted under the authority of the Municipal Home Rule Law.

Section 4. Definitions

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

Archery: The art, sport, or skill of shooting with a bow and arrow.

dBA: The sound pressure level, in decibels, as measured using the impulse made and “A” weighting network on a precision sound level meter.

Firearm: A weapon, including pistols, rifles, and shotguns, capable of firing a projectile using an explosive charge as a propellant and bow and arrow.

Firing line: A line parallel to a target from which firearms or arrows are discharged.

Outdoor Recreational Shooting: The outdoor discharge of a firearm or firearms by a person or group of persons on not less than five occasions over a two hour period. Such firearm shall be capable of discharging a projectile 300 feet or more in distance and causing serious injury or death to a person.

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

Safety fan: An area on a shooting range facility designed to contain all projectiles fired from a shooting range.

Shooting range: An area designed and improved to encompass shooting stations or firing lines, target areas, berms and baffles, and other related components.

Shooting range facility: A public or private facility, including individual shooting ranges, safety fans or shotfall zones, structures, parking areas, and other associated

improvements, designed for the purpose of providing a place for the discharge of various types of firearms or the practice of archery.

Shooting Station: A fixed point from which firearms or arrows are discharged.

Shotfall zone: An area within which the shot or pellets contained in a shotgun shell typically fall.

Structure: A walled and roofed building that is principally above ground; a manufactured or mobile home; a storage tank for gases or liquids; or any other permanent, manmade facilities.

Section 5. Applicability

This Local Law is applicable to all outdoor recreational shooting and shooting range facilities in the Town of East Greenbush.

Section 6. Prohibited Conduct:

No person shall engage in outdoor recreational shooting within the boundaries the Town of East Greenbush except at an approved shooting range facility and in compliance with the provisions of this Local Law.

Section 7. Performance Standards

The following performance standards shall apply to all shooting range facilities:

- A. *Shot containment.* Shooting range facilities shall be designed to contain all of the bullets, shot or arrows or any other debris on the range facility.
- B. *Noise mitigation.* Noise levels measured at the property line where the facility is maintained or, in the case of leased land, at the property line of any leased parcel shall not exceed sixty-five (65) dBa when located adjacent to

residential or commercial property or seventy-five (75) dBa when adjacent to industrial property.

- C. *Written variance.* These performance measures may be varied with written permission of adjoining property owners affected thereby, except that written approval is not needed for any adjoining lands owned by the Town of East Greenbush.

Section 8. Development Requirements

- A. *Setbacks.* Notwithstanding the performance standards of Section 7, all shooting stations on a range facility shall be located a minimum of two hundred (200) feet from any property line.
- B. *Warning signs.* Warning signs meeting National Rifle Association (NRA) guidelines for shooting ranges shall be posted at one hundred foot intervals along the entire perimeter of the shooting range facility.
- C. *Distance from occupied dwelling.* All shooting stations shall be located at least one-fourth (1/4) mile (one thousand three hundred twenty (1,320) feet) from any existing, occupied dwelling.
- D. *Written variance.* The distance requirements of this Section may be varied with written permission of adjoining property owners affected thereby; except that written approval is not needed for any adjoining lands owned by the Town of East Greenbush.

Section 9. Operational Requirements

- A. *Hours of operation.* Shooting ranges shall be allowed to operate between sunrise and sunset, except that the hours may be extended after sunset for

purposes of subdued-lighting certification of law enforcement officers, or may be extended for other purposes only when a permit allowing such activity is issued in advance by the Building Department. On Sundays, shooting shall not commence before 12:30 p.m., unless a permit allowing such activity is issued in advance by the Building Department.

- B. *Liability insurance.* The permittee shall be required to carry a minimum of five hundred thousand dollars (\$500,000.00) of liability insurance. Such insurance shall name the Town of East Greenbush as an additional insured party and shall save and hold the Town of East Greenbush, its elected and appointed officials, 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 group's members or employees or third parties on account of any damages whatsoever arising out of the acts or omissions of the permittee, his/her group, club, or its agents or representatives. The Town shall be notified of any policy changes or lapses in coverage.

Section 10. Procedure for Securing Approval for New Ranges

- A. *Permit application.* An application for a permit to establish and operate a shooting range facility shall be submitted by the legal property owner(s) or owner's agent to the Town of East Greenbush Building Department. Such permit shall be secured prior to issuance if any other building or improvement permit by the Town of East Greenbush.

- B. *Fees.* The application shall be accompanied by an application fee of five hundred dollars (\$500.00).
- C. *Required information.* The applicant shall provide sufficient information as required by these provisions in order to properly evaluate the permit application. In addition, copies of any written agreements from the adjoining property owners and a letter from the insurance company to provide liability insurance shall accompany the permit application.
- D. *Site plan.* A site plan for the entire range facility which shows the following application information drawn to an appropriate scale, shall accompany the permit application.
1. Property lines for any parcel upon which the range facility is to be located, north arrow, plan scale, date, and ownership information for the site;
 2. Complete layout of each range, including, shooting stations or firing lines, target areas, shotfall zones or safety fans, backstops, berms and baffles;
 3. Projected noise contours;
 4. Existing and proposed structures; occupied dwellings within one-fourth (1/4) mile (one thousand three hundred twenty (1,320) feet) ; roads, streets, or other access areas; buffer areas; and parking areas for the range facility; and
 5. Any other appropriate information related to this specific type of range(s) being proposed.

E. *Action.* Within thirty (30) working days or at the next available meeting, whichever is sooner, the Planning Board shall take one (1) of the following actions:

1. Reject the application as incomplete; or
2. Approve the issuance of the permit; or
3. Deny the permit request.

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

F. *Permit display.* Permits shall be kept and displayed in a readily visible location on the shooting range facility and at all times be available for public inspection.

G. *Permit transferability.* A permit issued pursuant to this Local Law may not be transferred to another operator without the written approval and consent of the Town of East Greenbush Building Department.

H. *Changes or expansions.* If any shooting range facility is intended to be substantially changed or expanded to include types of ranges, operations or activities not covered by an approved permit or otherwise cause nonconformance with this Local Law, a new permit for the entire facility shall be secured in accordance with all of the provisions of this Local Law.

Section 11. Registration and Compliance of Existing Ranges.

A. *Registration.* All existing ranges shall provide a site plan, prepared in accordance with Section 10-D, within ninety (90) days after the effective date of this Local Law. No fees will be charged and no permits will be required.

B. *Compliance.* Within ninety (90) days after the effective date of this Local Law any existing shooting range facility determined not to be in compliance shall be made to obtain a permit and comply with all of the requirements of this Local Law.

C. *Abandonment and discontinuance.* When an existing shooting range is discontinued without the intent to reinstate the range use, the property owner shall notify the Town of such intent and any existing permit shall be surrendered.

Section 12. Exception

This Local Law shall not be applicable to parcels containing ten (10) or more acres that are improved by no more than one (1) single family dwelling and attending barns, sheds or other outbuildings.

Section 13. Variances

A variance may be granted by the Zoning Board upon the finding that a practical difficulty or unnecessary hardship would result if this Local Law were strictly applied. Variance requests shall be considered in accordance with the guidelines and procedures of Section 4.2.4 (Variances) of the Town of East Greenbush Comprehensive Zoning Law as applicable to this Local Law.

Section 14. Enforcement, Remedies and Penalties

A. *Enforcement and remedies.* The Town of East Greenbush Police Department and Code Enforcement Officer shall be responsible for the enforcement of this Local Law. Any violation or attempted violation of this Local Law 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 state law. Any permit issued under this Local Law may be suspended or revoked.

- B. *Civil penalties.* Any person who violates any of the provisions of this Local Law shall be subject to a civil penalty of five hundred dollars (\$500.00) per violation. No penalty shall be assessed until the person alleged to be in violation has been notified of the violation. Each day of a continuing violation shall constitute a separate violation.
- C. *Criminal penalties.* Any person who knowingly or willfully violates this Local Law or who knowingly or willfully initiates or continues unapproved actions shall be guilty of a violation punishable by imprisonment of not more than fifteen (15) days or a fine not to exceed five hundred dollars (\$500.00) or both.

Section 15. Effective Date

This Local Law shall take effect upon the filing hereof with the New York Secretary of State.

DRAFT