

The Corporation of the Township of Springwater

By-Law 2012-014

A By-Law to amend By-law 2008-118 of The Corporation of the Township of Springwater to provide for the licensing, regulating and governing of certain businesses, trades or occupations carried on.

Whereas section 8(1) of the Municipal Act, 2001, Chapter 25, hereafter referred to as the Act, provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

Whereas section 8(2) provides that in the event of ambiguity in whether or not a municipality has the authority under this or any other Act to pass a by-law or to take any other action, the ambiguity shall be resolved as to include, rather than exclude, powers the municipality had on the day before this Act came into force; and

Whereas section 8(3) states that without limiting the generality of subsections 8(1) and 8(2), a by-law under sections 10 and 11 respecting a matter may,

- a) regulate or prohibit respecting the matter;
- b) require persons to do things respecting the matter;
- c) provide for a system of licenses respecting the matter

Now Therefore the Council of the Township of Springwater enacts as follows:

- i. That section 3.13 of By-law 2008-118 be deleted and the following substituted therefore:

3.13 **Business:** means any business wholly or partly carried on within a municipality, even if the business is being carried on from a location outside the municipality, and includes trades and occupations; exhibitions, concerts, festivals and other organized public amusements held for profit or otherwise; the sale or hire of goods or services on an intermittent or one-time basis and the activities of a transient trader; and the display of samples patterns or specimens of goods for the purpose of sale or hire.
- ii. That section 3 of By-law 2008-118 be amended by adding the following definitions.

3.21.1 **Gun Club:** means a Provincially licensed organization whose activities include target practice or target shooting competitions using restricted firearms or prohibited handguns at an identified approved shooting range.

3.54.1 **Shooting Range:** means a Provincially licensed place that is designated or intended for the safe discharge, on a regular and structured bases, of firearms for the purpose of target practice or target shooting competitions.

iii. Schedule 5 attached hereto substantially forms part of By-law 2008-118.

iv. Business License Force and Effect

Gun Clubs and Shooting Ranges in operation on the date of passage of this by-law, must obtain an interim Business License within 90 days of the passage of this by-law, and provide the prescribed documents within 120 days of the date of the interim Business Licence.

For a period of 120 days from the date of the interim Business Licence, a Gun Club or Shooting Range is exempt from Schedule 1, Paragraph D of the Noise By-law.

An interim Business Licence may be revoked should the prescribed documents not conform to this by-law or the Noise By-law.

Effective Date

This by-law shall come into force upon the final passing thereof.

Read a first, second and third time and finally passed this 5th day of March, 2012.

(Original Signed By)
Linda Collins, Mayor

(Original Signed By)
John Daly, Clerk

Schedule “5”

1) Application for License

- a) Every duly authorized person operating a Gun Club or Shooting Range Shall apply and obtain a Township of Springwater Business License.
- b) A duly authorized person wishing to obtain a Gun Club or Shooting Range Business License shall submit the following to the Municipality:
 - i) A completed application as prescribed by the municipality;
 - ii) The prescribed license fee of \$1.00 (one dollar); and
 - iii) A dated report from a qualified acoustical/noise engineer reporting measurements of noise from the applicant’s site from points of reception determined by the Municipality, and a statement by the report author attesting or certifying that the acoustical and noise measurements were conducted on specific dates and is reported in accordance with accepted industry standards, the Ministry of the Environment and a statement of how the results comply with Schedule 4 of the Township’s Noise By-law; and
 - iv) A site plan of the property as of the date first shown on the prescribed application.

2) Renewal of Gun Club/Shooting Range License

If the application is for a renewal or a Business license for a Gun Club or Shooting Range, a duly authorized person shall submit updated documents and site plan as prescribed.

3) Acoustical/Noise Report Valid for Two Periods of 5 Years, to a maximum of 10 Years

Notwithstanding section 11.4 of this by-law, upon inspection of the documents by the Clerk, or designate, if there was no expansion, alteration or conversion on the property, the report from a qualified acoustical/noise engineer as submitted with the preceding application shall be accepted for a second Business Licence period of five years.

An acoustical/noise engineer report for these purposes is valid for a maximum of 10 years from the original date of the report and analysis.

“Expansion, alteration or conversion” means an development which would change the location, intensity, size or function of the existing use.

- b) The Clerk, or designate shall not issue a license until the application and license fee have been paid and all inspections and requirements have been met.
- c) Upon receipt of an application, the Clerk or designate shall undertake any inspections that, in their opinion, are necessary to assess the application.

4) Nuisance Abatement and/or Mitigation

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, and subject to any Zoning By-law requirements, such abatement and/or mitigation efforts may not be deemed to be an expansion, alteration or conversion.