



TO: GENERAL COMMITTEE

SUBJECT: RESPONSE TO MOTION 21-G-248 – EXEMPTION REQUEST TO PERMIT AN INDOOR GUN RANGE – REGULATORY MATTERS BY-LAW 2010-036

WARD: 8

PREPARED BY AND KEY CONTACT: J. FORGRAVE, SUPERVISOR OF ENFORCEMENT SERVICES. #4330

SUBMITTED BY: W. COOKE, DIRECTOR OF LEGISLATIVE AND COURT SERVICES/CITY CLERK

GENERAL MANAGER APPROVAL: D. MCALPINE, GENERAL MANAGER OF COMMUNITY AND CORPORATE SERVICES

CHIEF ADMINISTRATIVE OFFICER APPROVAL: M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RECOMMENDED MOTION

1. That Staff Report LCS003-22 regarding a request for an exemption to By-law 2010-036 to permit an indoor sport shooting/gun range, be received for information purposes only and the exemption be denied.

PURPOSE & BACKGROUND

Report Overview

2. The purpose of this Staff Report is to provide members of General Committee with an update concerning motion 21-G-248 requesting staff to work with the proponent of a proposed indoor sport shooting range and education academy, and other firearm agencies to identify applicable regulations and any recommended amendments to City By-laws.

Background

3. In October 2021, the proponents of a proposed indoor sport shooting/gun range, Roger and Connie Gray submitted an Open Delegation Request to Finance and Corporate Services to seek an exemption from the Regulatory Matters By-law 2010-036, to permit an indoor sport shooting/gun range at 342 King Street (the proponent's initial proposed location).
4. Regulatory Matters By-law 2010-036, section 2.1.0.0. states "No person shall discharge any firearm, or any class or type thereof as defined under this by-law within the City" while section 1.4.0.0. defines a firearm as "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, and for the purpose of this by-law shall also include an air gun, pellet gun, BB gun, paint ball marker, cross bow, long bow, traditional bow and compound bow or anything that can be adapted for use as a firearm".

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5. The Regulatory By-law 2010-036 as amended permits the discharge of Firearms, only in these specific cases under Section 2.0.0.0.0:
- a peace officer discharging a firearm in the course of carrying out their duties;
 - a municipal law enforcement officer in the course of carrying out their duties in destroying an animal;
 - a shooting competition or display, provided Council has by resolution, given its consent to the holding of such a competition or display;
 - activities carried out at the premises known as the Armouries utilized by the Department of National Defense at 37 Parkside Drive.

Notwithstanding these provisions, a person shall not discharge any firearm, either for gain or in such a manner or in such places as to disturb other persons.

6. During the discussions related to the Open Delegation and the exemption request for the sport shooting range, the proponent, Mr. Gray, indicated that he would be working with “Action Target” to complete the construction of the indoor gun range, as he had no past experience either constructing or operating an indoor gun range.
7. On November 8, 2021, City Council adopted motion 21-G-248 regarding a Regulatory Matters By-law 2010-036 exemption request to permit an indoor gun range, as follows:

“That staff in the Legislative and Court Services Department be directed to work with the proponent, the Chief Firearms Office, and the Barrie Police Service to identify applicable regulations and potential amendments to the City of Barrie by-laws that would be required to provide an exemption to allow for an indoor gun range on King Street, and any sensitive uses within 500 metres of the proposed location and prepare a mailout to all affected businesses on King Street seeking feedback on the application with any costs associated to the mailout be the responsibility of the proponent and report back to General Committee.”

ANALYSIS

8. In accordance with Council’s direction, staff continued discussions with the proponent, Mr. Roger Gray, regarding the indoor shooting range and his requirement to identify any sensitive uses within the required 500 metre area from his selected location. At the time of these discussions, Mr. Gray indicated that he no longer had a specific location for his proposed range, stating he lost the opportunity at the King Street location and was actively searching for a new location.
9. Staff were notified by Mr. Gray on June 3, 2022, that a new location had been tentatively secured at 649 Bayview Drive, Barrie. The property was vacant and the property owner was in the process of building a new commercial building. The property owner was willing to house a facility such as an indoor range. This property is zoned light industrial, with the proposed use being permitted under the Zoning By-law.
10. Given the timing of the Council and Committee meetings and the likelihood of Council providing similar direction to canvass the area businesses for the new location, Mr. Gray was requested to fulfil the requirement to identify any sensitive uses within the required 500 metre zone from the new location on Bayview Drive and prepare a mailout to all affected businesses. A copy of his notice was requested when complete, for the City’s records.

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11. Staff were advised by Mr. Gray on June 9, 2022, that he had commenced canvassing and providing a letter to area businesses about locating the indoor gun range in the area. Mr. Gray indicated that no comments were received.
 12. Concurrently, staff conducted an independent review of the new proposed location at 649 Bayview Drive and noted several sensitive use properties within the 500-metre area including a dance studio, hockey school, gymnastics club and an indoor children's playground at the adjoining property that shares the parking lot (Appendix "A" and Appendix "B" to Staff Report LCS003-22).
 13. Staff hand-delivered a notice detailing the motion previously adopted by Council and information concerning Mr. Gray's proposal for an indoor sport shooting/gun range to all businesses, facilities, and buildings within a 500-metre area of the proposed range on September 16, 2022. The notice requested feedback in writing via email, supporting, opposing, identifying concerns with or general comments regarding the proposal, no later than September 30, 2022. A copy of this notice is attached as Appendix "C" to Staff Report LCS003-22.
 14. A total of 72 properties and buildings are located within the 500-metre area, several with multiple business units. A total of 15 email responses were received by the requested deadline. Of the 15 responses received, 10 were in support of the proposed facility while 5 were opposed or had noted concerns. Below is a sampling of the comments received:
 - "It's a sport that has been criticized lately but our family are hunters and sport shooters. We think it will be great edition to Barrie and for enthusiasts"
 - "I believe it is an important and logical proposal for the area that supports the many hunters and sport shooting enthusiasts in this area that are potentially losing opportunities outdoors as the area grows and becomes more developed. Responsible and licensed gun owners, law enforcement, military, beginners and those with a budding interest deserve a safe place they can gather together to be educated and foster the respect they have for their profession and hobby"
 - "I 100% support the idea of having a controlled safe environment to target practice in our local area"
 - "I am not a gun owner nor hunter nor sport gun enthusiast, but proper training is one way to ensure public safety. I hope this moves forward"
 - "I have a staff of 130 members and we serve over 300 children in our location, having a range of this nature is concerning, due to noise that may be offset from the shooting range and the overall potential safety risks to my students and staff"
 - "As much as we can appreciate the need and benefits of a shooting range and education academy, we whole-heartedly cannot support this being in the vicinity of our business centre. The impact that a nearby shooting range would have on (our clients) would be detrimental, not only to the (clients), but also to our business"
 15. Staff also reached out to the Chief Firearms Office of Ontario (CFO) to have preliminary discussions regarding the construction of an indoor gun range which would have to be approved by this agency and required to follow all regulations set out in its legislation. Staff were advised by the CFO that some of the information received from the proponent is inconsistent with the information staff received", notably the company Mr. Gray is working with to design and build the indoor gun range, "Action Target" being approved to construct and operate a range.

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16. "Action Target" has only received CFO approval to provide and sell steel target products in Ontario. "Action Target" has not been approved as a "range operator" in Ontario. Subsequent communications noted the CFO does not have an issue with the involvement of "Action Target" in constructing an indoor range, provided it followed all current Range Design and Construction Guidelines. Once construction is complete and a final inspection has been conducted, only then will final approval be considered by the CFO which would allow for the facility to operate.
 17. Staff also had preliminary discussions with the Barrie Police Service (BPS) regarding the motion as public safety, firearm and noise related concerns and complaints would be received and actioned by their service. No immediate concerns were noted by BPS, as there are stringent regulations set out by the CFO to construct and operate such a facility and many complaints regarding the operation of the facility would be the responsibility of the CFO to investigate, including noise abatement.
 18. Given that the Regulatory Matters By-law 2010-036 prohibits the discharge of any firearm within the City, and considering the information noted above, staff believe that it would not be in keeping with the intent of the by-law to grant the exemption request to permit the indoor sport shooting/gun range. It would establish a significant precedent to allow a privately operated indoor sport shooting/gun range within the City limits. As a result, staff are not recommending any changes to City By-laws to permit an indoor sport shooting range and education academy and are recommending that the exemption request be denied.

ENVIRONMENTAL AND CLIMATE CHANGE IMPACT MATTERS

19. There are no environmental and climate change impact matters directly related to the recommendation.

ALTERNATIVES

20. The following alternatives are available for consideration by General Committee:

Alternative #1

General Committee could recommend providing the proponent, Mr. Gray, with a temporary exemption of a specific number of months or years, to permit the discharge of firearms at 649 Bayview Drive for the purposes of operating an indoor sport shooting/gun range, with a review of the operations after the specified timeline and the potential for the exemption to be extended and/or made permanent.

This alternative is not recommended due to the time and investment Mr. Gray would be required to put forward to complete the construction of this facility to meet the specifications of the Chief Firearms Office. The temporary nature of the exemption and the potential for the exemption to not be extended or made permanent, would cease the potential of this facility to operate.

Alternative #2

General Committee could recommend providing the proponent, Mr. Gray, with a permanent exemption to permit the discharge of firearms at 649 Bayview Drive for the purposes of operating an indoor sport shooting/gun range.

Although this alternative is available, it is not recommended due to the sensitive uses in the area, the concerns of a minority of respondents to the City notice, the proponent's inexperience in owning or operating an indoor sport shooting/gun range, and the precedent that would be established.

If General Committee and Council decided to provide the exemption requested, Council could revoke the exemption due to public concerns or complaints in the future. This would require the facility to close which would significantly impact the proponent financially. .

FINANCIAL

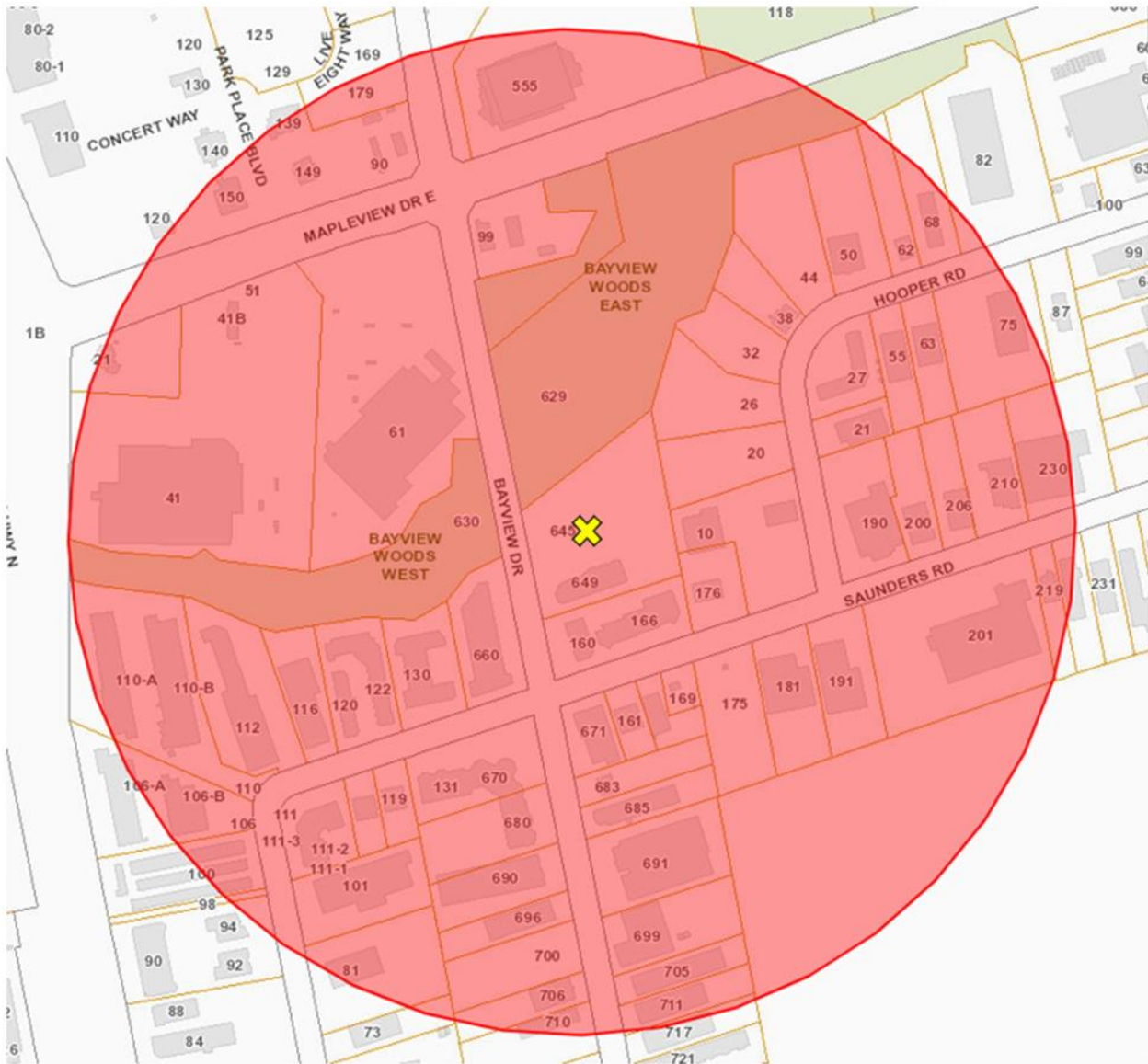
21. There are no direct financial implications for the Corporation resulting from the proposed recommendation to receive the report and deny the exemption request.

LINKAGE TO 2022–2026 STRATEGIC PLAN

22. The 2022-2026 Strategic Plan has not been completed at the time this report is being presented.

APPENDIX "A"

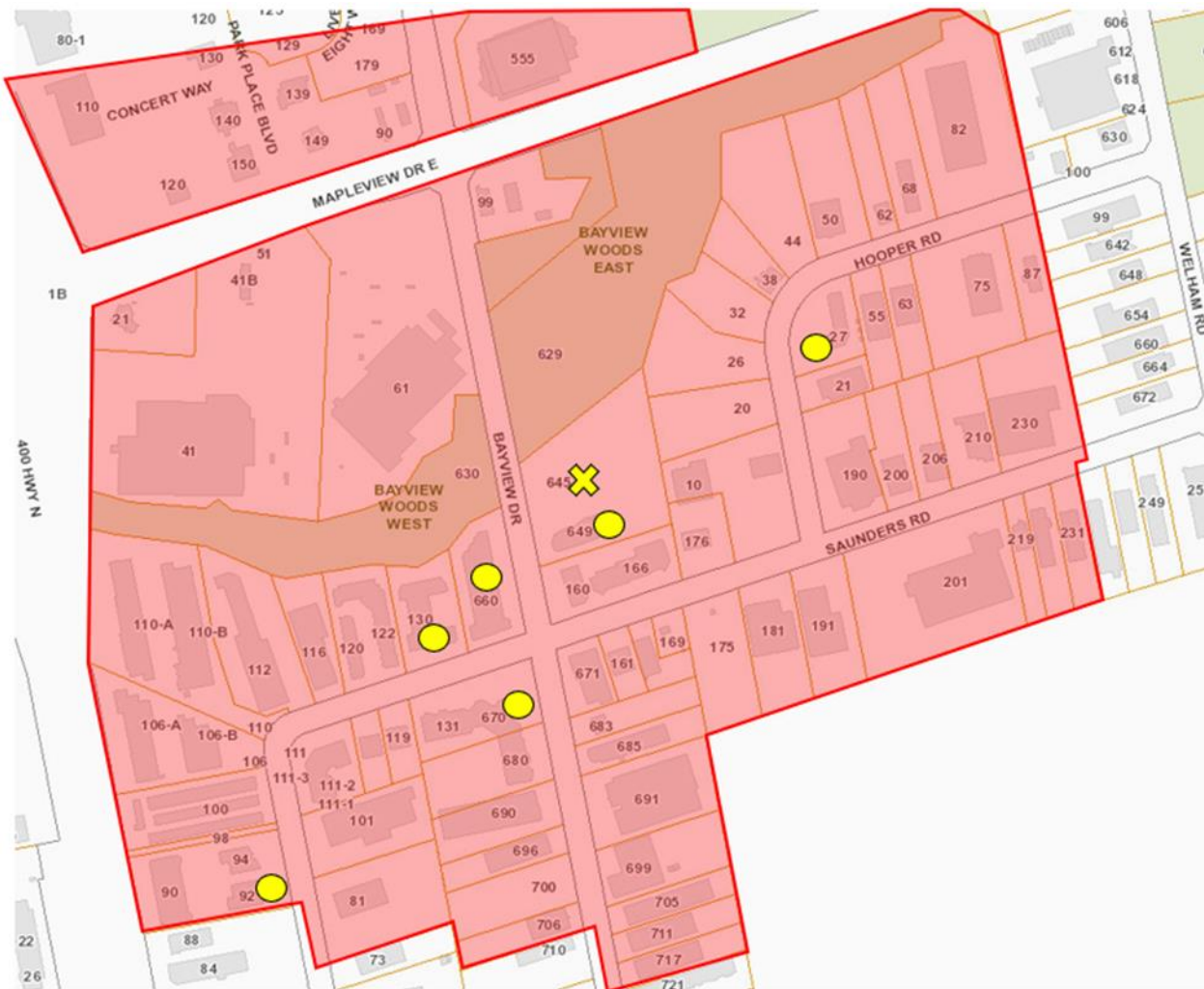
500 Metre Sensitive Use Business Area



 Location of proposed Indoor Sport Shooting Range and Education Academy. 649 Bayview Drive.

Appendix "B"

Notice Delivery Locations within the 500 Metre Area



✕ Location of proposed Indoor Sport Shooting Range and Education Academy. 649 Bayview Drive

● Location of potential sensitive use property or facilities

Appendix "C"

Circulation Notice

THE CORPORATION OF THE CITY OF BARRIE



Notice

Re: Request for permission to construct an Indoor Sport Shooting Range and Education Academy

The Council of The Corporation of the City of Barrie has been requested to consider permitting an Indoor Sport Shooting Range and Education Academy at 649 Bayview Drive, Barrie. You are being notified as you are a neighbouring business/property.

The proposal is for a state-of-the-art shooting range and a 3-tiered education facility. This facility has the potential to serve as a private club including hunters, sport shooters, law enforcement, military, and the security industry.

This use is currently not permitted under Regulatory Matters By-law 2010-036 as amended. Any changes to allow this use need to be adopted by City Council.

Please advise if you support or object to this proposal or if you have any questions or concerns before September 30, 2022, by contacting Jason Forgrave, Supervisor of Enforcement Services at Enforcement.Services@barrie.ca

Thank you,



Wendy Cooke
City Clerk/Director of Legislative and Court Services