



**TOWN OF NEWTOWN**  
**BOARD OF POLICE COMMISSIONERS**

**MINUTES FROM THE BOARD OF POLICE COMMISSIONERS**  
**REGULAR MEETING HELD TUESDAY, APRIL 2, 2013**  
**IN THE DEPARTMENT OF POLICE SERVICES MEETING ROOM**  
**3 MAIN STREET, NEWTOWN**

*\*These minutes are not finalized until approved  
At the next regularly scheduled meeting.*

Chairman Paul Mangiafico called the meeting to order at 7:30 pm.

**PRESENT:** Brian Budd, James Viadero, James, Joel Faxon, and Paul Mangiafico.

**ABSENT:** Andrew Sachs

**ALSO PRESENT:** Police Chief Michael Kehoe, Police Captain Jose Rios, Police Union President Scott Ruszczuk, 3 members of the press, and 5 members of the public.

**PUBLIC PARTICIPATION:** Dan Shea, Queen Street, extended his sincere appreciation to the Board for having the intelligence and foresight to see how effective speed tables would be on Queen Street.

However, Mr. Shea question why there were only three speed tables installed instead of the five that were suggested by the engineer. He stated that he had understood three would be installed before winter and two more would be installed in the spring.

Mr. Shea said that when he looked at the High Departments list of items to address he didn't see speed tables listed.

Mr. Shea thanked the Board again for taking action noting that it was a good step towards making Queen Street a safe livable place.

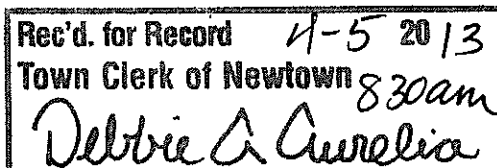
Mr. Shea went on to remind the Board he has lived in Town for 45 years and he is finding that the center is overrun with vehicular traffic. He suggested that this was indicative of the problem residents are having in suburbia. He added that the most dangerous increases in the speed and volume of traffic are on Church Hill, Main Street, and Queen Street.

He stressed that it is a very dangerous situation and it has gotten to the point no one can walk in the center of town.

Eric Poupon, 23 Split Rock Road, reminded Police Commissioners of an incident that happened in his neighborhood on June 6, when people were target shooting at a nearby range and a worker was hit by a stray bullet.

He informed the Board that they have endured multiple days in the summer with shooting for 6 to 8 hours each day.

Mr. Poupon stated that with what happened on 12/14, all the kids in the neighborhood are deathly afraid to go outside.



Mr. Poupon noted that recently 15-20 families went to the Ordinance Committee of the Legislative Council. He stated that with the help of Robert Hutchinson they put together an ordinance.

He suggested that the nearby ranges continuing gunfire without regulations was not acceptable to any of them - his family or his neighbors.

Mr. Poupon stated that Mr. Hutchinson and he were there before the Board that evening representing 20-25 families in Newtown looking to have something done for public safety. He said they believe that shooting from a target range perspective is inappropriate, but that they totally respect the rights of gun clubs.

Robert Hutchinson, 8 Split Rock Road, handed out copies of his proposed ordinance (see copy of proposed ordinance attached to minutes). He indicated that they had given a draft to the Ordinance Committee.

Mr. Hutchinson went over the proposed ordinance thoroughly. He noted that the ordinance would replace the fixed distance rule with a permit. Mr. Hutchinson suggested that the permit would take into account the site specific natural topography of an applicant's parcel for a gun range which they technically call the Surface Danger Zone (SDC). He indicated that the benefit of this was that it allowed the Police Chief and the Board to take topography into consideration when considering a request.

Mr. Hutchinson noted that they had incorporated guidelines defined in Army and Air Force literature.

Commissioner Faxon stated that he didn't have any questions but told Mr. Hutchinson he appreciates the submission of their proposed ordinance.

The Commissioner explained that originally the Board was asked by the First Selectman to look at a spread sheet of the gun shot reports. He said that the Board did what they were asked to do. Commissioner Faxon said that they thought when they did that from the perspective of a safety issue that it would not be difficult to pass the ordinance, but he added that they were met with considerable resistance. The Commissioner noted that the ordinance was subsequently shelved. Commissioner Faxon stated that they weren't the body to enact this and recommended that Mr. Hutchinson go before the Ordinance Committee of the Legislative Council.

He urged Mr. Hutchinson to make a presentation to the Ordinance Committee at its next hearing Thursday, April 11, 2013.

Commissioner Faxon suggested that the concept of safety with regards to the discharge of firearms should be able to be enforced in Town. He added that this should not be controversial and stressed that the issue is safety.

Commissioner Faxon stated that as a tax payer and voter, he would support the submission of the proposed ordinance to the Ordinance Committee.

Chairman Mangiafico commended Mr. Hutchinson noting that his submission was extraordinarily thorough.

Chairman Mangiafico explained that the idea of an ordinance started early last year when a resident complained again about gun fire. He said the complaint was forwarded to them by the First Selectman. The Chairman said he talked to the man who made the complaint and that was the beginning of the Board's involvement in this.

Chairman Mangiafico stated that police commissioners looked at the number of incidents and that led to the Board's investigation into it. He indicated that the First Selectman asked the Board to submit a draft ordinance to the Ordinance Committee of the Legislative Council.

He added that it was the police commissioners' feeling that the current ordinances the Town has were inadequate.

Chairman Mangiafico explained that when Chief Kehoe and he spoke at the original public hearing there were many that spoke against it. He suggested that they had given reasons for why the ordinances are inadequate, but nothing ever came of it.

The Chairman told Mr. Hutchinson that his detailed recommendation and proposal were quite well done, congratulated him, and encouraged him to make the same recommendation to the Ordinance Committee.

Peter Muckell, 14 Dingle Brook Lane, stated that there were a lot of people now in support of this. He added that he believes the Committee will probably send it back to the Police Commissioners for more information.

Mr. Muckell indicated that he believes the police should be able to say shooting here isn't appropriate.

Additionally he suggested that this issue isn't just a safety issue but a noise issue as well.

Mr. Muckell urged the Board to attend the hearing on April 11.

Chief Kehoe assured Mr. Muckell that they were always in contact with the other Boards and Committees and that there was a matter, such as with the Ordinance Committee, warranting their attendance, the Chairman of the committee would notify them.

Commissioner Faxon indicated that at the last hearing in October, the vast majority of the people who spoke against the proposed ordinance were not Newtown residents. He recommended that mobilizing people in support of the proposed ordinance was essential.

Chairman Mangiafico warned that one of the groups that spoke and was adamantly opposed to the ordinance was a shooting group from Newtown. He urged the residents at the meeting that evening to be prepared.

**POLICE UNION PARTICIPATION:** none

**CONSIDERATION AND ACTION OF THE MINUTES FOR: REGULAR MEETING MARCH 5, 2013 - Commissioner Faxon moved to accept the minutes of the regular meeting of March 5, 2013 as amended. Commissioner Viadero seconded and motion was unanimously approved.**

Corrections: page 4, Under Secondary Employment, 1<sup>st</sup> sentence, change "coarse" to "course"

**CHIEF'S REPORT:** Chief Kehoe apologized for being late stating that he had just attended a meeting with the Municipal Operations Committee of the Legislative Council. He said he was glad he had attended because he had gotten answers to some very important questions they had. **Personnel** – Chief Kehoe reported that the department had 2 officers out. He noted that one would be back in a week and that the other would hopefully return. The Chief informed the Board that they were beginning the hiring planning, anticipating something happening in the budget process. Chairman Mangiafico asked if the First Selectman had been talking about a specific number of officers and Chief Kehoe said it depends on which option is chosen. The Chief suggested that they go along the line of hiring three new police officers as that process would take the longest. **Budget** – Chief Kehoe handed out a sheet to the Board and indicated that they were the latest figures year-to-date as of March 13. He noted that other than the Overtime (OT) everything else is unremarkable. Chairman Mangiafico alluded to the fact that they still had another 3.5 months of the fiscal year left; and OT was at \$204,000 with an actual budget of only \$130,000. He asked Chief Kehoe if he saw any other problem with the approved budget other than the OT and the Chief noted there was one other item. According to Chief Kehoe, Line item #2026, Miscellaneous, was in the negative \$77. He indicated that they had to re-clarify expenses that were in there that shouldn't have been and suggested that once moved that will go

into the positive. **Fleet** - Chief Kehoe reported that they are planning for 2013/2014 turnover of the cars and suggested that they will be discussing the needs regarding schools and the overall fleet. **Training** – none **Letters of Gratitude** – none **Correspondences** - Chief Kehoe reported he had received several correspondences late: 1) DOT re-lamping 2) Under Hill Road – I-84 project replacing deck on Bridge will impact traffic on Under Hill Road which will be closed except for public safety access. 3) Update on 30-32 Church Hill Road Lexington Garden Project – the project has gone through the DOT. The project was given temporary approval by the DOT to move forward. **Annual Statistics 2001 to 2012** – Chief Kehoe handed out a spread sheet of the annual statistics to the board and informed them it was a lot of data. Commissioner Faxon question what made up the 30,108 calls for service for 2012 and the Chief indicated they represented activities of their agency by individual officers. Commissioner Faxon stressed that more than ever these numbers support their evaluation - a fully vetted evaluation that they need more officers. He added that they have more calls for service and remain below the FBI's recommended minimal staffing levels.

Chairman Mangiafico questioned the Chief as to how many sworn officers and calls for service the department had in 2001 compared to 2012. According to Chief Kehoe, in 2001 there were 41 officers with 11,000 calls and in 2012 there were 45 officers with 30,000 calls.

Chairman Mangiafico noted that the number of alarms dropped from 1883 in 2003 to 1489 in 2012. The Chief indicated that the department changed the alarm ordinance making it more comprehensive to reduce the number of false alarms.

Chairman Mangiafico asked Chief Kehoe how many civilians are out; and the Chief said one and told the Chairman that they had replaced her with a temp.

Chief Kehoe informed the Board that he had an item regarding the Project at 286 South Main Street and request it be added to the evening's agenda under New Business.

Commissioner Faxon moved to add the Project at 286 South Main Street onto the agenda under New Business. The motion was seconded by Commissioner Viadero and was unanimously approved.

**CAPTAIN'S REPORT: Calls for Service – February 2012/2013-** Captain Rios reported that calls for service, traffic stops and building checks were all significantly down from February 2012 to February 2013. He added that traffic stops were up from January 2013, but were still significantly down from 2012. The Captain noted that other than that there was nothing of any significance. According to Captain Rios, the reason for the significant change was related to the events on 12/14 and staffing issues. He added that the officers and the department as a whole are getting along with just carrying out their mission. The Captain told the Board that he asked the staff to review it and monitor it going forward.

Chairman Mangiafico suggested that the data was very significant, addressing the fewer traffic stops. He compared the following statistics: Feb 2012 – 980 traffic stops, Feb 2013 – 52 traffic stops, Feb 2012 – 1210 building checks; and Feb 2013 – 437 building checks.

He stressed that the figures were dramatically lower in Feb 2013 compared to Feb 2012.

Chief Kehoe reassured the Chairman that they were going to look into the matter to see what the real issue was, and that they were also going to update records information to make assessments on it. According to the Chief, the records manager returned 2 or 3 weeks ago. **Monthly Traffic Enforcement Unit Report written by Sgt. Bahamonde** – Captain Rios informed Police Commissioners that the report offered recommendations for that. The Captain reported that Officer Silver was involved with the Ride to Washington and updating the car cameras, and added that Officer Ketchum had attended research classes. **Monthly Detective Division Report**

**written Report by Lt. Robinson** – Captain Rios indicated that the commissioners had Lt. Robinson’s report in their packets regarding the Division’s daily and monthly activities.

**UNFINISHED BUSINESS:** none

**NEW BUSINESS: Discussion and recommendation of plan regarding proposed changes to 286 South Main Street** – Chief Kehoe reported that the proposed changes were to contemporize the old Exxon/Mobil Gas Station located at 286 South Main Street. He indicated that the changes included adding more fuel pumps and moving them further away from the road.

After reviewing and discussing the plan for several minutes, the commissioners agreed the plans looked good.

Chairman Mangiafico asked if the proposed changes would significantly increase traffic and Chief Kehoe said that the changes would not be a major traffic generator at all.

Commissioner Faxon moved to accept the proposed changes to 286 South Main Street as presented. Commissioner Budd seconded and the motion carried unanimously.

**PUBLIC PARTICIPATION:** none

**COMMISSIONER’S PARTICIPATION: Need for Increase in Staffing** - Commissioner Faxon expressed his concern that with the number of traffic stops down and the number of building checks down, there would be a negative impact on crime. He suggested that the less omnipresence the police have the greater the potential there is for an increase in crime. He suggested that just the normal activities tax the manpower now; and the increase in calls with no increase in officers is another example of why there needs to be an adequately staffed FBI recommended level of police officers in Newtown.

Chairman Mangiafico reminded fellow Police Commissioners that all of this information and rational was background to looking at the issue regarding the staffing levels of police at the school and the overall staffing of the force in general.

**Dangerous Intersections** - Chairman Mangiafico addressed the funding for the reconfiguration of intersections with high accident rates and questioned why the Flag Pole intersection didn’t qualify. Chief Kehoe noted that Route 25 is a state road and is handled differently. He noted that there were very few projects that qualify and suggested that they need to be regarded as high danger zones to get approved.

The Chief noted that even with the large amount of accidents at the intersection of Castle Hill and King, the intersection didn’t qualify for that assistance, and funding needed to be found elsewhere.

**EXECUTIVE SESSION: Commissioner Faxon made a motion to move into executive session at 8:41 pm under General Statutes 1-210-B3 to discuss an ongoing police investigation and General Statute 1-210-B8 to discuss strategy and negotiation of personnel matters and collective bargaining. He invited Chief Kehoe and Captain Rios to attend. Commissioner Viadero seconded and motion was unanimously approved.**

At this time the clerk left the meeting.

The Board exited executive session at 9:54 pm and conducted no further business.

Commissioner Faxon motioned to adjourn seconded by Commissioner Budd and unanimously approved at 9:55 pm.

**A New Newtown Firearms Ordinance**  
**Draft version proposed by Parents for a Safer Newtown**  
**to the Newtown Legislative Council's Ordinance Committee on March 12, 2013,**  
**as amended and presented with annotations**  
**to the Newtown Board of Police Commissioners on April 2, 2013**

**Chapter 128. FIREARMS**

**§ 128-1. Legislative findings; purpose and intent.**

Connecticut General Statutes Section 7-148(c)(7)(H)(xiii) charges the Board of Selectmen with the responsibility to "promote the peace, safety, good government and welfare of the municipality and its inhabitants." The Board of Selectmen believes that the misuse of firearms by individuals who are not properly trained and qualified to use them can endanger public health and safety, and that safe storage practices are essential to public welfare. The Board recommends securing firearms and ammunition in a manner that will prevent unauthorized access when not in use, preferably in a locked gun safe or similar enclosure.

It is found that the use of Firearms in the Town of Newtown for Residential Target Shooting, in light of the town's growing population and diminishing open space, can endanger the health and safety of the town's residents. Accordingly, it is found necessary to the general welfare of the town and its residents that the use of Firearms in the town be regulated and controlled so that the health and safety of the town's residents may be protected.

**§ 128-2. Definitions.**

For the purposes of this article, certain words are defined as follows:

Firearm: shall have the same meaning as provided under state law.

Machine Gun: shall have the same meaning as provided under state law.

Assault Weapon: shall have the same meaning as provided under state law.

Landowner: means the legal or beneficial owner of a parcel of land, or a tenant of such owner.

Shooting Range: means a facility designed for the purpose of providing a place on which to discharge firearms.

Residential Target Shooting Range: means a Shooting Range that is designed for shooting at a fixed ground target and that is located outdoors on a parcel of land zoned as residential in the zoning regulations of the town of Newtown.

**Comment [rbh1]:** Connecticut General Statutes (CGS), Chapter 94: Sec. 53-a3(19). Definitions: "Firearm" means any sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver or other weapon, whether loaded or unloaded from which a shot may be discharged.

**NOTE:** Each of the Firearm types is separately defined in CGS Sec. 53-a3.

**Comment [rbh2]:** CGS Sec. 53-a3(15); CGS Sec. 53-202. Machine guns.

**NOTE:** State law regulating Machine Guns is some ways more permissive than that regulating Assault Weapons. I have been informed by an expert shooter that the sound of rapid fire sometimes coming from the south of Split Rock Road is actually machine gun fire by the Landowner, who has an annually renewed DESPP permit for it.

**Comment [rbh3]:** CGS Sec. 53-202a. Assault weapons: Definition.

**NOTE:** The CGS § 53-202a definition of Assault Weapons includes certain pistols and shotguns as well as certain rifles.

**NOTE:** The Bushmaster AR-15 that Adam Lanza used does not qualify as an "Assault Weapon" under the tortuous rules in this section derived from the 1994 federal ban. It is a "state-compliant" model designed to circumvent the CGS definition.

§ 128-3. Prohibitions and exceptions.

(a) No person shall discharge any Machine Gun or Assault Weapon while in the town of Newtown, except any town, state or federal peace officer, as that term is defined in Connecticut General Statutes § 53a-3(9), or member of the armed forces of the United States or of the State of Connecticut, or authorized messenger or bank guard, when and only when such persons are acting in the performance of their duties as such.

(b) No person shall discharge any Firearm while in the town of Newtown at any explosive object, such as a Tannerite target or propane tank.

(c) No person shall discharge any Firearm while in the town of Newtown at any inanimate mobile object, except for trapshooting, skeet shooting, and shooting at sporting clays exclusively permitted at the appropriate Shooting Ranges of the Fairfield County Fish and Game Protective Association.

(d) No person shall discharge any Firearm while in the town of Newtown, except as follows:

(1) Any town, state or federal peace officer, as that term is defined in Connecticut General Statutes § 53a-3(9), or member of the armed forces of the United States or of the State of Connecticut, or authorized messenger or bank guard, when and only when such persons are acting in the performance of their duties as such.

(2) Any person when acting to defend himself or herself or a third person from physical force in a manner consistent with state law.

(3) Any person when performing in an authorized ceremony or event involving a Firearm which does not fire a projectile, such as a musket or cannon in an historical re-enactment or a starter pistol in a sports event.

(4) Any person legally authorized to hunt under the provision of Connecticut General Statutes and the regulations issued thereunder, in such places and in such manner as is set forth under such statutes and regulations; however, nothing herein authorizes hunting on any public beach, park, or other land owned or leased by the Town of Newtown. Hunting is specifically prohibited on town-owned or leased property.

(5) Any Landowner for the express and sole purpose of eliminating nondomestic animals which are menacing domestic animals and/or property and/or crops on the owner's land, provided that prior notification shall be provided to the Newtown Police Department, except in case of an emergency, in which case the Newtown Police Department shall be notified immediately thereafter.

(6) Any person discharging a Firearm on an indoor Shooting Range as otherwise permitted by law or government authority.

**Comment [rbh4]:** With one additional degree of restriction, the Assault Weapon portion of this prohibition Newtown § 128-3(a) recapitulates CGS § 53-202c. Possession of assault weapon prohibited. Class D felony." CGS § 53-202(c) exempts from the assault weapon ban law enforcement officers etc. discharging their official duties: "(b) The provisions of subsection (a) of this section shall not apply to the possession of assault weapons by members or employees of the Department of Public Safety, police departments, the Department of Correction or the military or naval forces of this state or of the United States for use in the discharge of their official duties; nor shall anything in sections 29-37j and 53-202a to 53-202k, inclusive, and subsection (h) of section 53a-46a prohibit the possession or use of assault weapons by sworn members of these agencies when on duty and the use is within the scope of their duties." The additional degree of restriction is that pre-1993 Assault Weapons are not grandfathered in, as they are under certain conditions by state law (CGS § 53-202n).

**NOTE:** Newtown § 128-3(a) is consistent with and a municipally appropriate refinement of CGS § 53-203. Unlawful discharge of firearms: "Any person who intentionally, negligently or carelessly discharges any firearm in such a manner as to be likely to cause bodily injury or death to persons or domestic animals, or the wanton destruction of property shall be fined not more than two hundred fifty dollars or imprisoned not more than three months or both." The municipally appropriate refinement embodied in Newtown § 128-3(a) is that the Newtown Legislative Council implicitly regards discharge of any Machine Gun or Assault We... [1]

**Comment [rbh5]:** ADDED. Newtown § 128-3(a) is a blanket discharge prohibition; it is not subsumed under § 128-3(d) for Firearms in general, which admits of the eight exceptions particularized there, including the exception for peace officers etc. PSN has accordingly added that exception here. CGS § 53a-3(9), states: "(9) "Peace officer" means a member of the Division of State Police within the Department of Public Safety or an organized local police department, a chief inspector or inspector in the Division of Criminal Justice, a state marshal while exercising authority granted u... [2]

**Comment [rbh6]:** The final amended ordinance might also grandfather in any other specific safely managed mobile target range that might already be in operation in Newtown. E.g., does Pequot Fish & Game conduct mobile target shooting?

**Comment [rbh7]:** The state law on Use of Self Defense (CGS § 53a-19, -20, -21) referenced here covers "Physical Force in Defense of Premises" and "Physical Force in Defense of Property."

**Comment [rbh8]:** ADDED. PSN inserted this provision in response to a public comment in the March 12 Ordinance Committee meeting. It is identical to § 14-1(C) of the existing Wilton ordinance and § 128(C) of the Newtown Police Commission's draft ordinance proposed in 2012.

(7) Any Landowner discharging a Firearm on a Residential Target Shooting Range located on his or her parcel of land, provided said Landowner shall have secured in writing a Residential Target Shooting Range permit from the Chief of Police of the town of Newtown, or his/her designee, under Section 128-4, and such use is in compliance with the safety parameters approved for said permit.

Comment [rbh9]: ADDED

(8) Any person not the Landowner discharging a Firearm on a Residential Target Shooting Range, provided:

- (i) said person is the invited guest of the Landowner of said Range;
- (ii) said Landowner is in possession of a valid Residential Target Shooting Range permit issued under Section 128-4;
- (iii) said Landowner is in constant attendance and supervision at said Range while said guest is present and ensures that said guest discharges a Firearm only from the firing box and only along the firing line and only at the prescribed target in a manner compliant with the safety parameters approved for said permit;
- (iv) said guest produces to said Landowner an original or copy of said guest's certificate of passage of the Connecticut Conservation Education firearms safety course or the equivalent, or valid pistol permit issued by the state Department of Emergency Services and Public Protection;
- (v) said guest is not under the age of eighteen (18) years, unless between the ages of twelve (12) years and eighteen (18) years and under the supervision of the person's parent, legal guardian, or school or camp official.

Comment [rbh10]: UPDATED. Formerly Department of Public Safety.

**§ 128-4. Application for Residential Target Shooting Range permit.**

(a) Any person wishing to apply for a Residential Target Shooting Range permit under 128-3(d)(6) shall fill out and submit an application provided by the Chief of Police of the town of Newtown, or his/her designee.

(b) No Residential Target Shooting Range permit shall be issued unless the applicant proves to the satisfaction of the Chief of Police of the town of Newtown, or his/her designee, all of the following:

- (1) that the applicant is the Landowner of the parcel of land on which the Residential Target Shooting Range is located.
- (2) that the applicant has passed the Connecticut Conservation Education firearms safety course or the equivalent or is the holder of a valid pistol permit issued by the state Department of Public Safety. Production by the applicant of a certificate of passage of such course or a copy of such original permit shall be proof of the same.
- (3) that said Residential Target Shooting Range is in compliance with all land use rules and regulations.

Comment [rbh11]: NOTE: Pistol permit requires proof of passage the Connecticut Conservation Education firearms safety course or the equivalent.

Comment [rbh12]: § 128-4(b)(3) is taken from the final prepositional phrase of Exception G of the Newtown Police Commission's proposal of 2012: "G. Target shooting shall be allowed on a target range approved by the Chief of Police of the Town of Newtown, or his/her designee, which range shall be deemed safe and fit for target shooting, considering the location, time of proposed use, geographical layout and firearms proposed to be used, by the Chief of Police or his/her designee, and in compliance with all land use rules and regulations." The scope of § 128-4(b)(3) is reflected by the inclusion of representatives of the Town of Newtown's Land Use Agency and Technology and GIS Department on the proposed Residential Target Shooting Range Task Force under § 128-6.



(4) that said Landowner has taken all measures and precautions in the design and operation of said Residential Target Shooting Range necessary to insure that it is safe and fit for Residential Target Shooting, conformable to the standard set forth in "Department of the Army Pamphlet 385-63, Range Safety" that the probability of hazardous escapement of live ammunition from the said parcel of land may not exceed 1:1,000,000.

The said Department of Army Range Safety risk criterion shall apply to:

(i) any fully-contained Residential Target Shooting Range, such that direct fire and ricochets are totally contained within the limits of said Range.

(ii) any partially-contained Residential Target Shooting Range, such that direct fire is totally contained by a no-blue-sky containment system of firing line canopy, berms, baffles, backstops, and bullet traps, but ricochets are not totally contained within the limits of said Range. The scientifically calculated surface danger zone of said Range, reckoned per "Department of the Air Force Engineering Technical Letter 11-18, Small Arms Range Design and Construction" as equal in length to 50 percent of the maximum range of the most powerful round to be used on said Range, must be located completely within said parcel of land. The value of the maximum range of said round shall be taken from the ammunition evaluation tables in "National Rifle Association (NRA) Range Source Book (2012 Edition)."

(iii) any non-contained Residential Target Shooting Range, such that direct-fire rounds and ricochets are unimpeded and may fall anywhere within the safety danger zone. The scientifically calculated surface danger zone, equal to 100 percent of the most powerful round to be used on said Range, must be located completely within said parcel of land.

The Chief of Police in making his determination whether to issue a Residential Target Shooting Range permit shall consider:

(i) the safety evaluation guidelines given in the three standard publications for small arms range design and management cited in this Section 128-4 which are relevant to the Shooting Range parameters stated by the Landowner in his or her application for a Residential Target Shooting Range permit.

(ii) the natural terrain features within the surface danger zone scientifically calculated for the chosen shooting activity in terms of the specific Firearms and ammunition types stated by the Landowner in his or her application for a Residential Target Shooting Range permit as being those and only those that he or she will allow to be discharged on his or her Residential Target Shooting Range in conformity with the standard safety guidelines set forth in the "National Rifle Association (NRA) Range Source Book (2012 Edition)."

(iii) the manmade Shooting Range structures, such as firing line canopy, berms, baffles, backstops, bullet traps, and target frames, evaluated in terms of their integrated geometrical disposition and composition.

**§ 128-5. Appeals procedure.**

Any Landowner who is aggrieved by a determination by the Chief of Police of the town of Newtown, or his/her designee, of an application for a Residential Target Shooting Range permit may appeal said determination to the Newtown Board of Police Commissioners, provided said Landowner either owns or leases the parcel of land on which said Residential Target Shooting Range is located, or else owns or leases a parcel of land that he or she asserts to lie in part or in whole within the scientifically calculated surface danger zone of said Residential Target Shooting Range, or else uses public land or a public or private right of way that he or she asserts to lie in part or in whole within the scientifically calculated surface danger zone of said Residential Target Shooting Range. In considering the appeal, the Police Commissioners shall apply the same requirements, criteria, and standard references as set forth for the determination by Chief of Police of the town of Newtown, or his/her designee, in Section 128-4(b). The determination of the Police Commissioners shall be final and dispositive.

Comment [rbh13]: ADDED

**§ 128-6. Advisory Committee.**

The First Selectman, with the approval of the Board of Selectmen, shall appoint a six-member Residential Target Shooting Range Advisory Task Force to consist of one representative each from the following municipal agencies and town-based organizations: the Town of Newtown Land Use Agency, the Town of Newtown Technology and GIS Department, the Fairfield County Fish and Game Protective Association, the National Shooting Sports Foundation, the Newtown Action Alliance, and Parents for a Safer Newtown. Said Task Force shall be charged to provide advice from across the spectrum of subject-matter expertise and public interests to assist the Chief of Police and the Board of Police Commissioners, solely at their request and discretion, in making determinations of Residential Target Shooting Range permit applications and appeals. In addition, the First Selectman, with the approval of the Board of Selectmen, may retain range safety evaluation experts to provide consultative and training services to selected town officials and personnel, as recommended by the Chief of Police and the Police Commissioners.

Comment [rbh14]: Separated into its own section for clarity.

Comment [rbh15]: Land Use Agency per § 128-4(b)(3); Technology and GIS Department per mapping the SDZ per § 128-4(b)(4).

Comment [rbh16]: These town-based organizations are only suggested candidates. The ordinance may omit specifying them.

**§ 128-7. State and federal regulations applicable.**

Nothing herein shall be construed to permit the use, possession or discharge of any Firearm for any purpose otherwise prohibited or regulated under any statute or regulation of the State of Connecticut or any state agency or the United States Government.

**§ 128-8. Penalty.**

Any person who violates the provisions of this article shall be subject to a fine of two-hundred fifty dollars (\$250.00) for each such violation. This penalty shall apply to the parent or legal guardian of any person who violates the provisions of section 128-3(7)(v). In addition, violation of the terms of any Residential Target Shooting Range permit may result in the revocation of such permit.

Comment [rbh17]: ADDED

With one additional degree of restriction, the Assault Weapon portion of this prohibition **Newtown § 128-3(a)** recapitulates **CGS § 53-202c. Possession of assault weapon prohibited. Class D felony.** CGS § 53-202c(b) exempts from the assault weapon ban law enforcement officers etc. discharging their official duties: "*(b) The provisions of subsection (a) of this section shall not apply to the possession of assault weapons by members or employees of the Department of Public Safety, police departments, the Department of Correction or the military or naval forces of this state or of the United States for use in the discharge of their official duties; nor shall anything in sections 29-37j and 53-202a to 53-202k, inclusive, and subsection (h) of section 53a-46a prohibit the possession or use of assault weapons by sworn members of these agencies when on duty and the use is within the scope of their duties.*" The additional degree of restriction is that pre-1993 Assault Weapons are not grandfathered in, as they are under certain conditions by state law (**CGS § 53-202n**).

NOTE: **Newtown § 128-3(a)** is consistent with and a municipally appropriate refinement of **CGS § 53-203. Unlawful discharge of firearms:** "*Any person who intentionally, negligently or carelessly discharges any firearm in such a manner as to be likely to cause bodily injury or death to persons or domestic animals, or the wanton destruction of property shall be fined not more than two hundred fifty dollars or imprisoned not more than three months or both.*" The municipally appropriate refinement embodied in **Newtown § 128-3(a)** is that the **Newtown Legislative Council** implicitly regards discharge of any Machine Gun or Assault Weapon in **Newtown** "to be likely to cause bodily injury or death to persons or domestic animals."

NOTE: **Newtown § 128-3(a)** is a blanket discharge prohibition (except as specified in the insertion for the police, etc.); it is not subsumed under **§ 128-3(d)** for Firearms in general, which admits of the eight exceptions particularized there.

ADDED. **Newtown § 128-3(a)** is a blanket discharge prohibition; it is not subsumed under **§ 128-3(d)** for Firearms in general, which admits of the eight exceptions particularized there, including the exception for peace officers etc. PSN has accordingly added that exception here. **CGS § 53a-3(9)**, states: "*(9) "Peace officer" means a member of the Division of State Police within the Department of Public Safety or an organized local police department, a chief inspector or inspector in the Division of Criminal Justice, a state marshal while exercising authority granted under any provision of the general statutes, a judicial marshal in the performance of the duties of a judicial marshal, a conservation officer or special conservation officer, as defined in section 26-5, a constable who performs criminal law enforcement duties, a special policeman appointed under section 29-18, 29-18a or 29-19, an adult probation officer, an official of the Department of Correction authorized by the Commissioner of Correction to make arrests in a correctional institution or facility, any investigator in the investigations unit of the office of the State Treasurer or any special agent of the federal government authorized to enforce the provisions of Title 21 of the United States Code.*"

## ARTICLE 3. OUTDOOR RANGES

### 3.01 General Considerations

3.01.1 Developing an outdoor range involves these critical factors:

### 3.02 Site Selection

- a. Size - an area large enough to accommodate the appropriate disciplines and projectile containment as modified by existing topographic features, and/or additional range features.
- b. Location - Locate the range as convenient to the user population as possible.
- c. Design - Design criteria should incorporate specific range requirements along with adequate space for current use, yet provide opportunity for future expansion.
- d. Environment - During the planning phase, make every effort to minimize any adverse impact on the surrounding environment. It is recommended that a registered professional engineer (P.E.) be contracted to conduct an environmental assessment. Environmental impact statements (EIS), compared to assessments, are expensive and time consuming. Exercise care during the environmental assessment to address all possible concerns. If the environmental assessment is performed incorrectly or identifies any significant adverse impact on the environment, a complete EIS may be required which may be very expensive.

#### 3.02.1 Projectile Containment

3.02.1.1 Projectile containment will vary in size and design based upon terrain features, range structures, and the chosen shooting activity. Various range enhancements have proven to be significantly effective in limiting bullet containment to the confines of a specific property boundary. Techniques for limiting projectiles to range property include: backstops, sideberms and sidewalls, baffles, target placement, mountains or rolling hills, sloping floor of the range, and utilizing the range for its intended purpose.

3.02.1.2 The distance a bullet will travel varies according to several factors: ballistic coefficient, bullet weight, muzzle velocity, caliber, bullet shape, angle of muzzle elevation, and to a lesser degree, wind speed, wind direction and relative humidity. Muzzle elevation to achieve the maximum range of a given firearm and ammunition combination will vary, but can be calculated by using Ingalls' Ballistic Tables (*Hatcher's Notebook*<sup>1</sup>, pages 584-625). The ballistic coefficient and muzzle velocity are the two most important factors in determining the distance a bullet will travel. The following ballistics table has been modified for use in this source book and is used with permission. Additional cartridges and newer projectiles have been added to the chart. The new cartridge data was derived by using Sierra Infinity v6<sup>li</sup>. This chart should be used only as a quick reference to check comparative data for various calibers using specific bullet weights and velocities for planning purposes. The 30-06 (boattail) bullet, weight of 172 grains, muzzle velocity of 2,600 feet per second has been added to the chart and is shown to have a range of 5,500 yards or 3.12 miles, and does not mean that you have to own or control 3.12 miles of downrange area. Various factors can affect the maximum distance that a bullet or shot may travel. The tables below are to be considered as guidelines only. This source book does not represent or guarantee that a particular bullet or shot may not travel further than the below state distances. Remember that you will most likely be held

responsible for the damage or injury caused from any bullet or shot that escapes the shooting range, no matter what the distance that the bullet or shot traveled.

**Chart A**

**Pistol**

Calculated maximum ranges

Bullet Caliber/Name	Bullet Style	Bullet wt. (grs.)	Assumed MV. (fps)	Calculated max. range (yards)	Calculated max. range (miles)
.22 Long Rifle	RN	40	1150	1922	1.09
.221 Rem. Fireball	PSP	50	2650	2666	1.51
.38 Special	STHP	110	1320	1800	1.02
.357 Magnum	JHP	158	1410	2366	1.34
.357 Sig	JHP	125	1350	1928	1.09
.38 Super	STHP	125	1280	2033	1.26
9 mm Luger	FMJ	124	1140	1900	1.08
.40 S&W	JHP	180	1015	2093	1.89
.44 Rem. Mag.	JSP	240	470	2500	1.42
.45 Auto	FMJ	230	945	1833	1.02
.45 Auto Rim	FMJ	230	810	1633	0.93
.45 Colt	LFN	255	860	1800	1.02

RN-Round Nose, PSP Pointed Soft Point, STHP-Silvertip Hollow Point, JHP-Jacketed Hollow Point, FMJ-Full Metal Jacket, JSP-Jacketed Soft Point, LFN-Lead Flat Nose. Table updated in 2011.

**Chart B**  
**Rifle**

Bullet Caliber/Name	Bullet Style	Bullet wt. (grs)	Assumed MV. (fps)	Calculated max. range (yards)	Calculated max. range (miles)
222 Rem	PEP	50	3140	2500	1.42
223 Rem	FMJBT	55	3240	2766	1.57
22/250 Rem	E-tip	50	3810	2933	1.67
220 Swift	PEP	50	3870	2660	1.51
243 Win.	PP	100	2960	4000	2.27
243 Win.	PEP	80	3350	3500	1.99
250 Savage	ST	100	2820	3500	1.99
257 Roberts+P	PP	117	2780	3850	2.18
6.5 Creedmoor	SST	140	2850	5602	3.18
270 Win.	ST	130	3060	4000	2.27
270 Win.	PP	150	2850	4333	2.46
7mm Rem Mag	PP	175	2860	4933	2.80
280 Rem.	BST	140	3040	3700	2.10
300 Win Mag.	PSPCL	150	3290	4028	2.29
300 Win Mag	PSPCL	180	2960	5202	2.96
308 Win.	PP	150	2820	4166	2.37
308 Win	BTHP	168	2680	5157	2.93
308 Win.	ST	180	2620	4500	2.56
30-06 Spfld	ST	150	2910	4089	2.32
30-06 Spfld	FMJBT	172	2600	5500	3.12
8 mm Mauser	PP	170	2360	2853	1.62
338 Win. Mag.	PG	250	2650	5358	3.04
375 H&H Mag.	FS	270	2670	4688	2.66
45-70 Govt.	HPFN	300	1880	2453	1.39
458 Win.	SP	510	2040	3385	1.92

PEP (Positive Expanding Point), FMJBT (Full Metal Jacket Boat Tail), E-Tip Polymer Tip Lead Free, PP (Power Point), ST (Silvertip), SST (Super Shock Tip), BST (Ballistic Silvertip), PG (Partition Gold), FS (Fail Safe), SP (Soft Point), HPFN (Hollow Point Flat Nose). Table updated in 2011.

3.02.1.3 On shotgun ranges, shot fall zones are determined by the largest size shot fired on the facility. Additional yardage must be included to compensate for the displacement of shot by adverse wind conditions, and elevations above sea level. For skeet, a nominal angle of 180 degrees from station eight is used. For trap 90 to 100 degrees are allowed for the wider target flights. Shot sizes for trap and skeet facilities are usually restricted to No. 7 ½ or smaller, except on a patterning range. Shotfall zones extend to 300 yards for most shotgun ranges, but can be reduced to the maximum distance that shot travels by testing at the site. Should this method be utilized, then the range owner or operator is responsible to see that the range rules specifying specific shot sizes are adhered to. It is the range owner's responsibility to verify the test results. At some point the data may be challenged in court. At sea level 7 ½ shot does not travel 300 yards, but at higher elevations the density of the air is less and shot will travel greater distances.

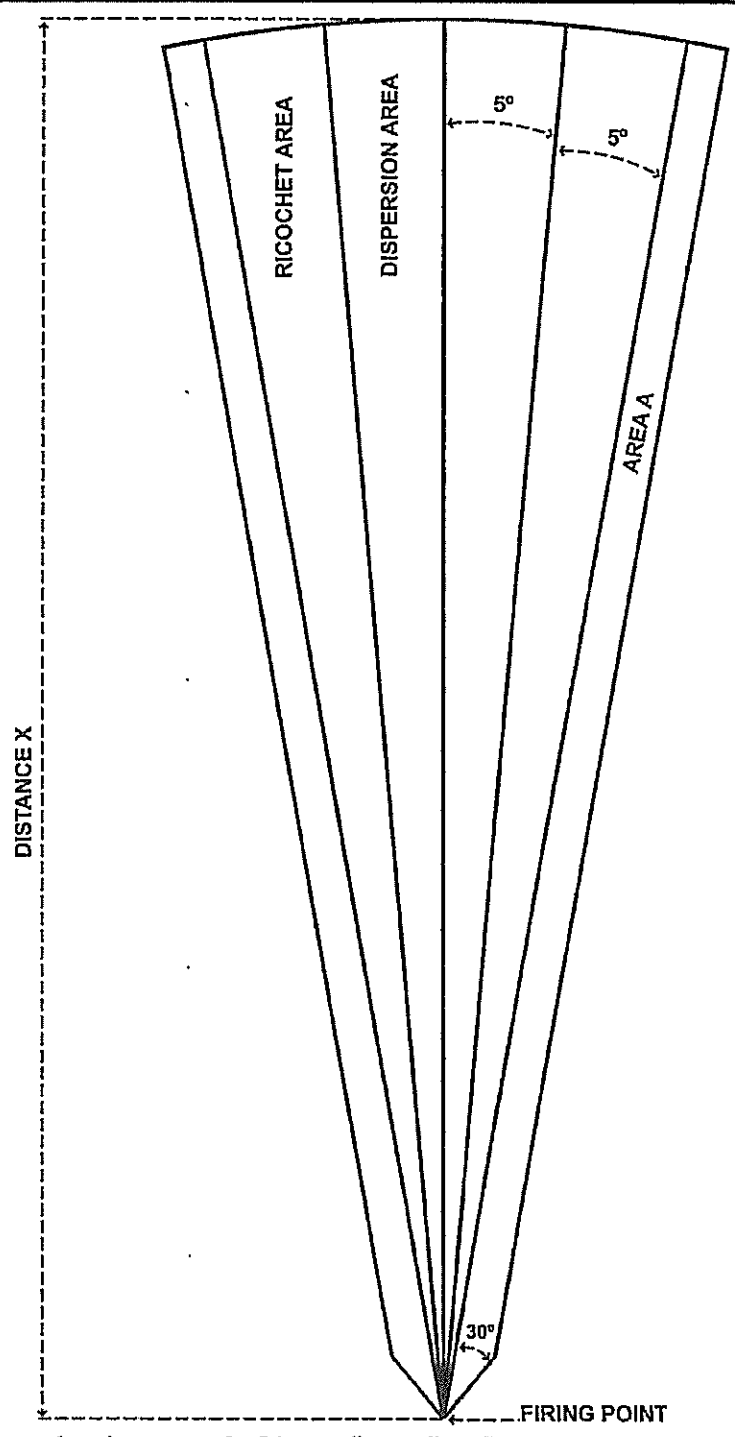


Figure 4-1. Cone surface danger zone for firing small arms direct-fire weapons without exploding projectiles